

FILED

SEP 25 2008

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By [Signature]

* * *

In the Matter of the Accusation of)
)
 AMRIK SINGH BAINIWAL,) NO. H-5026 SAC
)
 Respondent.)
 _____)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 9, 2008, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On June 28, 2008, Charles W. Koenig, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on June 28, 2008.

On September 9, 2008, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code").

III

At all times herein mentioned, from and after February 11, 2006, Respondent was and now is licensed by the Department of Real Estate (herein "Department") as a real estate salesperson.

IV

On or about May 12, 2008, in the Superior Court of the State of California, County of Stanislaus, Case Number 1240588, Respondent was convicted of the crime of 2nd Degree Burglary in violation of Penal Code Section 459, a misdemeanor and a crime involving moral turpitude, which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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ORDER

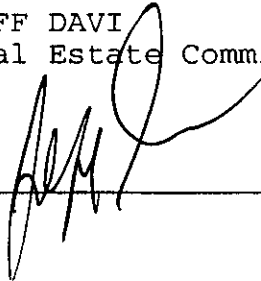
All licenses and licensing rights of Respondent
AMRIK SINGH BAINIWAL, under the provisions of Part I of Division 4
of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on
OCT 16 2008

DATED: _____

9-18-08

JEFF DAVI
Real Estate Commissioner




1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

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SEP -9 2008

DEPARTMENT OF REAL ESTATE

By: 

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

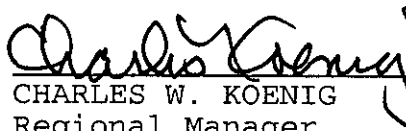
11 * * *

12 In the Matter of the Accusation of) No. H-5026 SAC
13 AMRIK SINGH BAINIWAL,) DEFAULT ORDER
14 Respondent.)

15
16 Respondent, AMRIK SINGH BAINIWAL, having failed to
17 file a Notice of Defense within the time required by Section
18 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in
20 this matter.

21 IT IS SO ORDERED September 9, 2008.

22 JEFF DAVI
23 Real Estate Commissioner

24 By: 
25 CHARLES W. KOENIG
26 Regional Manager
27

1 ANGELA L. CASH, Counsel (SBN 230882)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

FILED

JUN 28 2008

4 Telephone: (916) 227-0789
5 -or- (916) 227-0805 (Direct)

DEPARTMENT OF REAL ESTATE

By A. Jain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 AMRIK SINGH BAINIWAL,) H-5026 SAC
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against AMRIK SINGH BAINIWAL (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 I

20 Complainant, Charles W. Koenig, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 against Respondent in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "the Code").

27 ///

1 III

2 At all times herein mentioned, from and after
3 February 11, 2006, Respondent was and now is licensed by the
4 Department of Real Estate (herein "Department") as a real estate
5 salesperson.

6 IV

7 On or about May 12, 2008, in the Superior Court of
8 the State of California, County of Stanislaus, Case Number
9 1240588, Respondent was convicted of the crime of 2nd Degree
10 Burglary in violation of Penal Code Section 459, a misdemeanor
11 and a crime involving moral turpitude, which bears a substantial
12 relationship under Section 2910, Title 10, California Code of
13 Regulations, to the qualifications, functions, or duties of a real
14 estate licensee.

15 V

16 The facts alleged above constitute cause under
17 Sections 490 and 10177(b) of the Code for suspension or
18 revocation of Respondent's license under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a Decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 under the Code, and for such other and further relief as may be
6 proper under provisions of law.

7
8 
9 CHARLES W. KOENIG
10 Deputy Real Estate Commissioner

11 Dated at Sacramento, California
12 this 26th day of June, 2008.