

FILED

JUN 21 2023

DEPT. OF REAL ESTATE

By: 

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

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8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

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11 In the Matter of the Application of

12 MATTHEW WILBUR MCINTYRE,

13 Respondent.

) DRE No. H-05739 SD

) **STIPULATION AND WAIVER**

14
15 I, MATTHEW WILBUR MCINTYRE, Respondent herein, do hereby affirm that I have
16 applied to the Department of Real Estate for a real estate salesperson license and that to the best of
17 my knowledge I have satisfied all of the statutory requirements for the issuance of the license,
18 including the payment of the fee therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to
20 Respondent filed by the Department on Department of Real Estate, in connection with my
21 application for a real estate salesperson license. I understand that the Real Estate Commissioner
22 (“Commissioner”) may hold a hearing on the Statement of Issues for the purpose of requiring
23 further proof of my honesty and truthfulness and to prove other allegations therein, or that he may
24 in his discretion waive the hearing and grant me a restricted real estate salesperson license based
25 upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this
26 matter the Commissioner is shifting the burden to me to make a satisfactory showing that I meet all
27 the requirements for issuance of a real estate salesperson license. I further understand that by

1 entering into this Stipulation and Waiver I will be stipulating that the Commissioner has found that
2 I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
3 unrestricted real estate salesperson license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and
5 correct and request that the Commissioner in his discretion issue a restricted real estate salesperson
6 license to me under the authority of Section 10156.5 of the Business and Professions Code ("the
7 Code").

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and
9 the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain
10 an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to
12 obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the
13 Commissioner.

14 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and restrictions
15 imposed on my restricted license, identified below, may be removed only by filing a Petition for
16 Removal of Restrictions ("Petition") with the Commissioner, and that my Petition must follow the
17 procedures set forth in Government Code Section 11522.


18 I further understand that the restricted license issued to me shall be subject to all of the
19 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
20 restrictions imposed under authority of Section 10156.6 of the Code:

- 21 1. The restricted license shall not confer any property right in the privileges to be exercised
22 including the right of renewal, and the Commissioner may by appropriate order suspend
23 the right to exercise any privileges granted under the restricted license in the event of:
 - 24 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
25 bears a substantial relationship to Respondent's fitness or capacity as a real estate
26 licensee; or

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- b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner or conditions attaching to the restricted license.
- 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
- 3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department wherein the employing broker shall certify as follows:
 - a. That the broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
 - b. That the broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
- 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

5/24/2023
Dated _____



Judith B. Vasan, Counsel
Department of Real Estate

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2 Respondent has read this Stipulation and Waiver and its terms are understood by Respondent,
3 and agreeable and acceptable to Respondent. Respondent understands that Respondent is waiving
4 rights given to Respondent by the Administrative Procedure Act (including, but not limited to,
5 Government Code sections 11504, 11506, 11508, 11509, and 11513), and willingly, intelligently,
6 and voluntarily waives those rights, including, but not limited to, the right to a hearing on a
7 Statement of Issues at which Respondent would have the right to cross-examine witnesses against
8 Respondent and to present evidence in defense and mitigation of the charges.

9 Respondent shall send a hard copy of the original signed Stipulation and Waiver to: Judith B.
10 Vasan, Department of Real Estate, 320 West Fourth St, Ste 350, Los Angeles, CA, 90013.

11 In the event of time constraints before an administrative hearing, Respondent can signify
12 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a
13 scanned copy of the signature page, as actually signed by Respondent, to the Department counsel
14 assigned to this case. Respondent agrees, acknowledges and understands that by electronically
15 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and
16 Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the
17 Department had received the original signed Stipulation and Waiver.

18
19 05/24/2023
20 Dated

21 
22 MATTHEW WILBUR MCINTYRE, Respondent

23 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
24 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to
25 the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the
26 public interest to issue a restricted real estate salesperson license to Respondent.
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Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 6.15.23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

