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FILED

SEP 22 2014

BUREAU OF REAL ESTATE

By *Nemus*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-39044 LA
)	L-2013100854
GLENN DAVID THOMPSON,)	
)	
Respondent.)	
)	

STIPULATION AND AGREEMENT

AND

DECISION AFTER REJECTION

It is hereby stipulated by and between Respondent GLENN DAVID THOMPSON, his attorney of record, Marisol Ocampo of CENTURY LAW GROUP LLP and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on September 20, 2013, in this matter:

1. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, and understands that, as a result thereof, these factual statements will serve as a prima facie basis for the disciplinary action stipulated to

1 herein. The Real Estate Commissioner shall not be required to provide further evidence to
2 prove such allegations.

3 2. Respondent further acknowledges that the Real Estate Commissioner held a
4 hearing on this Accusation on June 5, 2014, before the Office of Administrative Hearings for
5 the purpose of proving the allegations therein. Respondent was present at the hearing, was
6 represented by Marisol Ocampo, and participated therein. Further, Respondent has had an
7 opportunity to read and review the Proposed Decision of the Administrative Law Judge.

8 3. Respondent understands that pursuant to Government Code Section
9 11517(c), the Real Estate Commissioner has rejected the Proposed Decision of the
10 Administrative Law Judge. Respondent further understands that pursuant to the same Section
11 11517(c), the Real Estate Commissioner may decide this case upon the record, including the
12 transcript, without taking any additional evidence, after affording Respondent the opportunity to
13 present written argument to the Real Estate Commissioner.

14 4. Respondent further understands that by signing this Stipulation and
15 Agreement, Respondent is waiving his right to seek a dismissal of the Accusation through
16 proceedings under Government Code Section 11517(c) if this Stipulation and Agreement
17 ("Stipulation") is accepted by the Real Estate Commissioner.

18 5. It is understood by the parties that the Real Estate Commissioner may adopt
19 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate license and license rights as set forth in the below "Order". In the
21 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation
22 shall be void and of no effect and Respondent shall retain the right to further proceedings under
23 the Administrative Procedure Act (beginning at Government Code Section 11500).

24 6. The Order or any subsequent Order of the Real Estate Commissioner made
25 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
26 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
27 which were not specifically alleged to be causes for accusation in this proceeding.

1 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
2 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
3 restricted license until two (2) years have elapsed from the effective date of this Decision.

4 4. Respondent shall submit with any application for license under an employing
5 broker, or any application for transfer to a new employing broker, a statement signed by the
6 prospective employing real estate broker on a form approved by the Bureau of Real Estate
7 which shall certify:

8 (a) That the employing broker has read the Decision of the Commissioner which
9 granted the right to a restricted license; and

10 (b) That the employing broker will exercise close supervision over the
11 performance by the restricted licensee relating to activities for which a real estate license
12 is required.

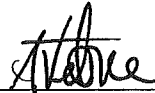
13 5. Respondent shall, within nine months from the effective date of this
14 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
15 since the most recent issuance of an original or renewal real estate license, taken and
16 successfully completed the continuing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

22 6. Respondent shall notify the Commissioner in writing within 72 hours of any
23 arrest by sending a certified letter to the Commissioner at Bureau of Real Estate, Post Office
24 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
25 arrest, the crime for which Respondent was arrested, and the name and address of the arresting
26 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
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1 independent violation of the terms of the restricted license and shall be grounds for the
2 suspension or revocation of that license.

3
4 9-2-14

5 DATED

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7 Amelia V. Vetrone, Counsel
8 Bureau of Real Estate

9 ***

10 EXECUTION OF THE STIPULATION

11 I have read the Stipulation and understand its terms which are agreeable and
12 acceptable to me. I understand that I am waiving rights given to me by the California
13 Administrative Procedure Act (beginning at Government Code Section 11500), and I willingly,
14 intelligently and voluntarily waive those rights, including the right to require the
15 Commissioner to provide additional evidence in support of the Accusation or as a basis for the
16 disciplinary action stipulated to herein.

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18 MAILING AND FACSIMILE

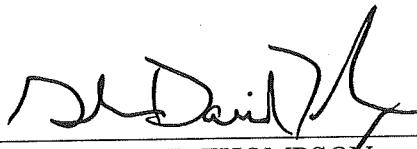
19 Respondent (1) shall mail the original signed signature page of the stipulation
20 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
21 St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a
22 copy of a signed signature page, to the Bureau at the following telephone/fax number: (213)
23 576-6917, Attention: Amelia V. Vetrone.

24 A facsimile constitutes acceptance and approval of the terms and conditions of
25 this stipulation. Respondent agrees, acknowledges and understands that by electronically
26 sending to the Bureau a facsimile copy of Respondent's actual signature as it appears on the
27

1 stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as
2 if the Bureau had received the original signed stipulation.

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5 DATED: 08-28-2014

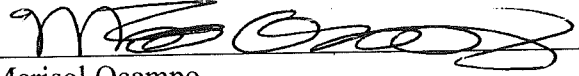

6 GLENN DAVID THOMPSON
7 Respondent

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

11

DATED: 8/28/14


12 Marisol Ocampo
13 Attorney for Respondent

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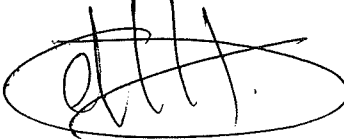
15 The foregoing Stipulation and Agreement and Decision After Rejection is
16 hereby adopted as my Decision as to Respondent GLENN DAVID THOMPSON
17 and shall become effective at 12 o'clock noon on OCT 13 2014.

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IT IS SO ORDERED SEP 11 2014.

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Real Estate Commissioner


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By: JEFFREY MASON
Chief Deputy Commissioner

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FILED

AUG 19 2014

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

GLENN DAVID THOMPSON,

Respondent.

No. H-39044 LA
OAH No. 2013100854

NOTICE

TO: GLENN DAVID THOMPSON, Respondent and MARISOL OCAMPO, Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 7, 2014, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 7, 2014, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on June 5, 2014, and any written argument hereafter submitted on behalf of Respondent and Complainant.

Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of June 5, 2014, at the Sacramento


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1 office of the Bureau of Real Estate unless an extension of the time is granted for good cause
2 shown.

3 Written argument of Complainant to be considered by me must be submitted
4 within 15 days after receipt of the argument of Respondent at the Sacramento office of the
5 Bureau of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 8/14/2014

7 REAL ESTATE COMMISSIONER

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9 _____
10 WAYNE S. BELL

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**BEFORE THE
BUREAU OF REAL ESTATE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation of:

GLEN DAVID THOMPSON,

Real Estate Salesperson License,
No. S/01749796

Respondent.

Case No. H-39044 LA

OAH No. 2013100854

PROPOSED DECISION

This matter was heard on June 5, 2014, by Gary M. Bock, Administrative Law Judge with the Office of Administrative Hearings, in Los Angeles. Amelia V. Vetrone, Counsel for the Bureau of Real Estate (Bureau), represented complainant.¹ Attorney Marisol Ocampo represented respondent, who was present.

Oral and documentary evidence was received, and argument was heard. The record was closed and the matter submitted for decision on June 5, 2014.

FACTUAL FINDINGS

1. Robin Trujillo, Deputy Real Estate Commissioner (complainant), filed the Accusation in her official capacity on September 20, 2013.

2. On May 6, 2006, respondent was issued a real estate salesperson license, number No. S/01749796. Respondent's license was scheduled to expire on May 5, 2014, unless it was renewed. Pursuant to Business and Professions Code section 10103, the expiration of a license by operation of law does not deprive the Bureau of jurisdiction to proceed with an action or disciplinary proceeding against that license.

Respondent's Conviction

3. On July 18, 2012, in the Superior Court, County of Los Angeles, case number SA078647, respondent was convicted on his plea of nolo contendere of violating Penal Code section 538d, subdivision (c) (exhibiting a badge to falsely impersonate a peace officer), a

¹ The Bureau of Real Estate was formerly known as the Department of Real Estate.

misdemeanor. The court placed respondent on summary probation for a period of three years on certain terms and conditions including, but not limited to, that he pay various fines and fees totaling \$190 and perform 20 days of community service. Respondent was given one day of credit for one day in custody.

4. (A) The facts and circumstances of respondent's offense and conviction were largely established by respondent's testimony and the documentary evidence, including the arrest report of the Los Angeles Police Department (LAPD) (Exh. 4b).² On August 16, 2011, at about midnight, respondent was leaving his friend's house when he saw a male, M.E., and female, H.L., arguing loudly in the street. M.E. noticed respondent looking at them and yelled, cursing and directing racial epithets at respondent. M.E. ran up to respondent and knocked the papers and a cell phone respondent was holding to the ground. Respondent took out his wallet and displayed a badge, identified himself as a peace officer, and told M.E. that he would arrest him if he put his hands on respondent again. M.E. walked away to his residence and continued to yell. Respondent asked H.L. for her car keys and identification (ID). H.L. gave them to respondent, who then escorted her to a sports utility vehicle (SUV) that he had driven there. When respondent opened the passenger door, H.L. noticed a child's car seat and realized that the SUV was not a police vehicle. M.E. appeared running towards them with a crowbar, yelling and directing racial epithets towards respondent again. Respondent got into the SUV by himself. He drove to his home nearby, but he still had H.L.'s car keys and ID. When he arrived home, respondent saw M.E. running up with a crowbar. Respondent threw H.L.'s keys towards M.E. M.E. smashed the driver's side window to the SUV with the crowbar.

(B) LAPD officers responded at approximately 12:45 a.m. They spoke to H.L. and were eventually directed to respondent's residence. The police found the SUV with a smashed driver's side window and knocked on the front door. Respondent answered the door and, when questioned, was reluctant to provide any information. Respondent was detained and asked for identification, which he refused to provide. One of the officers saw a wallet on a table inside of his house and asked respondent's wife to retrieve it. Respondent told his wife not to give it to the officers, but she gave it to them anyway. The wallet was a badge-wallet, containing a Redondo Beach Centennial Police Officer Badge, number of CR9 (the badge).

(C) The officers asked respondent if he was a police officer, and he stated that he once was. Respondent had been a volunteer reserve police officer with the Redondo Beach Police Department for approximately 14 years, before he voluntarily resigned in 2002. The badge was a Centennial badge that came affixed to a plaque and was to be displayed in that manner. Respondent had removed the badge from the plaque and glued it into his badge-wallet.

² The Arrest Report was admitted into evidence pursuant to the limitations set forth in *Lake v. Reed* (1997) 16 Cal.4th 448. The arrest report contains statements, which have been relied upon to supplement and explain other admissible evidence including respondent's testimony, pursuant to Government Code section 11513, subdivision (d).

Rehabilitation

5. Respondent is 48 years old and married. Respondent and his wife have three children, a six year-old son and two four-year old twins. Respondent is the sole provider for his family.

6. Respondent's parents have designated him as the executor of their affairs. Respondent presented a handwritten letter, dated April 14, 2014, from his mother describing him as a responsible and dependable person.

7. Respondent testified that he has taken classes at El Camino College and Chapman University but has not obtained any degrees from either institution.

8. Respondent has been a licensed real estate salesperson since May 2006, and has no record of any prior discipline.

9. Respondent has worked for Coldwell Banker in Los Angeles for approximately eight years. Respondent has received several awards as a top producer and for outstanding achievement. Respondent presented a letter, dated April 18, 2014, from Ryan (Choong Hoon) Oh (Mr. Oh), Managing Partner for Coldwell Banker Commercial. In that letter, Mr. Oh described respondent as a diligent and responsible employee, who sets the tone for high professional standards, has great character, and is an asset to the organization. Mr. Oh also acknowledges that he has read the Accusation and that he still believes that respondent is not a risk to the public.

10. Respondent fully satisfied the terms and conditions of his probation. Respondent's three-year probation was terminated early on a date not established by the evidence. On April 24, 2014, the superior court expunged respondent's conviction pursuant to Penal Code section 1203.4.

11. Respondent admitted his conviction and crime. At the hearing in this matter, respondent acknowledged it was wrong to display the badge and falsely represent himself as a police officer. He claimed not to have been aware that the badge was not to be removed from the plaque and that he carried it out of pride for his past service as a reserve police officer. Respondent also explained that he escorted H.L. to the SUV only to protect her and that he acquired her car keys and ID, because she did not want M.E. to drive her car. Respondent explained he needed her ID to identify her car and residence. Contrary to complainant's arguments, it was not established by clear and convincing evidence that respondent attempted to lure H.L. to the SUV for a nefarious purpose.

12. (A) Respondent has served on the Board of Directors of the Wilshire Community Police Council for approximately 10 years. He has held the positions of Secretary, Treasurer, Vice President, and President, each for one-year terms, and has spent an average of two to four hours per month performing duties in these positions. Respondent presented a letter, dated April 18, 2014, from Steven Rosenthal, President of the Wilshire

Community Police Council, describing respondent as an outstanding leader and asset to that organization.

(B) Respondent has volunteered approximately two to four hours per month, as Vice President of Hospitality on the Executive Board of Directors for the Parents Teacher Association (PTA) at the El Segundo Center Street School, for the 2013 and 2014 school years. Respondent presented a letter, dated March 20, 2014, from Gwendolyn Lipsey, President of the Center Street School PTA, acknowledging respondent's exemplary service in managing and planning all of the PTA's official meetings and functions.

(C) Respondent has volunteered two to four hours per month during the last three years, serving on a special event committee at St. John Bosco High School. Respondent presented a letter, dated April 11, 2014, from LaRae Mardesic Bechmann, Vice President of Development for St. John Bosco High School, expressing her appreciation for respondent's contributions, dependability, and great character and integrity. She is aware of his conviction and professional real estate license.

(D) Since 2010, respondent has served on a fundraising committee for the Leukemia & Lymphoma Society, to select the Man and Woman of the year. Respondent presented a letter, dated December 10, 2013, from David M. Coscia, Senior Campaign Director, expressing gratitude for respondent's continuing personal commitment to the organization's mission to cure leukemia, lymphoma, Hodgkin's disease, and myeloma and improve the quality of life for patients and their families.

13. Respondent presented other letters of reference. One letter, dated March 19, 2014, is from Jens Bechmann (Bechmann). Bechmann has been respondent's client and was the owner of the SUV respondent drove the night of the offense. In that letter, Bechmann commends respondent for his ethics, values, professionalism, and sound judgment. Another letter, dated April 22, 2014, from Delinda Cardenas, Senior Escrow Officer for California Investors Escrow, describes respondent as a well-respected real estate professional. A third letter, dated April 9, 2014, is from Jennifer Yang (Yang), Home Mortgage Consultant for Wells Fargo Home Mortgage. Respondent has known Yang for approximately five years and has worked with her on multiple transactions. In that letter, Yang writes that respondent is at the top of her list for real estate agents for client referrals because of his commitment and success in delivering excellent service to clients.

Costs

14. No evidence was presented regarding the Bureau's costs of investigation and enforcement of this action.

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LEGAL CONCLUSIONS

1. In an action seeking to impose discipline against the holder of a professional license, the burden of proof is on the complainant to establish the charging allegations by clear and convincing proof to a reasonable certainty. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 857.) "Clear and convincing" evidence requires a finding of high probability." (*In re Angela P.* (1981) 28 Cal.3d 908, 919.) Such evidence is to be "so clear as to leave no substantial doubt" [and] "sufficiently strong to command the unhesitating assent of every reasonable mind." (*Sheehan v. Sullivan* (1899) 126 Cal. 189, 193; *In re Angela P., supra*, 28 Cal.3d 908, 919.)

2. Cause exists to suspend or revoke respondent's license, pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), in that he has been convicted of a crime substantially related to the qualifications, functions, and duties of a real estate salesperson, based on the matters set forth in Factual Findings 3 and 4, and Legal Conclusion 3.³

3. Respondent's crime of exhibiting a badge to falsely impersonate a peace officer is substantially related to the qualifications, functions and duties of a real estate salesperson, as defined in California Code of Regulations, title 10, section 2910, subdivisions (a)(2) and (a)(4). He altered an instrument by removing a commemorative police badge from a plaque and gluing it into a badge-wallet to make it appear as an official peace officer badge. He also falsely presented himself to be a peace officer.

4. The objective of a disciplinary proceeding is to protect the public, the licensed profession or occupation, maintain integrity, high standards, and preserve public confidence in real estate professionals. (*Comacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Clerici v. Dept. of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1030-1031.) The purpose of proceedings of this type is not to punish respondent. In particular, the statutes relating to real estate licenses are designed to protect the public from any potential risk of harm. (*Lopez v. McMahon* (1988) 205 Cal.App.3d 1510, 1516; *Arneson v. Fox* (1980) 28 Cal.3d 440.) To that end, respondent bears the burden to establish his reformation. (See *Martin v. Alcoholic Bev. App. Bd.* (1950) 52 Cal.2d 259, 265.)

5. The Department has developed criteria for the purpose of evaluating the rehabilitation of a licensee against whom disciplinary proceedings have been initiated, which are set forth at California Code of Regulations, title 10, section 2912. Based on Findings 1-13, respondent is not fully rehabilitated from his conviction under these criteria. Respondent's conviction is almost two years old. He has satisfied the terms of his probation, probation was terminated early, and his conviction has been expunged. Respondent admits his conviction and crime. His attitude about his criminal behavior has

³ All further statutory references are to the Business and Professions Code unless otherwise indicated.

improved, but he still makes excuses for his conduct. Despite having been a reserve police officer for 14 years, he claims not to have been aware that his commemorative badge was not supposed to have been removed from the plaque and that he carried it out of pride for his service as a reserve police officer. Nevertheless, respondent has presented significant evidence of his rehabilitation. He continues to support his wife and three children and is the executor for his parents' affairs. Respondent has also been involved in community and privately-sponsored programs to provide social benefits and ameliorate social problems. Respondent has been licensed as a real estate salesperson since 2006, and has no prior record of discipline. Under these circumstances, revocation with a conditional right to a restricted real estate salesperson license, including terms requiring respondent to pass the Professional Responsibility Examination and serve a 60-day period of suspension, is sufficient to protect the public and make respondent understand the seriousness of his conduct and the need to follow the law.

Cost Recovery

5. Cause does not exist, pursuant to section 10106, to direct respondent to pay the Bureau for the reasonable costs of the investigation and enforcement of this case. No evidence was presented establishing the investigation and enforcement costs incurred by the Bureau in this case. (Factual Finding 14.)

ORDER

All licenses and licensing rights of respondent Glen David Thompson under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefore and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

Not Adopted

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

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

6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Bureau including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Not Adopted

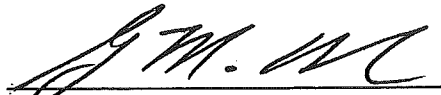
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Not Accepted

7. Any restricted real estate license issued to respondent pursuant to this Decision shall be suspended for 60 days from the date of issuance of said restricted license.

DATED: July 7, 2014



GARY M. BOCK
Administrative Law Judge
Office of Administrative Hearings