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DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of:

No. H-42327-LA

LORI MELINDA THOMPSON,

ACCUSATION

Respondent.

The Complainant, Jason Parson, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE") of the State of California, for cause of Accusation against LORI MELINDA THOMPSON ("THOMPSON"), "Respondent," is informed and alleges in his official capacity as follows:

1. The Complainant, Jason Parson, acting in his official capacity as a Supervising Special Investigator, makes this Accusation against Respondents.
2. All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

LICENSE HISTORY

3. Respondent THOMPSON has been licensed by the Department as a real estate salesperson ("RES") License ID 01897484, from on or about April 6, 2011, until the present, with THOMPSON's license scheduled to expire on April 5, 2023, unless renewed. According to the DRE's records, THOMPSON is currently employed by real estate corporation ("REC") Coldwell Banker Residential Brokerage Company ("CBRBC"), License ID 00616212. CBRBC maintains

1 numerous fictitious business names licensed with the DRE, including Coldwell Banker Residential
2 Brokerage (“CBRB”), active as of December 28, 2017, and also maintains numerous branch
3 offices, including a branch office located at 19440 Goldenwest St., Huntington Beach, California
4 (“Huntington Beach Branch Office”).

5 **ACTIVITIES REQUIRING A REAL ESTATE LICENSE**

6 4. At all times mentioned herein, in Orange County, California, Respondent engaged
7 in the performance of activities requiring a real estate license pursuant to Code section 10130, and
8 acted, ordered, caused, authorized and/or participated in licensed activities for compensation or in
9 expectation of compensation within the meaning of Code section 10131.

10 **FACTS DISCOVERED BY DRE**

11 5. On or about January 8, 2020, the DRE received a complaint from E.D.^{1/} against
12 CBRB, THOMPSON, RES Lorie Kapaun (“Kapaun”), License ID 01897430, and RES Farshid
13 Karamzadeh (“Karamzadeh”), License ID 01328762. E.D. alleged that THOMPSON represented
14 E.D. as the buyer’s agent in E.D.’s purchase of a manufactured home located at 80 Huntington St.
15 #643, Huntington Beach, California (“Huntington Property”), part of a community of homes
16 named “Surf City Beach Cottages,” and that Kapaun was the agent of S.W. and D.M., the sellers
17 of the Huntington Property (“Sellers”), and that Kapaun was also the mother of S.W. Karamzadeh
18 is the former branch manager for the Huntington Beach Branch Office of CBRBC, but who was
19 the branch manager at the time of the events alleged..

20 6. E.D. alleges that:

21 a. THOMPSON failed to disclose that nearly all the parties involved in the
22 transaction were employed by CBRBC and worked in the same office, including
23 THOMPSON, seller’s agent Kapaun, and S.W., and that Kapaun was the mother of S.W.

24 b. THOMPSON advised E.D. he did not need a home inspection, after she
25 learned that the community at Surf City Beach Cottages was doing an inspection of E.D.’s
26 home. After E.D. moved into his home, he discovered a cockroach infestation in the

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28 ^{1/} Initials are used in place of individuals’ full names to protect their privacy. Documents containing individuals’ full names will be provided during the discovery phase of this case to Respondents and/or their attorney(s), after service of a timely and proper request for discovery on Complainant’s counsel.

1 kitchen, a bedbug infestation in the baseboards, hallway, and back bedroom, and a termite
2 infestation. E.D. discovered that the inspection conducted by the community was only a
3 site inspection that did not include anything other than the outside of the home, and that
4 THOMPSON was aware of this. The Surf City Beach Cottages community provided a
5 written report of their site inspection to the sellers advising them of the termite infestation.

6 c. THOMPSON accepted two (2) cashier's checks, dated June 11, 2019 and
7 July 27, 2019, in the amount of \$2,000 each from E.D. for her work in assisting E.D. to
8 find a home but never logged or documented the checks with the escrow company. E.D.
9 alleges that THOMPSON cashed the June 11, 2019 check for \$2,000 on June 20, 2019, and
10 the July 27, 2019 check for \$2,000 on August 12, 2019. On or about June 13, 2019,
11 THOMPSON sent E.D. a text message thanking him for the bonus, referring to the June
12 11, 2019 check for \$2,000. In reply, E.D. stated, "It wasn't a bonus. It was for the work
13 you've already done." For the check dated July 27, 2019, on the memo line is written, "for
14 work on Spc. 643 (80 Huntington St.)."

15 7. On or about June 15, 2019, THOMPSON prepared an offer on behalf of E.D. for
16 the purchase of the Huntington Property, which was submitted to the Sellers on a standard form
17 Manufactured Home Purchase Agreement and Joint Escrow Instructions ("Purchase Agreement").

18 8. On or about June 17, 2019, the Sellers accepted E.D.'s offer, and the Purchase
19 Agreement was fully executed. Escrow closed on the Huntington Property on or about August 6,
20 2019.

21 9. On or about August 6, 2019, the escrow company prepared a Final Settlement
22 Statement, a Buyer Final Closing Statement, a Seller's Final Closing Statement, and a Check
23 Register. None of these documents contained entries for E.D.'s cashier's checks made payable to
24 THOMPSON dated June 11, 2019 and July 27, 2019.

25 10. On or about September 8, 2021, E.D. obtained a judgment in his favor in Orange
26 County Superior Court, Small Claims Case No. 30-2021-01209932-SC-CJC, against THOMPSON
27 and Karamzadeh in the amount of \$9,900.00 in principal, and \$365.00 in costs.

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1 **VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE**

2 11. The Complainant realleges and incorporates by reference all of the allegations
3 contained in paragraphs 1 through 10 above, with the same force and effect as though fully set
4 forth herein.

5 12. In the course of the activities described above in Paragraph 4, and based on the
6 facts discovered by the DRE, as described in Paragraphs 5 through 10 above, THOMPSON acted
7 in violation of the Real Estate Law as follows.

8 **First Cause of Accusation: Code Sections 10176(g), and 10177(d) and/or 10177(g) – Taking**
9 **of Secret or Undisclosed Compensation**

10 13. The Complainant realleges and incorporates by reference all of the allegations in
11 paragraphs 1 through 12 above, with the same force and effect as though fully set forth herein.

12 14. THOMPSON's acts and/or omissions in taking and cashing two (2) cashier's
13 checks from E.D. totaling \$4,000, and failing to disclose such amount in escrow documents is in
14 violation of **Code sections 10176(g), and 10177(d) and/or 10177(g)**, and constitutes cause to
15 suspend or revoke the real estate licenses and license rights of Respondent THOMPSON pursuant
16 to **Code sections 10176(g), and 10177(d) and/or 10177(g)**.

17 **Second Cause of Accusation: Code Sections 10137, and 10177(d) and/or 10177(g) – Unlawful**
18 **Compensation**

19 15. The Complainant realleges and incorporates by reference all of the allegations in
20 paragraphs 1 through 14 above, with the same force and effect as though fully set forth herein.

21 16. THOMPSON's acts and/or omissions in accepting and cashing cashier's checks as
22 compensation for activity requiring a real estate license totaling \$4,000 from E.D., and accepting
23 such compensation from a person other than the broker under whom she was at the time licensed,
24 is in violation of **Code sections 10137, and 10177(d) and/or 10177(g)**, and constitutes cause to
25 suspend or revoke the real estate licenses and license rights of Respondent THOMPSON pursuant
26 to **Code sections 10176(g), and 10177(d) and/or 10177(g)**.

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1 **Third Cause of Accusation: Breach of Fiduciary Duties**

2 17. The Complainant realleges and incorporates by reference all of the allegations in
3 paragraphs 1 through 16 above, with the same force and effect as though fully set forth herein.

4 18. At all relevant times herein, while acting as a real estate salesperson and agent of
5 E.D., THOMPSON owed E.D. fiduciary duties, including, but not limited to the following: duty of
6 reasonable care and skill; duty of good faith; duty of loyalty; duty of diligence; duty to avoid
7 conflicts of interest; duty of fullest disclosure of all material facts affecting E.D.'s rights and
8 interests; duty to fully account in a timely manner for all funds and property received in which
9 E.D. has or may have an interest

10 19. In the course of the activities described above in Paragraph 4, and based on the
11 facts discovered by the DRE, as alleged in Paragraphs 5 through 10 above, THOMPSON's acts
12 and/or omissions constitute breaches of her fiduciary duties, and constitute cause for the
13 suspension or revocation of THOMPSON's real estate license and license rights under the
14 provisions of **Code sections 10177(d) and/or 10177(g)**.

15 **COSTS**

16 **(INVESTIGATION AND ENFORCEMENT COSTS)**

17 20. **Code section 10106** provides, in pertinent part that in any order issued in
18 resolution of a disciplinary proceeding before the DRE, the Commissioner may request the
19 administrative law judge to direct a licensee found to have committed a violation of this part to
20 pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

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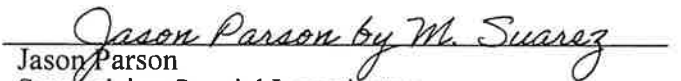
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
2 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
3 against all the licenses and license rights of Respondent LORI MELINDA THOMPSON under the
4 Real Estate Law, for the costs of investigation and enforcement as permitted by law, and for such
5 other and further relief as may be proper under other applicable provisions of law.

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7 Dated at Los Angeles, California this 5th day of August, 2022.

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10 
11 Jason Parson
Supervising Special Investigator

12
13 cc: LORI MELINDA THOMPSON
14 Coldwell Banker Residential Brokerage Company
15 Jason Parson
Sacto.