

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

FILED

4 (213) 576-6982

FEB 10 2014

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MATTHEW PATRICK WADE,)
13 Respondent.)

NO. H-37995 LA

14) STIPULATION AND AGREEMENT
15)

16 It is hereby stipulated by and between
17 MATTHEW PATRICK WADE (hereinafter "Respondent") and his
18 attorney, Adam J. Richards, and the Complainant, acting by and
19 through Julie L. To, Counsel for the Bureau of Real Estate, as
20 follows for the purpose of settling and disposing of the
21 Accusation filed on March 22, 2012, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

8 3. On April 16, 2012, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she will
17 waive other rights afforded to her in connection with the
18 hearing such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

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

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1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license rights
5 as set forth in the below "Order". In the event that the
6 Commissioner in his discretion does not adopt the Stipulation
7 and Agreement, it shall be void and of no effect, and Respondent
8 shall retain the right to a hearing and proceeding on the
9 Accusation under all the provisions of the APA and shall not be
10 bound by any admission or waiver made herein.

11 6. The Order or any subsequent Order of the Real
12 Estate Commissioner made pursuant to this Stipulation and
13 Agreement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Bureau of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions
20 and waivers and solely for the purpose of settlement of the
21 pending Accusation without a hearing, it is stipulated and
22 agreed that the following determination of issues shall be made:

23 The conduct of Respondent, as set forth in the
24 Accusation constitutes grounds for suspension or revocation of
25 Respondent's real estate broker license under the provisions of
26
27

1 Sections 490 and 10177(b) of the Business and Professions Code.

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and licensing rights of Respondent
5 MATTHEW PATRICK WADE under the Real Estate Law are revoked;
6 provided, however, a restricted real estate broker license shall
7 be issued to Respondent pursuant to Section 10156.5 of the
8 Business and Professions Code if Respondent makes application
9 therefor and pays to the Bureau of Real Estate the appropriate
10 fee for the restricted license within 90 days from the effective
11 date of this Decision. The restricted license issued to
12 Respondent shall be subject to all of the provisions of Section
13 10156.7 of the Business and Professions Code and to the
14 following limitations, conditions and restrictions imposed under
15 authority of that Code:

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

21 2. The restricted license issued to Respondent may be
22 suspended prior to hearing by Order of the Real Estate
23 Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate
25 Law, the Subdivided Lands Law, Regulations of the Real Estate
26

1 Commissioner, or conditions attaching to this restricted
2 license.

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

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

20
21 5. Respondent shall notify the Commissioner in writing
22 within 72 hours of any arrest by sending a certified letter to
23 the Commissioner at the Bureau of Real Estate, Post Office Box
24 187000, Sacramento, CA 95818-7000. The letter shall set forth
25 the date of Respondent's arrest, the crime for which Respondent
26 was arrested and the name and address of the arresting law
27 enforcement agency. Respondent's failure to timely file written

1 notice shall constitute an independent violation of the terms of
2 the restricted license and shall be grounds for the suspension or
3 revocation of that license.

4
5 DATED: 1-14-14 
6 JULIE L. TO, Counsel for Complainant

7 * * *

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

19 Respondent can signify acceptance and approval of the
20 terms and conditions of this Stipulation and Agreement by faxing
21 a copy of the signature page, as actually signed by Respondent,
22 to the Bureau at fax number (213) 576-6917. Respondent agrees,
23 acknowledges and understands that by electronically sending to
24 the Bureau a fax copy of his actual signature as

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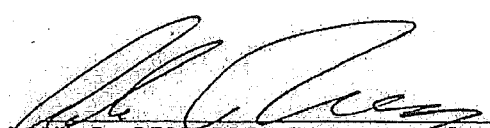
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1 it appears on the Stipulation and Agreement, that receipt of the
2 faxed copy by the Department shall be as binding on Respondent
3 as if the Department had received the original signed
4 Stipulation and Agreement.

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6
7 DATED: July 19, 2013 
8 MATTHEW PATRICK WADE, Respondent

9 I have reviewed the Stipulation and Agreement as to
10 form and content and have advised my client accordingly.

11
12
13 DATED: 1/14/2014 
14 ADAM J. RICHARDS, Attorney for Respondent

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision in this matter and shall become effective
18 at 12 o'clock noon on _____.

19 IT IS SO ORDERED _____.

20
21 Real Estate Commissioner
22
23 _____
24 Wayne S. Bell

1 it appears on the Stipulation and Agreement, that receipt of the
2 faxed copy by the Bureau shall be as binding on Respondent as if
3 the Bureau had received the original signed Stipulation and
4 Agreement.

5
6
7 DATED: _____
8 MATTHEW PATRICK WADE, Respondent

9 I have reviewed the Stipulation and Agreement as to
10 form and content and have advised my client accordingly.

11
12 DATED: _____
13 ADAM J. RICHARDS, Attorney for Respondent

14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter and shall become effective
17 at 12 o'clock noon on MAR 03 2014.

18 IT IS SO ORDERED FEB 06 2014

19
20 Real Estate Commissioner

21 
22 _____

23
24 **By: JEFFREY MASON**
25 **Chief Deputy Commissioner**