FILED

JAN 2 2 2026

DEPT. OF REAL ESTATE

By [redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of:	DRE No. H-43000 LA
MATIAS MAURICIO SALINAS ORTIZ,	OAH No. 2025060718
Respondent.	

DECISION

The Proposed Decision dated November 21, 2025, 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 Decision suspends or revokes one or more real estate licenses.

Pursuant to Government Code Section 11521, the Department of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire thirty (30) days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first.

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The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on **FEB 23 2026**.

IT IS SO ORDERED 1/15/2026

Chika Sunquist
REAL ESTATE COMMISSIONER

[redacted]

By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MATIAS MAURICIO SALINAS ORTIZ,

Real Estate Salesperson License No. S/02043841,

Respondent.

Agency No. H-43000 LA

OAH No. 2025060718

PROPOSED DECISION

Jennifer M. Russell, Senior Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on November 18, 2025.

Julie L. To, Staff Attorney, represented complainant Jason Parson, a former Supervising Special Investigator with the Department of Real Estate (DRE), State of California, who made the Accusation in his official capacity. Respondent Matias Mauricio Salinas Ortiz did not appear nor did any representative on his behalf.

Documents were entered in evidence. The record closed and the matter was submitted for decision at the conclusion of the hearing on November 18, 2025. The

Administrative Law Judge makes the following Factual Findings, Legal Conclusions, and Order revoking respondent's real estate salesperson license.

FACTUAL FINDINGS

Procedural History and Jurisdictional Matters

1. On September 6, 2018, the DRE issued Real Estate Salesperson License S/02043841 to respondent. The real estate salesperson license and accompanying licensing rights expire on November 16, 2027, unless renewed.

2. On November 14, 2024, complainant made the Accusation seeking revocation of respondent's real estate salesperson license and licensing rights based on allegations he engaged in misconduct resulting in license discipline by the California Department of Insurance (DOI) and failed to report the DOI disciplinary matter to the DRE as prescribed by law.

3. Respondent failed to file a *Notice of Defense on the Accusation* within the time proscribed by Government Code Section 11506.

4. On December 23, 2024, the Real Estate Commissioner (Commissioner) filed a *Default Order* in the matter.

5. On January 29, 2025, the Commissioner issued a *Decision* revoking respondent's real estate salesperson license and licensing rights, effective March 7, 2025.

6. Respondent petitioned the DRE for reconsideration of the January 29, 2025 *Decision* and, on February 28, 2025, respondent filed a *Notice of Defense on*

Accusation requesting an opportunity to present a defense or matters in mitigation or extenuation on the allegations in the Accusation.

7. On March 3, 2025, the DRE issued an *Order Vacating Decision and Setting Aside Default* remanding the matter to OAH as a contested matter, effective March 6, 2025.

8. On July 1, 2025, respondent was served with a *Notice of Hearing on Accusation* informing him of a hearing scheduled for Tuesday, November 18, 2025 at 1:30 p.m.

9. All jurisdictional requirements are satisfied.

10. The hearing proceeded pursuant to Government Code section 11520, subdivision (a), which, in pertinent part, provides, "If the respondent . . . fails . . . to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent[.]"

License Discipline by the California Department of Insurance

11. The Insurance Commissioner of the State of California issued license number 0K01899 to respondent and license number 0K91666 to Las Americas Specialty Imports, doing business as Southwestern Premiere Insurance Services, to transact insurance. Respondent, as the Chief Executive Officer, as well as the owner, partner, officer, and director, is the sole controlling person of Las Americas.

12. On June 3, 2022, the DOI brought before the Insurance Commissioner (DOI Commissioner) an Order to Show Cause in the disciplinary matter titled *In the Matter of the Licenses and Licensing Rights of* [*Respondent*] *and Las Americas*

Specialty Imports, file number OC 202100202 (*DOI Accusation*), alleging respondent, in his individual capacity and as the controlling person of the organizational entity, misappropriated his clients' monies intended to pay the premium for homeowners' insurance coverage for the peril of fire in 2018. The homeowners' insurance was cancelled for nonpayment of premium. Consequently, when the insureds sustained a fire loss to their home in August 2020, the insurer denied coverage for the fire. In January 2022, Las Americas' Professional Liability Errors & Omissions Insurance policy reimbursed the homeowner's widow for the misappropriated policy premium. The *DOI Accusation* further alleges respondent failed to supervise properly Las Americas employees and sub-broker/agents' day-to-day office tasks, including the processing of premium payments.

13. Notwithstanding the DOI Commissioner's grant of multiple requested extensions of the filing deadline proscribed by Government Code Section 11506, respondent failed to file a *Notice of Defense* to the *DOI Accusation*. On July 18, 2022, the DOI Commissioner issued a *Default Decision and Order of Revocation* finding the allegations of misappropriation and improper supervision in *DOI Accusation* to be true and therefore a violation of the provisions of the Insurance Code. Consequently, the DOI Commissioner revoked respondent and Las Americas' licenses and licensing rights and banned them from further participation in the insurance industry in any capacity.

14. The DOI Commissioner's determination that respondent violated the Insurance Code when he engaged in misconduct misappropriating his clients' funds constitutes grounds for suspension or revocation of a California real estate license, as set forth in Business and Professions Code section 10177, subdivision (f). (See Legal Conclusion 3.)

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Respondent's Failure to Report License Discipline to the Department of Real Estate

15. Respondent failed to report the DOI Commissioner's *Default Decision and Order of Revocation* revoking his insurance license and barring him from the insurance industry to the DRE within 30 days of the DOI Commissioner's issuance of the *Default Decision and Order of Revocation*, as mandated by Business and Professions Code section 10186.2, subdivision (a)(1)(B). (See Legal Conclusion 7.)

Factors in Aggravation, Mitigation, and Rehabilitation

16. No evidence of mitigation or rehabilitation was offered in the evidentiary record.

Costs of Investigation and Enforcement

17. The DRE incurred costs of investigation and enforcement totaling $3,194.51. These costs are reasonable pursuant to Business and Professions Code section 10106.

18. No evidence of respondent's finances and financial ability to pay a cost award was offered in the evidentiary record.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant bears the burden of proving by clear and convincing evidence to a reasonable certainty respondent has engaged in conduct warranting

discipline of respondent's real estate salesperson license. (See *The Grubb Co., Inc. v. Department of Real Estate* (2011) 194 Cal.App.4th 1494, 1505.)

2. Clear and convincing evidence means the evidence is "so clear as to leave no substantial doubt" and is "sufficiently strong to command the unhesitating assent of every reasonable mind." (*Mathieu v. Norrell Corp.* (2004) 115 Cal.App.4th 1174, 1190 [citing *Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4 Cal.App.4th 306, 332-333].)

Cause Exists to Discipline Respondent's Real Estate Salesperson License

3. The Commissioner is authorized to suspend or revoke the license of a real estate licensee who had a license issued by another agency of this state revoked for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license. The Commissioner may do so if the action of revocation by the other agency was taken only after giving the licensee fair notice of the charges, an opportunity for a hearing and other due process protections comparable to the Administrative Procedure Act (APA), and only upon an express finding by the agency of a violation of law. (Bus. & Prof. Code, §10177, subd. (f).)

4. A DRE licensee who misappropriates clients' funds while transacting business in a California regulated industry, such as insurance, is grounds for suspension or revocation of a real estate license. Engaging in such conduct reveals a deficiency in honesty, trustworthiness, and professional rectitude and ethics. Allegations in *DOI Accusation*, which the DOI Commissioner found true, unmasked respondent as a perfidious operator whose disregard of his fiduciary duties disadvantaged his clients. Although the DOI Commissioner gave notice of the

allegations and opportunity to present a defense in accordance with the due process protections the APA provides, respondent offered none.

5. The Real Estate Law is intended, among other things, to ensure licensed real estate professionals are worthy of the fiduciary responsibilities they will bear. Integrity, trustworthiness, and honesty are essential qualifications to perform the fiduciary duties of a real estate professional. If conduct reflects unfavorably on the worthiness of a person to be a fiduciary, he or she lacks the necessary qualifications to be a licensed real estate professional. (See *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402; see also *Handeland v. Department of Real Estate* (1976) 58 Cal.App.3d 513, 518.)

6. Cause exists pursuant to Business and Professions Code section 10177, subdivision (f), to suspend, revoke, or restrict real estate salesperson license number S/02043841 issued to respondent. Complainant proved by clear and convincing evidence respondent's disqualification from continuing licensure as a real estate professional as evinced in his misconduct misappropriating client funds. (This conclusion is based on Factual Findings 11 through 14 and 16 and Legal Conclusions 4 and 5.)

7. Business and Professions Code section 10186.2, in pertinent part provides, "(a)(1) A licensee shall report . . . [¶] . . . [¶] (C) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government. (2) The report required . . . shall be made in writing within 30 days of . . . the disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline."

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8. Cause exists pursuant to Business and Professions Code section 10186.2 to suspend, revoke, or restrict real estate salesperson license number S/02043841 issued to respondent. Complainant proved by clear and convincing evidence respondent failed to discharge his obligation to report the DOI Commissioner's July 18, 2022 *Default Decision and Order of Revocation* imposing discipline in the form of licensure revocation and a permanent ban from the insurance industry within 30 days of its July 18, 2022 issuance date. (This conclusion is based on Factual Finding 15.)

Level of Discipline

9. The gravity and seriousness of respondent's misconduct misappropriating client funds warrant revocation of his real estate salesperson license. In aggravation, respondent failed to report the disciplinary consequences of his misconduct—license revocation and permanent ban from the insurance industry—to the DRE. Revocation of respondent's real estate salesperson license is consistent with the DRE's highest priority in exercising it licensing, regulatory, and disciplinary functions—protection of the public. (See Bus. & Prof. Code, §10050.1.).

Cost Recovery

10. Business and Professions Code section 10106 authorizes the recovery of the DRE's prehearing investigation and enforcement costs.

11. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the DRE must exercise its discretion to reduce or eliminate costs so as to prevent cost award statutes from deterring licensees with potentially meritorious claims or defenses from exercising their right to a hearing. "Thus the [DRE] must not assess the full costs of investigation and prosecution when to do so will unfairly penalize a [licensee] who has committed some misconduct, but who has used the

hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed." (*Ibid.*) The DRE, in imposing costs in such situations, must consider the licensee's subjective good faith belief in the merits of his or her position and the DRE must consider whether or not the licensee has raised a colorable defense. The DRE must also consider the licensee's ability to make payment.

12. Considering all *Zuckerman* factors, including the absence of any colorable, meritorious defense of respondent's misconduct or evidence regarding respondent's finances and ability to pay a cost award, respondent shall pay the DRE's prehearing investigation and enforcement costs totaling $3,194.51 as a precondition to any reinstatement of real estate salesperson license number S/02043841.

ORDER

1. Real estate salesperson license number S/02043841, with accompanying licensing rights, issued to respondent Matias Mauricio Salinas Ortiz is hereby revoked.

2. Respondent Matias Mauricio Salinas Ortiz shall pay the DRE's investigation and enforcement costs totaling $3,194.51 as a precondition to any reinstatement of real estate salesperson license number S/02043841.

DATE: 11/21/2025

[redacted]

Senior Administrative Law Judge

Office of Administrative Hearings