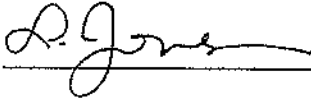


FILED

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October 31, 2012

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 To:)	
12 MATHIS & ASSOCIATES INC. and)	No. H-5903 SAC
13 BARRY VANCE MATHIS)	<u>ORDER TO DESIST AND REFRAIN</u>
)	(B&P Code Section 10086)

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15
16 The Real Estate Commissioner (Commissioner) of the California Department of
17 Real Estate (Department) caused an investigation to be made of the activities of MATHIS &
18 ASSOCIATES INC. (M&A) and BARRY VANCE MATHIS (MATHIS). Based on that
19 investigation, the Commissioner has determined that M&A and MATHIS have engaged in, are
20 engaging in, or are attempting to engage in, acts or practices constituting violations of the
21 California Business and Professions Code (Code) and/or Title 10, Chapter 6, of the California
22 Code of Regulations (Regulations), including, but not limited to the embezzlement,
23 misappropriation or conversion of trust funds, commingling of trust funds with personal or
24 business funds, and causing a trust fund shortage to occur in one or more trust accounts, all in
25 violation of Sections 10145, 10176(e), 10176(i), 10177(d), and/or 10177(g) of the Code, and
26 Section 2832.1 of Title 10 of the Regulations.

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1 Furthermore, based on the investigation, the Commissioner hereby issues the
2 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
3 authority of Section 10086 of the Code.

4 Whenever acts referred to below are attributed to M&A and MATHIS those acts
5 are alleged to have been done by MATHIS, acting by himself, or by and/or through one or more
6 agents, associates, affiliates, and/or co-conspirators, including, but not limited to MATHIS.

7 FINDINGS OF FACT

8 1. M&A was and is licensed by the Department as a corporate real estate broker.
9 At all times mentioned, M&A was and is acting by and through MATHIS, as its designated
10 officer broker.

11 2. MATHIS was and is licensed by the Department individually as a real estate
12 broker, and as the designated broker officer of M&A. As said designated officer-broker,
13 MATHIS was and is responsible pursuant to Section 10159.2 of the Code for the supervision of
14 the activities of the officers, agents, real estate licensees, and employees of M&A for which a
15 license is required.

16 3. At all times mentioned, M&A and MATHIS negotiated to do one or more of
17 the following acts for another or others, for or in expectation of compensation, within the
18 meaning of Section 10131(b) of the Code: lease or rent or offer to lease or rent; place for rent;
19 solicit listings of places for rent; solicit for prospective tenants; negotiate the sale, purchase or
20 exchange of leases on real property, or on a business opportunity; collect rents from real
21 property, or improvements thereon, or from business opportunities.

22 4. In so acting as a real estate broker, as described in Paragraph 3, M&A and
23 MATHIS accepted or received funds in trust (trust funds) from or on behalf of owners, tenants,
24 and others in connection with the leasing, renting, and collection of rents on real property or
25 improvements thereon.

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CONCLUSIONS OF LAW

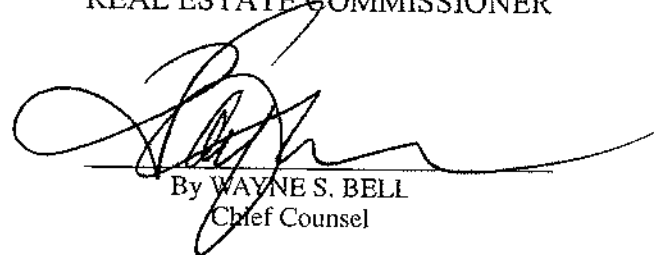
Based on the Findings of Fact contained in Paragraphs 1 through 7, M&A and MATHIS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to MATHIS, violated Sections 10145, 10176(e), 10176(i), 10177(d), and/or 10177(g) of the Code, and Section 2832.1 of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, MATHIS & ASSOCIATES INC. and BARRY VANCE MATHIS, whether doing business under your own name, or any other names or fictitious names, ARE HEREBY ORDERED to immediately Desist and Refrain from collecting and disbursing trust funds in any form and under any condition from any trust fund account or any other bank account in which trust funds are held, including but not limited to the trust accounts identified in Paragraph 5 and described in the Findings of Fact, above.

DATED: 10/24/2012

REAL ESTATE COMMISSIONER



By WAYNE S. BELL
Chief Counsel