

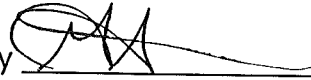
FILED

November 5, 2012

Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

Telephone: (916) 227-0789
Fax: (916) 227-9458

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) H- 5849 SAC
DAREN EDWARD BALEME,)
Respondent.)

ORDER VACATING DEFAULT DECISION AND ORDER

On October 16, 2012, a Decision was rendered revoking the real estate broker license of Respondent, DAREN EDWARD BALEME, effective November 5, 2012.

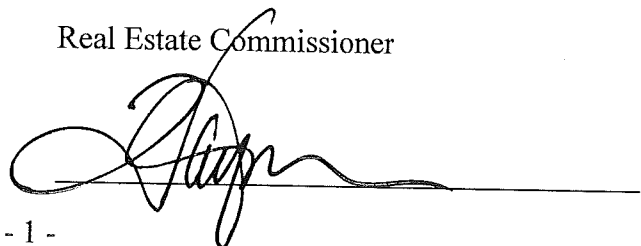
On October 18, 2012, good cause was presented to vacate the Decision of October 16, 2012, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

NOW, THEREFORE, IT IS ORDERED that the Decision of October 16, 2012, is vacated and that the Matter of the Accusation filed on July 2, 2012, is remanded to the Office of Administrative Hearings.

This Order shall be effective immediately.

DATED: 11/5/2012

Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE

October 16, 2012

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

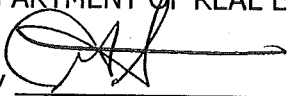
* * *

In the Matter of the Accusation of)

H-5849 SAC)

DAREN EDWARD BALEME,)

Respondent.)

By 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 October 16, 2012, 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 crimes.

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

1.

On June 27, 2012, Tricia D. Sommers, made the Accusation in her 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, return receipt requested, to Respondent's last known mailing address on file with the Department on July 2, 2012. On July 26, 2012, and August 7, 2012, the Respondent filed new mailing addresses with the Department of Real Estate; therefore the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's new addresses on September 13, 2012. On October 16, 2012, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

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 (herein "the Code") as a real estate broker.

3.

On or about October 13, 2011, in the Superior Court of California, County of Placer, Case No.62-107600, Respondent was convicted of violating Section 23153 (a) and (b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug Causing Injury), while admitting a violation of Section 23578 of the California Vehicle Code (DUI with Blood Alcohol of .15 or More), a felony and a crime 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.

MATTERS IN AGGRAVATION

4.

On or about May 5, 2009, in the Nevada Justice Court, County of Clark, Case No. 09-F08626X, the Court issued a bench warrant against Respondent for repeatedly failing to appear in court, despite being made aware of the charges as he was present in court for arraignment on April 2, 2010.

5.

On or about January 24, 2005, in the Superior Court of the State of California, County of Placer Case No. 62-47661, Respondent was convicted of violating Section 245(a) (1) of the California Penal Code (Assault With a Deadly Weapon/Inflicting Corporal Injury on Spouse or Cohabitant), a misdemeanor.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraphs 3 through 5, above, pursuant to Sections 490 and 10177(b) of the Code.

2.

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

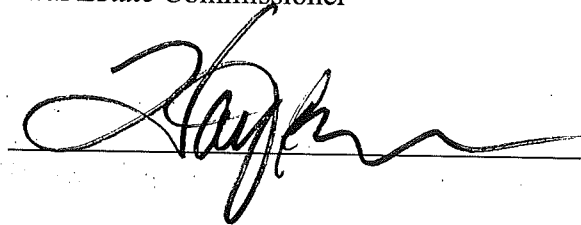
ORDER

The Department of Real Estate having met its burden of proof, it is hereby ordered that all licenses and licensing rights of Respondent DAREN EDWARD BALEME, 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 NOV 05 2012.

DATED: 10/16/2012

Real Estate Commissioner

A handwritten signature in black ink, appearing to read "Daren Baleme", is written over a horizontal line.

FILED

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

October 16, 2012

DEPARTMENT OF REAL ESTATE

By: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 ***

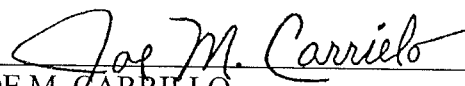
11 In the Matter of the Accusation of)
12 DAREN EDWARD BALEME,) NO. H-5849 SAC
13 Respondent.) DEFAULT ORDER
14)

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

19 IT IS SO ORDERED OCTOBER 16, 2012.

20 Real Estate Commissioner

21 By:

22 
23 JOE M. CARRILLO
24 Regional Manager
25
26
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