

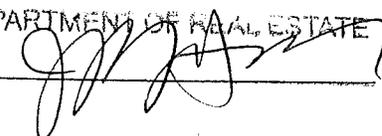
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1 Department of Real Estate
2 320 W. 4th St., # 350
3 Los Angeles, CA 90013

FILED

APR 17 2013

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10
11 In the Matter of the Continuing) H- 04486 SD
12 Education Offerings of)
13 THE CAREER COMPASS,)
14 Sponsor.)
15

16 NOTICE OF WITHDRAWAL OF CONTINUING
17 EDUCATION OFFERING APPROVALS

18 TO: THE CAREER COMPASS
19 Wellington Pendell
20 3525 Del Mar Heights Road, Suite A160
21 San Diego, Ca 92130

- 22 RE: 1. BUILDING SUPERIOR CLIENT RELATIONSHIP 4872-1009
23 2. REAL ESTATE PRICING & OFFERS 4872-1007
24 3. REAL ESTATE MARKETING 101 4872-1006
25 4. PLANNING & TRACKING YOUR BUSINESS 4872-1005
26 5. QUADRUPLING YOUR BUSINESS 4872-1004

27 NOTICE IS HEREBY GIVEN pursuant to the provisions of
Section 3010 of Title 10, Chapter 6, California Code of

1 Regulations ("Regulations") that the Real Estate Commissioner
2 ("Commissioner") has caused an investigation to be made into
3 the presentation of the continuing education course offerings
4 identified in Paragraph 2, below, sponsored by THE CAREER
5 COMPASS ("COMPASS") and previously approved by the Department
6 of Real Estate of the State of California ("Department"), that
7 on the basis of that investigation, the Commissioner has
8 determined that said courses no longer meet the statutory and
9 regulatory standards for approval for continuing education
10 course offerings, and that approval of said courses should be
11 and hereby is withdrawn for the reasons set forth below:
12
13

14 1. COMPASS is the sponsor of the continuing
15 education course offering identified in Paragraph 2, below.
16 COMPASS is owned and controlled by Wellington Pendell
17 ("Pendell").
18

19 2. The Department issued to COMPASS approval for the
20 following continuing education course offerings pursuant to
21 Business and Professions Code ("Code") Section 10170.4 and
22 Sections 3006 and 3007 of the Regulations:
23

<u>Course No.</u>	<u>Date</u>	<u>Course Title</u>
<u>Issued By DRE</u>	<u>Approved</u>	
4872-1009	3/21/12	Building Superior Client Relationships
4872-1007	11/9/11	Real Estate Pricing & Offers

1	4872-1006	6/12/11	Real Estate Marketing
2	4872-1005	5/31/11	Planning & Tracking Your
3			Business
4	4872-1004	5/23/11	Quadrupling Your Business

5
6 Except for Course No. 4872-1006 titled "Real Estate Marketing
7 101," these courses were applied for and approved to be taught
8 as correspondence courses. The course titled "Real Estate
9 Marketing 101" was applied for and approved to be taught as a
10 seminar.

11 3. In order to qualify for renewal of a real estate
12 license, a licensee must prove successful completion of
13 continuing education courses, or the equivalent, such as that
14 identified in Paragraph 2, above, during the preceding four-
15 year period (Code Section 10170.5).

16
17 4. Approval of the courses identified in Paragraph 2,
18 above, was predicated upon COMPASS and Pendell's compliance with
19 Code Sections 10170 through 10170.6, and Sections 3005 through
20 3012.2 of the Regulations.

21 5. Section 3006 of the Regulations sets forth the
22 criteria for approval of course offerings by the Department,
23 including but not limited to the requirement that course
24 participants be physically present at least 90% of the offering
25 time (Section 3006(b)) and that the course provide for an
26 appropriate form of final examination as specified in Section
27 3007.3 (Section 3006(d)).

1 6. Section 3007.2 provides that material changes in
2 course offerings require submission by the sponsor to the
3 Department for consideration and approval prior to use.

4 7. Section 3007.3 of the Regulations provides that a
5 final examination is required for all continuing education
6 classes, and that sponsors shall establish final examination
7 rules for approved offerings, including but not limited to the
8 following:
9

10 a. Section 3007.3(a) provides that the final
11 examination shall provide the means by which a sponsor
12 determines whether a participant has successfully completed the
13 offering.
14

15 b. Section 3007.3(b) provides that the final
16 examination shall not be taken by participants until completion
17 of the instructional portion of the offering to which the
18 examination applies.

19 8. The violation of a final examination rule by the
20 sponsor or the sponsor's representative administering the
21 examination shall constitute grounds for denial or withdrawal
22 of approval of the course offering pursuant to the provisions
23 of Section 3007.3(n) of the Regulations.
24

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26 ///

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1 LICENSEE PARTICIPANTS LARRY C. AND JACQUELINE L.

2 Larry C.

3 9. On or about March 1, 2012, Larry C., a licensed
4 real estate salesperson, attended an informational presentation
5 by COMPASS and Pendell at 450 N. Mountain Avenue, Upland,
6 California which advertised that three (3) continuing education
7 credits would be earned by attendees. The presentation was not
8 advertised as, and did not constitute, the coursework for any
9 of the Department authorized continuing education courses
10 described in Paragraph 2, above. No final examination was
11 administered at the informational presentation. At the
12 conclusion of the presentation Larry C. gave COMPASS and
13 Pendell a check in the amount of \$189 for the value of
14 indefinite admittance at any future "45-hour seminars" held by
15 COMPASS.
16

17 Subsequently, Larry C. made numerous unsuccessful
18 phone calls to COMPASS seeking a refund of the \$189 he paid to
19 COMPASS. Finally, on or about April 22, 2012, Larry C.
20 requested and received from COMPASS and Pendell a course
21 completion certificate. The certificate sent to Larry C.
22 purported to have been issued for Larry C.'s completion of an
23 authorized correspondence course on March 19, 2012, entitled
24 "Planning & Tracking Your Business."
25
26
27

1 course completion certificate from COMPASS and Pendell which
2 purported to have been issued for Jacqueline L.'s completion of
3 an authorized correspondence course on March 1, 2012, entitled
4 "Planning & Tracking Your Business." The conduct of COMPASS and
5 Pendell constituted the following violations:
6

7 a. The certificate falsely reflected that the
8 certificate pertained to a correspondence course when, in fact,
9 the event attended by Jacqueline L. was an unapproved live
10 presentation, which constitutes a material change in a course
11 offering in violation of Section 3007.2 of the Regulations.
12

13 b. COMPASS and Pendell failed to utilize a sign in
14 and out system to ensure that attendants were physically
15 present during the course in violation of Section 3006(b) of
16 the Regulations.

17 c. COMPASS and Pendell issued a completion
18 certificate without requiring that Jacqueline L. take, complete
19 and successfully pass the Department authorized final
20 examination associated with the course described in the
21 completion certificate in violation of Sections 3006(d) and
22 3007.3 of the Regulations.
23

24 11. The conduct described in Paragraphs 9 and 10,
25 above, constitutes a failure by COMPASS and Pendell to comply
26 with the conditions for the approval of the courses identified
27 in Paragraph 2, above, including Sections 3006(b), 3006(d),

1 3007.2, and 3007.3 of the Regulations. The conduct of COMPASS
2 and Pendell is grounds for the withdrawal of approval of all
3 the continuing education course offerings identified in
4 Paragraph 2, above, pursuant to the provisions of Sections
5 3006, 3007.3 and 3010 of the Regulations.
6

7 COMPLAINT REGARDING MULTIPLE PARTICIPANTS

8 12. On or about May 21, 2012, the Department received
9 a complaint from Stephanie M. concerning the manner in which
10 continuing education courses presented by COMPASS and Pendell
11 are conducted. Stephanie M. is a licensed real estate broker.
12 Stephanie M.'s complaint is as follows:
13

14 a. The instructor (Pendell) did not require that
15 participants in COMPASS' authorized courses sign in or sign out
16 of class in violation of Section 3006(b) of the Regulations);
17 and

18 b. Pendell failed to administer final examinations to
19 the participants in COMPASS' authorized courses in violation of
20 Sections 3006(d) and 3007.3 of the Regulations.
21

22 INVESTIGATION BY THE DEPARTMENT

23 13. Upon further investigation by the Department the
24 following additional violations were discovered to have been
25 made by COMPASS and Pendell:

26 a. At least four attending participants of COMPASS'
27 authorized courses received continuing education course

1 completion certificates without being required to take,
2 complete and successfully pass the Department authorized final
3 examination associated with the course described in the
4 completion certificate in violation of Sections 3006(d) and
5 3007.3 of the Regulations; and
6

7 b. In some instances, portions of the course
8 completion certificates issued by COMPASS and Pendell were
9 incorrect in the following manner: (1) the certificates failed
10 to include the complete and exact course title; (2) the
11 certificates falsely reflected that the certificate pertained
12 to a correspondence course when, in fact, the course was
13 presented as an unapproved live presentation; and (3) the
14 course certificates failed to include the actual date the final
15 examination was purportedly given to the participant. All of
16 the foregoing is in violation of Section 3007(j) of the
17 Regulations.
18

19 14. The conduct of COMPASS and Pendell, as described
20 in Paragraphs 12 and 13, above, constitutes the failure by
21 COMPASS and Pendell to perform in accordance with their
22 representations and assurances that they would comply with the
23 conditions to the approval of courses identified in Paragraph
24 2, above, and is additionally, a violation of the provisions of
25 Sections 3006, 3007 and 3007.3 of the Regulations. The
26 foregoing is grounds for the withdrawal of approval of all the
27

1 continuing education course offerings identified in Paragraph
2 2, above, under the provisions of Sections 3007.3(n) and
3 3010(a) of the Regulations.

4
5 13. Based on the entirety of the conduct described in
6 Paragraphs 9, 10, 12 and 13, above, the Commissioner has
7 determined that the course sponsor has engaged in activity
8 violating the provisions of Article 25 (commencing with Section
9 3005) of the Regulations, and, therefore, that approval of all
10 the courses described in Paragraph 2, above, should be and
11 hereby is withdrawn pursuant to the provisions of Section
12 3010(a) of the Regulations.

13
14 14. Pursuant to the provisions of Section 3010(a) of
15 the Regulations, the withdrawal of approval of all the course
16 offerings identified in Paragraph 2, above, will be effective
17 thirty (30) days after the notice of withdrawal is received by
18 the sponsor unless the sponsor earlier files a written request
19 for hearing on the withdrawal action. If the request for
20 hearing is received by the Commissioner before 30 days after
21 the date of receipt of notice of withdrawal by the sponsor, the
22 withdrawal of approval shall not be effective unless and until
23 ordered by the Commissioner pursuant to findings and
24 conclusions reached after hearing pursuant to Chapter 5
25 (commencing with Section 11500) of Part 1 of Division 3 of
26 Title 2 of the Government Code. The hearing shall be commenced
27

1 within 30 days after receipt of the request for hearing unless
2 continued to a later day by order of the Commissioner, or by
3 agreement of the parties as provided in Section 3010(a) of the
4 Regulations.
5

6 DATED

4/9/2013

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8 REAL ESTATE COMMISSIONER

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Wayne S. Bell

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25 cc: THE CAREER COMPASS
WELLINGTON PENDELL
26 3525 Del Mar Heights Road, Ste. A160
San Diego, Ca 92130
27 Shelly Wilson
Sacto, FLAG
Sacto, Education