

1 DEPARTMENT OF REAL ESTATE,
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 620-2072

FILED

JUL 12 2019

DEPT. OF REAL ESTATE

By *Sigurd Himmer*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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10 In the Matter of the Accusation against) DRE No. H-05047 SD
11) OAH No. 2019030245
12 MIRAMAR FINANCIAL GROUP, INC.,)
13 BRUCE GORDON MATYAS, individually and)
14 as designated officer for Miramar Financial) STIPULATION AND
Group, Inc., and STEVEN LEE SALAS,) AGREEMENT IN SETTLEMENT
Respondents.) AND ORDER

15 It is hereby stipulated by and between Respondents MIRAMAR FINANCIAL GROUP,
16 INC., BRUCE GORDON MATYAS, individually and as designated officer for Miramar
17 Financial Group, Inc., and STEVEN LEE SALAS (collectively "Respondents"), represented by
18 Dennis H. Doss, Esq., and Complainant, acting by and through Lissete Garcia, Counsel for the
19 Department of Real Estate ("Department"), as follows for the purpose of settling and disposing
20 the Accusation filed on September 18, 2018, with Department Case No. H-05047 SD
21 ("Accusation") in this matter:

22 1. All issues which were to be contested and all evidence which was to be presented by
23 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall

1 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
2 Agreement in Settlement and Order ("Stipulation").

3 2. Respondents have received, read, and understand the Statement to Respondent, the
4 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

5 3. Notices of Defense were filed by Respondents pursuant to Section 11506 of the
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
7 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
8 acknowledge and understand that by withdrawing said Notices of Defense, Respondents will
9 thereby waive Respondents' rights to require the Real Estate Commissioner ("Commissioner") to
10 prove the allegations in the Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that Respondents will waive other rights afforded to them in
12 connection with the hearing such as the right to present evidence in defense of the allegations in
13 the Accusation and the right to cross-examine witnesses.

14 4. Respondents, pursuant to the limitations set forth below, hereby admit that the factual
15 allegations in Paragraphs 15(A) through 15(D) of the Accusation filed in this proceeding are true
16 and correct and the Real Estate Commissioner shall not be required to provide further evidence
17 of such allegations.

18 5. It is understood by the parties that the Real Estate Commissioner may adopt the
19 Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
20 sanctions on Respondents' real estate licenses and license rights as set forth in the below
21 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and
22 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing
23 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
24 any admission or waiver made herein.

1 III.

2 The conduct, acts and/or omissions of Respondent STEVEN LEE SALAS as set forth in
3 Paragraph 15(A) of the Accusation, constitutes cause for the suspension or revocation of all real
4 estate licenses and license rights of Respondent STEVEN LEE SALAS under the provisions of
5 Code section 10177(d) for violation of Code sections 10130 and 10137.

6 ORDER

7 I.

8 All licenses and license rights of Respondent MIRAMAR FINANCIAL GROUP, INC.,
9 are suspended for a period of thirty (30) days from the effective date of this Decision and Order;
10 provided, however, said thirty (30) day suspension shall be stayed for two (2) years upon the
11 following terms and conditions:

12 1. 30 days of said suspension shall be stayed, upon the condition that Respondent
13 MIRAMAR FINANCIAL GROUP, INC. petitions pursuant to Section 10175.2 of the Code and
14 pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day
15 of the suspension for a total monetary penalty of \$1,500.00.

16 a) Said payment shall be in the form of a cashier's check made payable to
17 the Department of Real Estate. Said check must be delivered to the
18 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
19 CA 95813-7013, prior to the effective date of this Decision and Order.

20 b) No further cause for disciplinary action against the Real Estate licenses of
21 Respondent occurs within two (2) years from the effective date of the
22 Decision and Order in this matter.

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1 c) If Respondent fails to pay the monetary penalty in accordance with the terms
2 and conditions of this Decision and Order, the suspension shall go into effect
3 automatically. Respondent shall not be entitled to any repayment nor credit,
4 prorated or otherwise, for money paid to the Department under the terms of
5 this Decision and Order

6 d) If Respondent MIRAMAR FINANCIAL GROUP, INC. pays the monetary
7 penalty and any other moneys due under this Stipulation and Agreement and if
8 no further cause for disciplinary action against the real estate license of said
9 Respondent occurs within two (2) years from the effective date of this
10 Decision and Order, the entire stay hereby granted pursuant to this Decision
11 and Order, as to said Respondent only, shall become permanent.

12 2. All licenses and licensing rights of Respondent MIRAMAR FINANCIAL GROUP,
13 INC. are indefinitely suspended unless or until Respondent MIRAMAR FINANCIAL GROUP,
14 INC. pays, severally or jointly with Respondents BRUCE GORDON MATYAS and STEVEN
15 LEE SALAS, the sum of \$2,973.00 for the Commissioner's reasonable cost of the investigation
16 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
17 cashier's check made payable to the Department of Real Estate. **The investigative and**
18 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
19 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
20 **Order. Payment of investigation and enforcement costs should not be made until the**
21 **Stipulation has been approved by the Commissioner.**

22 3. Pursuant to section 10148 of the Code, Respondents MIRAMAR FINANCIAL
23 GROUP, INC. and BRUCE GORDON MATYAS have already paid the cost of the audit which
24

1 led to this disciplinary action by submission of Check No. 3546 on or about April 22, 2019, to
2 the Department of Real Estate in response to DRE Invoice No. CA-M4456.

3 4. Respondents understand that by agreeing to this Stipulation, the findings set forth
4 below in the Determination of Issues become final, and the Commissioner may charge
5 Respondents for the cost of any subsequent audit, if a subsequent audit is conducted, pursuant to
6 Code section 10148 to determine if the violations have been corrected. The maximum cost of
7 the follow-up audit will not exceed one-hundred twenty-five percent (125%) of the cost of the
8 original audit; in the instant case, the cost of the original audit is \$12,831.78, and the maximum
9 cost of the follow-up audit will not exceed \$16,039.73. Therefore, Respondents may be charged
10 a maximum of \$16,039.73 in the event of a subsequent audit.

11 5. Pursuant to Section 10148 of the Code, Respondent MIRAMAR FINANCIAL
12 GROUP, INC. shall pay the Commissioner's reasonable cost, not to exceed \$16,039.73, for any
13 subsequent audit, if one is performed, to determine if Respondent MIRAMAR FINANCIAL
14 GROUP, INC. has corrected the violations found in the Determination of Issues. In calculating
15 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
16 average hourly salary for all persons performing audits of real estate brokers, and shall include
17 an allocation for travel time to and from the auditor's place of work. Respondent MIRAMAR
18 FINANCIAL GROUP, INC. shall pay such cost within sixty (60) days of receiving an invoice
19 therefore from the Commissioner. **Payment of the audit costs should not be made until**
20 **Respondent receives the invoice.** If Respondent MIRAMAR FINANCIAL GROUP, INC. fails
21 to satisfy this condition in a timely manner as provided for herein, Respondent MIRAMAR
22 FINANCIAL GROUP, INC.'s real estate licenses shall automatically be suspended until
23 payment is made in full, or until a decision providing otherwise is adopted following a hearing
24 held pursuant to this condition.

1 II.

2 All licenses and license rights of Respondent BRUCE GORDON MATYAS are
3 suspended for a period of thirty (30) days from the effective date of this Decision and Order;
4 provided, however, said thirty (30) day suspension shall be stayed for two (2) years upon the
5 following terms and conditions:

6 1. 30 days of said suspension shall be stayed, upon the condition that Respondent
7 BRUCE GORDON MATYAS petitions pursuant to Section 10175.2 of the Code and pays a
8 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the
9 suspension for a total monetary penalty of \$1,500.00.

10 a) Said payment shall be in the form of a cashier's check made payable to
11 the Department of Real Estate. Said check must be delivered to the
12 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
13 CA 95813-7013, prior to the effective date of this Decision and Order.

14 b) No further cause for disciplinary action against the Real Estate licenses of
15 Respondent occurs within two (2) years from the effective date of the
16 Decision and Order in this matter.

17 c) If Respondent fails to pay the monetary penalty in accordance with the terms
18 and conditions of this Decision and Order, the suspension shall go into effect
19 automatically. Respondent shall not be entitled to any repayment nor credit,
20 prorated or otherwise, for money paid to the Department under the terms of
21 this Decision and Order

22 d) If Respondent BRUCE GORDON MATYAS pays the monetary penalty and
23 any other moneys due under this Stipulation and Agreement and if no further
24 cause for disciplinary action against the real estate license of said Respondent

1 occurs within two (2) years from the effective date of this Decision and Order,
2 the entire stay hereby granted pursuant to this Decision and Order, as to said
3 Respondent only, shall become permanent.

4 2. All licenses and licensing rights of Respondent BRUCE GORDON MATYAS are
5 indefinitely suspended unless or until Respondent BRUCE GORDON MATYAS provides proof
6 satisfactory to the Commissioner, of having taken and successfully completed the continuing
7 education course on trust fund accounting and handling specified in paragraph (3) of subdivision
8 (a) of section 10170.5 of the Code. Proof of satisfaction of this requirement includes evidence
9 that Respondent has successfully completed the trust fund account and handling continuing
10 education course, no earlier than 120 days prior to the effective date of the Decision and Order in
11 this matter. **Proof of completion of the trust fund accounting and handling course must be**
12 **delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,**
13 **CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this Decision and**
14 **Order.**

15 3. All licenses and licensing rights of Respondent BRUCE GORDON MATYAS, are
16 indefinitely suspended unless or until Respondent BRUCE GORDON MATYAS pays, severally
17 or jointly with Respondents MIRAMAR FINANCIAL GROUP, INC. and STEVEN LEE
18 SALAS, the sum of \$2,973.00 for the Commissioner's reasonable cost of the investigation and
19 enforcement which led to this disciplinary action. Said payment shall be in the form of a
20 cashier's check made payable to the Department of Real Estate. **The investigative and**
21 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
22 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
23 **Order. Payment of investigation and enforcement costs should not be made until the**
24 **Stipulation has been approved by the Commissioner.**

1 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
2 CA 95813-7013, prior to the effective date of this Decision and Order.

3 b) No further cause for disciplinary action against the Real Estate licenses of

4 Respondent occurs within two (2) years from the effective date of the

5 Decision and Order in this matter.

6 c) If Respondent fails to pay the monetary penalty in accordance with the terms

7 and conditions of this Decision and Order, the suspension shall go into effect

8 automatically. Respondent shall not be entitled to any repayment nor credit,

9 prorated or otherwise, for money paid to the Department under the terms of

10 this Decision and Order

11 d) If Respondent pays the monetary penalty and any other moneys due under this

12 Stipulation and Agreement and if no further cause for disciplinary action

13 against the real estate license of said Respondent occurs within two (2) years

14 from the effective date of this Decision and Order, the entire stay hereby

15 granted pursuant to this Decision and Order, as to said Respondent only, shall

16 become permanent.

17 2. All licenses and licensing rights of Respondent STEVEN LEE SALAS are

18 indefinitely suspended unless or until Respondent STEVEN LEE SALAS provides proof

19 satisfactory to the Commissioner, of having taken and successfully completed the continuing

20 education course on trust fund accounting and handling specified in paragraph (3) of subdivision

21 (a) of section 10170.5 of the Code. Proof of satisfaction of this requirement includes evidence

22 that Respondent has successfully completed the trust fund account and handling continuing

23 education course, no earlier than 120 days prior to the effective date of the Decision and Order in

24 this matter. **Proof of completion of the trust fund accounting and handling course must be**

1 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
2 CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this Decision and
3 Order.

4 3. Respondent STEVEN LEE SALAS shall, within six (6) months from the effective
5 date of this Decision and Order, take and pass the Professional Responsibility Examination
6 administered by the Department including the payment of the appropriate examination fee. If
7 Respondent STEVEN LEE SALAS fails to satisfy this condition, Respondent's real estate
8 license shall automatically be suspended until Respondent passes the examination.

9 4. All licenses and licensing rights of Respondent STEVEN LEE SALAS, are
10 indefinitely suspended unless or until Respondent STEVEN LEE SALAS pays, severally or
11 jointly with Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON
12 MATYAS, the sum of \$2,973.00 for the Commissioner's reasonable cost of the investigation and
13 enforcement which led to this disciplinary action. Said payment shall be in the form of a
14 cashier's check made payable to the Department of Real Estate. **The investigative and**
15 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
16 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
17 **Order. Payment of investigation and enforcement costs should not be made until the**
18 **Stipulation has been approved by the Commissioner.**

19 5. Pursuant to section 10148 of the Code, Respondents MIRAMAR FINANCIAL
20 GROUP, INC. and BRUCE GORDON MATYAS have already paid the cost of the audit which
21 led to this disciplinary action by submission of Check No. 3546 on or about April 22, 2019, to
22 the Department of Real Estate in response to DRE Invoice No. CA-M4456.

23 6. Respondents understand that by agreeing to this Stipulation, the findings set forth
24 below in the Determination of Issues become final, and the Commissioner may charge

1 Respondents for the cost of any subsequent audit, if a subsequent audit is conducted, pursuant to
2 Code section 10148 to determine if the violations have been corrected. The maximum cost of
3 the follow-up audit will not exceed one-hundred twenty-five percent (125%) of the cost of the
4 original audit; in the instant case, the cost of the original audit is \$12,831.78, and the maximum
5 cost of the follow-up audit will not exceed \$16,039.73. Therefore, Respondents may be charged
6 a maximum of \$16,039.73 in the event of a subsequent audit.

7 DATED: 6/4/2019


Lissete Garcia, Counsel
Department of Real Estate

9 * * *

10 EXECUTION OF THE STIPULATION

11 We have read this Stipulation and its terms are understood by us and are agreeable and
12 acceptable to us. We understand that we are waiving rights given to us by the California APA
13 (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government
14 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of
15 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we
16 would have the right to cross-examine witnesses against us and to present evidence in defense
17 and mitigation of the charges.

18 Respondents can signify acceptance and approval of the terms and conditions of this
19 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
20 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand
21 that by electronically sending to the Department an electronic copy of Respondents' actual
22 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department
23 shall be as binding on Respondents as if the Department had received the original signed
24 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents

1 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the
2 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
3 Order.

4 MAILING

5 Respondents and their counsel shall, within five (5) business days from signing the
6 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Lissete Garcia,
7 Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
8 Angeles, California 90013-1105.

9 Respondents' signatures below constitute acceptance and approval of the terms and
10 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
11 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
12 agreement is not subject to rescission or amendment at a later date except by a separate Decision
13 and Order of the Real Estate Commissioner.

14 DATED: 6/4/19 MIRAMAR FINANCIAL GROUP INC.
Respondent MIRAMAR FINANCIAL GROUP, INC.

15 By (Printed Name): BRUCE MATYAS

16 Title: DESIGNATED OFFICER

17
18 DATED: 6/4/19 [Signature]
Respondent BRUCE GORDON MATYAS

19
20 DATED: _____ [Signature]
Respondent STEVEN LEE SALAS

21
22 DATED: 6/4/19 [Signature]
Dennis H. Doss, Esq., Attorney for Respondents
23 Approved as to Form

24 * * *

1 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the
2 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
3 Order.

4 MAILING

5 Respondents and their counsel shall, within five (5) business days from signing the
6 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Lissete Garcia,
7 Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
8 Angeles, California 90013-1105.

9 Respondents' signatures below constitute acceptance and approval of the terms and
10 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
11 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
12 agreement is not subject to rescission or amendment at a later date except by a separate Decision
13 and Order of the Real Estate Commissioner.

14 DATED: _____ Respondent MIRAMAR FINANCIAL GROUP, INC.
15 By (Printed Name): _____
16 Title: _____
17

18 DATED: _____ Respondent BRUCE GORDON MATYAS
19

20 DATED: _____ Respondent STEVEN LEE SALAS
21

22 DATED: 4/4/19 _____
23 Dennis H. Doss, Esq., Attorney for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
JUL 31 2019, 2019.

IT IS SO ORDERED July 5, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri