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**FILED**

**APR 24 2019**

**DEPARTMENT OF REAL ESTATE**  
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 To: )  
12 ) NO. H- 6808 SAC  
13 MATTHEW WAYNE MOSS )  
14 ) ORDER TO DESIST AND REFRAIN  
) (B&P Code Section 10086)

15 The Real Estate Commissioner of the State of California ("Commissioner") has  
16 caused an investigation to be made into the activities of MATTHEW WAYNE MOSS,  
17 ("MOSS") that fall within the meaning of Section 10131 (real estate broker defined) of the  
18 California Business & Professions Code ("Code"). Based upon the findings of that investigation,  
19 as set forth below, the Commissioner has determined and is of the opinion that:

20 Based upon the findings of that investigation, as set forth below, the  
21 Commissioner has determined and is of the opinion that MOSS has violated Section 10131(d) of  
22 the Code by soliciting borrowers or lenders and/or performing services for borrowers or lenders  
23 or note owners in connection with loans secured directly or collaterally by liens on real property  
24 or on a business opportunity for or in expectation of compensation, without first having obtained  
25 a real estate broker license from the California Department of Real Estate ("Department").

26 Furthermore, based upon the findings of the Department's investigation, as set  
27 forth below, the Commissioner has determined and is of the opinion that MOSS has violated

1 Section 10166.02(b) of the Code by engaging in the business as a mortgage loan originator  
2 without first having obtained a real estate license endorsement identifying MOSS as a licensed  
3 mortgage loan originator.

4 Whenever acts referred to below are attributed to MOSS, those acts are alleged to  
5 have been done by MOSS, acting by himself, or by and/or through one or more known or  
6 unknown agents, associates, and/or co-conspirators, and using other names or fictitious business  
7 names.

#### 8 FINDINGS OF FACT

9 1. At no time has MOSS been licensed by the Department as a real estate  
10 salesperson or real estate broker.

11 2. On or about November 15, 2017, MOSS held himself out as a private  
12 money lender in his LinkedIn profile located at [www.linkedin.com/in/mathew-wayne-](http://www.linkedin.com/in/mathew-wayne-06b820131/)  
13 [06b820131/](http://www.linkedin.com/in/mathew-wayne-06b820131/), soliciting purchase money and refinance loans for owner occupied housing within  
14 California for or in expectation of compensation.

15 3. Beginning on March 11, 2019 and continuing through March 20, 2019,  
16 Moss for another or others, via e-mail, solicited and negotiated with an undercover Special  
17 Investigator to arrange a construction loan that was to be secured by real property or  
18 improvements thereon located within the State of California for or in expectation of  
19 compensation.

#### 20 CONCLUSIONS OF LAW

21 4. Based on the findings of fact contained in paragraphs 1 through 3, above,  
22 MOSS, among other things, solicited borrowers or lenders for or negotiated loans or collected  
23 payments or performed services for borrowers or lenders or note owners in connection with loans  
24 secured directly or collaterally by liens on real property, for or in expectation of compensation in  
25 violation of Sections 10130 and 10131(d) of the Code.

26 5. Based on the Findings of Fact contained in paragraphs 1 through 3, MOSS  
27 solicited and/or performed services for borrowers, in connection with residential loans secured

1 directly or collaterally by liens on real property or on a business opportunity, for or in expectation  
2 of a compensation, without first obtaining a mortgage loan originator license endorsement, in  
3 violation of Section 10166.02(b) of the Code.

4 DESIST AND REFRAIN ORDER

5 Now, therefore, MATTHEW WAYNE MOSS IS HEREBY ORDERED to  
6 immediately desist and refrain from:

7 (a) performing any and all acts within the State of California for which a real  
8 estate license is required, unless and until he obtains a real estate license; and

9 (b) engaging in business within the State of California as a mortgage loan  
10 originator, unless and until he obtains a real estate license endorsement identifying him as a  
11 licensed mortgage loan originator.

12  
13 DATED: April 22, 2019

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15  
16 DANIEL J. SANDRI  
17 ACTING REAL ESTATE COMMISSIONER

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19

20 -NOTICE-

21 Business and Professions Code Section 10139 provides that “Any person acting  
22 as a real estate broker or real estate salesperson without a license or who advertises using words  
23 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
24 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
27 (\$60,000). . . .”