

FILED

AUG 11 2010

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

MEHAR SINGH SAINI,

Respondent.

No. H-4544 SAC

ORDER GRANTING UNRESTRICTED LICENSE

On January 4, 2007, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 7, 2007, and Respondent has operated as a restricted licensee since that time.

On March 18, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

///

1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to
5 the following understanding and conditions:

6 1. The license issued pursuant to this order shall be deemed to be the first
7 renewal of Respondent's real estate salesperson license for the purpose of applying the provisions
8 of Section 10153.4.

9 2. Within twelve (12) months from the date of this order Respondent shall:

10 (a) Submit a completed application and payment of the appropriate fee for a
11 real estate salesperson license, and

12 (b) Submit evidence of having taken and successfully completed the courses
13 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
14 for renewal of a real estate license.

15 3. Upon renewal of the license issued pursuant to this order, Respondent
16 shall submit evidence of having taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
18 license.

19 This Order shall become effective immediately.

20 IT IS SO ORDERED

8/5/2010

21 JEFF DAVI
22 Real Estate Commissioner

23 
24

25
26 BY: Barbara J. Bigby
27 Chief Deputy Commissioner

FILED
JAN 08 2007

DEPARTMENT OF REAL ESTATE

By Amie Shaver

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

10 In the Matter of the Application of) 11 12 MEHAR SINGH SAINI,) 13 Respondent.))))))	No. H-4544 SAC <u>STIPULATION AND WAIVER</u>
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14

15 It is hereby stipulated by and between MEHAR SINGH

16 SAINI (hereinafter "Respondent"), and Respondent's attorney

17 Christopher A. Lee, and the Complainant, acting by and through

18 Truly Sughrue, Counsel for the Department of Real Estate, as

19 follows for the purpose of settling and disposing of the

20 Statement of Issues filed on October 5, 2006 in this matter:

21 Respondent acknowledges that Respondent has received

22 and read the Statement of Issues and the Statement to Respondent

23 filed by the Department of Real Estate in connection with

24 Respondent's application for a real estate broker license.

25 Respondent understands that the Real Estate Commissioner may hold

26 a hearing on this Statement of Issues for the purpose of

27 requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that he may in his
2 discretion waive the hearing and grant Respondent a restricted
3 real estate salesperson license based upon this Stipulation and
4 Waiver. Respondent also understands that by filing the Statement
5 of Issues in this matter the Real Estate Commissioner is shifting
6 the burden to Respondent to make a satisfactory showing that
7 Respondent meets all the requirements for issuance of a real
8 estate salesperson license. Respondent further understands that
9 by entering into this stipulation and waiver Respondent will be
10 stipulating that the Real Estate Commissioner has found that
11 Respondent has failed to make such a showing, thereby justifying
12 the denial of the issuance to Respondent of an unrestricted real
13 estate broker license.

14 Respondent hereby admits that the allegations of the
15 Statement of Issues filed against Respondent are true and correct
16 and requests that the Real Estate Commissioner in his discretion
17 issue a restricted real estate salesperson license to Respondent
18 under the authority of Section 10156.5 of the Business and
19 Professions Code.

20 Respondent is aware that by signing this Stipulation
21 and Waiver, Respondent is waiving Respondent's right to a hearing
22 and the opportunity to present evidence at the hearing to
23 establish Respondent's rehabilitation in order to obtain an
24 unrestricted real estate broker license if this Stipulation and
25 Waiver is accepted by the Real Estate Commissioner. However,
26 Respondent is not waiving Respondent's right to a hearing and to
27 further proceedings to obtain a restricted or unrestricted

1 license if this Stipulation and Waiver is not accepted by the
2 Commissioner.

3 Respondent further understands that the following
4 conditions, limitations, and restrictions will attach to a
5 restricted license issued by the Department of Real Estate
6 pursuant hereto:

7 1. The license shall not confer any property right in the
8 privileges to be exercised including the right of renewal,
9 and the Real Estate Commissioner may by appropriate order
10 suspend the right to exercise any privileges under this
11 restricted license in the event of:

12 a. The conviction of Respondent (including a plea of nolo
13 contendere) to a crime which bears a substantial
14 relationship to Respondent's fitness or capacity as a
15 real estate licensee; or

16 b. The receipt of evidence that Respondent has violated
17 provisions of the California Real Estate Law, the
18 Subdivided Lands Law, Regulations of the Real Estate
19 Commissioner or conditions attaching to this restricted
20 license.

21 2. Respondent shall not be eligible to apply for the issuance
22 of an unrestricted real estate license nor the removal of
23 any of the conditions, limitations or restrictions
24 attaching to the restricted license, until two (2) years
25 have elapsed from the date of issuance of the restricted
26 license to Respondent.

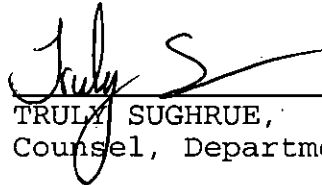
1 3. With the application for license, or with the application
2 for transfer to a new employing broker, Respondent shall
3 submit a statement signed by the prospective employing
4 broker shall certify as follows:

5 a. That the broker has read the Statement of Issues which
6 is the basis for the issuance of the restricted
7 license; and

8 b. That broker will carefully review all transaction
9 documents prepared by the restricted licensee and
10 otherwise exercise close supervision over the
11 licensee's performance of acts for which a real estate
12 license is required.

13 21-Nov-06

14 DATED

14 
15 TRULY, SUGHRUE,
16 Counsel, Department of Real Estate

16 * * *

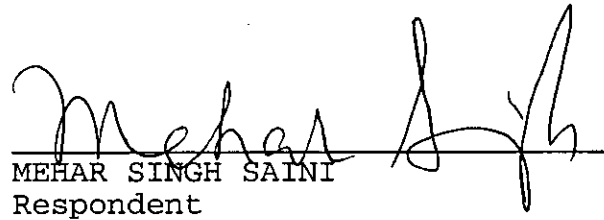
17 I have read the Stipulation and Waiver, have discussed
18 it with my counsel, and its terms are understood by me and are
19 agreeable and acceptable to me. I understand that I am waiving
20 rights given to me by the California Administrative Procedure Act
21 (including but not limited to Section 11506, 11508, 11509, and
22 11513 of the Government Code), and I willingly, intelligently,
23 and voluntarily waive those rights, including the right of a
24 hearing on the Statement of Issues at which I would have the
25 right to cross-examine witnesses against me and to present
26 evidence in defense and mitigation of the charges.

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11-09-06

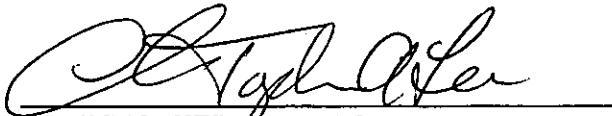
DATED


MEHAR SINGH SAINI
Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

11/9/06

DATED


CHRISTOPHER A. LEE
Attorney for Respondent

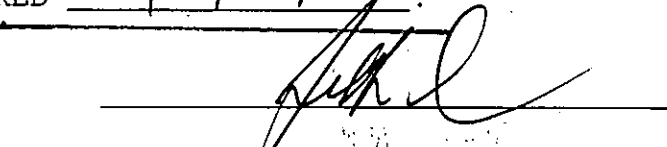
* * *

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by the Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefor, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirement for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 1-4-07


JEFF DAVE
Real Estate Commissioner

1 TRULY SUGHRUE, Counsel
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3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
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7 Telephone: (916) 227-0781

FILED
OCT 05 2006

DEPARTMENT OF REAL ESTATE

By Anne Shaver

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 MEHAR SINGH SAINI,)
13 Respondent.)

No. H-4544 SAC

STATEMENT OF ISSUES

14
15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against MEHAR SINGH SAINI (hereinafter "Respondent"), is
18 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 Statement of
22 Issues in his official capacity and not otherwise.

23 FIRST CAUSE OF ACTION

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate broker
27 license on or about May 22, 2006.

1 III

2 On or about January 21, 1999, in the United States
3 District Court, Eastern District of California, Respondent was
4 convicted of a violation of Title 18, United State Code Section
5 1341 (Mail Fraud), a crime involving moral turpitude which bears
6 a substantial relationship under Section 2910, Title 10,
7 California Code of Regulations, to the qualifications, functions,
8 or duties of a real estate licensee.

9 IV

10 The crime of which Respondent was convicted, as alleged
11 in Paragraph III, constitutes cause for denial of Respondent's
12 application for a real estate license under Sections 480(a) and
13 10177(b) of the California Business and Professions Code.

14 SECOND CAUSE OF ACTION

15 V

16 Respondent made application to the Department of Real
17 Estate of the State of California for a real estate broker
18 license on or about April 1, 2003.

19 VI

20 In response to Question 20 of the April 1, 2003
21 application, to wit: "Have you ever been convicted of any
22 violation of law?", Respondent answered "No".

23 VII

24 Respondent's failure to reveal the conviction set forth
25 in Paragraph III, in the April 1, 2003 application constitutes
26 the procurement of a real estate license by fraud,
27 misrepresentation, or deceit, or by making a material

1 misstatement of fact in said application, which failure is cause
2 for denial of Respondent's application for a real estate license
3 under Sections 480(c) and 10177(a) of the California Business and
4 Professions Code.

5 PRIOR PROCEEDING

6 VIII

7 Effective October 5, 2004, in Case No. H-4015 SAC
8 before the State of California Department of Real Estate, the
9 application of Respondent for a real estate broker license was
10 denied for violation of Sections 480(a), 480(c), 10177(a), and
11 10177(b) of the Code.

12 WHEREFORE, the Complainant prays that the above-
13 entitled matter be set for hearing and, upon proof of the charges
14 contained herein, that the Commissioner refuse to authorize the
15 issuance of, and deny the issuance of, a real estate broker
16 license to Respondent, and for such other and further relief as
17 may be proper under other provisions of law.

18
19 
20 CHARLES W. KOENIG
21 Deputy Real Estate Commissioner

22 Dated at Sacramento, California,
23 this 15th day of September, 2006.