Minutes of Meeting

VIRGINIA REAL ESTATE BOARD
INFORMAL FACT-FINDING CONFERENCES
OCTOBER 23, 2003 (8:15 AM)

The Virginia Real Estate Board reconvened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Gerald Divaris and Sharon Parker Johnson, Board Members, Presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application	A=Applicant
	Participants
Lyndon Charles Thompson File Number 2003-03267 (Lic)	None

The meeting adjourned at 9:00 a.m.

Virginia Real Estate Board

S. Ronald Owens, Vice Chairman

Louise Fontaine Ware, Secretary

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Custodian of Records

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE BOARD

IN RE: LYNDON CHARLES THOMPSON
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE

FILE NUMBER: 2003- 03267

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lyndon Charles Thompson on June 23, 2003. The following individuals participated at the conference: Lyndon Charles Thompson, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

The IFF was reconvened on October 23, 2003 at the Department of Professional and Occupational Regulation. The following individuals participated at the reconvened IFF. Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member. Lyndon Charles Thompson, the Applicant, nor anyone on his behalf, attended the reconvened IFF.

Summation of Facts

1. Lyndon Charles Thompson (Thompson) applied for a real estate salesperson's license by examination on or about May 16, 2003, and disclosed a 1986 criminal conviction for Larceny, a misdemeanor.

2. On or about June 2, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. Following the July 31, 2003, IFF, Thompson received the Summary of the Informal Fact-Finding Conference. Upon contacting staff and discussing an additional 1996 criminal conviction for Brandishing a Firearm, a misdemeanor, Thompson submitted information on the criminal conviction that was not addressed in the July 31, 2003, IFF.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

   Thompson was convicted of Larceny, a misdemeanor, on January 7, 1986, in Montgomery County General District Court, and convicted of Brandishing a Firearm, a misdemeanor, on December 9, 1996, in Arlington General District Court.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

   The purpose of licensure is to protect the health, safety, and welfare of the public. Thompson's latest conviction occurred approximately 7 years ago. This conviction was of such a nature that it would appear to impose a danger to the health, safety and welfare of the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

   The requirements of a real estate licensee involve day-to-day interaction with the public and at times require a licensee to deal with stressful and difficult situations.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

   Due to Thompson's failure to disclose the 1996 criminal conviction, and the nature of that conviction, makes Thompson unsuitable to perform the duties and responsibilities of this profession.

5. The extent and nature of the person's past criminal activity;

   Thompson was convicted of Larceny, a misdemeanor and Brandishing a Firearm, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Thompson was approximately 24 years of age for the Larceny conviction and 34 years of age for the Brandishing a Firearm conviction.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Thompson's Brandishing a Firearm conviction, occurred on or about December 9, 1996.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the July 31, 2003, IFF, Thompson stated he attended college two years prior to his Larceny conviction and following that conviction he re-entered college and completed his degree. Thompson has worked in the accounting field for over 10 years and has been a licensed CPA since 1996. Thompson has been working as a consultant for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Thompson served 30 days in jail following the Brandishing a Firearm conviction and was sentenced to complete 60 hours in the Arlington County Sheriff's Community Work Program, which Thompson completed on April 12, 1997. Based upon Thompson's failure to include the 1996 criminal conviction in his initial application, his lack of veracity in failing to disclose the 1996 criminal conviction at the IFF held on July 31, 2003, and his failure to appear at the reconvened IFF on October 23, 2003, would indicate Thompson's lack of rehabilitation.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Thompson's application for a real estate salesperson's license by examination be denied based on the fact that he failed to submit a complete criminal conviction record at the time of his application and did not disclose the additional Brandishing a Firearm conviction. We believe these actions display a lack of integrity and good character that is required to work in the profession of real estate.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: October 23, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: October 23, 2003