

FILED
FEB 23 1995

DEPARTMENT OF REAL ESTATE

By Victoria Dillon
Victoria Dillon

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-7003 SF
SURINDERPAL SINGH BAINS,)	
)	<u>DECISION AFTER REMAND</u>
Respondent.)	
_____)	

The California Department of Real Estate (Department) filed an accusation against SURINDERPAL SINGH BAINS (Bains) on November 9, 1993. A hearing was held on March 3, 1994, in which written and oral evidence was submitted. On March 16, 1994, Administrative Law Judge, Robert R. Coffman, issued a Proposed Decision determining that Bains' real estate salesperson license should be revoked with the right to a restricted salesperson license under terms and conditions. On April 5, 1994, the Real Estate Commissioner (the Commissioner) rejected the Proposed Decision and provided Bains an opportunity to submit further written argument. The transcript of the March 3, 1994 hearing was ordered and considered by the Commissioner together with

1 additional written argument submitted by Counsel for the
2 Department and by Bains. On July 28, 1994, the Interim
3 Commissioner issued his Decision After Rejection revoking Bains'
4 real estate salesperson license effective August 29, 1994. Bains
5 filed a Request for Stay on August 25, 1994, which was granted on
6 that date. Bains filed a Petition for Reconsideration on
7 September 8, 1994. On September 27, 1994, the Interim
8 Commissioner issued his Order Denying Reconsideration. On
9 October 7, 1994, Bains filed a Petition for Writ of Administrative
10 Mandamus in the Superior Court of the City and County of San
11 Francisco. On January 4 , 1995, Bains and the Commissioner
12 entered into a Stipulation Re: Remand in which the parties agreed
13 that this matter be remanded to the Department for a decision
14 consistent with the Stipulation. On January 12 , 1995, the
15 Superior Court ordered the matter remanded to the Department for a
16 decision consistent with the stipulation of the parties.

17 The following shall become the Decision of the
18 Commissioner:

19 1. The Findings of Fact and Determination of Issues as
20 set out in the Decision After Rejection dated July 28, 1994, and
21 filed on August 9, 1994, shall remain unchanged.

22 2. All licenses and licensing rights of Respondent
23 SURINDERPAL SINGH BAINS under the Real Estate Law are revoked;
24 provided, however, a restricted real estate salesperson license
25 shall be issued to Respondent pursuant to Section 10156.5 of the
26 Business and Professions Code if Respondent makes application
27 therefor and pays to the Department of Real Estate the appropriate

1 fee for the restricted license within 60 days from the effective
2 date of this Decision. The restricted license issued to
3 Respondent shall be subject to all of the provisions of Section
4 10156.7 of the Business and Professions Code and to the following
5 limitations, conditions and restrictions imposed under authority
6 of Section 10156.6 of that Code:

7 a. The restricted license shall be suspended for 60
8 days from the date of its issuance, and indefinitely thereafter
9 until Respondent presents evidence to the satisfaction of the Real
10 Estate Commissioner that he has made \$18,092 in restitution
11 pursuant to court ordered probation for the Penal Code § 484g
12 conviction set out in the Findings of the Decision After
13 Rejection.

14 b. The restricted license issued to Respondent may be
15 suspended prior to hearing by Order of the Real Estate
16 Commissioner in the event of Respondent's conviction or plea of
17 nolo contendere to a crime which is substantially related to
18 Respondent's fitness or capacity as a real estate licensee.

19 c. The restricted license issued to Respondent may be
20 suspended prior to hearing by Order of the Real Estate
21 Commissioner on evidence satisfactory to the Commissioner that
22 Respondent has violated provisions of the California Real Estate
23 Law, the Subdivided Lands Law, Regulations of the Real Estate
24 Commissioner or conditions attaching to the restricted license.

25 d. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license nor for the

27 ///

1 removal of any of the conditions, limitations or restrictions of a
2 restricted license until two (2) years have elapsed from the
3 effective date of this Decision.

4 e. Respondent shall submit with any application for
5 license under an employing broker, or any application for transfer
6 to a new employing broker, a statement signed by the prospective
7 employing real estate broker on a form approved by the Department
8 of Real Estate which shall certify:

9 (1) That the employing broker has read the Decision of
10 the Commissioner which granted the right to a restricted license;
11 and

12 (2) That the employing broker will exercise close
13 supervision over the performance by the restricted licensee
14 relating to activities for which a real estate license is
15 required.

16 f. Respondent shall, within nine months from the
17 effective date of this Decision, present evidence satisfactory to
18 the Real Estate Commissioner that Respondent has, since the most
19 recent issuance of an original or renewal real estate license,
20 taken and successfully completed the continuing education
21 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
22 for renewal of a real estate license. If Respondent fails to
23 satisfy this condition, the Commissioner may order the suspension
24 of the restricted license until the Respondent presents such
25 evidence. The Commissioner shall afford Respondent the
26 opportunity for a hearing pursuant to the Administrative Procedure
27 Act to present such evidence.

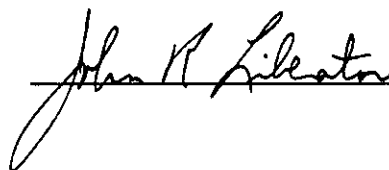
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g. Respondent shall, within six months from the
effective date of this Decision, take and pass the Professional
Responsibility Examination administered by the Department
including the payment of the appropriate examination fee. If
Respondent fails to satisfy this condition, the Commissioner may
order suspension of Respondent's license until Respondent passes
the examination.

This Decision shall become effective on
March 15, 1995.

IT IS SO ORDERED February 21, 1995.

JOHN R. LIBERATOR
Interim Commissioner



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Department of Real Estate
185 Berry Street, Room 3400
San Francisco, CA 94107-1770

Telephone: (415) 904-5917

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-7003 SF
)	
SURINDERPAL SINGH BAINS,)	<u>STIPULATION RE: REMAND</u>
)	
)	
Respondent.)	
)	

The California Department of Real Estate (Department) filed an accusation against SURINDERPAL SINGH BAINS (Bains) on November 9, 1993. A hearing was held on March 3, 1994, in which written and oral evidence was submitted. On March 16, 1994, Administrative Law Judge, Robert R. Coffman, issued a Proposed Decision determining that Bains' real estate salesperson license should be revoked with the right to a restricted salesperson license under terms and conditions. On April 5, 1994, the Real Estate Commissioner (the Commissioner) rejected the Proposed Decision and provided Bains an opportunity to submit further written argument. The transcript of the March 3, 1994 hearing was

1 ordered and considered by the Commissioner together with
2 additional written argument submitted by Counsel for the
3 Department and by Bains. On July 28, 1994, the Interim
4 Commissioner issued his Decision After Rejection revoking Bains'
5 real estate salesperson license effective August 29, 1994. Bains
6 filed a Request for Stay on August 25, 1994, which was granted on
7 that date. Bains filed a Petition for Reconsideration on
8 September 8, 1994. On September 27, 1994, the Interim
9 Commissioner issued his Order Denying Reconsideration. On
10 October 7, 1994, Bains filed a Petition for Writ of Administrative
11 Mandamus in the Superior Court of the City and County of San
12 Francisco. As a result of discussions between Bains' counsel,
13 Maxine Monaghan, and the Department's counsel, Daniel E. Lungren,
14 Attorney General of the State of California, by Jack Newman,
15 Deputy Attorney General, concerning a mutually agreeable
16 resolution of the mandate proceeding, Bains and the Department
17 have agreed upon the following disposition of the matter.

18 It is hereby stipulated by and between SURINDERPAL SINGH
19 BAINS (Respondent) and the Complainant, acting by and through
20 John Van Driel, Counsel for the Department of Real Estate, as
21 follows for the purpose of settling and disposing the Accusation
22 filed on November 9, 1993, in this matter and the Petition for
23 Administrative Mandamus filed by Bains on October 7, 1994.

24 1. The parties will request the Superior Court of
25 California, City and County of San Francisco, to issue an order
26 remanding action action # 964287 to the Department to adopt a
27 decision consistent with this stipulation between the parties.

1 2. The Findings of Fact and Determination of Issues
2 as set out in the Decision After Rejection dated July 28, 1994,
3 and filed on August 9, 1994, shall remain unchanged.

4 3. The Commissioner's Order shall revoke Respondent's
5 restricted real estate salesperson license and shall grant
6 Respondent the right to a restricted real estate salesperson
7 license issued pursuant to Section 10156.5 of the Business and
8 Professions Code if Respondent makes application therefor and
9 pays to the Department of Real Estate the appropriate fee for
10 the restricted license within 30 days from the effective date
11 of this Decision. The restricted license issued to Respondent
12 shall be subject to all of the provisions of Section 10156.7 of
13 the Business and Professions Code and to the following
14 limitations, conditions and restrictions imposed under
15 authority of Section 10156.6 of that Code:

16 a. The restricted license shall be suspended for 60
17 days from the date of its issuance, and indefinitely thereafter
18 until Respondent presents evidence to the satisfaction of the
19 Real Estate Commissioner that he has made \$18,092 in
20 restitution pursuant to court ordered probation for the Penal
21 Code § 484g conviction set out in the Findings of the Decision
22 After Rejection.

23 b. The restricted license issued to Respondent may be
24 suspended prior to hearing by Order of the Real Estate
25 Commissioner in the event of Respondent's conviction or plea of
26 nolo contendere to a crime which is substantially related to
27 Respondent's fitness or capacity as a real estate licensee.

1 c. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner on evidence satisfactory to the Commissioner that
4 Respondent has violated provisions of the California Real
5 Estate Law, the Subdivided Lands Law, Regulations of the Real
6 Estate Commissioner or conditions attaching to the restricted
7 license.

8 d. Respondent shall not be eligible to apply for the
9 issuance of an unrestricted real estate license nor for the
10 removal of any of the conditions, limitations or restrictions
11 of a restricted license until two (2) years have elapsed from
12 the effective date of this Decision.

13 e. Respondent shall submit with any application for
14 license under an employing broker, or any application for
15 transfer to a new employing broker, a statement signed by the
16 prospective employing real estate broker on a form approved by
17 the Department of Real Estate which shall certify:

18 (1) That the employing broker has read the Decision of
19 the Commissioner which granted the right to a restricted
20 license; and

21 (2) That the employing broker will exercise close
22 supervision over the performance by the restricted licensee
23 relating to activities for which a real estate license is
24 required.


25 f. Respondent shall, within nine months from the
26 effective date of this Decision, present evidence satisfactory
27 to the Real Estate Commissioner that Respondent has, since the

1 most recent issuance of an original or renewal real estate
2 license, taken and successfully completed the continuing
3 education requirements of Article 2.5 of Chapter 3 of the Real
4 Estate Law for renewal of a real estate license. If Respondent
5 fails to satisfy this condition, the Commissioner may order the
6 suspension of the restricted license until the Respondent
7 presents such evidence. The Commissioner shall afford
8 Respondent the opportunity for a hearing pursuant to the
9 Administrative Procedure Act to present such evidence.

10 g. Respondent shall, within six months from the
11 effective date of this Decision, take and pass the Professional
12 Responsibility Examination administered by the Department
13 including the payment of the appropriate examination fee. If
14 Respondent fails to satisfy this condition, the Commissioner
15 may order suspension of Respondent's license until Respondent
16 passes the examination.

17
18 CALIFORNIA DEPARTMENT OF REAL
19 ESTATE

20
21 DATED: 1-4-95

by 
JOHN VAN DRIEL
Counsel for Complainant

22
23
24
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27

1 APPROVED AS TO FORM:

2
3 DATED:

Jan. 3, 1995 Maxine Monaghan
MAXINE MONAGHAN
Counsel for Respondent

6 DANIEL E. LUNGREN, Attorney
7 General of the State of
California

8 DATED:

Jan. 5, 1995 by Jack Newman
JACK NEWMAN
Attorneys for the California
Department of Real Estate

12 ***

13 I have read the STIPULATION RE: REMAND and DECISION
14 AFTER REMAND, have discussed it with my counsel, and its terms
15 are understood by me and are agreeable and acceptable to me. I
16 understand that I am agreeing to the remand of my administrative
17 mandamus proceeding pending in the Superior Court, City and
18 County of San Francisco, to the Department under the terms and
19 conditions set out above and I willingly and voluntarily agree
20 to dismiss that action with prejudice in exchange for the
21 Department entering into this Stipulation.

22
23 DATED:

1/3/95 Surinderpal Singh Bains
SURINDERPAL SINGH BAINS
Respondent

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FILED
SEP 27 1994
DEPARTMENT OF REAL ESTATE

By Emily J. Jekko

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-7003 SF
)
SURINDERPAL SINGH BAINS,)
)
Respondent.)
)

ORDER DENYING RECONSIDERATION

On July 28, 1994, a Decision was rendered in the above-entitled matter. The Decision is to become effective on September 28, 1994.

On August 29, 1994, Respondent SURINDERPAL SINGH BAINS petitioned for reconsideration of the Decision of July 28, 1994.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of July 28, 1994, and reconsideration is hereby denied.

IT IS SO ORDERED September 27, 1994.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

1 access cards), a felony and a crime which bears a substantial
2 relationship to the qualifications, functions and duties of a real
3 estate licensee.

4 IV

5 On or about June 15, 1992, in the Municipal Court of
6 California, Santa Clara County Judicial District, Respondent was
7 convicted of a violation of Section 31 of the Vehicle Code (false
8 information to police officer), a crime involving moral turpitude
9 and which bears a substantial relationship to the qualifications,
10 functions and duties of a real estate licensee.

11 V

12 On the 484g offense, Respondent was sentenced on
13 March 5, 1993, to 3 years probation and ordered to serve 90 days
14 in jail and make restitution in the amount of \$18,092.

15 He served the 90 days on an electronic monitoring
16 program. He has been making restitution in the amount of \$1,000
17 per month. He now owes \$6,317.

18 VI

19 The circumstances surrounding the 484g offense are that
20 Respondent, while working as a security coordinator for Linear
21 Technology in 1990, observed two telephone credit cards at a
22 secretary's desk in the company's executive offices, and copied
23 the numbers for the purpose of using them later. Respondent
24 subsequently used one of the credit card numbers for his personal
25 use and gave the numbers of the other card to a relative and to a
26 friend. He does not know whether such persons in turn gave the
27 card numbers to others.

1 Unauthorized calls were made on the two cards from
2 December 1990 through January 1992. In February, 1992, Linear
3 discovered that unauthorized calls were being made and in April,
4 1992, the police determined that Respondent was responsible for
5 the offense. Respondent contends that the amount of the
6 restitution, \$18,092, represents both unauthorized and authorized
7 calls made on the cards.

8 Respondent used the card numbers to save money, not
9 because of any financial hardship or personal difficulties.

10 VII

11 On the Vehicle Code violation Respondent was sentenced
12 to 1 year probation and fined \$50 plus an \$85 penalty assessment.

13 VIII

14 The circumstances surrounding the Vehicle Code violation
15 were not established by the evidence.

16 Respondent's explanation of this offense is that while
17 driving his automobile he was stopped for an expired registration
18 and when he gave the officer a business card that identified him
19 as "Paul" Bains, he was cited for providing false information to a
20 police officer. He was also convicted for driving with a
21 suspended license. His explanation is that he was unaware that
22 his license had been suspended.

23 IX

24 Respondent was employed as a real estate salesperson by
25 his sister-in-law from February 1990 to February 1994, at first in
26 residential sales, then as a loan officer in the real estate
27 mortgage brokerage aspect of the business. He has been a caring

1 person, very helpful to his real estate clients. He voluntarily
2 left such employment pending the outcome of this hearing.

3 Respondent's sister-in-law is confident he is presently
4 fit to act as a real estate licensee and intends to reemploy him
5 if he is allowed to retain his license.

6 Respondent has been married 14 months. His wife is a
7 college student. She works part-time.

8 X

9 Respondent's motive for the conduct that led to his 484g
10 conviction was financial gain or advantage. His misappropriation
11 of the phone access numbers was a serious breach of trust and
12 confidence because of his position as a security coordinator.
13 Although he is very contrite for his conduct which led to the
14 convictions discussed above and he feels he is more mature now, at
15 least in part due to the family responsibilities he has now and
16 did not have at the time of the offense, Respondent has been
17 convicted of two substantially related offenses since June, 1992.
18 The March, 1993, conviction is a felony and substantial
19 restitution remains unpaid. His felony probation continues until
20 March, 1996.

21 DETERMINATION OF ISSUES

22 Cause was established for discipline under Sections 490
23 and 10177(b)

24 ORDER

25 I

26 All real estate licenses and license rights of
27 Respondent SURINDERPAL SINGH BAINS, are hereby revoked.

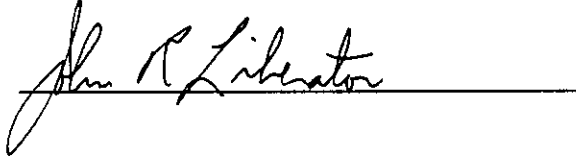
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The right to reinstatement of a revoked or suspended real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are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

This Decision shall become effective at 12 o'clock noon on August 29, 1994.

IT IS SO ORDERED July 28, 1994.

JOHN R. LIBERATOR
Interim Commissioner



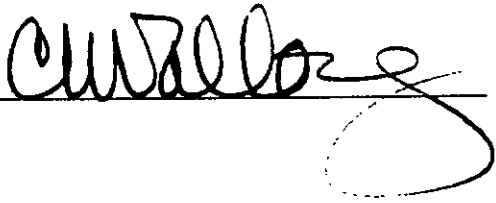
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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of March 3, 1994, at the San Francisco office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the San Francisco office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 4/5/94

CLARK WALLACE
Real Estate Commissioner



IV

On or about June 15, 1992, in the Municipal Court of California, Santa Clara County Judicial District, respondent was convicted of a violation of section 31 of the Vehicle Code (false information to police officer), a crime involving moral turpitude and which bears a substantial relationship to the qualifications, functions and duties of a real estate licensee.

V

On the 484g offense respondent was sentenced on March 5, 1993 to 3 years probation and ordered to serve 90 days in jail and make restitution in the amount of \$18,092.

He served the 90 days on an electronic monitoring program. He has been making restitution in the amount of \$1,000 per month. He now owes \$6,317.

VI

The circumstances surrounding the 484g offense are that respondent while working as a security coordinator for Linear Technology in 1990, observed two telephone credit cards at a secretary's desk in the company's executive offices, and copied the numbers for the purpose of using them later. Respondent subsequently used one of the credit card numbers for his personal use and gave the numbers of the other card to a relative and to a friend. He does not know whether such persons in turn gave the card numbers to others.

Unauthorized calls were made on the two cards from December 1990 through January 1992. In February 1992 Linear discovered that unauthorized calls were being made and in April 1992 the police determined that respondent was responsible for the offense. Respondent contends that the amount of the restitution, \$18,092, represents both unauthorized and authorized calls made on the cards.

Respondent used the card numbers to save money, not because of any financial hardship or personal difficulties.

VII

On the Vehicle Code violation respondent was sentenced to 3 years probation and fined \$50 plus an \$85 penalty assessment.

VIII

The circumstances surrounding the Vehicle Code violation were not established by the evidence.

Respondent's explanation of this offense is that while driving his automobile he was stopped for an expired registration and when he gave the officer a business card that identified him as "Paul" Bains, he was arrested for providing false information to a police officer. He was also convicted for driving with a suspended license. His explanation is that he was unaware that his license had been suspended.

IX

Respondent was employed as a real estate salesperson by his sister-in-law from February 1990 to February 1994, at first in residential sales, then as a loan officer in the real estate mortgage brokerage aspect of the business. He has been a caring person, very helpful to his real estate clients. He voluntarily left such employment pending the outcome of this hearing.

Respondent's sister-in-law is confident he is presently fit to act as a real estate licensee and intends to reemploy him if he is allowed to retain his license.

Respondent has been married 14 months. His wife is a college student. She works part-time.

Respondent has no excuses for the conduct that led to his 484g conviction. He is very contrite for such conduct. He feels he is much more mature now, with family responsibilities he did not have at the time of the offense.

DETERMINATION OF ISSUES

Cause was established for discipline under sections 490 and 10177(b) of the Code.

ORDER

not adopted { All licenses and licensing rights of respondent Surinderpal Singh Bains under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Code if respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within 30 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of the Code:

*not
adopted*


1. The restricted license shall be suspended for 60 days, and indefinitely thereafter until respondent presents evidence to the satisfaction of the Real Estate Commissioner that he has made \$18,092 in restitution pursuant to the above court ordered probation.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
3. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:
 - (a) That the employer broker has read the Decision of the Commissioner which granted the right to a restricted license; and
 - (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the

*not
adopted*

Commissioner may order the suspension of the restricted license until the respondent present such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

DATED: March 16, 1994



ROBERT R. COFFMAN
Administrative Law Judge
Office of Administrative Hearings

COPY

Flag sac

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
DEC 28 1993

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

SURINDERPAL SINGH BAINS,

By *Victoria Dillon*
Case No. H-7003 SF Victoria Dillon
OAH No. N-9312093

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

OFFICE OF ADMINISTRATIVE HEARINGS

455 Golden Gate Ave., Room 2248, San Francisco, CA 94102

on March 3, 1994 (1 hour hearing), at the hour of 1:30 p.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 28, 1993

By *John Van Driel*
JOHN VAN DRIEL, Counsel

JD

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*File
bac*

1 JOHN VAN DRIEL, Counsel
Department of Real Estate
2 185 Berry Street, Room 3400
San Francisco, CA 94107-1770
3 Telephone: (415) 904-5917
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FILED
NOV 09 1993

DEPARTMENT OF REAL ESTATE

By Victoria Dillon
Victoria Dillon

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-7003 SF
12 SURINDERPAL SINGH BAINS,) ACCUSATION
13)
14 Respondent.)

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against SURINDERPAL SINGH BAINS (Respondent), is
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 Business and Professions Code (the Code) as a real estate
23 salesperson.

24 II

25 The Complainant, LES R. BETTENCOURT, a Deputy Real
26 Estate Commissioner of the State of California, makes this

27 ///

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 On or about March 5, 1993, in the Superior Court of
5 California, Santa Clara County, Respondent was convicted of a
6 violation of Section 484g(a) of the California Penal Code
7 (fraudulent use of access cards), a felony and a crime which bears
8 a substantial relationship under Section 2910, Title 10,
9 California Code of Regulations, to the qualifications, functions
10 or duties of a real estate licensee.

11 IV

12 On or about June 15, 1992, in the Municipal Court of
13 California, Santa Clara County Judicial District, Respondent was
14 convicted of a violation of Section 31 of the California Vehicle
15 Code (false information to police officer), a crime involving
16 moral turpitude and which bears a substantial relationship under
17 Section 2910, Title 10, California Code of Regulations, to the
18 qualifications, functions or duties of a real estate licensee.

19 V

20 The facts alleged above constitute cause under Sections
21 490 and 10177(b) of the Code for suspension or revocation of all
22 licenses and license rights of Respondent under the Real Estate
23 Law.

24 WHEREFORE, Complainant prays that a hearing be conducted
25 on the allegations of the Accusation and that upon proof thereof,
26 a decision be rendered imposing disciplinary action against all
27 licenses and license rights of Respondent under the Real Estate

1 Law (Part 1 of Division 4 of the Business and Professions Code)
2 and for such other and further relief as may be proper under other
3 applicable provisions of law.

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5 LES R. BETTENCOURT
Deputy Real Estate Commissioner

6 Dated at San Francisco, California
7 this 4th day of November, 1993.

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