

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
OCT 16 2003

DEPARTMENT OF REAL ESTATE

By Laurel J. Z...

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-1602 FRESNO
12 GLENN THOMAS CORBIN,)	OAH NO. N-2003070638
13 PHYLLIS JANET ALFORD,)	
14 Respondents.)	<u>STIPULATION AND AGREEMENT</u>

15 It is hereby stipulated by and between Respondent
16 PHYLLIS JANET ALFORD (hereinafter "Respondent"), and
17 Respondent's attorney Christopher W. Guenther and the
18 Complainant, acting by and through David A. Peters, Counsel for
19 the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on June 10, 2003
21 in this matter. This Stipulation and Agreement relates to
22 Respondent ALFORD only.

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and
25 Respondent at a formal hearing on the Accusation, which hearing
26 was to be held in accordance with the provisions of the
27 Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

3 2. Respondent has received, read and understands
4 the Statement to Respondent, the Discovery Provisions of the
5 APA and the Accusation filed by the Department of Real Estate
6 in this proceeding.

7 3. On June 27, 2003, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that
12 Respondent understands that by withdrawing said Notice of
13 Defense Respondent will thereby waive Respondent's right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that Respondent will waive other
17 rights afforded to Respondent in connection with the hearing
18 such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation. In the interests of
23 expedience and economy, Respondent chooses not to contest these
24 allegations, but to remain silent and understands that, as a
25 result thereof, these factual allegations, without being
26 admitted or denied, will serve as a prima facie basis for the
27 disciplinary action stipulated to herein. The Real Estate

I

The conduct of Respondent, as described in the Accusation, constitutes cause for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(h) of the Business and Professions Code and Section 10177(d) of the California Business and Professions Code in conjunction with Sections 10159.5, 10161.8(a) and 10161.8(b) of the Business and Professions Code and Sections 2725, 2731, and 2752 of Title 10, California Code of Regulations.

ORDER

A. The real estate broker license and all license rights of Respondent PHYLLIS JANET ALFORD under the Real Estate Law are revoked.

B. A restricted real estate broker license shall be issued to Respondent pursuant to Business and Professions Code Section 10156.5, if Respondent makes application therefor and pays to the Department the appropriate fee for said license within ninety (90) days from the effective date of this Order.

C. The restricted license issued to Respondent shall be subject to all 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 said Code:

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1 (1) The license shall not confer any property right
2 in the privileges to be exercised, and the Real
3 Estate Commissioner may, by appropriate order
4 suspend the right to exercise any privileges
5 granted under the restricted license in the event
6 of:

7 (a) The conviction of Respondent (including a
8 plea of nolo contendere) to a crime which
9 bears a significant relation to Respondent's
10 fitness or capacity as a real estate
11 licensee; or

12 (b) The receipt of evidence that Respondent has
13 violated provisions of the California Real
14 Estate Law, Subdivided Lands Law,
15 Regulations of the Real Estate Commissioner
16 or conditions attaching to the restricted
17 license.

18 (2) Respondent shall not be eligible to apply for
19 issuance of an unrestricted real estate license
20 nor the removal of any of the conditions,
21 limitations or restrictions attaching to the
22 restricted license until two (2) years have
23 elapsed from the date of issuance of a restricted
24 license to Respondent.

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1 D. Respondent shall, within nine (9) months from the
2 effective date of this ORDER, present evidence satisfactory to
3 the Real Estate Commissioner that he has, since the most recent
4 issuance of an original or renewal real estate license, taken
5 and successfully completed the continuing education requirements
6 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate license. If Respondent fails to satisfy this
8 condition, the Commissioner may order the suspension of the
9 restricted license until Respondent presents such evidence. The
10 Commissioner shall afford Respondent the opportunity for a
11 hearing pursuant to the Administrative Procedure Act to present
12 such evidence.

13 E. Respondent shall, within six (6) months from the
14 effective date of the restricted license, take and pass the
15 Professional Responsibility Examination administered by the
16 Department including the payment of the appropriate examination
17 fee. If Respondent fails to satisfy this condition, the
18 Commissioner may order the suspension of the restricted license
19 until Respondent passes the examination.

20 F. Any restricted real estate broker license issued
21 to Respondent may be suspended or revoked for a violation by
22 Respondent of any of the conditions attaching to the restricted
23 license.

24
25 9/15/03
26 _____
DATED

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26 _____
DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

27 ///

* * *

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2 I have read the Stipulation and Agreement, have

3 discussed it with my counsel, and its terms are understood by me

4 and are agreeable and acceptable to me. I understand that I am

5 waiving rights given to me by the California Administrative

6 Procedure Act (including but not limited to Sections 11505,

7 11598, 11509, and 11513 of the Government Code), and I

8 willingly, intelligently, and voluntarily waive those rights,

9 including the right of requiring the Commissioner to prove the

10 allegations in the Second Amended Accusation at a hearing at

11 which I would have the right to cross-examine witnesses against

12 me and to present evidence in defense and mitigation of the

13 charges.

14 Sept. 04, 2003

15 DATED

Phyllis Janet Alford

PHYLLIS JANET ALFORD

Respondent.

16

17 I have reviewed the Stipulation and Agreement in

18 Settlement as to form and content and have advised my client

19 accordingly.

20 9-4-03

21 DATED

[Signature]

CHRISTOPHER W. GUENTHER

Attorney for Respondent

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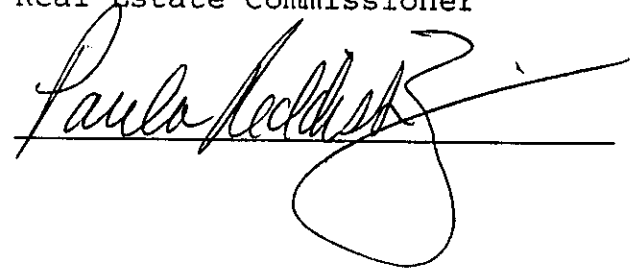
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The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on NOVEMBER 6, 2003.

IT IS SO ORDERED October 1, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED

OCT 16 2003

DEPARTMENT OF REAL ESTATE

By Laurie J. Zin

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-1602 FRESNO
GLENN THOMAS CORBIN,)	
PHYLLIS JANET ALFORD,)	OAH No. N-2003070638
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 10, 2003, an Accusation was filed in this matter against Respondent GLENN THOMAS CORBIN.

On September 4, 2003, Respondent CORBIN petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CORBIN's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Stipulation and Waiver executed by Respondent CORBIN on September 4, 2003 (attached as Exhibit "A" hereto).

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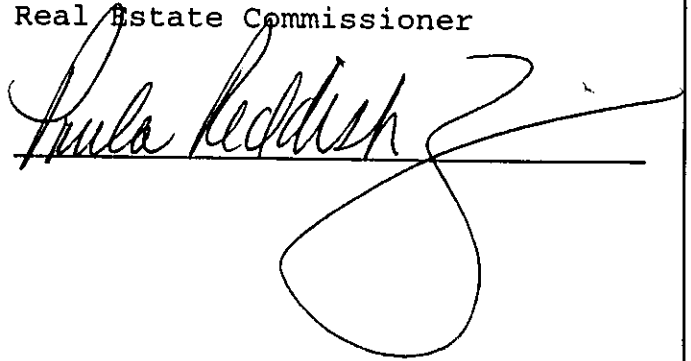
1 Respondent CORBIN's license certificate and pocket card
2 shall be sent to the below-listed address so that they reach the
3 Department on or before the effective date of this Order:

4 DEPARTMENT OF REAL ESTATE
5 Attention: Licensing Flag Section
6 P. O. Box 187000
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock
9 noon on NOVEMBER 6, 2003.

10 DATED: October 1, 2003

11 PAULA REDDISH ZINNEMANN
12 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILE
JUL 30 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

GLENN THOMAS CORBIN,
PHYLLIS JANET ALFORD,

Case No. H-1602 FRESNO

OAH No. N-2003070638

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

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 Accusation 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.

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

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)
7

FILED
JUN 10 2003

DEPARTMENT OF REAL ESTATE

By *David Peters*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	
12	GLENN THOMAS CORBIN,)	No. H-1602 FRESNO
13	PHYLLIS JANET ALFORD,)	<u>ACCUSATION</u>
14	Respondents.)	

15 The Complainant, John Sweeney, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against GLENN THOMAS CORBIN (hereinafter "Respondent CORBIN")
18 and PHYLLIS JANET ALFORD dba Abacus Properties (hereinafter
19 "Respondent ALFORD"), is informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

22 The Complainant, John Sweeney, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in his official capacity.

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II

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code)(Code), as follows:

- GLENN THOMAS CORBIN - as a real estate salesperson.
- PHYLLIS JANET ALFORD - as a real estate broker.

III

Within the three-year period immediately preceding the filing of this Accusation and continuing through on or before May 13, 2002, Respondent CORBIN was in the employ of real estate broker Kalua Kuhnle. Beginning on or about May 13, 2002, and continuing thereafter Respondent CORBIN was in the employ of real estate broker ALFORD.

IV

At all times herein mentioned Respondents were performing acts requiring a real estate license for or in expectation of a compensation.

V

On or about December 14, 2001, Bill and Victoria Bolayog (hereinafter "Buyers") submitted an offer, by and through Respondent CORBIN, 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
///

1 Deposit) stated that "BUYER HAS GIVEN A DEPOSIT TO THE AGENT
2 SUBMITTING THE OFFER ...\$500.00."

3 VI

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

6 VII

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

12 VIII

13 Beginning on or about December 14, 2001 and continuing
14 thereafter, Respondent CORBIN failed to disclose to the Seller
15 the material fact well known to Respondent CORBIN but unknown to
16 the Seller, that Respondent had not received a \$500.00 deposit
17 from the Buyers.

18 IX

19 The acts and omissions of Respondent CORBIN set forth
20 above constitute the making of a substantial misrepresentation,
21 and fraud or dishonest dealing, and are cause under Sections
22 10176(a), and 10176(i) of the Code for the suspension or
23 revocation of all licenses and license rights of Respondent
24 CORBIN under the Real Estate Law. In the alternative, the acts
25 and omissions of Respondent CORBIN set forth above constitute
26 negligence or incompetence in performing acts for which a real
27 estate license is required, and are cause under Section 10177(g)

1 of the Code for suspension or revocation of all licenses and
2 license rights of Respondent CORBIN under the Real Estate Law.

3 SECOND CAUSE OF ACCUSATION

4 X

5 There is hereby incorporated in this second, separate
6 and distinct cause of Accusation, all of the allegations
7 contained in Paragraphs I and II of the First Cause of
8 Accusation with the same force and effect as if herein fully set
9 forth.

10 XI

11 Beginning on or about May 10, 2002, and continuing
12 thereafter, while in the employ of Respondent ALFORD, Respondent
13 CORBIN, a real estate salesperson using the fictitious business
14 name "Glenn Corbin and Associates A Real Estate Co.", engaged in
15 the business of, acted in the capacity of, advertised or assumed
16 to act as a real estate broker in the State of California within
17 the meaning of Section 10131(a) of the Code, including the
18 operation and conduct of a real estate business with the public
19 wherein, on behalf of others and for compensation or in
20 expectation of compensation, sold or offered to sell, bought or
21 offered to buy, solicited prospective sellers or purchasers of,
22 solicited or obtained listings of, or negotiated the purchase,
23 sale or exchange of real property.

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XII

In connection with the real estate sales activities described in Paragraph XI above, Respondent CORBIN accepted compensation from someone other than Respondent CORBIN's employing broker in violation of Section 10137 of the Code.

XIII

In connection with the real estate sales activities described in Paragraph XI above, Respondent CORBIN paid real estate licensees for performing acts for which a real estate license is required. Respondent CORBIN paid said real estate licensees directly and not through Respondent ALFORD his employing broker in violation of Section 10137 of the Code.

XIV

The acts and/or omissions of Respondent CORBIN described in this Second Cause of Accusation are grounds for the suspension or revocation of the license and/or license rights of Respondent CORBIN under Section 10137 of the Code and Section 10177(d) of the Code in conjunction with Section 10130 of the Code.

THIRD CAUSE OF ACCUSATION

XV

There is hereby incorporated into this third, separate and distinct cause of Accusation, all of the allegations contained in Paragraphs I and II of the First Cause of Accusation with the same force and effect as if herein fully set forth.

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XVI

Beginning on or about May 10, 2002, and continuing thereafter, Respondent ALFORD employed Respondent CORBIN, pro forma, as a real estate salesperson. In fact, Respondent ALFORD permitted Respondent CORBIN to operate his own real estate sales business, using the fictitious business name "Glenn Corbin and Associates A Real Estate Co.", under Respondent ALFORD's real estate broker license. Respondent ALFORD failed to exercise reasonable supervision over the licensed activities of Respondent CORBIN, by permitting Respondent CORBIN to operate the real estate sales business as if Respondent CORBIN was a licensed real estate broker. Respondent ALFORD's failure to reasonably supervise the activities of Respondent CORBIN for which a real estate license was required included by is not limited to the real estate activities described in Paragraphs XI and XII above in the Second Cause of Accusation. Respondent ALFORD's failure to exercise reasonable supervision over the licensed activities of Respondent CORBIN includes Respondent ALFORD's failing to establish adequate policies, rules, procedures and systems to review, oversee, inspect and manage said activities.

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XVII

Beginning on or about May 10, 2002, and continuing thereafter, Respondent ALFORD operated his real estate business under the fictitious business name "Glenn Corbin and Associates A Real Estate Co.", without Respondent ALFORD obtaining a license from the Department bearing said fictitious business

1 name in violation of Section 10159.5 of the Code and Section
2 2731 of Title 10, California Code of Regulations (hereinafter
3 "Regulations").

4 XVIII

5 Within the three-year period immediately preceding the
6 filing of this Accusation, Respondent ALFORD failed to notify
7 the Commissioner in writing within five (5) days of the
8 employment by Respondent ALFORD of real estate salesperson
9 Terrie Vierra and Floyd Johnston as required by Section
10 10161.8(a) of the Code and Section 2752 of the Regulations.

11 XIX

12 Within the three-year period immediately preceding the
13 filing of this Accusation, Respondent ALFORD failed to notify
14 the Commissioner in writing within five (5) days of the
15 termination by Respondent ALFORD of real estate salesperson
16 Robert Folden as required by Section 10161.8(b) of the Code.

17 XX

18 The acts and/or omissions alleged in this Third Cause
19 of Accusation, are grounds for the suspension or revocation of
20 Respondent ALFORD's license and/or license rights under the
21 following sections of the Code and Regulations:

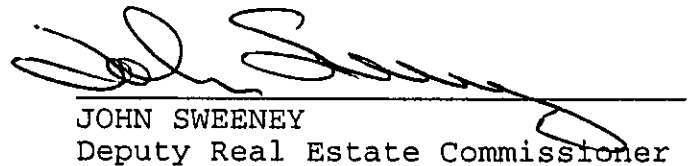
22 (1) As to Paragraph XVI, under Section 10177(h) of
23 the Code and Section 10177(d) of the Code in conjunction with
24 Section 2725 of the Regulations;

25 (2) As to Paragraph XVII, under Section 10177(d) of
26 the Code in conjunction with Section 10159.5 of the Code and
27 Section 2731 of the Regulations;

1 (3) As to Paragraph XVIII, under Section 10177(d) of
2 the Code in conjunction with Section 10161.8(a) of the Code and
3 Section 2752 of the Regulations; and

4 (4) As to Paragraph XIX, under Section 10177(d) of
5 the Code in conjunction with Section 10161.8(b) of the Code.

6 WHEREFORE, Complainant prays that a hearing be
7 conducted on the allegations of this Accusation and that upon
8 proof thereof a decision be rendered imposing disciplinary
9 action against all licenses and license rights of Respondent
10 CORBIN and Respondent ALFORD, under the Real Estate Law (Part 1
11 of Division 4 of the Business and Professions Code) and for such
12 other and further relief as may be proper under other provisions
13 of law.

14
15 
16 JOHN SWEENEY
Deputy Real Estate Commissioner

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