

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

4 Telephone: (213) 576-6982
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FILED

NOV 14 2014

BUREAU OF REAL ESTATE

By *Angela Nunez*

8
9 **BEFORE THE BUREAU OF REAL ESTATE**

10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Application of)

13 MATTHEW JOE LUCHS)

14 Respondent.)

No. H- 39654 LA

STIPULATION AND

WAIVER

(B&P 10100.4)

15
16 I, MATTHEW JOE LUCHS ("Respondent") do hereby affirm that I have applied to the
17 Bureau of Real Estate for a real estate salesperson license, and that to the best of my knowledge I
18 have satisfied all of the statutory requirements for the issuance of the license, including, but not
19 limited to, the payment of the fee therefor.

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
21 Real Estate Commissioner has found grounds that justify the denial of the issuance of an
22 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the
23 issuance of an unrestricted real estate salesperson license to me pursuant to California Business
24 and Professions Code Sections 480(a) and 10177(b) for my violation of California Health and
25 Safety Code Section 11366 (maintain place for unlawful selling/giving away/use of controlled
26 substance), a misdemeanor.

27 I hereby request that the Real Estate Commissioner in his discretion issue a restricted real

1 estate salesperson license to me under the authority of California Business and Professions Code
2 Sections 10100.4 and 10156.5. I understand that any such restricted license will be issued
3 subject to the provisions of and limitations of California Business and Professions Code Sections
4 10156.6 and 10156.7.

5 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation
6 and Waiver is accepted and signed by the Real Estate Commissioner, the Real Estate
7 Commissioner will not file a Statement of Issues based on the grounds herein, and I am waiving
8 my right to a hearing and the opportunity to present evidence at the hearing to establish my
9 rehabilitation in order to obtain an unrestricted real estate salesperson license.


10 I further understand that the following conditions, limitations, and restrictions will attach
11 to a restricted real estate salesperson license issued by the Bureau of Real Estate pursuant hereto:

- 12 1. The license shall not confer any property right in the privileges to be exercised
13 including the right of renewal, and the Real Estate Commissioner may by appropriate
14 order suspend the right to exercise any privileges granted under this restricted license
15 in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime
17 that bears a substantial relationship to Respondent's fitness or capacity as a real
18 estate licensee; or
 - 19 b. The receipt of evidence that Respondent has violated provisions of the
20 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
21 Estate Commissioner, or conditions attaching to this restricted license.
- 22 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license
23 nor the removal of any of the conditions, limitations, or restrictions attaching to the
24 restricted license until two (2) years have elapsed from the date of issuance of the
25 restricted license to Respondent.
- 26 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest
27 by sending a certified letter to the Real Estate Commissioner at the Bureau of Real

1 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set
2 forth the date of Respondent's arrest, the crime for which Respondent was arrested,
3 and the name and address of the arresting law enforcement agency. Respondent's
4 failure to timely file written notice shall constitute an independent violation of the
5 terms of the restricted license and shall be grounds for the suspension or revocation
6 of that license.

- 7 4. With the application for license or with the application for transfer to a new
8 employing broker, I shall submit a statement signed by the prospective employing
9 broker on a form approved by the Bureau of Real Estate wherein the employing
10 broker shall certify as follows:
- 11 a. That broker has read the Stipulation and Waiver which is the basis for the
12 issuance of the restricted license; and
- 13 b. That broker will carefully review all transaction documents prepared by the
14 restricted licensee and otherwise exercise close supervision over the licensee's
15 performance of acts for which a license is required.

16 10-20-14
17 Dated


18 Counsel
Bureau of Real Estate

- 19 5. I have read the Stipulation and Waiver, and its terms are understood by me and are
20 agreeable and acceptable to me. I understand that I am waiving rights given to me by
21 the California Administrative Procedure Act (including, but not limited to, California
22 Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I
23 willingly, intelligently, and voluntarily waive those rights, including, but not limited
24 to, the right to a hearing on a Statement of Issues at which I would have the right to
25 cross-examine witnesses against me and to present evidence in defense and
26 mitigation of the charges.
- 27

1 6. Respondent can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
3 Respondent, to the Bureau of Real Estate at the following telephone/fax number:
4 (213) 576-6917. Respondent agrees, acknowledges, and understands that by
5 electronically sending to the Bureau of Real Estate a fax copy of his/her actual
6 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy
7 by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
8 Real Estate had received the original signed Stipulation and Waiver.

9
10 10/20/2014

11 Dated

11 Matthew Joe Luchs

12 MATTHEW JOE LUCHS, Respondent

13 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
14 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
15 Respondent need not be called and that it will not be inimical to the public interest to issue a
16 restricted real estate salesperson license to Respondent.

17 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
18 issued to Respondent MATTHEW JOE LUCHS if Respondent has otherwise fulfilled all of the
19 statutory requirements for licensure. The restricted salesperson license shall be limited,
20 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

21 This Order is effective immediately.

22 IT IS SO ORDERED _____

23
24 REAL ESTATE COMMISSIONER

1 6. Respondent can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
3 Respondent, to the Bureau of Real Estate at the following telephone/fax number:
4 (213) 576-6917. Respondent agrees, acknowledges, and understands that by
5 electronically sending to the Bureau of Real Estate a fax copy of his/her actual
6 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy
7 by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
8 Real Estate had received the original signed Stipulation and Waiver.
9

10 _____
11 Dated

11 _____
12 MATTHEW JOE LUCHS, Respondent

13 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
14 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
15 Respondent need not be called and that it will not be inimical to the public interest to issue a
16 restricted real estate salesperson license to Respondent.

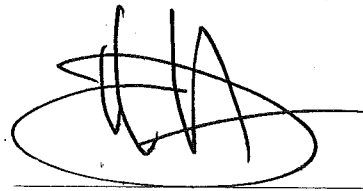
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18 issued to Respondent MATTHEW JOE LUCHS if Respondent has otherwise fulfilled all of the
19 statutory requirements for licensure. The restricted salesperson license shall be limited,
20 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.
21

22 This Order is effective immediately.

23 IT IS SO ORDERED

OCT 3 0 2014

24 REAL ESTATE COMMISSIONER

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By: JEFFREY MASON
Chief Deputy Commissioner