

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

APR -9 2012

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 RELIABLE LOAN SERVICING INC.;)
14 and EDGAR DEAN GLOSUP,)
15 individually and as designated)
16 officer of Reliable Loan)
17 Servicing Inc.,)
18 Respondents.)

No. H-37106 LA
L-2011031460

STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between Respondents RELIABLE LOAN
19 SERVICING INC. and EDGAR DEAN GLOSUP, individually and as designated officer of
20 RELIABLE LOAN SERVICING INC. (sometimes collectively referred to as "Respondents"),
21 represented by Steven Morris Esq. and the Complainant, acting by and through Elliott Mac
22 Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and
23 disposing of the Accusation ("Accusation") filed on March 7, 2011, in this matter:

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1 1. All issues which were to be contested and all evidence which was to be
2 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
3 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
4 shall instead and in place thereof be submitted solely on the basis of the provisions of this
5 Stipulation and Agreement ("Stipulation").

6 2. Respondents have received, read and understand the Statement to Respondent,
7 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
8 in this proceeding.

9 3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the
10 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
11 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
12 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive
13 their right to require the Commissioner to prove the allegations in the Accusation at a contested
14 hearing held in accordance with the provisions of the APA and that they will waive other rights
15 afforded to them in connection with the hearing such as the right to present evidence in their
16 defense and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation.
18 In the interest of expedience and economy, Respondents choose not to contest these allegations,
19 but to remain silent and understand that, as a result thereof, these factual allegations, without
20 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 said factual allegations.

23 5. This Stipulation is made for the purpose of reaching an agreed disposition of
24 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
25 which the Department of Real Estate ("Department"), the state or federal government, or any
26 agency of this state, another state or federal government is involved.

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

8 7. The Order or any subsequent Order of the Real Estate Commissioner made
9 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Department of Real Estate with respect to any matters
11 which were not specifically alleged to be causes for Accusation in this proceeding but do
12 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
13 against Respondent herein.

14 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
15 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The
16 amount of said cost for the original audit (LA090151) is \$5,067.00.

17 9. Respondents have received, read, and understand the "Notice Concerning
18 Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,
19 the findings set forth below in the Determination of Issues become final, and the Commissioner
20 may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and
21 Professions Code Section 10148 to determine if the violations have been corrected. The
22 maximum cost of the follow-up audit will not exceed \$5,067.00.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing, it is stipulated and agreed that the following
3 determination of issues shall be made:

4 I.

5 The conduct, acts or omissions of RELIABLE LOAN SERVICING INC., as
6 described in Paragraph 4, herein above, are in violation of Section 10145, 10232.25(a),
7 10238(k)(3), 10232.2(c), 10232.2(2), 10233(a)/10238(k) and 10160 of the Business and
8 Professions Code ("Code") and Sections 2753, 2831, 2831.1, 2831.2, 2832.1, 2835, 2846.8,
9 2846.7 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a
10 basis for discipline of Respondent's license and license rights as violation of the Real Estate Law
11 pursuant to Code Section 10177(d).

12 II.

13 The conduct, acts or omissions of EDGAR DEAN GLOSUP, as described in
14 Paragraph 4, herein above, are in violation of Code Section 10159.2 and is a basis for discipline
15 of Respondent's license and license rights as violation of the Real Estate Law pursuant to Code
16 Section 10177(h) and Regulation 2725.

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19
20 All licenses and licensing rights of Respondents RELIABLE LOAN SERVICING
21 INC. and EDGAR DEAN GLOSUP, under the Real Estate Law are suspended for a period of
22 sixty (60) days from the effective date of this Decision:

23 A. Provided, however, that if Respondents request, the initial thirty (30) days of
24 said suspension (or a portion thereof) shall be stayed upon condition that:

25 1. Each Respondent pays a monetary penalty pursuant to Section 10175.2 of the
26 Business and Professions Code at the rate of \$50.00 per day for each day of the suspension for a
27 total monetary penalty of \$1,500 each or \$3,000 total.

1 2. Said payment shall be in the form of a cashier's check or certified check made
2 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
3 Department prior to the effective date of the Decision in this matter.

4 3. No further cause for disciplinary action against the real estate license of a
5 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

6 4. If a Respondent fails to pay the monetary penalty in accordance with the terms
7 of the Decision, the Commissioner may, without a hearing, order the immediate execution of all
8 or any part of the stayed suspension, in which event the Respondent shall not be entitled to any
9 repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of
10 this Decision.

11 5. If a Respondent pays the monetary penalty and if no further cause for
12 disciplinary action against the real estate license of the Respondent occurs within two (2) years
13 from the effective date of the Decision, the stay hereby granted shall become permanent.

14 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed
15 for two (2) years upon the following terms and conditions:

16 1. Respondents shall obey all laws, rules and regulations governing the rights,
17 duties and responsibilities of a real estate licensee in the State of California; and

18 2. That no final subsequent determination be made after hearing or upon
19 stipulation, which cause for disciplinary action occurred within two (2) years from the effective
20 date of this Decision. Should such a determination be made, the Commissioner may, in his
21 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay imposed herein shall become
23 permanent.

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1 II.

2 Pursuant to Section 10148 of the Business and Professions Code, Respondents

3 RELIABLE LOAN SERVICING INC. and EDGAR DEAN GLOSUP, shall pay the
4 Commissioner's reasonable cost for (a) the audit which led to this disciplinary action and (b) a
5 subsequent audit to determine if Respondents are now in compliance with the Real Estate Law.
6 The cost of the audit which led to this disciplinary action is \$5,067.00. In calculating the amount
7 of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
8 salary for all persons performing audits of real estate brokers, and shall include an allocation for
9 travel time to and from the auditor's place of work. Said amount for the prior and subsequent
10 audits shall not exceed \$10,134.00. Respondents shall pay such cost within 60 days of receiving
11 an invoice from the Commissioner detailing the activities performed during the audit and the
12 amount of time spent performing those activities.

13 The Commissioner may suspend the license of Respondent pending a hearing held
14 in accordance with Section 11500, et seq., of the Government Code, if payment is not timely
15 made as provided for herein, or as provided for in a subsequent agreement between the
16 Respondents and the Commissioner. The suspension shall remain in effect until payment is
17 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to
18 provide for payment, or until a decision providing otherwise is adopted following a hearing held
19 pursuant to this condition.

20 III.

21 All licenses and licensing rights of Respondent EDGAR DEAN GLOSUP, are
22 indefinitely suspended unless or until Respondent provides proof satisfactory to the
23 Commissioner, of having taken and successfully completed the continuing education course on
24 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
25 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes
26 evidence that respondent has successfully completed the trust fund account and handling
27 continuing education course within 120 days prior to the effective date of the Decision in this

1 matter.

2 IV.

3 Respondent EDGAR DEAN GLOSUP, shall within six (6) months from the
4 effective date of the Decision herein, take and pass the Professional Responsibility Examination
5 administered by the Department including the payment of the appropriate examination fee. If
6 Respondent fails to satisfy this condition, the Commissioner may order suspension of
7 Respondent's license until Respondent passes the examination. The Commissioner shall afford
8 Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present
9 such evidence.
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11 V.

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

22 EJ
23 ELLIOTT MAC LENNAN, Counsel for
24 Department of Real Estate

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26 EXECUTION OF THE STIPULATION

27 We have read the Stipulation and Agreement and discussed it with our attorney.
Its terms are understood by us and are agreeable and acceptable to us. We understand that we

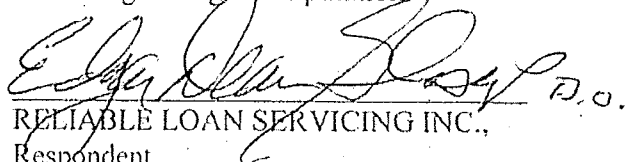
1 are waiving rights given to us by the California Administrative Procedure Act (including but not
2 limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly,
3 intelligently and voluntarily waive those rights, including the right of requiring the
4 Commissioner to prove the allegations in the Accusation at a hearing at which we would have the
5 right to cross-examine witnesses against us and to present evidence in defense and mitigation of
6 the charges.

7 MAILING AND FACSIMILE


8 Respondents (1) shall mail the original signed signature page of the stipulation
9 herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W.
10 Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile
11 a copy of signed signature page, to the Department at the following telephone/fax number: (213)
12 576-6917, Attention: Elliott Mac Lennan.

13 A facsimile constitutes acceptance and approval of the terms and conditions of
14 this stipulation. Respondents agree, acknowledge and understand that by electronically sending
15 to the Department a facsimile copy of Respondents' actual signature as it appears on the
16 stipulation that receipt of the facsimile copy by the Department shall be as binding on
17 Respondents as if the Department had received the original signed stipulation.

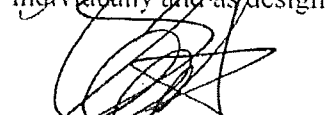
18 DATED: 12/14/2011


RELIABLE LOAN SERVICING INC.,
Respondent
By: EDGAR DEAN GLOSUP, D.O.

21 DATED: 12/14/2011


EDGAR DEAN GLOSUP, Respondent,
Individually and as designated officer

24 DATED: 12/15/2011

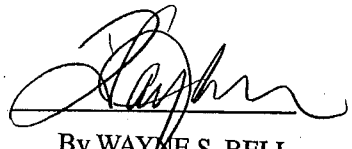

STEVEN MORRIS, ESQ.
Attorney for Respondents
Approved as to form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents RELIABLE LOAN SERVICING INC. and EDGAR DEAN GLOSUP, and shall become effective at 12 o'clock noon on May 30, 2012.

IT IS SO ORDERED March 29, 2012.

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel