

1 Joseph Paoella  
2 4311 Wilshire Blvd. Ste. 314  
3 Los Angeles CA 90010  
4 Tel: 323.965.7506  
5 Fax: 323.965.7508

6 Defendant in propria persona

**FILED**  
LOS ANGELES SUPERIOR COURT

JUN 27 2008

John A. Clarke, Executive Officer/Clerk  
By A. Hendrickson Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES - CENTRAL DISTRICT  
10 UNLIMITED CIVIL JURISIDICIION

12 John Grogan,

13 Plaintiff,

14 vs.

15 Joseph Paoella et al,

16 Defendant

Case No.: BC 391778

Honorable Helen I. Bendix

Motion to Strike Complaint Under  
Section 425.16 C.C.P.; Points &  
Authorities; Exhibits

Date: 7/22/08  
Time: 9:00 a.m.  
Dept: 18

18 TO: THE HONORABLE JUDGE HELEN I. BENDIX OF  
19 DEPARTMENT 18 OF THE LOS ANGELES SUPERIOR COURT, TO THE  
20 PLAINTIFF JOHN LEO GROGAN BY HIS COUNSEL, GEORGE  
21 BALTAKE, AND TO THE OTHER DEFENDANTS.

22 Defendant Joseph Paoella, who represents himself in propria persona,  
23 moves the Honorable Court for an order striking the Complaint in its entirety  
24 pursuant to the provisions of Section 425.16 C.C.P., based on this Notice of  
25 Motion and Motion, the Points & Authorities herein, the Exhibits attached  
26 hereto, and such other evidence, oral and written, as may be presented upon the  
27 hearing of this matter.  
28

CIT/CASE: BC391778 LEA/DEF#:  
RECEIPT #: CCH18828025  
DATE FILED: 06/27/08 10:20:57 AM  
0310  
PAYMENT: \$320.00  
RECEIVED: 06/27/08 10:20:57 AM  
CLERK: A. HENDRICKSON  
DEPT: 18

1 Notice is further given that a Request for Judicial Notice will be made for  
2 hearing in conjunction with this motion of documentary evidence, i.e., the  
3 decisions of an Administrative Law Judge (ALJ) concerning the revocation of  
4 the Plaintiff's Private Investigator, Private Patrol Operator, and Firearms  
5 Qualification licenses by the Bureau of Security & Investigative Services.

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8 Joseph Paoella

9 Defendant in pro per  
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1 merely obfuscate that which is intuitively obvious. As the legislature expressed  
2 the public policy considerations in Section 425.16(a) C.C.P.:

3       The Legislature finds and declares that there has been a  
4       disturbing increase in lawsuits brought primarily to chill  
5       the valid exercise of the constitutional rights of freedom  
6       of speech and petition for the redress of grievances. The  
7       Legislature finds and declares that it is in the public  
8       interest to encourage continued participation in matters of  
9       public significance, and that this participation should not  
10      be chilled through abuse of the judicial process. To this  
11      end, this section shall be construed broadly.

12      The constitutional rights of freedom of speech are those enumerated in the  
13      First Amendment to the United States Constitution and in Article One, Sections  
14      2 and 3. The United States, having ratified the International Covenant on Civil  
15      & Political Rights (ICCPR) and incorporated it as a body of interpretive law  
16      under the Supremacy Clause (Article Six, Clause 2, U.S. Constitution), is  
17      instructive to the extent that it enumerates, elucidates, and illustrates the rights  
18      inherent in the United States Constitution. Article 9, Section 2 of the ICCPR  
19      elaborates that these rights encompass the premise that "Everyone shall have  
20      the right to freedom of expression; this right shall include freedom to seek,  
21      receive and impart information and ideas of all kinds, regardless of frontiers,  
22      either orally, in writing or in print, in the form of art, or through any other media  
23      of his choice."

24      Another seminal source for the truest meaning of the right to free speech  
25      is to be found in the ratification resolutions of the states of the United States  
26      Constitution, especially in those which enumerated their demands for an explicit  
27      Bill of Rights. Typical of these statements is the 16<sup>th</sup> demand of the Rhode  
28      Island Ratification Convention which stated "That the people have a right to

1 freedom of speech and of writing, and publishing their sentiments, that freedom  
2 of the press is one of the greatest bulwarks of liberty, and ought not to be  
3 violated." (Washington DC: Formation of the Union of the American States,  
4 GPO, 1927, p. 1054).

5 In *Kyle v. Carmon* (1999) 71 Cal.App.4th 901, 84 Cal.Rptr.2d 303 the  
6 court wrote that:

7 Section 425.16 "is designed to protect citizens in the  
8 exercise of their First Amendment constitutional rights of  
9 free speech and petition. It is California's response to the  
10 problems created by meritless lawsuits brought to harass  
11 those who have exercised these rights." (*Church of*  
12 *Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628,  
13 644 [49 Cal.Rptr.2d 620] (Church of Scientology); see  
14 also § 425.16, subd. (a).)

15  
16 [4] A SLAPP suit is subject to a special motion to strike  
17 the complaint under section 425.16, unless the court  
18 determines the plaintiff has established a probability of  
19 prevailing on the claim. (§ 425.16, subd. (b)(1).) "The  
20 moving party bears the initial burden of establishing a  
21 prima facie showing the plaintiff's cause of action arises  
22 from the defendant's free speech or petition activity.  
23 [Citation.] ... If the defendant establishes a prima facie  
24 case, then the burden shifts to the plaintiff to establish 'a  
25 probability that the plaintiff will prevail on the claim,'  
26 i.e., 'make a prima facie showing of facts which would, if  
27 proved at trial, support a judgment in plaintiff's favor.'  
28 [Citation.] In making its determination, the trial court is

1 required to consider the pleadings and the supporting and  
2 opposing affidavits stating the facts upon which the  
3 liability or defense is based. [Citation.] Discovery is  
4 stayed upon the filing of the motion. [Citation.] However,  
5 upon noticed motion and for good cause shown, the court  
6 may allow specified discovery." (Church of Scientology,  
7 supra, 42 Cal.App.4th at pp. 646-647, italics omitted.)

8 As recently as May 30, 2008 the California Appellate Court weighed in  
9 on the issue, writing in U.S. Western Falun Dafa Assn. v. Chinese Chamber of  
10 Commerce (2008), Cal.App.4<sup>th</sup> [Nos. A115535, A116307 First Dist., Div. Five.]  
11 that:

12 "Section 425.16, subdivision (b)(1) requires the court to  
13 engage in a two-step process." (*Equilon Enterprises v.*  
14 *Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 67  
15 (Equilon).) First, the court determines whether the  
16 moving defendant has made a threshold showing that the  
17 challenged causes of action arise from protected activity,  
18 that is, activity by defendants in furtherance of their  
19 constitutional right of petition or free speech. (Id. at p.  
20 67.) These protected acts include: (1) written or oral  
21 statements made before a legislative, executive, or  
22 judicial proceeding; (2) written or oral statements made  
23 in connection with an issue under consideration or review  
24 by a legislative, executive, or judicial body; (3) written or  
25 oral statements made in a place open to the public or in a  
26 {Slip Opn. Page 8} public forum in connection with an  
27 issue of public interest; or (4) any other conduct in  
28 furtherance of the exercise of the constitutional rights of

petition or free speech in connection with a public issue  
or an issue of public interest. (§ 425.16, subd. (e).)

It should be noted that intent of the Plaintiff is not at-issue in an anti-SLAPP motion. The California Supreme Court, writing in *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 124 Cal.Rptr.2d 507; 52 P.3d 685 said that:

Section 425.16 nowhere states that, in order to prevail on an anti-SLAPP motion, a defendant must demonstrate that the plaintiff brought the cause of action complained of with the intent of chilling the defendant's exercise of speech or petition rights. There simply is "nothing in the statute requiring the court to engage in an inquiry as to the plaintiff's subjective motivations before it may determine [whether] the anti-SLAPP statute is applicable." (*Damon v. Ocean Hills Journalism Club*, supra, 85 Cal.App.4th at p. 480.) Section 425.16, rather, unambiguously makes subject to a special motion to strike any "cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue" as to which the plaintiff has not "established that there is a probability that [he or she] will prevail on the claim." (§ 425.16, subd. (b)(1); see *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628, 648 [49 [29 Cal.4th 59] Cal.Rptr.2d 620] (Church of Scientology) [anti-SLAPP statute "clear and unambiguous" in applying to all claims "arising from" protected activity].)

1  
2 Nor is there anything in section 425.16's operative  
3 sections implying or even suggesting an intent-to-chill  
4 proof requirement. "The legislative concern," rather, "is  
5 that the cause of action 'aris[e] from' an act in furtherance  
6 of the constitutional right to petition or free speech." (*Fox*  
7 *Searchlight Pictures, Inc. v. Paladino* (2001) 89  
8 Cal.App.4th 294, 307 [106 Cal.Rptr.2d 906].)

9  
10 When on previous occasions we have construed the anti-  
11 SLAPP statute, we have done so strictly by its terms  
12 (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131 [104  
13 Cal.Rptr.2d 377, 17 P.3d 735] [calculation of anti-  
14 SLAPP attorney fees]; see also *Briggs v. Eden Council*  
15 *for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1113-  
16 1117 [81 Cal.Rptr.2d 471, 969 P.2d 564] (*Briggs*)  
17 [construction of § 425.16, subd. (e)]), and no reason  
18 appears why we should proceed otherwise in this case.  
19 Since section 425.16 neither states nor implies an intent-  
20 to-chill proof requirement, for us judicially to impose  
21 one, as Equilon urges, would violate the foremost rule of  
22 statutory construction. [2a] When interpreting statutes,  
23 "we follow the Legislature's intent, as exhibited by the  
24 plain meaning of the actual words of the law .... 'This  
25 court has no power to rewrite the statute so as to make it  
26 conform to a presumed intention which is not expressed.'  
27 " (*California Teachers Assn. v. Governing Bd. of Rialto*  
28



1 *Unified School Dist.* (1997) 14 Cal.4th 627, 632-633 [59  
2 Cal.Rptr.2d 671, 927 P.2d 1175].)

3 **II**  
4 **THE PLAINTIFF CANNOT**  
5 **SHOW A PROBABILITY THAT HE**  
6 **WILL PREVAIL ON HIS CLAIMS**  
7 **BECAUSE HIS CREDIBILITY IS**  
8 **INHERENTLY IMPEACHED**

9 As demonstrated by Exhibits 1 and 2, the Plaintiff has been found guilty  
10 of offenses that inherently impeach him by the nature of their being acts and  
11 omissions involving dishonesty and moral turpitude. See Exhibit 1, page 3 (next  
12 to the last paragraph):

- 13 1. Section 490 B&P: A board may suspend or revoke a license on the  
14 ground that the licensee has been convicted of a crime, if the crime is  
15 substantially related to the qualifications, functions, or duties of the  
16 business or profession for which the license was issued. A conviction  
17 within the meaning of this section means a plea or verdict of guilty or  
18 a conviction following a plea of nolo contendere. Any action which a  
19 board is permitted to take following the establishment of a conviction  
20 may be taken when the time for appeal has elapsed, or the judgment of  
21 conviction has been affirmed on appeal, or when an order granting  
22 probation is made suspending the imposition of sentence, irrespective  
23 of a subsequent order under the provisions of Section 1203.4 of the  
24 Penal Code.
- 25 2. Section 7561.1(a) B&P: The director may deny, suspend, or revoke a  
26 license issued under this chapter if he or she determines that the  
27 licensee or his or her manager, if an individual, or if the licensee is a  
28 person other than an individual, that any of its officers, directors,

1 partners, or its manager, has: (a) Made any false statement or given  
2 any false information in connection with an application for a license or  
3 a renewal or reinstatement of a license.

4 3. Section 7539(a) B&P: Any licensee or officer, director, partner, or  
5 manager of a licensee may divulge to any law enforcement officer or  
6 district attorney, or his or her representative, any information he or she  
7 may acquire as to any criminal offense, but he or she shall not divulge  
8 to any other person, except as he or she may be required by law so to  
9 do, any information acquired by him or her except at the direction of  
10 the employer or client for whom the information was obtained.

11 4. Section 7561.4 B&P: The director may suspend or revoke a license  
12 issued under this chapter if he or she determines that the licensee or his  
13 or her manager, if an individual, or if the licensee is a person other  
14 than an individual, that any of its officers, directors, partners, or its  
15 manager, has committed any act in the course of the licensee's business  
16 constituting dishonesty or fraud. "Dishonesty or fraud" as used in  
17 this section, includes, in addition to other acts not specifically  
18 enumerated herein: (a) Knowingly making a false statement relating  
19 to evidence or information obtained in the course of employment, or  
20 knowingly publishing a slander or a libel in the course of business.  
21 (b) Using illegal means in the collection or attempted collection of a  
22 debt or obligation. (c) Manufacture of evidence. (d) Acceptance of  
23 employment adverse to a client or former client relating to a matter  
24 with respect to which the licensee has obtained confidential  
25 information by reason of or in the course of his or her employment by  
26 the client or former client.

27 5. Section 7561.1(g) B&P: (g) Willfully failed or refused to render to a  
28 client services or a report as agreed between the parties and for which

1 compensation has been paid or tendered in accordance with the  
2 agreement of the parties.

- 3 6. Section 7561.1(l) B&P: Knowingly violated, or advised, encouraged,  
4 or assisted the violation of any court order or injunction in the course  
5 of business as a licensee.
- 6 7. Section 7538(b) and (c) B&P: 7538. After a hearing the director may  
7 deny a license unless the applicant makes a showing satisfactory to the  
8 director that the applicant, if an individual, has not, or if the applicant  
9 is a person other than an individual, that its manager and each of its  
10 officers have not (b) Committed any act constituting dishonesty or  
11 fraud. (c) Committed any act or crime constituting grounds for  
12 denial of licensure under Section 480, including illegally using,  
13 carrying, or possessing a deadly weapon.
- 14 8. 16 CCR 624 (formerly 16 CCR 660): Investigative reports shall be  
15 submitted to a customer at such times and in such manner as has been  
16 agreed upon between the licensee and the customer. Upon demand by  
17 the customer, the licensee shall not refuse to divulge to the customer  
18 the results of an investigation if payment has been tendered for charges  
19 levied. It is the responsibility of the licensee to provide the customer  
20 with a fee schedule or a reasonable explanation of the method by  
21 which charges to the customer for services are to be calculated.

22 Given the foregoing, no trier of fact is likely to believe a word that the  
23 Plaintiff utters. Not only is there no probability that he can prevail upon his  
24 claim, there is little *possibility* that he can prevail.

### 25 III

### 26 CONCLUSION

27 For the foregoing reasons, this motion should be granted.  
28

1 Defendant has made the initial showing that the alleged acts and  
2 omissions complained of by the Plaintiff all arise from constitutionally protected  
3 speech and expression.

4 Plaintiff cannot plausibly demonstrate how he is going to prevail on his  
5 claim. Even assuming that he could demonstrate that some minutae of the  
6 statements attributed to the Defendant were in fact made by him or on his behalf  
7 and happened to be false, the Plaintiff cannot possibly demonstrate that he was  
8 damaged by them. The Plaintiff was *damaged irreparably by his own conduct*  
9 *and the finding of misconduct made by a California ALJ which caused those*  
10 *facts to be placed in the public records of the State of California.* From that  
11 point, the Plaintiff started at the bottom and has worked his way down ever  
12 since. He can never rehabilitate his reputation.

13 Any measure of damages would have to be calculated in terms of *negative*  
14 *integers.* Hypothetically, if the Plaintiff's reputation has been damaged, which  
15 is not conceded and assumed only for the purpose of argument, then it has  
16 moved from a hypothetical point of negative 10 to negative 11. It is like  
17 Mussolini arguing that he was at least not as bad as Hitler.

18 Again, the motion should be granted and an award of attorney fees and  
19 costs be made based upon a cost bill to be submitted.

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23 Joseph Paoletta

24 In pro per  
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**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
STATE OF CALIFORNIA**

In the Matter of the Accusation )  
Against: )

JOHN GROGAN )  
dba Gold Star Investigations )  
P.O. Box 9065 )  
Canoga Park, CA 91309, )

No. LA96 9688

OAH No. L-1998050163

Respondent. )

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Director, Department of Consumer Affairs as his Decision in the above-entitled matter.

This Decision shall become effective October 24, 2002

IT IS SO ORDERED September 16, 2002

By

Denise Brown

DENISE BROWN

Chief Deputy Director

Department of Consumer Affairs

rfm

The parties presented oral and documentary evidence. Submission of the matter for decision was deferred until June 3, 2002 to permit respondent to offer proof of timely service by mail of a written demand for cross-examination of certain witnesses' testimony which complainant wished to present solely by way of declaration pursuant to Government Code Section 11514. Such proof was made, the parties were allowed ten days in which to object, move to strike, or argue, and the issue of the declarations was submitted for decision. The court finds the demand to have been timely made in accordance with law, and therefore sustains respondent's objection to receipt in evidence of the declarations offered, Exhibit 5 for identification. The general issue was submitted on June 3, 2002.

### Findings of Fact

1. Sherrie Moffet, complainant, is the Program Manager of the above-entitled Bureau, and caused the accusatory pleadings in this matter to be filed and served while acting solely in her official capacity.

2. The Bureau has issued the following licenses to respondent, which are now in full force and effect:

<u>Type</u>	<u>Number</u>	<u>Date issued</u>
Private patrol operator	PPO 10093	2/19/88
Private investigator	PI 15057	9/3/91
Baton permit	BAT 473426	3/1/86
Firearm permit	FQ87293	5/29/85

3. The parties have timely filed and served on one another all pleadings, notices and other papers as required by law.

4. During the periods of time specified below, respondent acted, and/or omitted to act, in such a way as to subject his Bureau-issued licenses to discipline as more fully described in the Conclusions of Law hereinafter following.

5. In or about December 1997, respondent agreed to serve as a qualifying manager for C.M. in connection with C.M.'s application for licensure by the Bureau, and accepted \$3,000.00 from C.M. for this service. Respondent failed to be available to C.M. in connection with his application and C.M.'s questions thereon, and misled C.M. as to the nature of the charges pending against respondent in this case, and as to the likelihood of early and favorable resolution of such charges.

6. When C.M. thereafter had to obtain a new qualifying manager, respondent repeatedly failed and refused to refund any part of the \$3,000.00 fee he had taken.

7. Respondent fraudulently and dishonestly insisted he was entitled to retain all of the \$3,000.00.

8. In or about February 1998, respondent entered into a similar arrangement with one C.R. wherein, for a \$4,000.00 cash payment, respondent agreed to falsely state and certify, as part of an application to the Bureau by C.R. for licensure, that respondent had served as a

"Qualified Manager" for the performance of hours required for licensure as a private investigator as part of respondent's "sponsorship program", but told C.R. he would do all this for only \$2,000.00 because he "liked" C.R.

9. At a subsequent meeting, after C.R. paid respondent \$700., respondent told C.R. that his work experience was, in fact, probably insufficient but that he, respondent, would falsely certify that C.R. had worked with him for one year. C.R. decided not to complete the application under respondent's "sponsorship."

10. Respondent did the above for the purpose of benefiting himself and, by allowing C.R. to produce false evidence of his qualifications for licensure as a private investigator, for the purpose of benefiting C.R.

11. The conduct set out hereinabove constituted fraud and dishonest conduct and was deceitful.

12. The Bureau has incurred reasonable costs of investigation and prosecution of this matter in the aggregate sum of \$21,810.00.

13. Respondent testified as to his opinions regarding "sponsorship" and argued his cause. His testimony was overbroad and vague, and failed to indicate just what legal authority permitted the kind of "earn while you learn" program envisioned by him. In sum, respondent's testimony neither explained his position nor mitigated his conduct.

14. All evidence and argument tendered by respondent in his defense has been considered.

15. All allegations contained in the accusatory pleadings upon which no specific findings have been made hereinabove have not been proved by competent, relevant evidence.

#### Conclusions of Law

By reason of the foregoing findings of fact, respondent's licenses and permits are subject to discipline pursuant to Business and Professions Code sections 490, 7561.1(a), 7561.1(b) (for violation of Business and Professions Code sections 7539(a), 7561.2 and 7561.4), 7561.1(c)(taken in conjunction with Title 16, California Code of Regulations, section 660) 7561.1(g), and 7561.1(i)(taken in conjunction with Business and Professions Code Code sections 480(a)(2), 7538(b) and (c).

The Bureau is entitled to recover its reasonable costs of investigation and prosecution in the sum of \$21,810.00 pursuant to section 125.3 of the Business and Professions Code.



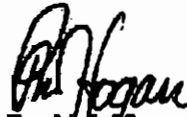
**Order**

All licenses and permits heretofore issued to respondent by the Bureau, together with incidental licensing rights, and specifically described in Finding 2 above are hereby revoked.

Respondent is hereby ordered to pay the Bureau its costs of investigation and prosecution in the sum of \$21,810.00 on or before the thirtieth day following the effective date of this decision.

No application by respondent for reinstatement of the said licenses and permits, or for issuance of an initial license shall be granted absent proof of payment of the Bureau's said costs as a condition precedent to the filing of such application or applications.

June 19, 2002



Paul M. Hogan  
Administrative Law Judge  
Office of Administrative Hearings



**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**

Post Office Box 980550  
West Sacramento, CA 95798-0550  
(916) 322-4000  
www.dca.ca.gov/bsis



**COMPLAINT HISTORY**

June 14, 2005

Dear Consumer:

This is in response to your inquiry about the complaints filed against the licensees listed below.

In compliance with the guidelines presented in the Public Information Act, the Information Practices Act and the Department of Consumer Affairs Complaint Disclosure Policy, the following is information which is considered public.

**License No.:** PI 15057  
**Business Name:** Gold Star Investigations  
**Address:** P.O. Box 9065  
Canoga Park, CA 91309

**Issue Date:** 9/3/91  
**Qualified Manager/**

**Revocation Date:** 10/21/02

**Owner:** John Leo Grogan  
**Business Type:** Sole Ownership

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**License No.:** PPO 10093  
**Business Name:** Gold Star Protection  
**Address:** P.O. Box 9065  
Canoga Park, CA 91309

**Issue Date:** 2/19/88  
**Qualified Manager/**

**Revocation Date:** 10/21/02

**Owner:** John Leo Grogan  
**Business Type:** Sole Ownership

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**Firearm Permit No.:** FQ 87293  
**Name:** John Leo Grogan  
**Address:** P.O. Box 9065  
Canoga Park, CA 91309

**Issue Date:** 5/29/85

**Revocation Date:** 10/21/02

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**Baton Permit No.:** BAT 473426  
**Name:** John Leo Grogan  
**Address:** P.O. Box 9065  
Canoga Park, CA 91309

**Issue Date:** 3/1/86

**Revocation Date:** 10/21/02

Alleged Violations

Fail to render services/report  
(7561.1 G Business & Professions Code)

Divulge Confidential Information  
(7539 A Business & Professions Code)

Commit Dishonest/Fraud Act  
(7561.4 Business & Professions Code)

Results

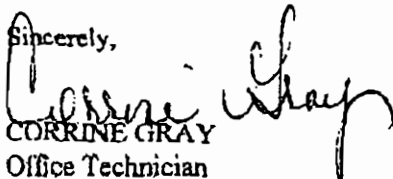
On February 5, 1998, an Accusation was filed against the Respondent's private investigator license, private patrol operator license, firearm and baton permit. On October 2, 1998, a First Amended and Supplemental Accusation was filed. On August 1, 2001, a Second Amended and Supplemental Accusation was filed. On December 10, 2001, a Third Amended and Supplemental Accusation was filed. On May 24, 2002, the Respondent appeared before the Administrative Law Judge (ALJ) of the Office of Administrative Hearings. On June 25, 2002, the Bureau received and adopted the Proposed Decision and Order submitted by the ALJ in this case. All licenses and permits issued to the Respondent by the Bureau were revoked effective October 21, 2002. In addition, the Respondent was ordered to pay the Bureau its costs of investigation and prosecution in the sum of 21, 810.00 on or before the thirtieth day following the effective date of the Decision. No payment has been received.

This information reflects only formal complaints filed during the past ten- (10) years against the licensee. You may wish to evaluate such other factors as the size of the company, the number of employees, and length of time the company has been licensed.

The data presented in the foregoing is not intended to represent any judgment on the part of this Bureau.

If you have questions, please contact me at (916) 445-3733.

Sincerely,

  
CORRINE GRAY  
Office Technician

Enclosures

**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**

**DEPARTMENT OF CONSUMER AFFAIRS**

**STATE OF CALIFORNIA**

\* \* \* \* \*

In the Matter of the Accusation against:	)	No. LA96 9688
	)	
JOHN GROGAN	)	OAH No. L-1998050163
dba Gold Star Investigations	)	
P. O. Box 9065	)	
Canoga Park, CA 91309,	)	
	)	
Respondent.	)	
	)	
	)	

**PROPOSED DECISION**

This case was tried before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 24, 2002.

Glynda B. Gomez, Deputy Attorney General, represented complainant. John Grogan, respondent, appeared personally without legal counsel, and participated throughout the trial.

The parties presented oral and documentary evidence. Submission of the matter for decision was deferred until June 3, 2002 to permit respondent to offer proof of timely service by mail of a written demand for cross-examination of certain witnesses' testimony which complainant wished to present solely by way of declaration pursuant to Government Code Section 11514. Such proof was made, the parties were allowed ten days in which to object, move to strike, or argue, and the issue of the declarations was submitted for decision. The court finds the demand to have been timely made in accordance with law, and therefore sustains respondent's objection to receipt in evidence of the declarations offered, Exhibit 5 for identification. The general issue was submitted on June 3, 2002.

### Findings of Fact

1. Sherrie Moffet, complainant, is the Program Manager of the above-entitled Bureau, and caused the accusatory pleadings in this matter to be filed and served while acting solely in her official capacity.

2. The Bureau has issued the following licenses to respondent, which are now in full force and effect:

<u>Type</u>	<u>Number</u>	<u>Date issued</u>
Private patrol operator	PPO 10093	2/19/88
Private investigator	PI 15057	9/3/91
Baton permit	BAT 473426	3/1/86
Firearm permit	FQ87293	5/29/85

3. The parties have timely filed and served on one another all pleadings, notices and other papers as required by law.

4. During the periods of time specified below, respondent acted, and/or omitted to act, in such a way as to subject his Bureau-issued licenses to discipline as more fully described in the Conclusions of Law hereinafter following.

5. In or about December 1997, respondent agreed to serve as a qualifying manager for C.M. in connection with C.M.'s application for licensure by the Bureau, and accepted \$3,000.00 from C.M. for this service. Respondent failed to be available to C.M. in connection with his application and C.M.'s questions thereon, and misled C.M. as to the nature of the charges pending against respondent in this case, and as to the likelihood of early and favorable resolution of such charges.

6. When C.M. thereafter had to obtain a new qualifying manager, respondent repeatedly failed and refused to refund any part of the \$3,000.00 fee he had taken.

7. Respondent fraudulently and dishonestly insisted he was entitled to retain all of the \$3,000.00.

8. In or about February 1998, respondent entered into a similar arrangement with one C.R. wherein, for a \$4,000.00 cash payment, respondent agreed to falsely state and certify, as part of an application to the Bureau by C.R. for licensure, that respondent had served as a

"Qualified Manager" for the performance of hours required for licensure as a private investigator as part of respondent's "sponsorship program", but told C.R. he would do all this for only \$2,000.00 because he "liked" C.R.

9. At a subsequent meeting, after C.R. paid respondent \$700., respondent told C.R. that his work experience was, in fact, probably insufficient but that he, respondent, would falsely certify that C.R. had worked with im for one year. C.R. decided not to complete the application under respondent's "sponsorship."

10. Respondent did the above for the purpose of benefiting himself and, by allowing C.R. to produce false evidence of his qualifications for licensure as a private investigator, for the purpose of benefiting C.R.

11. The conduct set out hereinabove constituted fraud and dishonest conduct and was deceitful.

12. The Bureau has incurred reasonable costs of investigation and prosecution of this matter in the aggregate sum of \$21,810.00.

13. Respondent testified as to his opinions regarding "sponsorship" and argued his cause. His testimony was overbroad and vague, and failed to indicate just what legal authority permitted the kind of "earn while you learn" program envisioned by him. In sum, respondent's testimony neither explained his position nor mitigated his conduct.

14. All evidence and argument tendered by respondent in his defense has been considered.

15. All allegations contained in the accusatory pleadings upon which no specific findings have been made hereinabove have not been proved by competent, relevant evidence.

#### Conclusions of Law

By reason of the foregoing findings of fact, respondent's licenses and permits are subject to discipline pursuant to Business and Professions Code sections 490, 7561.1(a), 7561.1(b) (for violation of Business and Professions Code sections 7539(a), 7561.2 and 7561.4), 7561.1(c)(taken in conjunction with Title 16, California Code of Regulations, section 660) 7561.1(g), and 7561.1(l)(taken in conjunction with Business and Professions Code Code sections 480(a)(2), 7538(b) and (c).

The Bureau is entitled to recover its reasonable costs of investigation and prosecution in the sum of \$21,810.00 pursuant to section 125.3 of the Business and Professions Code.

Order

All licenses and permits heretofore issued to respondent by the Bureau, together with incidental licensing rights, and specifically described in Finding 2 above are hereby revoked.

Respondent is hereby ordered to pay the Bureau's costs of investigation and prosecution in the sum of \$21,810.00 on or before the thirtieth day following the effective date of this decision.

No application by respondent for reinstatement of the said licenses and permits, or for issuance of an initial license shall be granted absent proof of payment of the Bureau's said costs as a condition precedent to the filing of such application or applications.

June 19, 2002



Paul M. Hogan  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

JOHN GROGAN )  
dba Gold Star Investigations )  
P.O. Box 9065 )  
Canoga Park, CA 91309, )

No. 1A96 9688

OAH No. L-1998050163

Respondent. )

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Director, Department of Consumer Affairs as his Decision in the above-entitled matter.

This Decision shall become effective October 21, 2002

IT IS SO ORDERED September 16, 2002

By

Denise Brown

DENISE BROWN

Chief Deputy Director

Department of Consumer Affairs

rfm



1 DANIEL E. LUNGREN, Attorney General  
WILLIAM L. MARCUS

2 Deputy Attorney General  
State Bar No. 66706

3 300 S. Spring St., Suite 500  
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4 Telephone: (213) 897-2535

5 Attorneys for Complainant

6  
7 BEFORE THE  
8 BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation  
Against:

CASE NO. LA 96 9688

ACCUSATION

11 JOHN GROGAN  
12 dba Gold Star Investigations  
13 P.O. Box 9065  
14 Canoga Park CA 91309  
15 PI #15057  
16 PPO #10093  
17 BAT (baton) #473426  
18 FQ (firearm) #87293

Respondent.

19 COMPLAINANT ALLEGES THAT:

20 1. She is Sherrie Moffet (hereinafter, "Complainant"),  
21 Program Manager of the Bureau of Security and Investigative  
22 Services (hereinafter, "the Bureau"), and makes and files this  
23 Accusation solely in her official capacity as such.

24 2. On or about February 19, 1988, John Leo Grogan dba  
25 Gold Star Protection (hereinafter, "respondent") was issued  
26 private patrol operator license No. PPO 10093, which is currently  
27 in full force and effect; on or about July 8, 1989, respondent,  
dba Proguard, was issued private patrol operator license No. PPO  
10439, which expired on July 31, 1995; on or about September 3,

1 discipline pursuant to Business and Professions Code section  
2 7561.1, for violation of section 7561.1(b), taken in conjunction  
3 with Business and Professions Code section 7539(a), and  
4 7561.1(g), as follows:

5           A. In or about March 1996, M.P. retained respondent to  
6 perform an investigation of residential premises in Malibu,  
7 California, which were jointly owned by her and her estranged or  
8 ex-husband, W.P. and to provide M.P. a written report of his  
9 findings, including certain specified areas and assets. M.P.  
10 paid respondent \$1,000 in advance.

11           B. The entry into the premises was to take place on  
12 April 13, 1996. Respondent, despite receiving the \$1,000,  
13 willfully failed and refused to make said investigation,  
14 willfully failed and refused to prepare a report for M.P., and  
15 willfully failed and refused to refund all or part of the \$1,000  
16 received from M.P..

17           C. Respondent further, and without authorization from  
18 M.P. or anyone on her behalf, contacted W.P., the estranged or  
19 ex-husband, about respondent's assignment from M.P., including  
20 advising W.P. of the fact respondent had been retained by M.P..  
21 to conduct such an investigation of the Malibu premises.

22           6. Pursuant to Business and Professions Code section  
23 125.3, the Bureau is authorized to seek and recover its costs of  
24 investigation and enforcement of a case in the event that one or  
25 more of the charges in an accusation are sustained following  
26 hearing.

27

1 1991, respondent, dba Gold Star Investigations, was issued  
2 private investigator license No. PI 15057, which is currently in  
3 full force and effect; on or about March 1, 1986, respondent was  
4 issued baton permit No. BAT 473426, which is currently in full  
5 force and effect; on or about May 29, 1985, respondent was issued  
6 firearm permit No. FQ 87293, which is currently in full force and  
7 effect.

8 3. Pursuant to Business and Professions Code section  
9 7561.1, the Director of the Department of Consumer Affairs  
10 (hereinafter, "the Director") may discipline a license, including  
11 a baton permit and a firearm qualification card, for violation of  
12 any of the provisions of 7561.1, including, but not limited to:  
13 violating any provision of Chapter 11.5 of Division 3 of the  
14 Business and Professions Code (subsection (b)); willfully failing  
15 or refusing to render to a client services or a report as agreed  
16 between the parties and for which compensation has been paid or  
17 tendered in accordance with the agreement of the parties  
18 (subsection (g)).

19 4. Pursuant to Business and Professions Code section  
20 7539(a), a licensee or officer, director, partner, or manager of  
21 a licensee may not divulge any information acquired by him or her  
22 to any other person (except persons not relevant to this case),  
23 except when at the direction of the employer or client for whom  
24 the information was obtained or as required by law.

25 5. Respondent's license as a private patrol operator  
26 (PPO 10093) and private investigator (PI 15057) and his baton  
27 permit (BAT 473426) and fire arm permit (FQ 87293) are subject to

1           7. The Bureau has incurred reasonable costs of  
2 investigation and enforcement of this case in an amount to be  
3 established according to proof at hearing.

4           WHEREFORE, Complainant prays that a hearing be held on  
5 the matters alleged hereinabove and, following said hearing, a  
6 decision issue:

7           1. Revoking or suspending private patrol operator  
8 license No. PPO 10093, heretofore issued to respondent, dba Gold  
9 Star Protection;

10           2. Revoking or suspending private investigator license  
11 No. PI 15057, heretofore issued to respondent, dba Gold Star  
12 Investigations;


13           3. Revoking or suspending baton permit No. BAT 473426,  
14 heretofore issued to respondent;

15           4. Revoking or suspending firearm permit No. FQ 87293,  
16 heretofore issued to respondent;

17           5. Pursuant to Business and Professions Code section  
18 125.3, awarding the reasonable costs of investigation and  
19 enforcement of this case to the Bureau; and

20           6. Taking such other and further action as the  
21 Director may deem necessary.

22  
23 DATED: Feb 5, 1998

  
SHERRIE MOFFET  
Program Manager  
Bureau of Security and  
Investigative Services

24  
25  
26 Complainant  
27

1 DANIEL E. LUNGREN, Attorney General  
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3 300 S. Spring St., Suite 500  
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4 Telephone: (213) 897-2535

5 Attorneys for Complainant

6  
7 BEFORE THE  
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
8 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

9 In the Matter of the Accusation ) CASE NO. IA96 9688  
10 Against: )  
11 JOHN GROGAN ) FIRST AMENDED AND  
dba Gold Star Investigations ) SUPPLEMENTAL  
12 P.O. Box 9065 ) ACCUSATION  
Canoga Park CA 91309 )  
13 PI #15057 )  
PPO #10093 )  
14 BAT (baton) #473426 )  
FQ (firearm) #87293 )  
15 Respondent. )  
16 )  
17 )

18 COMPLAINT ALLEGES THAT:

19 1. She is Sherrie Moffet (hereinafter, "Complainant"),  
20 Program Manager of the Bureau of Security and Investigative  
21 Services (hereinafter, "the Bureau"), and makes and files this  
22 First Amended and Supplemental Accusation solely in her official  
23 capacity as such.

24 2. On or about February 19, 1988, John Leo Grogan dba  
25 Gold Star Protection (hereinafter, "respondent") was issued  
26 private patrol operator license No. PPO 10093, which is currently  
27 in full force and effect; on or about July 8, 1989, respondent,  
dba Proguard, was issued private patrol operator license No. PPO

1 10439, which expired on July 31, 1995; on or about September 3,  
2 1991, respondent, dba Gold Star Investigations, was issued  
3 private investigator license No. PI 15057, which is currently in  
4 full force and effect; on or about March 1, 1986, respondent was  
5 issued baton permit No. BAT 473426, which is currently in full  
6 force and effect; on or about May 29, 1985, respondent was issued  
7 firearm permit No. FQ 87293, which is currently in full force and  
8 effect.

9 3. Pursuant to Business and Professions Code section  
10 7561.1, the Director of the Department of Consumer Affairs  
11 (hereinafter, "the Director") may discipline a license, including  
12 a baton permit and a firearm qualification card, for:

13 a. Making any false statement or giving any false  
14 information in connection with an application for a license or a  
15 renewal or reinstatement of a license (subsection (a));

16 b. Violating any of the provisions of the Private  
17 Investigator Act (Business and Professions Code section 7512  
18 et seq.) (subsection (b));

19 c. Violating any rule of the director adopted pursuant  
20 to the authority in the Private Investigator Act (subsection  
21 (c));

22 d. Willfully failing or refusing to render to a client  
23 services or a report as agreed between the parties and for which  
24 compensation has been paid or tendered in accordance with the  
25 agreement of the parties (subsection (g)); or

26 /  
27 /

1 e. Committing any act which is a ground for denial of  
2 an application for licensure under the Private Investigator Act  
3 (subsection (1)).

4 4. Pursuant to Business and Professions Code section  
5 7539(a), a licensee or officer, director, partner, or manager of  
6 a licensee may not divulge any information acquired by him or her  
7 to any other person (except persons not relevant to this case),  
8 except when at the direction of the employer or client for whom  
9 the information was obtained or as required by law.

10 5. Pursuant to Business and Professions Code section  
11 7561.2, any person who knowingly makes a false statement in his  
12 or her application for a license or registration as a security  
13 guard is guilty of a misdemeanor.

14 6. Pursuant to Business and Professions Code section  
15 7561.4, a licensure is subject to discipline for any act in the  
16 course of the licensee's business constituting dishonesty or  
17 fraud.

18 7. Business and Professions Code section 480(a)(2)  
19 provides that a board may deny a license regulated by the  
20 Business and Professions Code on the grounds the applicant has  
21 done any act involving dishonesty, fraud, or deceit with the  
22 intent to substantially benefit himself or another, or  
23 substantially injure another.

24 8. Pursuant to Business and Professions Code section  
25 7538, an applicant for licensure by the Bureau is subject to  
26 denial for:

27

1 a. Committing any act constituting dishonesty or fraud  
2 (subsection (b));

3 b. Committing any act constituting grounds for denial  
4 of licensure under Business and Professions Code section 480  
5 (subsection (c)).

6 9. Pursuant to section 660 of title 16 of the  
7 California Code of Regulations, a rule of the director adopted  
8 pursuant to the Private Investigator Act, an investigator shall  
9 provide an investigative report to a customer at the time and in  
10 such manner as has been agreed upon.

11 10. Respondent's license as a private patrol operator  
12 (PPO 10093) and private investigator (PI 15057) and his baton  
13 permit (BAT 473426) and fire arm permit (FQ 87293) are subject to  
14 discipline pursuant to Business and Professions Code section  
15 7561.1 (a), 7561.1 (b) (for violation of Business and Professions  
16 Code sections 7539(a), 7561.2, and 7561.4), 7561.1 (c) (taken in  
17 conjunction with 16 C.C.R. section 660), 7561.1(g), and 7561.1  
18 (1) (taken in conjunction with Business and Professions Code  
19 section 480(a)(2)) and 7538(b) and (c), as follows:

20 M.P.

21 A. In or about March 1996, M.P. retained respondent to  
22 perform an investigation of residential premises in Malibu,  
23 California, which were jointly owned by her and her estranged or  
24 ex-husband, W.P. and to provide M.P. a written report of his  
25 findings, including certain specified areas and assets. M.P.  
26 paid respondent \$1,000 in advance.

27 /



1           B. The entry into the premises was to take place on  
2 April 13, 1996. Respondent, despite receiving the \$1,000,  
3 willfully failed and refused to make said investigation,  
4 willfully failed and refused to prepare a report for M.P., and  
5 willfully failed and refused to refund all or part of the \$1,000  
6 received from M.P..

7           C. Respondent further, and without authorization from  
8 M.P. or anyone on her behalf, contacted W.P., the estranged or  
9 ex-husband, about respondent's assignment from M.P., including  
10 advising W.P. of the fact respondent had been retained by M.P..  
11 to conduct such an investigation of the Malibu premises.

12           D. Respondent, by the above conduct, committed fraud  
13 and engaged in dishonest conduct, failed to complete a project  
14 for which he was paid, failed to provide a report for which he  
15 was paid, and engaged in unauthorized disclosures to the subject  
16 of the investigation for which M.P. hired and paid him.

17                           C.R.

18           E. On or about February 1998, respondent agreed to  
19 falsely state and certify, as part of an application to the  
20 Bureau by C.R. for licensure, that respondent had served as a  
21 "Qualified Manager" for the performance of hours required for  
22 licensure as a private investigator for \$4,000 as part of  
23 respondent's "sponsorship" program, but told C.R. he would do it  
24 for \$2,000 because he "liked" C.R.. This was part of a program  
25 promoted by respondent.

26           F. At a subsequent meeting, after C.R. paid respondent  
27 \$700, respondent told C.R. that his work experience was, in fact,

1 probably insufficient but that he, respondent, would falsely  
2 certify that C.R. had worked with him for one year. C.R. decided  
3 not to complete the application under respondent's "sponsorship".

4 G. Respondent did the above for the purpose of  
5 benefitting himself and, by allowing C.R. to produce false  
6 evidence of his qualifications for licensure as a private  
7 investigator, for the purpose of benefitting C.R..

8 H. The conduct set out hereinabove at subparagraphs E-  
9 G, inclusive, constituted fraud and dishonest conduct and was  
10 deceitful.

11 R.C.

12 I. On or about June 18, 1997, respondent agreed with  
13 R.C. to investigate a pool contractor who failed to show up for a  
14 job after being paid \$29,000 "up front" and accepted \$200,  
15 through his associate, Debra Burdette, for that purpose.

16 J. Despite the repeated requests of his client, R.C.,  
17 respondent failed and refused either to produce and provide the  
18 report or to return the client's payment.

19 K. Respondent's conduct as set out hereinabove was  
20 dishonest, fraudulent, and deceitful and committed for his own  
21 benefit.

22 W.K.

23 L. At least in or about 1997 and 1998, respondent  
24 owned and operated the National Investigation Academy, offering  
25 training and certification for investigators.

26 M. On or about August 20, 1997, W.K., who resides in  
27 Georgia, based on an advertisement by the Academy, applied to

1 take the Certified Master Investigator" course offered by the  
2 academy; respondent offered W.K. a discounted price of \$149 (the  
3 regular price was listed as \$175), and W.K. submitted and  
4 respondent received and accepted \$149 from W.K. for said training  
5 and certification.

6 N. Respondent never provided materials for the program  
7 to W.K. and never returned or refunded the \$149 or made any other  
8 restitution or arrangements, despite the repeated requests and  
9 demands by W.K. for information and, ultimately, for a refund.

10 O. Respondent's conduct as to W.K. was false,  
11 fraudulent, dishonest, and deceitful, with the intent of  
12 benefitting himself.

13 General

14 L. Respondent's conduct as to M.P., C.R., R.C., and  
15 W.K., and each and all of them, demonstrates a pattern of false,  
16 fraudulent, dishonest, and deceitful conduct, committed with the  
17 intent to benefit himself.

18 11. Pursuant to Business and Professions Code section  
19 125.3, the Bureau is authorized to seek and recover its costs of  
20 investigation and enforcement of a case in the event that one or  
21 more of the charges in an accusation are sustained following  
22 hearing.

23 12. The Bureau has incurred reasonable costs of  
24 investigation and enforcement of this case in an amount to be  
25 established according to proof at hearing.

26 /

27 /

1 BILL LOCKYER, Attorney General  
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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**  
9 **DIRECTOR OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. IA96 9688

12 **JOHN GROGAN**  
dba Gold Star Investigation  
13 P.O. Box 9065  
Canoga Park, CA 91309  
14 PI #15057  
PPO #10093  
15 BAT (baton) #473426  
FQ (firearm) #87293

**THIRD AMENDED AND  
SUPPLEMENTAL ACCUSATION**

16 Respondent.

17  
18 Complainant alleges:

19 13. Complainant makes and files this Third Amended and Supplemental  
20 Accusation solely in her official capacity as such.

21 14. The allegations, and each of them, contained in the First Amended and  
22 Supplemental Accusation in Case No. IA96 9688 are incorporated by reference herein as though  
23 fully set forth at this point. This Third Amended and Supplemental Accusation supersedes and  
24 replaces the Second Amended and Supplemental Accusation.

25 15. At all times pertinent herein the licenses and permits described in  
26 paragraph 2 of the First Amended and Supplemental Accusation were in full force and effect.

27 16. Respondent's licenses and permits, as set out in paragraph 2 of the First  
28 Amended and Supplemental Accusation, are subject to discipline pursuant to Business and

1 Professions Code sections 490, 7561.1(a), 7561.1(b) (for violation of Business and Professions  
2 Code sections 7539(a), 7561.2 and 7561.4), 7561.1(c) (taken in conjunction with 16 Calif. Code  
3 of Regs. Section 660), 7561.1(g), and 7561.1(1) (taken in conjunction with Business and  
4 Professions Code sections 480(a)(2), 7538(b) and (c), as follows:

5 C.M.

6 A. In or about December 1997, C.M. paid respondent \$3,000.00 for  
7 respondent to serve as C.M.'s qualifying manager in connection with an application for licensure  
8 by the Bureau. Despite the fact the license was never issued, because of the filing of charges in  
9 Case No. IA96 9688, respondent failed to be available to C.M. in connection with the application  
10 and C.M.'s questions about the application and misled C.M. as to the nature of the charges in the  
11 case against respondent and as to the likelihood of early and favorable resolution of those  
12 charges.

13 B. When C.M. thereafter had to obtain a new qualifying manager, respondent  
14 repeatedly failed and refused to refund any part of the \$3,000.00 fee he had taken.

15 C. Respondent fraudulently and dishonestly insisted he was entitled to retain  
16 all of the \$3,000.00.

17 R.D.

18 D. In or about June 1998, R.D., after reading an article by respondent in PI  
19 Magazine in which respondent promised various materials for "a twenty", sent respondent a \$20  
20 bill for the materials. Receiving no response, R.D. then sent respondent a check for \$20.00 for  
21 the same materials on or about August 2, 1998, which was deposited.

22 E. Despite repeated calls and letters to respondent and promises by  
23 respondent over the period of many months, respondent neither supplied the materials nor  
24 refunded R.D.'s money.

25 E.W.

26 F. In or about April 1999, in response to an on-line solicitation she received,  
27 E.W. paid respondent \$49.00 for membership in respondent's National Investigation Academy,  
28 ///

1 which was to include, among other things, provision of certain materials and subscription to the  
2 NIA's monthly journal.

3 G. Despite repeated requests by E.W., respondent has failed and refused to  
4 provide any information or materials, or the journal, or to refund the \$49.00.

5 E.O.

6 H. In or before October 1999, respondent advertised the availability, through  
7 his National Investigation Academy, of a Certified Master Investigator title. In or about October  
8 1999, E.O. sent \$129.00 by check for testing materials, and the check was deposited by NIA in or  
9 about November 1999.

10 I. Despite repeated demands, including to respondent personally and by  
11 certified mail, NIA and respondent failed and refused either to provide the materials or to refund  
12 the \$129.00. In fact, when E.O. contacted PI Magazine, where he had seen the advertisement,  
13 respondent contacted E.O. by telephone, but only to, in obscene language, attack E.O. for having  
14 contacted PI Magazine about the problem.

15 L.B.

16 J. On or about January 6, 2000, L.B. retained respondent to perform an asset  
17 search on an individual. L.B. paid respondent for the search.

18 K. Respondent, despite claiming he had completed the report on the search,  
19 has repeatedly failed and refused to provide L.B. with the report.

20 M.M.

21 L. On or about January 14, 2000, M.M. paid respondent \$350.00 to perform a  
22 surveillance on one K.H.

23 M. Despite repeated requests by M.M. for the contracted for information and  
24 services, respondent failed and refused to provide them. Respondent further falsely claimed he  
25 had visited K.H.'s residence some eight times and falsely promised to provide an accounting of  
26 time, an accounting which respondent never provided.

27 N. In connection with the investigation of M.M.'s complaint by the Bureau  
28 respondent also provided information which he knew was false, including that:

1. M.M. did not want a written report;

2. M.M. knew every attempt to conduct surveillance would involve a minimum of 4 hours;

3. Respondent responded to virtually all of M.M.'s calls, when, in fact and as respondent well knew, he responded to none and only spoke with M.M. once prior to M.M.'s filing a complaint with the Bureau;

4. Respondent made multiple surveillances of K.H., including multiple "free" surveillances after the \$350.00 M.M. paid him was exhausted.

H.E.

O. On or about April 12, 2000, H.E. responded to an offer in respondent's column in the Spring 2000 issue of PI Magazine to provide various materials for \$20.00. H.E. sent respondent a check for \$20.00, which was deposited.

P. Despite repeated requests to respondent, respondent failed and refused to provide said materials or a refund.

Q. In or about early July 2000, H.E. reached respondent's office by telephone and was offered a refund. H.E. said she still preferred to receive the materials for which she had paid and was promised the materials would be sent, but they were not.

R. On or about July 31, 2000, H.E., in writing, demanded a refund of her \$20.00, but neither the materials nor the refund were received.

W.M.

S. On or about April 19, 2000, W.M. paid respondent \$95.00 for study materials for the Bureau's private investigator examination.

T. Despite repeated requests for the materials or a refund, respondent has failed to provide either.

U. In his communications with W.M. respondent also repeatedly and fraudulently claimed he had mailed the materials when, as he well knew, the materials had not been sent.

///

1 J.D.

2 V. In or about August 2000, J.D. paid respondent \$500.00 to obtain  
3 information on the current location and circumstances of a friend's son.

4 X. Despite repeated inquiries and requests, respondent failed and refused to  
5 provide the information.

6 Y. On at least one occasion respondent falsely represented to J.D. that he had  
7 provided the information orally to the son's mother, when, as respondent well knew, he had not.

8 G.D.

9 Z. In or about February 2001, G.D. retained respondent for private  
10 investigator services at a rate of \$50.00 per hour, specifically to have respondent follow an  
11 individual on February 16-18, 2001. Respondent was to photograph the individual and follow the  
12 individual to, among other things identify his residence and work addresses and his vehicle. If  
13 the individual did not leave his residence, respondent was to terminate surveillance on any given  
14 day after 4 hours. G.D. paid respondent a \$500.00 retainer.

15 AA. Respondent failed, despite repeated demands by G.D., to provide a report  
16 which properly and adequately described services rendered and photographs he allegedly took.

17 BB. Respondent failed to follow the subject on two of the three days, billed  
18 10½ hours for surveillance on February 16th, despite the fact the subject never left his residence,  
19 said he did not surveil on the 17th because of rain, and said he merely attempted to make calls to  
20 the subject's residence on the 18th. Respondent provided no photographs.

21 CC. When respondent asserted the above to G.D. on February 19th, G.D.  
22 agreed to pay another \$500.00 to have the subject followed, starting February 23rd, for no more  
23 than 4 hours in a day if the subject did not leave his residence. G.D. again specified that  
24 photographs were to be taken.

25 DD. Respondent failed to return any of G.D.'s telephone calls between  
26 February 24th -26th, although he did send a bill, by e-mail, on or about February 26th, which  
27 claimed the 10½ hours of surveillance on February 16th, now claimed 8½ hours of surveillance  
28 on February 17th, and claimed 7¼ hours of surveillance on February 23rd.



1 EE. Respondent, in the above e-mail, said he had taken photographs and  
2 promised to send them to G.D., but failed and refused to do so despite repeated demands by G.D.  
3 for those photographs.

4 FF. Respondent further falsely, knowing it was false, billed for hours of  
5 surveillance beyond those actually provided, including, but not limited to, billing for 8½ hours of  
6 surveillance on February 17th, a day on which respondent, in fact, conducted no surveillance at  
7 all.

8 General

9 GG. Respondent repeatedly offered to certify experience to qualify an  
10 individual for licensure by the Bureau for a fee of as much as \$2,000.00, for persons when he had  
11 no knowledge of such experience, including at least as to C.H. in 1996 and, as set out in the First  
12 Amended and Supplemental Accusation, C.R.

13 HH. Respondent directly, and through his partner, associate and colleague  
14 Debra Burdette, attempted to mislead the Office of Administrative Hearings and complainant's  
15 counsel in or about July 1998, by falsely representing he had contacted M.P.'s husband with the  
16 approval, and even (purportedly) at the recommendation or direction of Department of Consumer  
17 Affairs staff, contacted the subject of M.P.'s requested surveillance-her husband.

18 II. Respondent further, in connection with the allegations set out in  
19 subparagraph HH, falsely represented that in June 1998 that same employee had reaffirmed her  
20 previous advice when, as respondent well knew, the employee had never made the statements or  
21 given the advice attributed to her by respondent and, in fact, did not do so in June 1998 and  
22 further, in June 1998, denied to respondent that she had ever done so.

23 JJ. Respondent has repeatedly threatened clients or customers, including  
24 electronically, who have pursued complaints to which respondent failed to respond, especially  
25 those who have complained either to the Bureau or to PI Magazine, including, but not limited to,  
26 W.M. and E.O.

27 KK. Respondent's conduct as to each and every individual identified  
28 hereinabove and in the First Amended and Supplemental Accusation, and all of said individuals

1 16. Respondent's licenses and permits, as set out in paragraph 2 of the First  
2 Amended and Supplemental Accusation, are subject to discipline pursuant to Business and  
3 Professions Code sections 490, 7561.1(a), 7561.1(b) (for violation of Business and Professions  
4 Code sections 7539(a), 7561.2 and 7561.4), 7561.1(c) (taken in conjunction with 16 Calif. Code  
5 of Regs. Section 660), 7561.1(g), and 7561.1(l) (taken in conjunction with Business and  
6 Professions Code sections 480(a)(2), 7538(b) and (c), as follows:

7 C.M.

8 A. In or about December 1997, C.M. paid respondent \$3,000.00 for  
9 respondent to serve as C.M.'s qualifying manager in connection with an application for licensure  
10 by the Bureau. Despite the fact the license was never issued, because of the filing of charges in  
11 Case No. IA96 9688, respondent failed to be available to C.M. in connection with the application  
12 and C.M.'s questions about the application and misled C.M. as to the nature of the charges in the  
13 case against respondent and as to the likelihood of early and favorable resolution of those  
14 charges.

15 B. When C.M. thereafter had to obtain a new qualifying manager, respondent  
16 repeatedly failed and refused to refund any part of the \$3,000.00 fee he had taken.

17 C. Respondent fraudulently and dishonestly insisted he was entitled to retain  
18 all of the \$3,000.00.

19 R.D.

20 D. In or about June 1998, R.D., after reading an article by respondent in PI  
21 Magazine in which respondent promised various materials for "a twenty", sent respondent a \$20  
22 bill for the materials. Receiving no response, R.D. then sent respondent a check for \$20.00 for  
23 the same materials on or about August 2, 1998, which was deposited.

24 E. Despite repeated calls and letters to respondent and promises by  
25 respondent over the period of many months, respondent neither supplied the materials nor  
26 refunded R.D.'s money.

27 E.W.

28 F. In or about April 1999, in response to an on-line solicitation she received,

1 E.W. paid respondent \$49.00 for membership in respondent's National Investigation Academy,  
2 which was to include, among other things, provision of certain materials and subscription to the  
3 NIA's monthly journal.

4 G. Despite repeated requests by E.W., respondent has failed and refused to  
5 provide any information or materials, or the journal, or to refund the \$49.00.

6 E.O.

7 H. In or before October 1999, respondent advertised the availability, through  
8 his National Investigation Academy, of a Certified Master Investigator title. In or about October  
9 1999, E.C. sent \$129.00 by check for testing materials, and the check was deposited by NIA in or  
10 about November 1999.

11 I. Despite repeated demands, including to respondent personally and by  
12 certified mail, NIA and respondent failed and refused either to provide the materials or to refund  
13 the \$129.00. In fact, when E.C. contacted PI Magazine, where he had seen the advertisement,  
14 respondent contacted E.C. by telephone, but only to, in obscene language, attack E.C. for having  
15 contacted PI Magazine about the problem.

16 L.B.

17 J. On or about January 6, 2000, L.B. retained respondent to perform an asset  
18 search on an individual. L.B. paid respondent for the search.

19 K. Respondent, despite claiming he had completed the report on the search,  
20 has repeatedly failed and refused to provide L.B. with the report.

21 M.M.

22 L. On or about January 14, 2000, M.M. paid respondent \$350.00 to perform a  
23 surveillance on one K.H.

24 M. Despite repeated requests by M.M. for the contracted for information and  
25 services, respondent failed and refused to provide them. Respondent further falsely claimed he  
26 had visited K.H.'s residence some eight times and falsely promised to provide an accounting of  
27 time, an account which respondent never provided.

28 //

1 N. In connection with the investigation of M.M.'s complaint by the Bureau  
2 respondent also provided information which he knew was false, including that:

- 3 1. M.M. did not want a written report;
- 4 2. M.M. knew every attempt to conduct surveillance would involve a  
5 minimum of 4 hours;
- 6 3. Respondent responded to virtually all of M.M.'s calls, when, in fact  
7 and as respondent well knew, he responded to none and only spoke with  
8 M.M. once prior to M.M.'s filing a complaint with the Bureau;
- 9 4. Respondent made multiple surveillances of K.H., including multiple  
10 "free" surveillances after the \$350.00 M.M. paid him was exhausted.

11 H.E.

12 O. On or about April 12, 2000, H.E. responded to an offer in respondent's  
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19 paid and was promised the materials would be sent, but they were not.

20 R. On or about July 31, 2000, H.E., in writing, demanded a refund of her  
21 \$20.00, but neither the materials nor the refund were received.

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2 electronically, who have pursued complaints to which respondent failed to respond, especially  
3 those who have complained either to the Bureau or to PI Magazine, including, but not limited to,  
4 W.M. and E.O..

5           KK.     Respondent's conduct as to each and every individual identified  
6 hereinabove and in the First Amended and Supplemental Accusation, and all of said individuals  
7 taken together, and the general conduct set out in subparagraphs GG through JJ, inclusive,  
8 demonstrates and constitutes a long-term, ongoing pattern of a variety of false, fraudulent,  
9 dishonest and deceitful actions and omissions, all committed with the intent to benefit himself.

10           17.     Pursuant to Business and Professions Code section 125.3, the Bureau is  
11 authorized to seek and recover its costs of investigation and enforcement of a case in the event  
12 that one or more of the charges in an accusation are sustained following hearing.

13           18.     The Bureau has incurred reasonable costs of investigation and  
14 enforcement of this case in an amount to be established according to proof at hearing.

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1                   WHEREFORE, Complainant prays that a hearing be held on the matters alleged  
2 hereinabove and, following said hearing, a decision issue:

- 3                   1. Revoking or suspending private patrol operator license No. PPO 10093,  
4 heretofore issued to respondent, dba Gold Star Protection;  
5                   2. Revoking or suspending private investigator license No. PI 15057, heretofore  
6 issued to respondent, dba Gold Star Investigations;  
7                   3. Revoking or suspending baton permit No. BAT 473426, heretofore issued to  
8 respondent;  
9                   4. Revoking or suspending firearm permit No. FQ 87293, heretofore issued to  
10 respondent;  
11                  5. Pursuant to Business and Professions Code section 125.3, awarding the  
12 reasonable costs of investigation and enforcement of this case to the Bureau; and  
13                  6. Taking such other and further action as the Director may deem necessary.

14  
15 DATED: 8-1-01

  
SHERRIE MORBET-BELL  
Deputy Chief  
Bureau of Security and  
Investigative Services  
Complainant

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**Questions?** [detector@truthaboutgrogan.org](mailto:detector@truthaboutgrogan.org)

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They are filled with deception and we have proven it' They are a cover to generate leads for John's own benefit.



## John Leo Grogan

**Guilty of  
murder counts of  
Judge Paul  
2007 PI**

After John's Private Investigator license was revoked in 2002, he proceeded to declare himself a Polygraph Examiner, which he is not by any recognized standards of this profession. California, where John Grogan resides, does not have licensing for Polygraph Examiners so there has been no legal recourse by which to regulate the fraud being perpetrated by John on the public in California and now across the nation.

John has recently appeared on nationally syndicated television shows as a 'polygraph examiner'. We believe the producers and examinees of these shows had no idea who they had hired and are victims themselves of his fraud.

John has created an empire of one by setting up over 40 websites that appear legitimate, but with close observation, are revealed to all be smoke and mirrors. These websites are designed to generate leads for John and a handful of examiners (no more than 13 have we ever been able to find across the nation) who have joined his association and/or alliances. We believe that several of these examiners don't yet know the entire story and are unwitting participants, while others, it seems clear have chosen to align themselves with John even after knowing the truth about him.

This site's main goal is to inform so that people can make educated decisions on whether to do business with John Grogan, his Polygraph Examiners of America (peoa.us) or any of his state 'alliances'.

The best place to start is to read the background articles detailing the proof of the truths just shared above. These articles appeared in The Relevant Issue, a polygraph related newsletter provided by [polygraphplace.com](http://polygraphplace.com).

- <http://www.polygraphplace.com/articles/issue138.htm#1>
- <http://www.polygraphplace.com/articles/issue142.htm#1>

**This website will be updated regularly as new information comes to light.  
Thank you for your time.**

**Ralph Hilliard**  
**The Polygraph Place**  
[detector@truthaboutgrogan.org](mailto:detector@truthaboutgrogan.org)  
**770.794.1325**

The following is a list of 'smoke and mirror' websites that are maintained by John Grogan. Their purpose? To spread a net across the Internet in which John snares the unsuspecting public into his web of deceit. Don't be fooled by what the sites say, ALL ROADS LEAD TO JOHN HIMSELF! You will notice nearly all sites give you only one option and that is to call or email John at which time he WILL, in the words of one of John's old acquaintances, attempt to "baffle you with his 'bulls\_\_t and separate you from your money.'" There is no substance or truth in these sites. If I have missed a site, please email it to me for inclusion

### Polygraph Related

affordablepolygraph.com  
johnngrogan.com  
kathryngrogan.com  
polygraphacademy.com  
polygraphconnection.com  
groganpolygraph.com  
venturacountypolygraph.com  
polygraphnow.com  
businessprotectionagency.com  
peoa.us  
azpolygraph.org  
akpolygraph.org  
capolygraph.org  
newenglandpolygraph.org  
iowapolygraph.org  
tennesseepolygraph.org  
newyorkpolygraph.org  
hipolygraph.org  
txpolygraph.org  
oregonpolygraph.org  
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gapolygraph.org  
wapolygraph.org  
mipolygraph.org  
ohpolygraph.org  
wipolygraph.org  
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flpolygraph.org  
akpolygraph.com  
azpolygraph.com  
newyorkpolygraph.com  
gapolygraph.com  
newjerseypolygraph.com  
wapolygraph.com  
iowapolygraph.com  
txpolygraph.com  
oregonpolygraph.com  
hipolygraph.com  
flpolygraph.com

### Voice Stress Related

groganvsa.com  
voicemultigraph.com

### Private Investigations Related

theplgroup.com  
johnnagroan.com

SHORT TITLE  
Grogan v Paolella

CASE NUMBER  
BC 391778

## DECLARATION OF MAILING

**INSTRUCTIONS:** Only a person who is age 18 years or older and not a party to this action can serve document copies by mail. (Code Civ. Proc., § 1013a.) An unsigned copy of this Declaration of Mailing must be attached to and mailed with the copies. After the copies are deposited in the mail, the person who mailed them must fill out and sign this form attached as the last page of the originals for filing. (Code Civ. Proc., § 1013(b).) **WARNING: Falsifying this form can be a felony, punishable by imprisonment in state prison.** (Pen. Code, §§ 118 & 126)

1. I am employed in, or a resident of, the county in which this mailing occurred, and not a party to this action. At the time of mailing, I was at least 18 years of age or older;
2. I am readily familiar with the practice at the residence or business address shown below for collection and processing of correspondence for mailing with the United States Postal Service, which causes it to be sealed and deposited with said Postal Service with the postage prepaid the same day it is mailed or placed for collection and processing.
3. My ☐ residence ☒ business address and telephone number are as follows:

ADDRESS  
P.O. Box 433

TELEPHONE NUMBER  
310.294.3043

CITY, STATE AND ZIP CODE  
Torrance CA 90508-0433

4. I served the below document(s) by ☒ personally sealing and mailing with postage prepaid, ☒ placing for collection and mailing following ordinary business practices, true copies to the addressed as shown, on the date and at the place shown, in envelope(s) sealed, or to be sealed in the ordinary course of business, and addressed as follows:

George Baltaxe, Esq.  
15821 Ventura Blvd. Ste 245  
Encino CA 91436

Adrianos Facchetti, Esq.  
200 N Fairview St  
Burbank CA 91505

DATE MAILED  
June 12, 2008

PLACE OF MAILING (City and state)  
Torrance, CA

5. Exact title(s) of document(s) served: Notice of Motion and Motion to Strike (S. 415.16 CCP)

*I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct*

DATED  
June 12, 2008

TYPE OR PRINT NAME OF PERSON WHO DID MAILING  
Jan B. Tucker

SIGNATURE OF PERSON WHO DID MAILING

