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DEPT. OF REAL ESTATE

By [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H-42776 LA
)	
GLENNIS TENELL SELDON,)	OAH No. 2024020217
)	
Respondent.)	
)	

DECISION AFTER REJECTION

The matter came on for hearing before Chris Ruiz, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on April 22, 2024.

Judith Buranday, Counsel, represented the Complainant.

Respondent Glennis Tenell Seldon was present at hearing and represented herself.

Evidence was received and the matter stood submitted on April 22, 2024.

On May 20, 2024, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with a copy of the Proposed Decision dated May 20, 2024, and with notice of my determination not to adopt the Proposed Decision. Respondent was notified that the case would be decided by me upon the

DECISION AFTER REJECTION

1 record, including the transcript of proceedings ("TOP") held on April 22, 2024, and upon any
2 written argument offered by the parties. The TOP was received from the court reporter on
3 September 6, 2024, and Respondent was notified that he had 15 days to submit her written
4 argument for the Commissioner's consideration.

5 Argument has been submitted by the parties.

6 I have given careful consideration to the record in this case, including the TOP of
7 April 22, 2024.

8 FINDINGS OF FACT

9 The Findings of Fact and Legal Conclusions in the Proposed Decision dated May
10 20, 2024, are hereby adopted as a part of this Decision with the following additions, deletions
11 and/or modifications:

12 **Disposition**

13 Deletion No.1. "7. The evidence that the even which led to respondent's
14 conviction was an aberrant one, wholly out of character for respondent. Respondent has changed
15 her lifestyle since her conviction which, when combined with her remorse and change in attitude,
16 established that it is unlikely any similar event will occur in respondent's future."

17 Deletion No. 2. "8. Without condoning respondent's actions, it is not at all clear
18 that her misconduct establishes any proclivity for violence that's inconsistent with public
19 protection. Respondent became involved in a dispute, at a bar while drinking alcohol, which she
20 rarely uses. The volatile dynamics of that situation cannot be readily generalized to predict how
21 an individual is likely to act in ordinary professional situations with colleagues, clients, and the
22 public. The emotions and feelings that are evoked in personal conflicts, especially when alcohol
23 is involved, are more intense than those induced by professional relationships."

24 Deletion No. 3. "9. It is settled that the purpose of proceedings of this type are to
25 protect the public, and not to punish an errant licensee. (Camacho v. Youde (1979) 95
26 Cal.App.3d 161, 164.) Three years have passed since the assault occurred. Respondent has paid
27 over \$9,000 in restitution, has engaged in responsible professional conduct, has performed hours

1 of physical labor in compliance with her criminal probation, and has demonstrated a remorseful
2 attitude that should be expected. She cooperated with the DRE it (sic) made inquiries into the
3 matter. Considering all of the evidence as a whole, the public will be protected by restricting
4 respondent's license for two years. Respondent will be closely supervised by her broker while on
5 probation. Respondent's broker is motivated to help respondent succeed with her licensed
6 activities."

7 The following additions are to be placed in the Disposition Section:

8 Addition No. 1. "7. Respondent's 2023 convictions for assault with a deadly
9 weapon, to wit: a cocktail glass, and battery with serious bodily injury, are substantially related
10 to the qualifications, functions, and duties of a real estate licensee pursuant to Title 10, Chapter
11 6, of the California Code of Regulations ("Regulations") sections 2910(a)(8) (doing of any
12 unlawful act with the intent or threat of doing substantial injury to the person or property of
13 another). Cause exists to revoke Respondent's real estate salesperson license pursuant to
14 Business and Professions Code sections 490 and 10177(b)."

15 Addition No. 2. "8. Respondent's convictions involved violence and two years
16 have not passed since her convictions. Respondent remained on informal probation until recently
17 on August 23, 2024. (TOP, p. 40, lns. 12-17.)"

18 Addition No. 3. "9. Respondent testified that alcohol consumption was a
19 contributing factor to her violent behavior. (TOP, p. 33, lns. 9-11; p. 44, lns. 21-25.), however,
20 when asked whether she has refrained from consuming alcohol since the altercation, Respondent
21 did not provide a direct answer. Instead, Respondent stated that 'I don't drink like that' and 'I
22 haven't even been to any bars or any of those brunches or that location'. (TOP, p. 48, lns. 22-25;
23 p. 49, lns. 1-5.)"

24 Addition No. 4. "10. Respondent was in a verbal altercation with the victim.
25 During the altercation, Respondent threw the liquid contents from two (2) cups and a glass cup at
26 the victim. The victim did not approach or advance towards Respondent during the altercation.
27 Due to being hit with the glass thrown by the Respondent, the victim was hospitalized with

1 lacerations on her forehead. (TOP, p. 44, lns. 21-25; p. 46, lns. 8-25; p. 47., lns. 1-25; p. 48, lns.
2 1-18.)”

3 Addition No. 5. “11. At the time of the hearing, Respondent had a restitution
4 balance of about \$1,000 and about 103 hours of community service to complete. (TOP, p. 39,
5 lns. 1-20.)”

6 ORDER

7 All licenses and licensing rights of Respondent GLENNIS TENELL SELDON
8 under the Real Estate Law are hereby revoked; provided, however, a restricted real estate
9 salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business
10 and Professions Code if Respondent makes application therefor and pays to the Department of
11 Real Estate the appropriate fee for said license within ninety (90) days from the effective date of
12 this Decision. The restricted license issued to Respondent shall be subject to all of the provisions
13 of Section 10156.7 of the Business and Professions Code and to the following limitations,
14 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

15 1. The restricted license issued to Respondent may be suspended prior to hearing
16 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea
17 of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as
18 a real estate licensee.

19 2. The restricted license may be suspended prior to hearing by Order of the Real
20 Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated
21 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
22 Estate Commissioner or conditions attaching to said restricted license.

23 3. Respondent shall not be eligible for the issuance of any unrestricted real estate
24 license nor for the removal of any of the conditions, limitations or restrictions of the restricted
25 license until at least two (2) years have elapsed from the effective date of this Decision.
26 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
27 attaching to the license have been removed.

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

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

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

10 5. Respondent shall notify the Commissioner in writing within 72 hours of any
11 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Flag
12 Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811. The letter shall set forth the
13 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
14 address of the arresting law enforcement agency. Respondent's failure to timely file written
15 notice shall constitute an independent violation of the terms of the restricted license and shall be
16 grounds for the suspension or revocation of that license.

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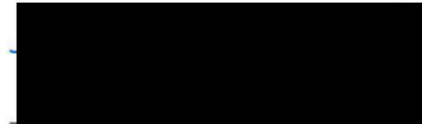
1 6. All licenses and licensing rights of Respondent are indefinitely suspended
2 unless or until Respondent pays the sum of \$1,923.07 for the Commissioner's reasonable cost of
3 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
4 the form of a cashier's check made payable to the Department of Real Estate. The investigative
5 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651
6 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Order.

7 This Decision shall become effective at 12 o'clock noon on

8 JAN - 1 2005

9 IT IS SO ORDERED 12/11/24.

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11 CHIKA SUNQUIST
12 REAL ESTATE COMMISSIONER



15 By: Marcus L. McCarther
16 Chief Deputy Real Estate Commissioner
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DEPT. OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-42776 LA
)	
GLENNIS TENELL SELDON,)	OAH No. 2024020217
)	
Respondent.)	

NOTICE

TO: GLENNIS TENELL SELDON, Respondent, and her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated May 20, 2024, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated May 20, 2024, is attached hereto 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, which may include the transcript of the proceedings held on Monday, April 22, 2024, 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 Monday, April 22, 2024, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good

1 cause shown.

2 Written argument of complainant to be considered by me must be submitted within
3 15 days after receipt of the argument of respondent at the Los Angeles Office of the Department of
4 Real Estate unless an extension of the time is granted for good cause shown.

5 DATED: 8/5/2024.

6 CHIKA SUNQUIST
7 REAL ESTATE COMMISSIONER

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10 By: Marcus L. McCarther
11 Chief Deputy Real Estate Commissioner
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**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GLENNIS TENELL SELDON,

Respondent.

OAH No. 2024020217

Dept. No. H-42776 LA

PROPOSED DECISION

Chris Ruiz, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on April 22, 2024, by videoconference.

Judith Buranday, Counsel, represented Ray Dagnino (complainant), a Supervising Special Investigator of the State of California.

Glennis Tenell Seldon was present and represented herself.

Testimony and documents were received as evidence. The record closed and the matter was submitted for decision on April 22, 2024.

FACTUAL FINDINGS

Jurisdictional Matters

1. On December 15, 2023, complainant filed the Accusation in his official capacity.
2. On December 26, 2023, respondent filed a Notice of Defense which requested an administrative hearing on the allegations stated in the Accusation.
3. Respondent currently holds real estate salesperson license number ID 0188419, which was issued by the Department of Real Estate (DRE) on December 20, 2010, and which is scheduled to expire on December 30, 2026, unless renewed.
4. The DRE has not previously taken any disciplinary action against respondent's license.

Respondent's Criminal Conviction

5. On October 29, 2021, the Orange County District Attorney filed a criminal complaint against respondent, which alleged respondent committed two felony crimes.
6. On August 23, 2023, in the Superior Court of California, County of Orange, in case number 21 WF2956, respondent was convicted, on her pleas of guilty, of violating Penal Code section 245, subdivision (a)(1)(assault with a deadly weapon, to wit: a cocktail glass) and Penal Code section 243, subdivision (d)(battery with serious bodily injury), both misdemeanors. The criminal court reduced both felony counts to misdemeanors, prior to accepting respondent's pleas.

7. The criminal court suspended the imposition of sentence and placed respondent on one year of informal probation with terms and conditions, which included respondent serving 180 days in county jail. However, in lieu of jail time, the criminal court allowed respondent to complete 30 days, or 240 hours, of Cal Trans/Physical Labor, to be completed no later than July 19, 2024. Respondent has completed 137 of the required 240 Cal Trans hours and she intends to complete the remaining 103 hours no later than July 2024.

8. The criminal court also ordered respondent to stay away from the victim and to pay restitution to the victim in the amount of \$10,300. Respondent has paid \$9,300 in restitution to the victim and respondent will make her last two payments of \$500, per month, in the next two months.

9. The underlying events leading to respondent's conviction occurred On April 10, 2021, more than three years ago. Respondent was at a bar, drinking alcohol, with her boyfriend. She became involved in a dispute with another patron, which ultimately resulted in respondent throwing a drinking glass at the victim. The glass struck the victim on the forehead, resulting in injury to the victim.

Respondent's Contact with DRE

10. On September 23, 2021, before any criminal charges had been filed against respondent, the DRE became aware of respondent's arrest. Cecilia Alvarado (Alvarado), Special Investigator, contacted respondent by email. Alvarado's email mentioned respondent's May 13, 2021 arrest date and requested information regarding any upcoming court dates.

11. On September 25, 2021, respondent replied to Alvarado's email and informed her that no court dates were scheduled.

12. On May 3, 2022, respondent notified Alvarado that her lawyers would be attending a court date in that same month and that she would provide additional information as it became available. On that same date, Alvarado acknowledged the information provided by respondent.

13. On September 30, 2023, 38 days after her conviction date, respondent notified Alvarado that her criminal case had been resolved. Respondent informed Alvarado that the criminal court had placed her on probation for one year.

14. On October 3, 2023, Alvarado acknowledged respondent's September 30, 2023 email.

Respondent's Failure to Report Filing of Criminal Charges or Conviction

15. Respondent immediately called her real estate broker after criminal charges were filed against her. Theresa Miller (Miller) is respondent's mother and also her designated real estate broker. However, respondent did not report, to DRE within 30 days that a criminal complaint had been filed against her. In mitigation, respondent provided information to DRE regarding her arrest prior to the filing of criminal charges.

16. Respondent reported her conviction to DRE within 38 days, which is not in compliance with the 30-day reporting requirement. In mitigation, respondent was responsive to all of Alvarado's inquiries and DRE was already aware of pending criminal charges against respondent.

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17. Respondent acknowledged she should have immediately reported both the filing of criminal charges against her and the date she was convicted. Respondent was not trying to deceive the DRE.

Respondent's Evidence of Rehabilitation

18. Respondent expressed remorse and accepted responsibility for her criminal conduct. Respondent has never been in trouble, other than this isolated event. She loves working in real estate and helping people purchase and sell homes. Respondent has been working in real estate for 14 years, without any issues. For almost all that time, Miller has been her real estate broker.

19. Respondent volunteers as a track coach at a Long Beach school approximately three times per week. Respondent receives a small annual stipend of \$500 for the approximately eight months, per year, when she volunteers as a track coach.

20. Respondent is currently serving as the president of Women's Council of Realtors in Long Beach.

21. Respondent has only used alcohol on a few occasions since her conviction and respondent no longer resides with her boyfriend. Respondent is focusing on her real estate career and completing her criminal probation. Respondent has changed her attitude since her conviction and has taken steps to ensure she does not have any further contact with law enforcement in the future.

Miller's Testimony

22. As previously stated, Miller is respondent's mother and also her real estate broker. Miller owns and operates "The M & M Team Realty" where she

supervises 10 real estate salesperson agents, not including herself or respondent. Miller's testimony corroborated respondent's testimony that the criminal conduct at issue was an isolated event. Miller described respondent as an almost a perfect daughter, who had never been in trouble before the incident which led to respondent's conviction.

23. After the incident, Miller encouraged respondent to discontinue living with her boyfriend, to move home and live with Miller, and to focus on rehabilitating herself and developing her real estate career. Miller also encouraged respondent to join the Women's Council in Long Beach. Respondent took her mother's advice, she broke up with her boyfriend, moved back in with her mother, and began focusing on improving herself.

24. Respondent's real estate gross earnings in 2023 were approximately \$16,500. In the first four months of 2024, respondent's gross real estate earnings are already approximately \$29,000. Respondent's increased commissions evidence her renewed focus on her career, which will likely lead to further success as a real estate agent if respondent continues to focus on her career.

Costs

25. The costs of investigation requested by DRE in this matter are \$2,499.74. In cases similar to this matter, the costs of investigation are almost always less than the costs to prosecute. However, in this matter, the costs of investigation are almost four times the costs incurred in paying an attorney to prosecute this matter. Therefore, it is fair and equitable to reduce these costs by half. The reasonable costs of investigation are \$1,249.87.

26. The reasonable costs of prosecution in this matter are \$673.20.

LEGAL CONCLUSIONS

Burden of Proof

1. A real estate salesperson's license is a professional license. The standard of proof in an administrative action seeking to suspend or revoke a professional license is "clear and convincing evidence." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Therefore, the DRE bears the burden of proof to establish that cause exists to suspend or revoke respondent's license.

Substantial Relationship

2. Pursuant to California Code of Regulations (CCR), title 10, section 2910, subdivision (a)(8), respondent's convictions are substantially related to the qualifications, functions or duties of a real estate licensee because respondent acted unlawfully with the intent or threat of doing substantial injury to another person.

Causes for Discipline

RESPONDENT'S CONVICTION

3. Cause exists, pursuant to Business and Professions Code sections 490, subdivision (a), and 10177, subdivision (b)(1), to suspend or revoke respondent's license because respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a real estate licensee.

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**RESPONDENT'S FAILURE TO REPORT FILING OF CRIMINAL CHARGES AND
CONVICTION**

4. Pursuant to Business and Professions Code section 10186.2, subdivisions (a)(1)(A) and (a)(1)(B), a licensee must report, in writing, "the bringing of a criminal complaint, information, or indictment charging a felony" and "the conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor" to the DRE within 30 days, which respondent failed to do. However, DRE was aware of respondent's arrest prior to criminal charges being filed and respondent kept DRE informed of the status of her criminal case. Respondent was always responsive to DRE inquiries regarding respondent's criminal case. Nevertheless, technically respondent did not comply with the law and cause exists to suspend or revoke her license, pursuant to Business and Professions Code section 10186.2, subdivision (b).

Costs

5. Business and Professions Code section 10106, provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the DRE, the Commissioner may request the administrative law judge to direct a licensee found to have committed an act which is cause for discipline to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. In this matter, the reasonable costs of investigation are \$1,249.87 and the reasonable costs of enforcement are \$673.20, which totals \$1,923.07.

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Disposition

7. The evidence established that the event which led to respondent's conviction was an aberrant one, wholly out of character for respondent. Respondent has changed her lifestyle since her conviction which, when combined with her remorse and change in attitude, established that it is unlikely any similar event will occur in respondent's future.

8. Without condoning respondent's actions, it is not at all clear that her misconduct establishes any proclivity for violence that's inconsistent with public protection. Respondent became involved in a dispute, at a bar while drinking alcohol, which she rarely uses. The volatile dynamics of that situation cannot be readily generalized to predict how an individual is likely to act in ordinary professional situations with colleagues, clients, and the public. The emotions and feelings that are evoked in personal conflicts, especially when alcohol is involved, are more intense than those induced by professional relationships.

9. It is settled that the purpose of proceedings of this type are to protect the public, and not to punish an errant licensee. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 164.) Three years have passed since the assault occurred. Respondent has paid over \$9,000 in restitution, has engaged in responsible professional conduct, has performed hours of physical labor in compliance with her criminal probation, and has demonstrated a remorseful attitude that should be expected. She cooperated with the DRE it made inquiries into the matter. Considering all of the evidence as a whole, the public will be protected by restricting respondent's license for two years. Respondent will be closely supervised by her broker while on probation. Respondent's broker is motivated to help respondent succeed with her licensed activities.

ORDER

All licenses and licensing rights of respondent Glennis Tenell Seldon 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 therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. Respondent's license will be restricted for two years. 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.
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 the 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 notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to

timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

7. Respondent Glennis Tenell Seldon shall pay the Department \$1,923.07 for its costs of enforcement and investigation in this matter. Respondent shall pay the total amount of costs within 12 months of the of the effective date of this Decision.

DATE: 05/20/2024


Christopher Ruiz (May 20, 2024 10:20 PDT)

CHRIS RUIZ

Administrative Law Judge

Office of Administrative Hearings