

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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FILED

APR 29 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

In the Matter of the Accusation of

KANWARDEEP SINGH,

Respondent.

)  
) NO. H-5271 SAC  
)

) OAH NO. 2009110446  
)  
)

DECISION

The Proposed Decision dated March 31, 2010, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes the real estate license and/or license rights.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

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

MAY 20 2010

IT IS SO ORDERED 4-28-10

JEFF DAVI  
Real Estate Commissioner

Barbara J. Bigby

BY: Barbara J. Bigby  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KANWARDEEP SINGH,

Respondent.

Case No. H-5271 SAC

OAH No. 2009110446

**PROPOSED DECISION**

Karl S. Engeman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California, on March 1, 2010.

John W. Barron, Counsel, and Farid A. Sharaby, Certified Law Student, Department of Real Estate, represented the complainant.

Respondent Kanwardeep Singh appeared and represented himself.

Evidence was received and the matter was submitted on March 1, 2010.

**FACTUAL FINDINGS**

1. Tricia D. Sommers, a Deputy Real Estate Commissioner, Department of Real Estate, State of California, filed the Accusation against respondent in Sommers' official capacity.

2. Respondent is presently licensed and has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a real estate broker.

3. Respondent stipulated to the surrender of his Trainee Real Estate Appraiser License (No. AT036850) issued by the California Office of Real Estate Appraisers. The effective date of the surrender order issued by the Director of the Office of Real Estate Appraisers was April 10, 2007. The surrender was based on a stipulation by which respondent admitted all allegations against him and agreed to the surrender of his trainee license. By the terms of the stipulation, respondent's admissions could be used in proceedings in which any "other professional licensing agency is involved." Respondent admitted that he forged the signature of the appraiser for whom he was working as a trainee and that his forgery was an "act involving dishonesty, fraud or deceit."

4. Respondent's forgery involved electronically copying his supervising appraiser's signature from another appraisal and "pasting" it in an appraisal report requiring her signature in June of 2006. Respondent had performed this appraisal without the supervising appraiser's knowledge and submitted it to the prospective lender with the forged signature. He did so to collect the entire \$350 appraisal fee, rather than the \$150 which the supervising appraiser typically paid him for each appraisal in which he did the field work. The supervising appraiser learned of the forgery when the lender sent her a confirming email. Respondent was confronted and dismissed before he was able to cash the \$350 check.

5. Respondent acknowledged at the administrative hearing that what he had done was wrong and expressed remorse for his misconduct. This was the only occasion on which respondent forged the supervising appraiser's signature. Respondent is now 35 years old. He is married and he and his wife have two young children. Respondent also cares for his parents. Respondent emigrated from India to the United States to work as a software engineer. He holds a Bachelor's degree in electronics. He was laid off from his position in 2001. He committed the forgery after a several months trip to India following the death of a relative. Respondent was experiencing financial difficulties related to credit card debt. He has since filed for bankruptcy and received a Chapter 7 discharge of most of his debts. He and his wife were able to keep their home. Respondent obtained full time employment as a software programmer again in November of 2006. Respondent has never completed the sale of any real estate as a real estate broker, but would like to retain his broker's license in case he is personally involved in a real estate transaction in the future.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 10177, subdivisions (f) and (j), read:

The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

[¶] ... [¶]

(f) Acted or conducted himself or herself in a manner that would have warranted the denial of his or her application for a real estate license, or has either had a license denied or had a license issued by another agency of this state, another state, or the federal government revoked or suspended for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license, if the action of denial, revocation, or suspension by the other agency or entity was taken only after giving the licensee or applicant fair

notice of the charges, an opportunity for a hearing, and other due process protections comparable to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and only upon an express finding of a violation of law by the agency or entity.

[¶] ... [¶]

(j) Engaged in any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

3. Cause for discipline of respondent's Real Estate salesperson's license was established for violation of Business and Professions Code sections 10177, subdivisions (f) and (j), by reason of Factual Findings 3 and 4. Respondent admitted that he committed an act involving dishonesty, fraud or deceit; respondent has therefore engaged in conduct which constitutes fraud and dishonest dealing, an express ground for disciplining respondent's real estate broker's license.<sup>1</sup> Department counsel referenced California Code of Regulations, title 10, section 2910, which defines the criteria by which one determines whether an act or crime is substantially related to the qualifications, duties and functions of real estate licensee. However the criteria relate to the denial of a license based on dishonest conduct (and other grounds).<sup>2</sup>

4. Respondent did offer evidence of rehabilitation. This was his only offense, committed during a time at which respondent and his family faced significant economic difficulties resulting in a personal bankruptcy. Respondent was candid in acknowledging his wrongdoing to both the entity regulating real estate appraisers and the Department. Respondent has returned to his "regular" profession of software engineering. It has been nearly four years since respondent forged his supervisor's signature on the appraisal report. Respondent appears genuinely remorseful for his misdeed. That said, this was a very serious breach of respondent's professional duties as an appraiser trainee, and the method by which he forged his supervisor's signature was calculated and sophisticated. The act was done to directly benefit respondent financially. For these reasons, even considering the rehabilitative evidence presented by respondent, the appropriate sanction in this matter is the outright revocation of respondent's real estate broker's license.

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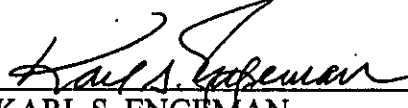
<sup>1</sup> Respondent was disciplined by the Office of Real Estate Appraisers for an act which would constitute grounds for discipline of a real estate license. However, respondent surrendered his appraiser trainee licensee and Business and Professions Code section 10177, subdivision (f), authorizes the Real Estate Commissioner to discipline a real estate licensee based on discipline by another licensing entity only if the license issued by another agency was "revoked or suspended."

<sup>2</sup> Department Counsel also cited California Code of Regulations, title 10, section 2911 criteria for rehabilitation, but those criteria deal with license denial and section 2912, while related to discipline of an existing license, is limited to discipline based on a criminal conviction.

ORDER

All licenses and licensing rights of respondent Kanwardeep Singh under the Real Estate Law are revoked.

Dated: March 31, 2010

  
KARL S. ENGEMAN  
Administrative Law Judge  
Office of Administrative Hearings

RECEIVED  
Dept of Real Estate

APR 13 2010

SACRAMENTO LEGAL

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FILED

OCT 15 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of )  
13 ) NO. H-5271 SAC  
14 KANWARDEEP SINGH, ) ACCUSATION  
15 Respondent. )  
16

17 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
18 of the State of California, for cause of Accusation against KANWARDEEP SINGH,  
19 (hereinafter referred to as "Respondent"), is informed and alleges as follows:

20 1

21 The Complainant makes this Accusation against Respondent in her official  
22 capacity.

23 2

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

27 ///

On or about February 22, 2007, Respondent stipulated to a surrender of his Trainee Real Estate Appraiser License (No. AT036850). Effective April 10, 2007, before the Office of Real Estate Appraisers of the State of California, in Case No. 060615-03, a Final Order on the Stipulated Surrender of License and Order was issued by the Director of the Office of Real Estate Appraisers, Office of Real Estate Appraisers. Said Order was based on Respondent's violation of California Code of Regulations Section 3712(a)(2) (acts involving dishonesty, fraud or deceit with intent to benefit), and the Uniform Standards of Professional Appraisal Practice (USPAP) Conduct Section of the Ethics Rule, S.R. 2-1(a) (requirement that appraisal be clearly and accurately set forth in non-misleading manner) and 2-3 (requirement of signed certification for each appraisal report).

Respondent's acts, which resulted in the proceedings described in Paragraph 3, are acts, which if done by a real estate licensee, would be grounds for suspension or revocation of his California Real Estate License.

The Stipulated Surrender of License and Order, and Final Order on the Stipulated Surrender of License and Order of Respondent's Real Estate Appraiser Trainee License, as described in Paragraph 3 above, constitutes cause for the suspension or revocation of Respondent's license rights under Section 10177(f) and under the Real Estate Law.

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

5  
6   
7 TRICIA D. SOMMERS  
8 Deputy Real Estate Commissioner

9 Dated at Sacramento, California,  
10 this 13th day of October, 2009.