

FILED
MAR 16 2001
DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27387 LA
ERIC ANDREW GEORGE MATYAS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 23, 1998, a Decision was rendered herein revoking the real estate broker license of Respondent, ERIC ANDREW GEORGE MATYAS ("Respondent"), but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 20, 1998. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On April 25, 2000, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given

1 notice of the filing of said petition.
2

3 I have considered the petition of Respondent and the
4 evidence and arguments in support thereof, including Respondents
5 record as a restricted licensee. Respondent has demonstrated to
6 my satisfaction that Respondent meets the requirements of law
7 for the issuance to Respondent of an unrestricted real estate
8 broker license and that it would not be against the public
9 interest to issue said license to ERIC ANDREW GEORGE MATYAS.

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 broker license be issued to Respondent if Respondent satisfies
13 the following conditions within nine (9) months from the date of
14 this Order:

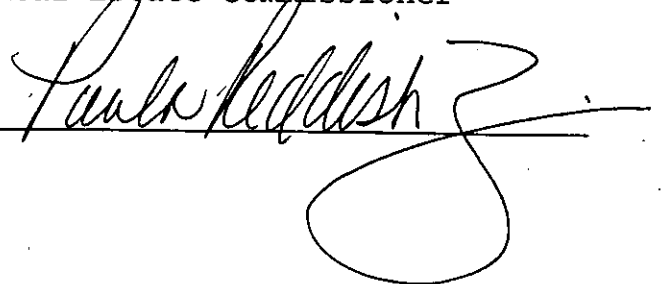
15 1. Submittal of a completed application and payment
16 of the fee for a real estate broker license.

17 2. Submittal of evidence of having, since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license.

22 This Order shall be effective immediately.

23 Dated: March 9, 2001.

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner

26 
27

27 cc: Eric Andrew George Matyas
1348 San Ysidro Drive
Beverly Hills, CA 90210

By Laura B. Orme

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-27387 LA
ERIC ANDREW GEORGE MATYAS,)
Respondent.)

DECISION AFTER REJECTION

The matter came on for hearing before Jerry Mitchell, Administrative Law Judge, of the Office of Administrative Hearings, in Los Angeles, California, on March 17, 1998.

Elliott Mac Lennan, Counsel, represented the Complainant. Respondent was present represented by Frank H. Buda.

Evidence was received, the hearing was closed, and the matter was submitted.

On April 23, 1998, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my Decision herein. Pursuant to Section 11517(c) of the Government Code of the State of California. Respondent was served with notice of my determination not to adopt the Proposed Decision of



1 the Administrative Law Judge along with a copy of said Proposed
2 Decision. On May 18, 1998, Respondent was notified that the case
3 would be decided by me upon the record, the transcript of
4 proceedings held on March 17, 1998, and upon any written argument
5 offered by Respondent. Argument submitted by Respondent has been
6 received.

7 I have given careful consideration to the record in this
8 case, including the transcript of proceedings of March 17, 1998,

9 The following shall constitute the Decision of the Real
10 Estate Commissioner in the above - entitled matter:

11 FINDINGS OF FACT

12 The Factual Findings as set forth in the Proposed
13 Decision dated April 23, 1998 of the Administrative Law Judge, are
14 hereby adopted as the Findings of Fact of the Real Estate
15 Commissioner in the above-entitled matter.

16 DETERMINATION OF ISSUES

17 The Legal Conclusions of the Proposed Decision dated
18 April 23, 1998, of the Administrative Law Judge are hereby adopted
19 as the Determination of Issues of the Real Estate Commissioner in
20 the above-entitled matter.

21 ORDER

22 The Order of the Proposed Decision dated April 23, 1998,
23 of the Administrative Law Judge is hereby adopted as the Order of
24 the Real Estate Commissioner in the above-entitled matter.
25

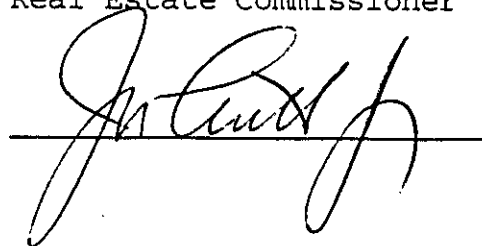


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This Decision shall become effective at 12 o'clock
noon on October 20, 1998.

IT IS SO ORDERED 9/23, 1998.

JIM ANTT, JR.
Real Estate Commissioner



*File's
May*

FILED
MAY 18 1998
DEPARTMENT OF REAL ESTATE

By Lana B. Oron

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	
ERIC ANDREW GEORGE MATYAS,	)	NO. H-27387 LA
Respondent.	)	L-1997100275

NOTICE

TO: Respondent ERIC ANDREW GEORGE MATYAS and FRANK H. BUDA, his
counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision
herein dated April 23, 1998, of the Administrative Law Judge is
not adopted as the Decision of the Real Estate Commissioner. A
copy of the Proposed Decision dated April 23, 1998, is attached
for your information.

In accordance with Section 11517(c) of the Government
Code of the State of California, the disposition of this case will
be determined by me after consideration of the record herein
including the transcript of the proceedings held on March 17,

///

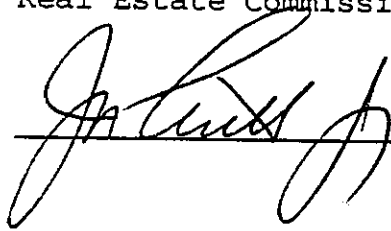
1 1998, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of March 17, 1998, at the Los Angeles office of
6 the Department of Real Estate unless an extension of the time is
7 granted for good cause shown.

8 Written argument of Complainant to be considered by me
9 must be submitted within 15 days after receipt of the argument of
10 Respondent at the Los Angeles office of the Department of Real
11 Estate unless an extension of the time is granted for good cause
12 shown.

13 DATED: 5/12/98

14 JIM ANTT, JR.
15 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	) Case No. H-27387 LA
	)
ERIC ANDREW GEORGE MATYAS,	) OAH No. L1997100275
	)
Respondent.	)
	)

PROPOSED DECISION

This matter was heard on March 17, 1998, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, State of California. The complainant was represented by Elliott Mac Lennan, Counsel. The respondent was present and represented by Frank H. Buda, Attorney at Law. The record was held open until April 17, 1998, for respondent to submit proof that his probation has been terminated. The document was submitted as an attachment to respondent's closing brief. The matter was then deemed submitted, and the record was closed.

FACTUAL FINDINGS

1. The Accusation herein was made by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Eric Andrew George Matyas (hereinafter "respondent") is, and at all times mentioned herein was, licensed by the Department of Real Estate as a real estate broker.

3. On or about July 9, 1996, in the United States District Court for the Eastern District of California, respondent was convicted, upon his plea of guilty, of one count of violating 18 USC 2 and 1341 (Aiding and Abetting Mail Fraud), and one count of violating 26 USC 7203 (Failure to Supply Information), felonies and crimes involving moral turpitude, which are substantially related to the qualifications, functions or duties of a real estate licensee. He was fined \$5,000.00, ordered to serve five months in home confinement, and placed on 36 months probation. His probation was terminated early at the request of his probation officer.

4. On or about May 13, 1996, in the United States District Court for the Central District of California, respondent was convicted, upon his plea of guilty, of two counts of violating 26 USC 7206(1) (Subscribing to False Income Tax Return), a felony

and a crime involving moral turpitude, which is substantially related to the qualifications, functions or duties of a real estate licensee. He was fined \$10,000.00, imprisoned for four months (which was served on home detention, concurrently with the five home detention in the preceding case), required to perform 200 hours of community service, and placed on supervised probation for one year.

5. The circumstances resulting in the above convictions were that respondent was an attorney who paid referral fees to non-attorneys, received referral fees from medical providers, defrauded insurers in the process, and misreported the referral fees on his income tax returns. He states that he voluntarily resigned from the California State Bar.

6. All of the above convictions arose from the same course of conduct. They appear to be respondent's only convictions. He has successfully completed both probations, the longest of which was terminated early at the request of his probation officer. He has been active as a real estate broker, and his broker's license has not been previously disciplined. He produced witnesses and letters to support his assertion that he is sufficiently rehabilitated to justify continued licensure as a real estate broker.

LEGAL CONCLUSIONS

The convictions set forth in paragraphs 3 and 4, above, are cause under Sections 490 and 10177(b) of the Business and Professions Code to suspend or revoke respondent's license. In determining the appropriate order to be made herein, due consideration was given to all relevant factors, including but not limited to the evidence of rehabilitation and the gravity of the crimes.

ORDER

All licenses and license rights of respondent Eric Andrew George Matyas under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to him pursuant to Section 10156.5 of the Business and Professions Code (all further statutory references are to that code) if he makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6:

1. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. 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 suspension of the restricted license 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.

DATED: April 23, 1998


JERRY MITCHELL
Administrative Law Judge

FILED
FEB 11 1998
DEPARTMENT

FEB 11 1998

LA DEPARTMENT OF REAL ESTATE

By Laura B. Irona

RE 501 (Rev. 8/97)

*Sacto
Jury*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
FEB 5 1998

In the Matter of the Accusation of) Case No. H-27387 LA DEPARTMENT OF REAL ESTATE
) OAH No. L- 1997100275
ERIC ANDREW GEORGE MATYAS,)
)
Respondent.) By Laura B. Orone

NOTICE OF HEARING ON ACCUSATION (CORRECTED)

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on **FEBRUARY 24, 1998**, at the hour of **9:00 a.m.** or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: FEB 5 1998

DEPARTMENT OF REAL ESTATE

By: elliott mac lennan
ELLIOTT MAC LENNAN, Counsel

cc: Eric Andrew George Matyas
Frank M. Buda, Esq.
Sacto.
OAH

RE 501 (Rev. 8/97)

Sacto
Jury

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 30 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-27387
) OAH No. L-1997100275
ERIC ANDREW GEORGE MATYAS,)
)
Respondent.)

By Lana B. Orma

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California, on FEBRUARY 24, 1998, at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: JAN 30 1998

DEPARTMENT OF REAL ESTATE

By: Elliott MacLennan
ELLIOTT MAC LENNAN, Counsel

cc: Eric Andrew George Matyas
Frank M. Buda, Esq.
Sacto.
OAH

RE 501 (Rev. 8/97)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 29 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-27387 LA
ERIC ANDREW GEORGE MATYAS,) OAH No. L- 1997100275 Laura B. Crane
Respondent.)

AMENDED NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on JANUARY 13, 1998, at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: DEC 29 1997

DEPARTMENT OF REAL ESTATE

By: ELLIOTT MAC LENNAN
ELLIOTT MAC LENNAN, Counsel

cc: Eric Andrew George Matyas
Sacto.
OAH

RE 501 (Rev. 8/97)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
OCT 28 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-27387LA
ERIC ANDREW GEORGE MATYAS,) OAH No. L- 1997100275
Respondent.)

By Laura B. Orone

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on NOVEMBER 26, 1997, at the hour of 1:30 p.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: OCT 28 1997

DEPARTMENT OF REAL ESTATE

By: Elliott MacLennan
ELLIOTT MACLENNAN, Counsel

cc: Eric Andrew George Matyas
Sacto.
OAH

RE 501 (Rev. 8/97)

ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
OCT - 3 1997
DEPARTMENT OF REAL ESTATE

By Laura B. Cronin

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27387 LA
ERIC ANDREW GEORGE MATYAS,)	A C C U S A T I O N
)	
)	
)	
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ERIC ANDREW GEORGE MATYAS is informed and alleges in his official capacity as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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1
2 II

3 At all times mentioned, respondent was licensed by the
4 Department of Real Estate of the State of California as a real
5 estate broker.

6 III

7 On or about July 9, 1996, in the United States District
8 Court for the Eastern District of California, Respondent was
9 convicted upon plea of guilty of violating one count of 18 USC 2
10 and 1341 (Aiding and abetting mail fraud), and Respondent was
11 convicted upon plea of guilty of violating one count of 26 USC
12 7203 (Failure to supply information), felony crimes by their facts
13 and circumstances that involve moral turpitude and are
14 substantially related under Section 2910, Chapter 6, Title 10 of
15 the California Code of Regulations, to the qualifications,
16 functions or duties of a real estate licensee.

17 IV

18 On or about May 13, 1996, in the United States District
19 Court for the Central District of California, Respondent was
20 convicted upon plea of guilty of violating two counts of 26 USC
21 7206(1) (Subscribing to false income tax return), a felony crime
22 by its facts and circumstances that involves moral turpitude and
23 is substantially related under Section 2910, Chapter 6, Title 10
24 of the California Code of Regulations, to the qualifications,
25 functions or duties of a real estate licensee.

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V

The alleged facts set forth in Paragraphs III and IV, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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 the license and license rights of respondent ERIC ANDREW GEORGE MATYAS 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 other applicable provisions of law.

Dated at Los Angeles, California
this 3rd day of October, 1997.

Thomas Mc Crady

Deputy Real Estate Commissioner

cc: Eric Andrew George Matyas
Sacto.
MA

