

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

FEB 20 2007

DEPARTMENT OF REAL ESTATE

BY: Lawrence B. Olson

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

10	<i>In the Matter of the Application of</i>)	No. H-33317 LA
11	MATTHEW ALLAN SIMS,)	STIPULATION AND WAIVER
12)	
13	Respondent.)	

14
15 It is hereby stipulated by and between, MATTHEW ALLAN SIMS, (hereinafter "Respondent")
16 and Respondent's attorney, Tom Lasken, and the Complainant, acting by and through James Demus,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Statement of Issues filed on October 10, 2006 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate
22 Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof
23 of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his
24 discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon
25 this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this
26 matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing
27 that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent

1 further understands that by entering into this stipulation and waiver Respondent will be stipulating that
2 the Real Estate Commissioner has found that Respondent has failed to make such a showing, thereby
3 justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against
5 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion issue a
6 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the
7 Business and Professions Code. Respondent understands that any such restricted license will be issued
8 subject to and be limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
10 Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
11 Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this
12 Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not
13 waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted
14 license if this Stipulation and Waiver is not accepted by the Commissioner.

15 Respondent further understand that the following conditions, limitations and restrictions will
16 attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the
19 right to exercise any privileges granted under this restricted license in the event of:
 - 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which
21 bears a substantial relationship to respondent's fitness or capacity as a real estate
22 licensee; or
 - 23 b. The receipt of evidence that respondent has violated provisions of the California Real
24 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner
25 or conditions attaching to this restricted license.
- 26 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
27 license nor the removal of any of the conditions, limitations or restrictions attaching to the

1 restricted license until three years have elapsed from the date of issuance of the restricted
2 license to Respondent.

3 3. With the application for license, or with the application for transfer to a new employing
4 broker, Respondent shall submit a statement signed by the prospective employing broker on
5 a form approved by the Department of Real Estate wherein the employing broker shall
6 certify as follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance of
8 the restricted license; and

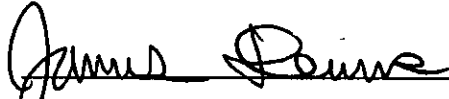
9 b. That broker will carefully review all transaction documents prepared by the
10 restricted licensee and otherwise exercise close supervision over the licensee's
11 performance of acts for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements
13 of Section 10153.4 of the Business and Professions Code, to wit: Respondent is required,
14 within eighteen (18) months of the issuance of the restricted license to, submit evidence
15 satisfactory to the Commissioner of successful completion, at an accredited institution, of a
16 course in real estate practices and one of the courses listed in Section 10153.2, other than
17 real estate principles, advanced legal aspects of real estate, advanced real estate finance or
18 advanced real estate appraisal. If Respondent fails to timely present to the Department
19 satisfactory evidence of successful completion of the two required courses, the restricted
20 license shall be automatically suspended effective eighteen (18) months after the date of its
21 issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted
22 license, Respondent has submitted the required evidence of course completion and the
23 Commissioner has given written notice to me of the lifting of the suspension.

24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an
25 unqualified license under Section 10153.4, Respondent shall not be entitled to renew the
26 restricted license, and shall not be entitled to the issuance of another license which is
27 subject to Section 10153.4 until four years after the date of the issuance of the preceding

1 restricted license.

2
3 DATED 1/22/07



4 JAMES DEMUS, Counsel, Department of Real Estate

5 ***

6
7 I have read the Statement of Issues, have discussed it with my counsel, and its terms are
8 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to
9 me by the California Administrative Procedure Act (including but not limited to Section 11506, 11508,
10 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
11 rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-
12 examine witnesses against me and to present evidence in defense and mitigation of the charges.

13 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
14 and Waiver by faxing a copy of its signature page, as actually signed by respondent, to the Department at
15 the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands
16 that by electronically sending to the Department a fax copy of his actual signature as it appears on the
17 Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on
18 respondent as if the Department had received the original signed Stipulation an Waiver.

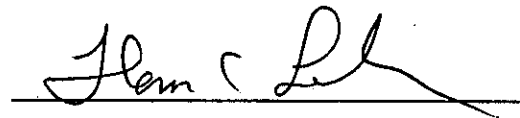
19 DATED January 15, 2007



20 MATTHEW ALLAN SIMS, Respondent

21
22 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client
23 accordingly.*

24 DATED January 5, 2007



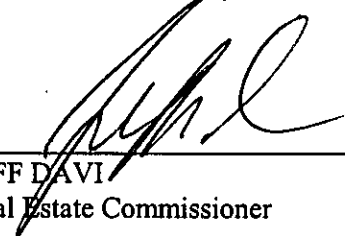
25 TOM LASKEN, Attorney for Respondent

26 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued
27 to respondent MATTHEW ALLAN SIMS. if respondent has otherwise fulfilled all of the statutory

1 requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified
2 in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED 2-14-07

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7 _____
8 JEFF DAVI
9 Real Estate Commissioner

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Sacks

JAMES DEMUS, Counsel (SBN 225005)
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FILED

OCT 10 2006

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-33317 LA
MATTHEW ALLAN SIMS,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MATTHEW ALLAN SIMS, ("Respondent"), is informed and alleges in her official capacity as follows:

I

On or about November 30, 2005, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code Section 10153.4.

II

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2 In aggravation, on or about May 14, 2001 in the
3 Superior Court of California, County of Riverside, Case No.
4 RIM407248, Respondent was convicted of violating California
5 Vehicle Code Section 14601.1 (driving with a suspended license),
6 a misdemeanor.

7 III

8 On or about May 14, 2001 in the Superior Court of
9 California, County of Riverside, Case No. RIM405325, Respondent
10 was convicted of violating California Vehicle Code Section
11 14601.1(A) (driving with a suspended license), a misdemeanor.
12 Said crime involves moral turpitude and bears a substantial
13 relationship under Section 2910, Title 10, Chapter 6, California
14 Code of Regulations, to the qualifications, functions or duties
15 of a real estate licensee.
16

17 IV

18 On or about May 1, 2002, in the Superior Court of
19 California, Riverside, Case No. RIM405325, Respondent was
20 convicted of violating California Penal Code Section 166.4
21 (contempt of court), a misdemeanor. Said crime involves moral
22 turpitude and bears a substantial relationship under Section
23 2910, Title 10, Chapter 6, California Code of Regulations, to
24 the qualifications, functions or duties of a real estate
25 licensee.

26 / / /
27

V.

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2 On or about July 29, 2002, in the Superior Court of
3 California, County of Riverside, Case No. RIM418640, Respondent
4 was convicted of violating California Penal Code Section 490.5
5 (petty theft), a misdemeanor. Said crime involves moral
6 turpitude and bears a substantial relationship under Section
7 2910, Title 10, Chapter 6, California Code of Regulations, to
8 the qualifications, functions or duties of a real estate
9 licensee.

10 VI

11 In aggravation, on or about September 30, 2002, in the
12 Superior Court of California, Riverside, Case No. RIM423263,
13 Respondent was convicted of violating California Vehicle Code
14 Section 23152(a) (driving under the influence of drugs/ alcohol),
15 and Vehicle Code Section 23152(b) (driving with a blood alcohol
16 level of 0.8% of higher), both misdemeanors.

17 VII

18 On or about September 30, 2002, in the Superior Court
19 of California, Riverside, Case No. RIM405325, Respondent was
20 convicted of violating California Penal Code Section 166.4
21 (contempt of court), a misdemeanor. Said crime involves moral
22 turpitude and bears a substantial relationship under Section
23 2910, Title 10, Chapter 6, California Code of Regulations, to
24 the qualifications, functions or duties of a real estate
25 licensee.
26
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VIII

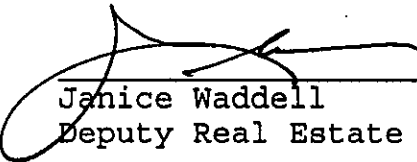
1
2 The crimes of which Respondent was convicted, as
3 alleged in Paragraphs II through VII above, constitute cause for
4 denial of Respondent's application for a real estate license
5 under Business and Professions Code Sections 475(a)(2), 480(a),
6 and 10177(b).

7 These proceedings are brought under the provisions of
8 Section 10100, Division 4 of the Business and Professions Code
9 of the State of California and Sections 11500 through 11528 of
10 the California Government Code.

11 WHEREFORE, the Complainant prays that the above-
12 entitled matter be set for hearing and, upon proof of the
13 charges contained herein, that the Commissioner refuse to
14 authorize the issuance of, and deny the issuance of, a real
15 estate salesperson license to Respondent, MATTHEW ALLAN SIMS,
16 and for such other and further relief as may be proper in the
17 premises.
18

19 Dated at Los Angeles, California

20 this 3 day of October, 2006.

21
22
23 
24 Janice Waddell
Deputy Real Estate Commissioner

25 cc: Matthew Allan Sims
26 America First Real Estate Services, Inc.
27 Sacto.
Janice Waddell