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FILED

AUG 24 2009

DEPARTMENT OF REAL ESTATE

By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

ARNALDO S. MATOS,

Respondent.

No. H-9533 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 15, 2006, in Case No. H-9533 SF, a Decision was rendered revoking the real estate broker license of Respondent effective September 7, 2006, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on October 26, 2006, and Respondent has operated as a restricted licensee since that time.

On March 16, 2009, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

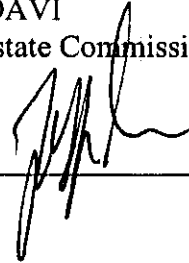
1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate broker license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 Order:

- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate broker license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 IT IS SO ORDERED

13 JEFF DAVI
14 Real Estate Commissioner

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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
AUG 18 2006

DEPARTMENT OF REAL ESTATE

By S. EL

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-9533 SF
13 ARNALDO S. MATOS,) STIPULATION AND AGREEMENT
14 Respondent.)

15
16 It is hereby stipulated by and between Respondent
17 ARNALDO S. MATOS (hereinafter referred to as "Respondent"),
18 acting by and through Charles J. Smith, attorney for Respondent,
19 and the Complainant, acting by and through Michael B. Rich,
20 Counsel for the Department of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 February 18, 2006, in this matter ("the Accusation"):

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

3 2. Respondent has received, read and
4 understands the Statement to Respondent, the Discovery
5 Provisions of the APA and the Accusation filed by the Department
6 of Real Estate in this proceeding.

7 3. On March 1, 2006, Respondent filed a Notice
8 of Defense pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondent will thereby waive Respondent's right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to
17 Respondent in connection with the hearing such as the right to
18 present evidence in defense of the allegations in the Accusation
19 and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set
21 forth below, hereby admits that the factual allegations in the
22 Accusation pertaining to Respondent are true and correct and
23 stipulates and agrees that the Real Estate Commissioner shall
24 not be required to provide further evidence of such allegations.

25 5. It is understood by the parties that the
26 Real Estate Commissioner may adopt the Stipulation and Agreement
27 as her decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the "Order" below. In the event that the
3 Commissioner in her discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

8 6. This Stipulation and Agreement shall not
9 constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Department of Real
11 Estate with respect to any matters which were not specifically
12 alleged to be causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations,
15 admissions and waivers and solely for the purpose of settlement
16 of the pending Accusation without hearing, it is stipulated and
17 agreed that the following Determination of Issues shall be made:

18 I

19 The acts and omissions of Respondent ARNALDO S.
20 MATOS, described in the Accusation are grounds for the
21 suspension or revocation of the licenses and license rights of
22 Respondent under the provisions of Sections 490 of the
23 California Business and Professions Code in conjunction with
24 Section 10177(b) of the Business and Professions Code.

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3. Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor for the
removal of any of the conditions, limitations, or restrictions
of a restricted license until two (2) years have elapsed from
the effective date of this Decision.

4. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate License. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted licenses until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Any restricted real estate broker license issued
to Respondent may be suspended or revoked for a violation, by
Respondent of any of the conditions attaching to the restricted
license.

July 6, 2006
DATED


MICHAEL B. RICH, Counsel
Department of Real Estate

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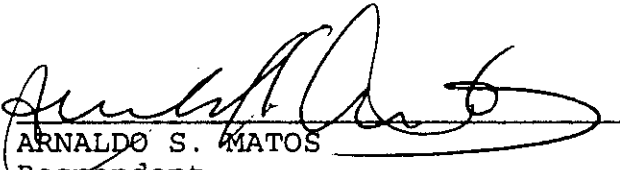
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I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

6-23-06
DATED


ARNALDO S. MATOS
Respondent

Approved as to form and content by counsel for Respondent.

7/1/06
DATED


CHARLES J. SMITH
Attorney for Respondent

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* * *

The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter as to Respondent
ARNALDO S. MATOS, and shall become effective at 12 o'clock noon
on SEP 07, 2006.

IT IS SO ORDERED 8.15, 2006.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read 'Jeff Davi', is written over a horizontal line.

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789
7

FILED
FEB 18 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA
11

12 * * *

13 In the Matter of the Accusation of)
14 ARNALDO S. MATOS,) NO. H-9533 SF
15 Respondent.) ACCUSATION
16

17 The Complainant, E. J. HABERER II, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against ARNALDO S. MATOS (hereinafter referred to as
20 Respondent), is informed and alleges as follows:

21 I

22 Respondent is presently licensed and/or has license
23 rights under the Real Estate Law (Part 1 of Division 4 of the
24 Business and Professions Code) (Code) as a real estate broker.

25 II

26 The Complainant, E. J. HABERER II, a Deputy Real
27 Estate Commissioner of the State of California, makes this
Accusation in his official capacity.

1 III

2 On or about February 23, 2004, in the Superior Court,
3 County of Santa Clara, State of California, in case number
4 CC236558, Respondent was convicted of two counts of violating
5 Section 17.23.270 of the San Jose Municipal Code (Increase rent
6 without notification to tenant of mediation and arbitration
7 rights and time limits to petition therefor) and two counts of
8 violating Section 17.23.290A of the San Jose Municipal Code
9 (Allow and permit to be maintained an inhabited structure in
10 substandard condition, to wit: overflowing garbage, and
11 accumulation of health hazard debris), misdemeanors involving
12 moral turpitude and/or crimes which bear a substantial
13 relationship under Section 2910, Title 10, California Code of
14 Regulations, to the qualifications, functions, or duties of a
15 real estate licensee.

16 IV

17 The facts alleged above constitute cause under
18 Sections 490 and/or 10177(b) of the Code for suspension or
19 revocation of all licenses and license rights of Respondent
20 under the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 10th day of February, 2006.