

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

FILED

AUG 23 2006

DEPARTMENT OF REAL ESTATE
BY: Jane B. Dim

In the Matter of the Application of)
MATTHEW CLARK LONGSTRETH,)
Respondent.)

No. H-32115 LA
L-2005080919

DECISION

The Proposed Decision dated July 10, 2006, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

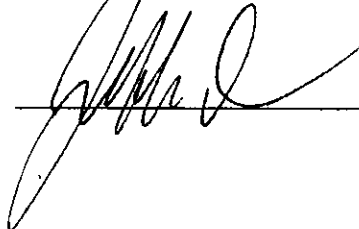
The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock
noon on SEP 12 2006.

IT IS SO ORDERED

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

AUG 11 2006

In the Matter of the Application of

MATTHEW CLARK LONGSTRETH,

Respondent.

DEPARTMENT OF REAL ESTATE
Case No. H-32115 LA BY: Laura B. Olson
OAH No. L2005080919

PROPOSED DECISION

On June 9, 2006, Administrative Law Judge Christine C. McCall, Office of Administrative Hearings, heard this matter in Los Angeles, California.

Kelvin K. Lee, Staff Counsel, represented complainant Janice Waddell, Deputy Real Estate Commissioner, Department of Real Estate (hereinafter the department or DRE).

Respondent Matthew Clark Longstreth was present and represented by attorney William E. Baker, Jr. of Baker & Baker, Santa Ana, California.

The matter was submitted on June 9, 2004.

FACTUAL FINDINGS

1. Complainant Janice Waddell filed the Statement of Issues in her official capacity as Deputy Real Estate Commissioner for the department.
2. Respondent made application with the department for a real estate salesperson's license twice, on October 15, 2001 and on April 22, 2004. The department filed Statement of Issues H-29664, pertaining to the 2001 application, on August 29, 2002. By agreement between counsel for Respondent and department staff counsel James R. Peel, Respondent withdrew his 2001 application without prejudice in order to pursue expungement of one of more criminal convictions and to submit a new application for license.

Respondent's Convictions

3. On March 5, 1992, Respondent was convicted in the Orange County Superior Court, State of California, case number NBH93M03821, on his plea of guilty, of violating Penal Code section 499, subdivision (b), (taking a bicycle for temporary use), a misdemeanor. The facts and circumstances underlying the conviction are that Respondent took an unattended unlocked bicycle belonging to an unknown person from the entry area of a retail business. The terms of Respondent's sentence were not established by the evidence.

4. On May 24, 1992, Respondent was convicted in the Lake Havasu City Municipal Court, County of Mohave, State of Arizona, on his plea of guilty, of violating Arizona Revised Statutes Section 13-3405, subdivision (A), (possession of marijuana). Respondent was sentenced to six months jail time, which was suspended, placed on one year of unsupervised probation and ordered to pay a fine of \$1050. The facts and circumstances underlying Respondent's conviction are that Respondent was arrested for possession of marijuana on a boat in a recreational waterway after he was observed smoking a marijuana cigarette on board. The evidence did not establish whether Respondent satisfied the terms and conditions of his sentence.

5. On April 20, 1993, Respondent was convicted in the Orange County Superior Court, State of California, in case number 93HMO3821, on his plea of guilty, of violating Penal Code section 653, subdivision (k) (possession of a switchblade knife), a misdemeanor. Respondent was sentenced to one day jail time which he served. The facts and circumstances underlying Respondent's conviction are that police discovered a switchblade knife in Respondent's vehicle after stopping his car for lack of a front license plate. Respondent had legally purchased the knife while in Mexico three to four years earlier, placed it in the glove box of his vehicle for the return trip to California, and forgotten about it. He had never removed it from his vehicle since the time of purchase.

6. On June 7, 1994, Respondent was convicted in the Riverside County Municipal Court, Indio Branch, State of California, in case number 32493, on his plea of guilty, of violating Vehicle Code section 23103 (reckless driving), pursuant to Vehicle Code section 23103.5 (acceptance of plea to reckless driving involving alcohol), a misdemeanor. Respondent was sentenced to three years summary probation and fines and penalties in the amount of \$1034. The facts and circumstances underlying Respondent's conviction are that Respondent was stopped by police for swerving, indicating a lack of control of his car. Respondent's blood alcohol level subsequently was determined to be .08%. The evidence did not establish whether Respondent satisfied his sentence.

7. On September 29, 1998, Respondent was convicted in the Orange County Superior Court, Harbor Justice Center, State of California, in case number NBPD 98 - 08412, on his plea of guilty, of violating Vehicle Code section 21200.5 (riding a bicycle while under the influence of alcohol), a misdemeanor. Respondent was sentenced to three years unsupervised probation, and ordered to pay fines and penalties in the amount of \$541. The evidence did not establish whether Respondent fulfilled his sentence. The facts and circumstances underlying Respondent's conviction are that police officers detained Respondent for missing lights on his bicycle, and detected that he had been drinking alcohol.

8. On July 29, 1999, Respondent was convicted in the Orange County Superior Court, Harbor Justice Center, State of California, case number 99HMO1745, on his plea of guilty, of violating Penal Code section 242 (battery), a misdemeanor. The facts and circumstances underlying Respondent's conviction are that he and his girlfriend became engaged in an argument and Respondent hit, kicked and shoved her; pulled her hair; threw furniture at her; slashed a tire on her vehicle; bit her nose; and prevented her from leaving the scene. There were no serious injuries. Respondent was intoxicated at the time of the crime. Imposition of sentence was suspended and Respondent was placed on informal probation for a period of three years and ordered to pay fines and penalties in the amount of \$335, to complete eight hours community service, to attend a one-year batterer's program, and to make restitution in an amount not established by the evidence. Respondent paid his fines and penalties, completed the community service and batterer's program, and finished his term of probation. The evidence did not establish whether Respondent complied with the order of restitution. On January 16, 2003, by order of the Superior Court, Respondent's plea was set aside and the case dismissed pursuant to Penal Code section 1203.4.

9. On March 17, 2000, Respondent was convicted in the Orange County Superior Court, Harbor Justice Center, State of California, case number 900HMO13355, on his plea of guilty, of violating Penal Code section 647, subdivision (f), public intoxication, a misdemeanor. Respondent was sentenced to 10 days jail time, stayed for completion of community service or payment of fines, and ordered to pay fines and penalties in the amount of \$150. Respondent paid the fines and penalties. The facts and circumstances underlying Respondent's conviction are that Respondent, in a disheveled, agitated and incoherent state, attempted to enter an occupied police vehicle. Upon further investigation, police learned that Respondent had begun drinking at 7:00 a.m. that day, had been ejected from at least two taverns and was unable to account or care for himself. At a hospital, Respondent's blood alcohol level was determined to be .17 percent. On April 14, 2006, by order of the Superior Court, Respondent's plea was set aside and the case dismissed pursuant to Penal Code section 1203.4, subdivision (a).

10. On March 15, 2001, Respondent was convicted in the Orange County Superior Court, Harbor Justice Center, State of California, case number 00HMO8637,

on his plea of guilty, of violating Vehicle Code section 23152, subdivision (a), (driving under the influence of alcohol or drugs with one prior conviction), a misdemeanor. Respondent was sentenced to 25 days in jail, three years informal probation, two years suspension of driving privileges, and ordered to complete an 18-month multiple offender alcohol program and to pay fines and penalties in the amount of \$1,276. Respondent paid his fines and penalties and completed all other terms and conditions of his probation. His term of probation ended on March 15, 2004. The facts and circumstances underlying Respondent's conviction are that Respondent was observed by police to drive erratically and without adequate control of his vehicle. An empty bottle of vodka was found on the floorboard of his car. His blood alcohol level was subsequently determined to be .15 percent. Respondent had been previously convicted of violating Vehicle Code section 23103. On April 14, 2006, by order of the Superior Court, Respondent's plea was set aside and the case dismissed pursuant to Penal Code section 1203.4.

11. Respondent's convictions set forth at Factual Findings 3, 6, 7, 8, 9 and 10 involve moral turpitude and are substantially related to the qualifications, functions and duties of the licensed activity. These findings demonstrate a proclivity for recklessness, unreliability and irresponsibility, characteristics antithetical to the qualifications, functions and duties of a real estate salesperson. The convictions set forth at Factual Findings 4 and 5 do not involve moral turpitude and are not substantially related to the qualifications, functions or duties of the licensed activity.

Respondent's Failure to Disclose All Convictions

12. Three salesperson license applications were received in evidence: one is dated as received by the department on December 24, 2001; one is dated as received on April 22, 2004; and one is dated as received on May 25, 2004. Only the 2001 and the May 25, 2004 applications are signed by Respondent, on May 19, 2004.

13. Respondent's April 22, 2004 application discloses seven criminal convictions, omitting the convictions set forth at Factual Findings 4, 6 and 7 but disclosing the convictions set forth at factual Findings 3, 5, 8, 9 and 10. Respondent's April 2004 application also disclosed a December 6, 1992 conviction for violating Vehicle Code section 21201, subdivision (d) (operating a bicycle without lights), a conviction not alleged in the current Statement of Issues. Respondent's May 25, 2004 application discloses five criminal convictions, again omitting the convictions set forth at Factual Findings 4, 6 and 7.

14. Respondent's December 24, 2001, application discloses seven criminal convictions, omitting the convictions set forth at Factual Findings 4 and 6 and disclosing the December, 1992, Vehicle Code conviction which is not alleged in the current Statement of Issues.

15. In a statement to the department dated January 5, 2005, Respondent disclosed eight convictions, including those set forth at Factual Findings 4 and 6, but omitting the conviction set forth at Factual Finding 7. Respondent also disclosed in this statement a 1993 conviction for violating Business and Professions Code section 25661 (possession of false evidence of age), a conviction not alleged in the current Statement of Issues.

16. Respondent denied any intent to conceal any of his convictions from the department and explained that he first set forth his criminal record from memory. He subsequently sought the advice of counsel and learned that his first effort was not an adequate response. In relying on his memory, Respondent had forgotten the convictions set forth in Factual Findings 6 and 7 because the sentences in those matters were not burdensome or significant to him. The sentence for reckless driving on the conviction set forth in Factual Finding 6 did not burden Respondent because he moved immediately to England to attend school; hence, Respondent was unrestrained by the fact of his probation. Respondent had forgotten about the conviction set forth at Factual Finding 4 because of the minor penalty and because he had obtained an expungement.

17. Respondent was credible and persuasive in his testimony as to the reasons his disclosure of his criminal convictions was incomplete and his lack of intent to conceal any of his criminal record. The convictions not disclosed are less serious and older than those he did disclose.

Mitigation/Rehabilitation

18. Respondent, now 33 years old, spent a decade in the grip of a serious drinking problem resulting in at least six alcohol-related arrests and prosecutions before reaching the age of 30. In a statement to the department dated January 5, 2005, Respondent acknowledged a pattern of alcohol abuse underlying all of his criminal convictions.

19. In 2001-2002, Respondent attended an 18 month alcohol-abusers program on the conviction set forth in Factual Finding 10. Further in 2002, Respondent was diagnosed with Type I insulin dependent diabetes.

20. Both the alcohol-abusers program and Respondent's development of diabetes have caused profound changes in Respondent's life. Following the mandatory alcohol abuse program, Respondent stated: "After the DUI I realized that things needed to change. The 18 month alcohol class and the AA meetings sobered me up. I haven't had a drink since." Moreover, Respondent has taken his medical condition very seriously and made the required changes in his habits, including the necessity to abstain from significant use of alcohol.

21. Respondent has had no arrests since 2000 and has not misused alcohol in the last five years.

22. Respondent's step-father of more than 20 years, California-licensed real estate broker, Dick S. Baxley, Jr., testified in Respondent's behalf as to the depth and reliability of Respondent's changes in his life habits, particularly in his commitment to sobriety, since 2002. Mr. Baxley was candid in his characterization of Respondent's prior behavior as irresponsible and uncontrolled, and equally credible in his assessment that Respondent has put his life in order and is now trustworthy and reliable. In the event that Respondent is granted a restricted license, Mr. Baxley plans to act as Respondent's supervising broker.

23. California-licensed real estate broker, Gregory A. Smith, submitted a letter in Respondent's behalf which parallels the judgments of Mr. Baxley. Mr. Smith has offered to employ and supervise Respondent if Respondent is granted a restricted license.

24. Respondent expressed remorse and shame for his crimes.

25. Respondent attended Alcoholics Anonymous (AA) when ordered by the Court in 2001 – 2002, but he has not continued the AA meetings on a voluntary basis. Respondent occasionally drinks a single glass of alcohol in toasts at family celebrations.

LEGAL CONCLUSIONS

1. Cause exists to deny Respondent's application for a real estate salesperson's license pursuant to Business and Professions Code sections 475, subdivision (a) (2), 480, subdivision (a) (1), and 10177, subdivision (b), in that he was convicted of crimes of moral turpitude that are substantially related to the qualifications, functions and duties of the licensed activity, based on Factual Findings 3, 6, 7, 8, 9, 10 and 11.

2. Cause does not exist to deny Respondent's application for a real estate salesperson license, pursuant to Business and Professions Code sections 475, subdivision (a) (2), 480, subdivision (a) (1), and 10177, subdivision (b), for his criminal convictions of crimes not involving moral turpitude and which are not substantially related to the duties, qualifications, or functions of a real estate licensee, as set forth in Factual Findings 4 and 5.

3. Cause exists to deny Respondent's application for a real estate salesperson's license pursuant to Business and Professions Code section 10177, subdivision (a), in that he made a material misstatement of fact in his 2004 application for a real estate license, as set forth in Factual Findings 13, 14, 15, 17 and

18. Cause also exists to deny Respondent's application for a real estate salesperson's license pursuant to Business and Professions Code section 10177, subdivision (a), in that he made a material misstatement of fact in his 2001 application for a real estate license, as set forth in Factual Finding 14. Complete and accurate disclosure of the requested information in an application is essential in order for the department to evaluate the applicant. Therefore, the language of the statute establishes grounds for denial even where the misstatement of fact was unintentional, as in this case.

4. Cause does not exist to deny Respondent's application for a real estate salesperson's license pursuant to Business and Professions Code sections 475, subdivision (a) (1), and 480, subdivision (c), in that, in his 2004 application for a license, Respondent did not knowingly make a false statement of material fact or false statement of fact required to be revealed.

5. Cause does not exist to deny Respondent's application for a real estate salesperson's license pursuant to Business and Professions Code sections 475, subdivision (a) (1), and 480, subdivision (c), in that, in his 2001 application for a license, Respondent did not knowingly make a false statement of material fact or false statement of fact required to be revealed.

6. The department has set forth rehabilitation criteria in California Code of Regulations, title 10, section 2911, and Respondent has satisfied some of those criteria as follows, in pertinent part:

- (1) Six years have elapsed since Respondent's last conviction.
(Subdivision (a).);
- (2) Respondent has successfully completed probation in all of his criminal cases.
(Subdivision (e).);
- (3) Respondent has paid all fines and penalties in his criminal cases.
(Subdivision (g).);
- (4) Respondent has had a change in attitude since his convictions, as set forth in Factual Findings 19, 21 and 25.
(Subdivision (n).).

7. This is a close and difficult case. There has passed a relatively short time since Respondent committed to sobriety, and it remains to be seen whether that commitment will endure over the long course. But Respondent was credible and persuasive in his testimony about the profound positive changes in his life and about his determination to govern his conduct so as to enable his licensure and practice. Further, the evidence established that Respondent has strong and reliable support in the role of his supervising broker if granted a restricted license.

8. Notwithstanding Legal Conclusions 1 and 3, Respondent has demonstrated sufficient rehabilitation following his convictions such that the public should be adequately protected by the issuance of a restricted real estate salesperson's license to Respondent.

ORDER

Respondent's application for a real estate salesperson license is denied;
provided, however, a restricted real estate salesperson license shall be issued to
Respondent pursuant to Section 10156.5 of the Business and Professions Code. The
restricted license issued to the Respondent shall be subject to all of the provisions of
Section 10156.7 of the Business and Professions Code and to the following limitations,
conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The license shall not confer any property right in the privileges to be
exercised, and the Real Estate Commissioner may by appropriate order suspend the
right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo
contendere) of a crime which is substantially related to Respondent's fitness or
capacity as a real estate licensee; or

(b) The receipt of evidence 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 this restricted license.

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

3. With the application for license, or with the application for transfer to
a new employing broker, Respondent shall submit a statement signed by the
prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by
the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the
basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

DATED: July 10, 2006


CHRISTINE C. McCALL
Administrative Law Judge
Office of Administrative Hearings

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7

FILED
JUL 28 2005
DEPARTMENT OF REAL ESTATE

By Janice B. Waddell

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-32115 LA
12)
13 MATTHEW CLARK LONGSTRETH,) STATEMENT OF ISSUES
14 Respondent.)

15 The Complainant, Janice Waddell, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Statement
17 of Issues against MATTHEW CLARK LONGSTRETH, ("Respondent"), is
18 informed and alleges as follows:

19 1.

20 The Complainant, Janice Waddell, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement
22 of Issues against Respondent in her official capacity.

23 2.

24 On or about, April 22, 2004, Respondent made
25 application to the Department of Real Estate of the State of
26 California for a real estate salesperson license.

27 ///

3.

(First Cause of Action)

(CRIMINAL CONVICTIONS)

On or about March 15, 2001 in the Superior Court for the County of Orange, State of California, in Case No. 00HM08637, Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1) count of violating Vehicle Code 23152 subdivision (a), (Driving While Under the Influence of Alcohol or Drugs). This is a crime involving moral turpitude which is substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, and/or to the qualifications, functions or duties of a real estate licensee.

4.

On or about March 17, 2000 in the Superior Court for the County of Orange, State of California, in Case No. 00HM01335, Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1) count of violating Penal Code Section 647, subdivision (f), (Public Intoxication). This is a crime involving moral turpitude which are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, and/or to the qualifications, functions or duties of a real estate licensee.

5.

On or about July 29, 1999 in the Superior Court for the County of Orange, State of California, in Case No. 99HM01745, Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1) count of violating Penal Code Section 242, (Battery).

1 This is a crime involving moral turpitude which is substantially
2 related under Title 10, Chapter 6, Section 2910, California Code
3 of Regulations, and/or to the qualifications, functions or
4 duties of a real estate licensee.

5 6.

6 On or about September 28, 1998 in the Superior Court
7 for the County of Orange, in Case No. 98HM04747, Respondent
8 MATTHEW CLARK LONGSTRETH, was convicted of one (1) count of
9 violating Vehicle Code 21200.5, (Riding a Bicycle While Under
10 the Influence of Alcohol or Drugs). This is a crime involving
11 moral turpitude which is substantially related under Title 10,
12 Chapter 6, Section 2910, California Code of Regulations, and/or
13 to the qualifications, functions or duties of a real estate
14 licensee.

15 7.

16 On or about June 7, 1994 in the Superior Court for
17 the County of Riverside, State of California, in Case No. 32493,
18 Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1)
19 count of violating Vehicle Code 23103.5, (Driving Recklessly
20 While Under the Influence of Alcohol or Drugs). This is a crime
21 involving moral turpitude which is substantially related under
22 Title 10, Chapter 6, Section 2910, California Code of
23 Regulations, and/or to the qualifications, functions or duties
24 of a real estate licensee.

25 8.

26 On or around April 20, 1993, in the Superior Court for
27 the County of Orange, State of California, in Case No. 93HM03821,

Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1)
count of violating Penal Code 653k, (Possession or Transfer of a
Switchblade Knife). This is a crime involving moral turpitude
which is substantially related under Title 10, Chapter 6,
Section 2910, California Code of Regulations, and/or to the
qualifications, functions or duties of a real estate licensee.

9.

On or about May 24, 1992 in the Lake Havasu City
Consolidated Court, County of Mohave, State of Arizona,
Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1)
count of violating Arizona Revised Statutes 13-3405 A,
Possession of Marijuana). This is a crime involving moral
turpitude which is substantially related under Title 10, Chapter
6, Section 2910, California Code of Regulations, and/or to the
qualifications, functions or duties of a real estate licensee.

10.

On or about March 5, 1992 in the Superior Court for
the County of Orange, State of California, in Case No. 92M01297,
Respondent MATTHEW CLARK LONGSTRETH, was convicted of one (1)
count of violating Penal Code Section 499, subdivision
(b) (Taking a Bicycle, Motorboat or Vessel for Temporary Use or
Operation). This is a crime involving moral turpitude which is
substantially related under Title 10, Chapter 6, Section 2910,
California Code of Regulations, and/or to the qualifications,
functions or duties of a real estate licensee.

11.

The crimes of which Respondent was convicted, as

1 alleged herein above in Paragraph 3 through 10, constitute cause
2 for denial of Respondent's application for a real estate license
3 under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

4 12.

5 (Second Cause of Action)

6 (FAILURE TO REVEAL CONVICTIONS)

7 In response to Question 25 of his license application
8 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
9 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
10 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
11 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent
12 answered "Yes", but failed to reveal the convictions described
13 above in Paragraphs 7, 8 and 10, above.

14 13.

15 Respondent's failure to reveal the conviction set forth
16 herein in Paragraphs 7, 8, and 10 in his license application,
17 constitutes the attempt to procure a real estate license by
18 fraud, misrepresentation, or deceit, or by making a material
19 misstatement of fact, or knowingly making a false statement of
20 material fact required to be revealed in said application, which
21 is grounds for denial of the issuance of a license under
22 Business and Professions Code Sections 475(a)(1), 480(c), and/or
23 10177(a).

24 14.

25 (Third Cause of Action)

26 (FAILURE TO REVEAL CONVICTIONS ON A PRIOR APPLICATION)

27 The respondent had filed a previously application for a

1 real estate salesperson license with the Department on October
2 15, 2001. In response to Question 25 of this prior license
3 application to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY
4 VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION
5 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC
6 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY
7 OFFENSE". Respondent answered "Yes", but failed to reveal at
8 least three (3) of the convictions described above in Paragraphs
9 3 through 10, above. The Department filed Statement of Issues
10 H-29664 on August 29, 2002, and the Respondent withdrew his
11 application on January 23, 2003, prior to his scheduled hearing.

12 15.

13 Respondent's failure to reveal at least three of the
14 convictions set forth above in Paragraphs 3 through 10 in his
15 prior license application, described in Paragraph 12,
16 constitutes the attempt to procure a real estate license by
17 fraud, misrepresentation, or deceit, or by making a material
18 misstatement of fact, or knowingly making a false statement of
19 material fact required to be revealed in said application, which
20 is grounds for denial of the issuance of a license under
21 Business and Professions Code Sections 475(a)(1), 480(c), and/or
22 10177(a).

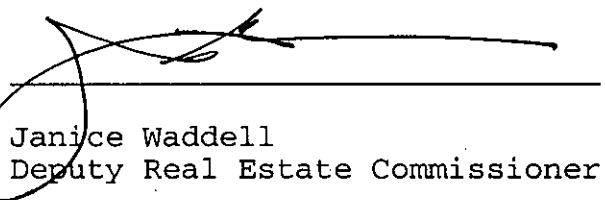
23 16.

24 The Statement of Issues is brought under the
25 provisions of Section 10100, Division 4 of the Business and
26 Profession Code of the State of California and Sections 11500
27 through 11528 of the Government Code.

1 WHEREFORE, Complainant prays that the above entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, MATTHEW CLARK LONGSTRETH, and for such
6 other and further relief as may be proper under other provisions
7 of law.

8 Dated at Los Angeles, California

9 this 13 day of July, 2005.

10
11 
12 Janice Waddell
13 Deputy Real Estate Commissioner
14

15 cc: MATTHEW CLARK LONGSTRETH
16 Amerimax Realty Financial, Inc./Sandra L. Kausch
17 Janice Waddell
18 Sacto.
19 KA
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