

1 Department of Real Estate
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789
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FILED
OCT 16 2003

DEPARTMENT OF REAL ESTATE

By Laurid. Zin

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-1601 FRESNO
12 GLENN THOMAS CORBIN,)	OAH NO. N-2003070637
13 Respondent.)	
14)	
15 In the Matter of the Accusation of)	No. H-1602 FRESNO
16 GLENN THOMAS CORBIN,)	OAH NO. N-2003070638
17 PHYLLIS JANET ALFORD,)	<u>STIPULATION AND WAIVER</u>
18 Respondents.)	

19 It is hereby stipulated by and between GLENN THOMAS
20 CORBIN (hereinafter "Respondent"), and Respondent's attorney
21 Christopher W. Guenther and the Complainant, acting by and
22 through David A. Peters, Counsel for the Department of Real
23 Estate, as follows for the purpose of settling and disposing of
24 the Statement of Issues and Accusation as to Respondent
25 GLENN THOMAS CORBIN filed on June 10, 2003 in these matters:
26 ///
27 ///

1 A. Respondent acknowledges that he has received and
2 read the Statement of Issues and the Accusation and the
3 Statement to Respondent filed by the Department of Real Estate
4 in connection with his application for a real estate broker
5 license and the Accusation filed with respect to his real estate
6 salesperson license. Respondent understands that the Real
7 Estate Commissioner may hold a hearing on the Statement of
8 Issues and Accusation for the purpose of requiring further proof
9 of Respondent's honesty and truthfulness and to prove other
10 allegations therein, or that she may in her discretion waive the
11 hearing and grant Respondent a restricted real estate broker
12 license based upon this Stipulation and Waiver. Respondent also
13 understands that by filing the Statement of Issues in this
14 matter the Real Estate Commissioner is shifting the burden to
15 Respondent to make a satisfactory showing that Respondent meets
16 all the requirements for issuance of a real estate broker
17 license. Respondent further understands that by entering into
18 this Stipulation and Waiver, Respondent will by stipulating that
19 the Real Estate Commissioner has found that Respondent has
20 failed to make such showing, thereby justifying the denial of
21 the issuance to Respondent of an unrestricted real estate broker
22 license.

23 B. Respondent hereby petitions the Real Estate
24 Commissioner to voluntarily surrender his real estate salesperson
25 license pursuant to Section 10100.2 of the Business and
26 Professions Code. It is also agreed that Respondent waives all
27 rights to require the Real Estate Commissioner to prove the

1 allegations contained in the Accusation filed in this matter at
2 a hearing held in accordance with the provisions of the
3 Administrative Procedure Act (Government Code Sections 11400 et
4 seq.), and that Respondent waives other rights afforded to him
5 in connection with the hearing such as the right to discovery,
6 the right to present evidence in defense of the allegations in
7 the Accusation and the right to cross-examine witnesses.

8 Respondent further agrees that upon acceptance by the Real
9 Estate Commissioner, all affidavits and all relevant evidence
10 obtained by the Department in this matter prior to the Real
11 Estate Commissioner's acceptance, and all allegations contained
12 in the Accusation filed in the Department Case No. H-1602
13 FRESNO, may be considered by the Department, and no other agency
14 or individual, to be true and correct for the sole purpose of
15 deciding whether or not to grant reinstatement of Respondent's
16 real estate salesperson license.

17 C. Respondent hereby admits that the allegations of
18 the Statement of Issues filed against Respondent are true and
19 correct and requests that the Real Estate Commissioner in her
20 discretion issue a restricted real estate broker license to
21 Respondent under the authority of Section 10156.5 of the
22 Business and Professions Code.

23 D. Respondent is aware that by signing this
24 Stipulation and Waiver, Respondent is waiving Respondent's right
25 to a hearing and the opportunity to present evidence at a
26 hearing to establish Respondent's rehabilitation in order to
27 obtain an unrestricted real estate broker license if this

1 Stipulation and Waiver is accepted by the Real Estate
2 Commissioner. However, in the event that this Stipulation and
3 Waiver is not accepted by the Commissioner, then this
4 Stipulation shall be cancelled and shall not be binding upon
5 Respondent for any purpose whatsoever, and there shall be no
6 waiver by Respondent of his right to further proceedings to
7 obtain a restricted or unrestricted license and to a hearing on
8 the Accusation in this matter.

9 E. Respondent further understands that the following
10 conditions, limitations, and restrictions will attach to a
11 restricted license issued by the Department of Real Estate
12 Pursuant hereto:

13 1. The license shall not confer any property
14 right in the privileges to be exercised
15 including the right of renewal, and the Real
16 Estate Commissioner may be appropriate order
17 suspend the right to exercise any privileges
18 granted under this restricted license in the
19 event of:

- 20 a. The conviction of Respondent (including a
21 plea of nolo contendere) to a crime which
22 bears a substantial relationship to
23 Respondent's fitness or capacity as a real
24 estate licensee; or
- 25 b. The receipt of evidence that Respondent has
26 violated provisions of the California Real
27 Estate Law, the Subdivided Lands Law,

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Regulations of the Real Estate
Commissioner, or conditions attaching to
this restricted license.

2. Respondent shall not be eligible to apply for
the issuance of an unrestricted real estate
license nor the removal of any of the
conditions, limitations or restrictions
attaching to the restricted license until four
years have elapsed from the date of issuance of
the restricted license to Respondent.

9/25/03
DATED

David A. Peters
DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have
discussed it with my counsel, and its terms are understood by me
and are agreeable and acceptable to me. I understand that I am
waiving rights given to me by the California Administrative
Procedure Act (including but not limited to Sections 11505,
11598, 11509, and 11513 of the Government Code), and I
willingly, intelligently, and voluntarily waive those rights,
including the right of requiring the Commissioner to prove the
allegations in the Second Amended Accusation at a hearing at
which I would have the right to cross examine witnesses against
me and to present evidence in defense and mitigation of the
charges.

SEPTEMBER 4, 2003
DATED

Glenn Thomas Corbin
GLENN THOMAS CORBIN
Respondent

1 I have reviewed the Stipulation and Agreement in
2 Settlement as to form and content and have advised my client
3 accordingly.

4
5 9-4-03

6 DATED

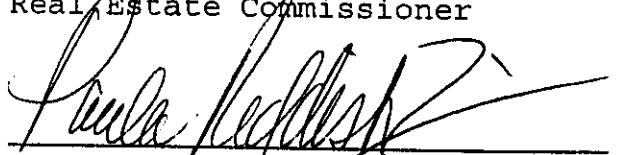
CHRISTOPHER W. GUENTHER
Attorney for Respondent

7 * * *

8 The foregoing Stipulation and Agreement for
9 Settlement is hereby adopted by the Real Estate Commissioner as
10 her Decision and Order and shall become effective at 12 o'clock
11 noon on NOVEMBER 6, 2003.

12 IT IS SO ORDERED October 1, 2003.

13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

JUL 30 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

GLENN THOMAS CORBIN,

By Marie C. Zini

Case No. H-1601 FRESNO

OAH No. N-2003070637

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE STATE BUILDING, 2550 MARIPOSA MALL, ROOM 1038, FRESNO, CA 93721 on THURSDAY, SEPTEMBER 11, 2003, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: JULY 30, 2003

DEPARTMENT OF REAL ESTATE

By David A. Peters
DAVID A. PETERS, Counsel (L2)

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

JUN 10 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 GLENN THOMAS CORBIN,)
13 Respondent.)

No. H-1601 FRESNO

STATEMENT OF ISSUES

14
15 The Complainant, John Sweeney, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against GLENN THOMAS CORBIN (hereinafter "Respondent") alleges
18 as follows:

19 FIRST CAUSE FOR DENIAL

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate broker
23 license on or about September 25, 2002.

24 II

25 Complainant, John Sweeney, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity.

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III

At various times herein mentioned Respondent was licensed as a real estate salesperson and was performing acts requiring a real estate license for or in expectation of a compensation.

IV

On or about December 14, 2001, Bill and Victoria Bolayog (hereinafter "Buyers") submitted an offer, by and through Respondent, to purchase certain real property commonly known as 233 Archer Way, Nipomo, California (hereinafter "the Subject Property) owned by the Silva Trust, John Mitchell Silva and Betty Jane Silva, Trustees, (hereinafter "the Seller"). Said offer, in the form of a Residential Purchase Contract and Joint Escrow Instructions (and Receipt for Deposit) stated that "BUYER HAS GIVEN A DEPOSIT TO THE AGENT SUBMITTING THE OFFER ... \$500.00."

V

On or about December 19, 2001, the Seller made a counter-offer on the purchase of the Subject Property.

VI

On or about December 19, 2001, the Buyers accepted said counter-offer. Said counter offer incorporated the \$500.00 deposit included in the Buyers' original offer described in Paragraph IV above. Said deposit was a material inducement to the Seller to agree to sell the Subject Property to the Buyers.

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1 VII

2 Beginning on or about December 14, 2001 and continuing
3 thereafter, Respondent failed to disclose to the Seller the
4 material fact well known to Respondent but unknown to the
5 Seller, that Respondent had not received the \$500.00 deposit
6 from the Buyers.

7 VIII

8 The acts and/or omissions of Respondent described
9 above constitute the making of a substantial misrepresentation,
10 and fraud or dishonest dealing in violation of Section 10176(a),
11 and 10176(i) of the California Business and Professions Code.

12 IX

13 The facts alleged above, constitute cause for denial
14 of Respondent's application for a real estate broker license
15 under Sections 10177(d) and 10177(f) of the California Business
16 and Professions Code.

17 SECOND CAUSE FOR DENIAL

18 X

19 There is hereby incorporated in this second, separate
20 and distinct cause for denial, all of the allegations contained
21 in Paragraphs I, II, and III of the First Cause For Denial with
22 the same force and effect as if herein fully set forth.

23 XI

24 Beginning on or about May 10, 2002, and continuing
25 thereafter, while in the employ of real estate broker Phyllis
26 Janet Alford, Respondent, a real estate salesperson using the
27 fictitious business name "Glenn Corbin and Associates A Real

1 Estate Co.", engaged in the business of, acted in the capacity
2 of, advertised or assumed to act as a real estate broker in the
3 State of California within the meaning of Section 10131(a) of
4 the Code, including the operation and conduct of a real estate
5 business with the public wherein, on behalf of others and for a
6 compensation or in expectation of a compensation, sold or
7 offered to sell, bought or offered to buy, solicited prospective
8 sellers or purchasers of, solicited prospective sellers or
9 purchasers of, solicited or obtained listing of, or negotiated
10 the purchase, sale or exchange of real property.

11 XII

12 In connection with the real estate sales activities
13 described in Paragraph XI above, Respondent accepted
14 compensation from someone other than Respondent's employing
15 broker in violation of Section 10137 of the California Business
16 and Professions Code.

17 XIII

18 In connection with the real estate sales activities
19 described in Paragraph XI above, Respondent paid real estate
20 licensees for performing acts for which a real estate license is
21 required. Respondent paid said real estate licensees directly
22 and not through Respondent's employing broker in violation of
23 Section 10137 of the California Business and Professions Code.

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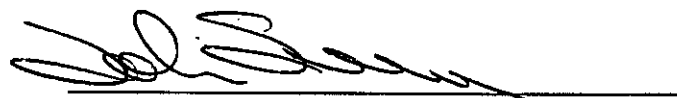
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XIV

The facts alleged in this Second Cause For Denial, constitute cause for denial of Respondent's application for a real estate broker license under Section 10177(d) and 10177(f) of the Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate broker license to Respondent, for such other and further relief as may be proper in the premises.


JOHN SWEENEY
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 5th day of June, 2003.