

FILED

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DEPT. OF REAL ESTATE

By *@Delaw*

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9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) No. H-42039 LA
13)
14 MATTHEW DOUGLAS MC PHERSON,) ACCUSATION
15)
16 Respondent.)
17)

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
19 State of California, for cause of Accusation against MATTHEW DOUGLAS MC PHERSON
20 ("Respondent"), also known as Matthew Douglas McPherson, Matthew McPherson, and Matt
21 McPherson alleges as follows:

22 1.

23 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
24 State of California, makes this Accusation in her official capacity.

25 2.

26 Respondent presently has restricted license rights under the Real Estate Law,
27 Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate
salesperson (License ID 01362837). Respondent's license is scheduled to expire on July 16,
2023, unless renewed.

3.

On or about March 21, 2010, the Department of Real Estate ("Department") of the State of California filed an Accusation against the Respondent for violation of the California Real Estate Law. On or about November 18, 2010, the Department suspended or revoked Respondent's real estate license, but the right to a restricted license was granted to the Respondent. After a hearing held on September 28, 2010, an Administrative Law Judge found that Respondent's conviction for a substantially related crime constituted grounds to discipline his real estate license pursuant to Business and Professions Code sections 490 and 10177(b).

On or about July 23, 2009, in the Superior Court of California, County of Riverside, Case No. SWM084155, Respondent was convicted on a plea of guilty for violation of Penal Code section 273.5(a) (corporal injury to a spouse), a misdemeanor. Respondent was placed on summary probation for thirty-six (36) months, on certain terms and conditions, including, in part, commitment to the custody of the Riverside County Sheriff for twenty (20) days, with credit for time served of two (2) days, completion of a fifty-two (52) week domestic violence program, attending twenty-four (24) AA meetings or an approved alternative program, completion of forty (40) hours of community service through a volunteer center, and payment of fines and fees.

FIRST CAUSE OF ACCUSATION

(CRIMINAL CONVICTIONS)

4.

On or about June 27, 2019, in the Superior Court of California, County of Riverside, Case No. BAM1901171, Respondent was convicted on pleas of guilty for violation of Vehicle Code section 23152(b) (driving under the influence with 0.08% or more blood alcohol content), and Penal Code section 273(a) (child endangerment), both misdemeanors. Respondent was placed on summary probation for forty-eight (48) months on certain terms and conditions, including, in part, commitment to the custody of the Riverside County Sheriff for sixty (60) days, with credit for time served of two (2) actual days and two (2) days pursuant to

1 Penal Code section 4019 for a total of four (4) days, with fifty-six (56) days to be served in the
2 Work Release Program, completion of a one (1) year minimum child abuse program,
3 completion of a first-offender DUI program for three (3) months, completion of an Impaired
4 Driver Program, and payment of fees and fines.

5 5.

6 In aggravation, on or about October 2, 2018, in the Superior Court of California,
7 County of Riverside, Case No. SWM1408540, Respondent was convicted on a plea of guilty
8 for violation of Penal Code section 415(2) (maliciously and willfully disturbing another person
9 by loud and unreasonable noise), a misdemeanor. Respondent was placed on summary
10 probation for thirty-six (36) months on certain terms and conditions, including, in part,
11 commitment to the custody of the Riverside County Sheriff for two (2) days, completion of a
12 sixteen (16) week Anger Management Program, payment of victim restitution in an amount to
13 be resolved in a court hearing, and payment of fee and fines. A Criminal Protective Order –
14 Other Than Domestic Violence was issued, with an expiration date of 10/02/2021, and
15 Comment of No Negative Contact against a named protected person.

16 6.

17 The convictions, as described in Paragraph 4 above, bear a substantial
18 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
19 qualifications, functions or duties of a real estate licensee.

20 7.

21 The crimes of which Respondent was convicted, as described in Paragraph 4
22 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or
23 revocation of the license and license rights of Respondent under the Real Estate Law.

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SECOND CAUSE OF ACCUSATION
(FAILURE TO REPORT CONVICTIONS)

8.

Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30) days of the conviction. Respondent failed to report in writing to the Department the convictions described in Paragraph 4 above, within thirty (30) days of the conviction date.

9.

Respondent's failure to timely report the convictions constitutes cause under Section 10186.2 of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

(COSTS OF INVESTIGATION AND ENFORCEMENT)

10.

California Business and Professions Code section 10106, provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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