

FILED
OCT 20 2005
DEPARTMENT OF REAL ESTATE

By R. Niederholt

ELLIOTT MAC LENNAN, Counsel (SBN 66674)
Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982 (Office)
-or- (213) 576-6911 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MATTSON REAL ESTATE SERVICES INC., and)
ROGER GLENN MATTSON, individually)
and as designated officer of)
Mattson Real Estate Services Inc.,)
Respondents.)

No. H-31638 LA

STIPULATION
AND
AGREEMENT

It is hereby stipulated by and between Respondents
MATTSON REAL ESTATE SERVICES INC., a corporate real estate
broker, and ROGER GLENN MATTSON, individually and as designated
officer of Mattson Real Estate Services Inc., (sometimes
collectively referred to as "Respondents"), represented by Law
Offices of Thomas B. McCullough Jr., and the Complainant, acting
by and through Elliott Mac Lennan, Counsel for the Department of
Real Estate, as follows for the purpose of settling and disposing
of the Accusation ("Accusation") filed on January 27, 2005, in
this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense the right to cross-examine
23 witnesses.
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation and Respondents decision not to
11 contest the Accusation is made for the purpose of reaching an
12 agreed disposition of this proceeding and is expressly limited to
13 this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or any agency of this state, another state or federal
16 government is involved.

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt this Stipulation as his Decision in
19 this matter thereby imposing the penalty and sanctions on
20 Respondents' real estate licenses and license rights as set forth
21 in the "Order" below. In the event that the Commissioner in his
22 discretion does not adopt the Stipulation, it shall be void and
23 of no effect and Respondents shall retain the right to a hearing
24 and proceeding on the Accusation under the provisions of the APA
25 and shall not be bound by any stipulation or waiver made herein.
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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for Accusation in this proceeding but do
7 constitute a bar, estoppel and merger as to any allegations
8 actually contained in the Accusations against Respondent herein.

9 8. Respondents understand that by agreeing to this
10 Stipulation, Respondents agree to pay, pursuant to Business and
11 Professions Code Section 10148, the cost of the audit (LA 030061)
12 which led to this disciplinary action. The amount of said cost
13 is \$3,790.55.

14 9. Respondents have received, read, and understand the
15 "Notice Concerning Costs of Subsequent Audit". Respondents
16 further understand that by agreeing to this Stipulation, the
17 findings set forth below in the Determination of Issues become
18 final, and the Commissioner may charge Respondents for the cost
19 of any subsequent audit conducted pursuant to Business and
20 Professions Code Section 10148 to determine if the violations
21 have been corrected. The maximum cost of the subsequent audit
22 will not exceed \$3,790.55.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct of MATTSON REAL ESTATE SERVICES INC., as described in Paragraph 4, above, is in violation of Section 10145 of the Business and Professions Code ("Code") and Sections 2742, 2831 and 2834 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for the suspension or revocation of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(d).

II.

The conduct of ROGER GLENN MATTSON, as described in Paragraph 4, constitutes a failure to keep Mattson Real Estate Services Inc. in compliance with the Real Estate Law during the time that he was the officer designated by a corporate broker licensee in violation of Section 10159.2 of the Code. This conduct is a basis for the suspension or revocation of Respondent's license pursuant to Code Section 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondents

MATTSON REAL ESTATE SERVICES INC. and ROGER GLENN MATTSON, under
the Real Estate Law are suspended for a period of thirty (30)
days from the effective date of this Decision; provided, however,
that if Respondents petition, said suspension, or a portion
thereof, shall be stayed upon condition that each Respondent:

1. Pursuant to Section 10175.2 of the Business and
Professions Code, Respondents pay a monetary penalty of Five
Hundred Dollars each or One Thousand Dollars (\$1,000) total.

Said payment shall be in the form of a cashier's check
or certified check made payable to the Recovery Account of the
Real Estate Fund. Said check must be received by the Department
prior to the effective date of the Decision.
in this matter.

2. Respondents shall make restitution to and pay the
sum of Four-Hundred Eleven (\$411.00) Dollars to Complainant
Thomas Brooks. Evidence of said restitution which is
satisfactory to the Real Estate Commissioner must be received by
the Department prior to the effective date of the Decision.

3. No further cause for disciplinary action against
the real estate license of Respondent occurs within two (2) years
from the effective date of the Decision in this matter.

1 4. If Respondents fail to pay the monetary penalty in
2 accordance with the terms and conditions of the Decision, the
3 Commissioner may, without a hearing, order the immediate
4 execution of all or any part of the stayed suspension in which
5 event Respondents shall not be entitled to any repayment nor
6 credit, prorated or otherwise, for money paid to the Department
7 under the terms of this Decision.

8 5. If Respondents pay the monetary penalty and if no
9 further cause for disciplinary action against the real estate
10 licenses of Respondents occur within two (2) years from the
11 effective date of the Decision, the stay hereby granted shall
12 become permanent.

13 6. Respondents shall obey all laws, rules and
14 regulations governing the rights, duties and responsibilities of
15 real estate licensees in the State of California.
16

17 II.

18 Pursuant to Section 10148 of the Business and
19 Professions Code, Respondents MATTSON REAL ESTATE SERVICES INC.
20 and ROGER GLENN MATTSON shall pay the Commissioner's reasonable
21 cost for (a) the audit which led to this disciplinary action (LA
22 030061) and (b) a subsequent audit to determine if Respondents
23 are now in compliance with the Real Estate Law. The cost of the
24 audit which led to this disciplinary action is \$3,790.55. In
25 calculating the amount of the Commissioner's reasonable cost, the
26 Commissioner may use the estimated average hourly salary for all
27

1 persons performing audits of real estate brokers, and shall
2 include an allocation for travel time to and from the auditor's
3 place of work. Said amount for the prior and subsequent audits
4 shall not exceed \$7,581.10.

5 Respondents shall pay such cost within 60 days of
6 receiving an invoice from the Commissioner detailing the
7 activities performed during the audit and the amount of time
8 spent performing those activities.

9 The Commissioner may suspend the license of Respondents
10 pending a hearing held in accordance with Section 11500, et seq.,
11 of the Government Code, if payment is not timely made as provided
12 for herein, or as provided for in a subsequent agreement between
13 the Respondent and the Commissioner. The suspension shall remain
14 in effect until payment is made in full or until Respondents
15 enter into an agreement satisfactory to the Commissioner to
16 provide for payment, or until a decision providing otherwise is
17 adopted following a hearing held pursuant to this condition.
18

19 III.

20 All licenses and licensing rights of Respondent ROGER
21 GLENN MATTSON are indefinitely suspended unless or until
22 Respondent provides proof satisfactory to the Commissioner, of
23 having taken and successfully completed the continuing education
24 course on trust fund accounting and handling specified in
25 paragraph (3) of subdivision (a) of Section 10170.5 of the
26 Business and Professions Code. Proof of satisfaction of this
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1 requirement includes evidence that respondent has successfully
2 completed the trust fund account and handling continuing
3 education course within 120 days prior to the effective date of
4 the Decision in this matter.

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6 DATED: 8-A-08

ELI
ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

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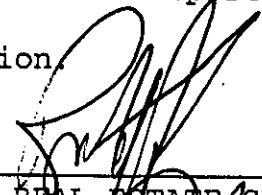
10 EXECUTION OF THE STIPULATION

11 We have read the Stipulation, and have discussed it
12 with our counsel. Its terms are understood by us and are
13 agreeable and acceptable to us. We understand that we are
14 waiving rights given to us by the California Administrative
15 Procedure Act (including but not limited to Sections 11506,
16 11508, 11509 and 11513 of the Government Code), and we willingly,
17 intelligently and voluntarily waive those rights, including the
18 right of requiring the Commissioner to prove the allegations in
19 the Accusation at a hearing at which we would have the right to
20 cross-examine witnesses against us and to present evidence in
21 defense and mitigation of the charges.

22 Respondents can signify acceptance and approval of the
23 terms and conditions of this Stipulation by faxing a copy of its
24 signature page, as actually signed by Respondents, to the
25 Department at the following telephone/fax number: Elliott Mac
26 Lennan at (213) 576-6917. Respondents agree, acknowledge and
27

1 understand that by electronically sending to the Department a fax
2 copy of Respondents' actual signature as they appear on the
3 Stipulation, that receipt of the faxed copy by the Department
4 shall be as binding on Respondents as if the Department had
5 received the original signed Stipulation.


6 DATED: 8-15-05


MATTSON REAL ESTATE SERVICES INC.,
a corporate real estate broker,
BY: ROGER GLENN MATTSON, D.O.,
Respondent

9 DATED: 8-15-05

ROGER GLENN MATTSON individually
and as designated officer of
Mattson Real Estate Services Inc.,
Respondent

12 DATED: 8/17/05

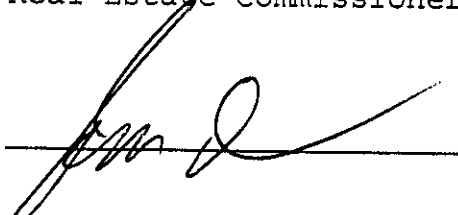

Law Offices of Thomas B. McCullough
Jr., Attorneys for Respondents
Approved as to form

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision as to Respondents MATTSON REAL ESTATE
18 SERVICES INC. and ROGER GLENN MATTSON, individually and as
19 designated officer of Mattson Real Estate Services Inc., and
20 shall become effective at 12 o'clock noon on
21 NOV 21, 2005.

22 IT IS SO ORDERED 10-12, 2005.

24 JEFF DAVI
25 Real Estate Commissioner

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page 1

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

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-or- (213) 576-6982 (office)

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JAN 27 2005
DEPARTMENT OF REAL ESTATE

By Knebel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-31638 LA

MATTSON REAL ESTATE SERVICES INC.;
and, ROGER GLENN MATTSON,
individually and as designated
officer of Mattson Real
Estate Services Inc.

A C C U S A T I O N

Respondents.

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MATTSON REAL ESTATE SERVICES INC., and ROGER GLENN MATTSON, individually and as designated officer of Mattson Real Estate Services Inc., alleges as follows:

1.

The Complainant, Janice Waddell, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California makes this Accusation against MATTSON REAL ESTATE SERVICES INC., ("MRESI") and ROGER GLENN MATTSON ("MATTSON").

1 2.

2 All references to the "Code" are to the California
3 Business and Professions Code and all references to "Regulations"
4 are to Title 10, Chapter 6, California Code of Regulations.

5 3.

6 MRESI and MATTSON (hereinafter referred to as
7 Respondents) are presently licensed and/or have license rights
8 under the Real Estate Law (Part 1 of Division 4 of the Business
9 and Professions Code).

10 4.

11 At all mentioned times, MATTSON was licensed by the
12 Department as designated officer of MRESI to qualify MRESI and to
13 act for MRESI as a real estate broker and, as provided by Section
14 10159.2 of the Code, was responsible for the supervision and
15 control of the activities conducted on MRESI's behalf by MRESI's
16 officers, managers and employees as necessary to secure full
17 compliance with the provisions of the Real Estate Law including
18 the supervision of the salespersons licensed to the corporation
19 in the performance of acts for which a real estate license is
20 required. MATTSON was originally licensed as a real estate
21 broker on March 22, 2002. MRESI was originally licensed as a
22 corporate real estate broker on March 19, 1981.

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5.

Whenever reference is made in an allegation in the Accusation to an act or omission of MRESI such allegation shall be deemed to mean that the officers, directors, managers, employees, agents and real estate licensees employed by or associated with MRESI including MATTSON committed such act or omission while engaged in the furtherance of MRESI's business or operation and while acting within the course and scope of MRESI's corporate authority, agency and employment.

6.

At all times mentioned, in the City of Hawthorne, Los Angeles County, MRESI acted as a real estate broker, within the meaning of Section 10131(b) of the Code, by operating a property management brokerage.

FIRST CAUSE OF ACTION

(Audit violations)

7.

On January 30, 2004, the Department completed an audit examination of the books and records of MRESI pertaining to the commercial property management activities described in Paragraph 6 that require a real estate license. The audit examination covered a period of time beginning on July 1, 2002 through June 30, 2003. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 030061 and the exhibits

and workpapers attached to said audit report.

8.

At all times mentioned, in connection with the activities described in Paragraph 6, above, MRESI accepted or received funds in trust (trust funds) from or on behalf of various properties and thereafter made disposition of such funds. MRESI maintained approximately one hundred twenty trust accounts during the audit period and into which were deposited certain of these funds from the five (5) trust accounts scheduled for audit at the Union Bank of California, Hawthorne, California:

"Mattson Real Estate Services Inc. Real Estate Trustee (T/A #1)
Account No. 0510034066"

"Mattson Real Estate Services Inc. Real Estate Trustee (T/A #2)
Account No. 0510010914"

"Mattson Real Estate Services Inc. Real Estate Trustee (T/A #3)
Account No. 0510025598"

"Mattson Real Estate Services Inc. 5424 W. 123rd Street,
Hawthorne, CA, Real Estate Trustee (T/A #4)
Account No. 0510040899"

"Mattson Real Estate Services Inc. 5424 W. 123rd Street,
Hawthorne, CA, Real Estate Trustee (T/A #5)
Account No. 0510030222"

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2 With respect to the trust funds referred to in
3 Paragraph 8, it is alleged that MRESI:

4 (a) Failed to maintain an adequate and complete control
5 record in the form of a columnar record in chronological order of
6 all trust funds received and disbursed from T/A #4 and T/A #5, as
7 required by Code Section 10145 and Regulation 2831.

8 (b) Permitted, allowed or caused the disbursement of
9 trust funds from T/A #1, T/A #2 and T/A #3, without first
10 obtaining the prior written consent of the owners of said funds,
11 as required by Code Section 10145. MRESI failed to have valid
12 management agreements for real properties located at 4325 W.
13 120th Street, Hawthorne, owned by Thomas A. Brooks, and 326 and
14 330 Sierra Street, El Segundo, owned by Byron C. Thibbodeaux.
15 MRESI disbursed trust funds for these properties based on expired
16 management agreements for a predecessor-in-interest corporation
17 with said owners.
18

19 (c) Permitted Marsha Lynn Mattson, a real estate
20 salesperson not employed by or licensed to MRESI, and non-
21 licensed persons, Donna Mattson and Linda Dion, who were not
22 bonded, to be authorized signatories on T/A #1, T/A #2 and T/A
23 #3, in violation of Code Section 10145 and Regulation 2834.

24 (d) Failed to disclose in the Mortgage Loan Disclosure
25 Statements for borrowers Elizabeth Valenzuela, James & Barbara
26 Rodriguez, Gloria Olivas, Norma Gomez, and Les Cohen that AFC
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received rebates from lenders for mortgage loans arranged through said lenders, in violation of Code Section 10176(g); and

(e) failed to maintain MRESI in good standing with the State of California, in violation of Code Section 10177(f) and Regulation 2742. The investigative audit, described in Paragraph 7, moreover revealed that on or about January 8, 2004, MRESI's corporate status was suspended by the California Franchise Tax Board.

10.

The conduct of Respondent MRESI, described in Paragraph 9 violated the Code and the Regulations as set forth below:

PARAGRAPH

PROVISIONS VIOLATED

9(a)

Code Section 10145 and
Regulation 2831

9(b)

Code Section 10145

9(c)

Code Section 10145 and
Regulation 2834

9(d)

Code Section 10176(g)

9(e)

Regulation 2742

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of MRESI under the provisions of Code Section 10177(d), 10177(f) and/or 10177(g).

SECOND CAUSE OF ACTION

(Failure to supervise)

11.

The overall conduct of MATTSON constitutes a failure on his part, as officer designated by a corporate broker licensee, responsible for the supervision and control over the activities conducted on behalf of MATTSON by its officers, managers and employees as necessary to secure full compliance with the provisions of the Real Estate Law including the supervision of the salespersons licensed to the corporation in the performance of acts for which a real estate license is required. This conduct is cause for the suspension or revocation of the real estate license and license rights of MATTSON pursuant to the provisions of Code Sections 10159.2, 10177(h), 10177(d) and/or 10177(g).

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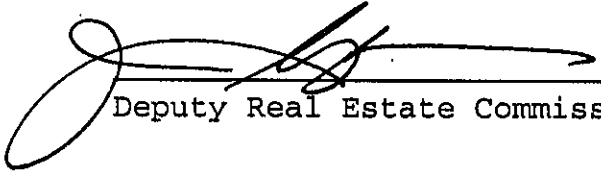
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 MATTSON REAL ESTATE SERVICES INC., and ROGER GLENN MATTSON
6 individually and as designated officer of Mattson Real Estate
7 Services Inc., under the Real Estate Law (Part 1 of Division 4 of
8 the Business and Professions Code) and for such other and further
9 relief as may be proper under other applicable provisions of law.

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11 Dated at Los Angeles, California

12 this *12 January 2005*
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16 Deputy Real Estate Commissioner
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23 cc: Mattson Real Estate Services Inc.
24 cc: Roger Glenn Mattson
25 Sacto
26 Janice Waddell
27 RJ
Audits: Manijeh Khazrai