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**FILED**

JAN 09 2019

DEPARTMENT OF REAL ESTATE

By L. Knapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 THOMAS ERIC BABOIN, )

13 Respondent. )

NO. H-12358 SF

STATEMENT OF ISSUES

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15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a  
16 Supervising Special Investigator of the State of California, for this Statement of Issues against  
17 THOMAS ERIC BABOIN ("Respondent"), is informed and alleges as follows:

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19 On or about October 27, 2017, Respondent made application to the Department of  
20 Real Estate of the State of California for a real estate salesperson license.

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22 In response to Question 23 of said application to wit: "HAVE YOU EVER BEEN  
23 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE  
24 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 29 WITH  
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose  
26 the conviction described below in Paragraph 3.

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On or about March 16, 2012, in the United States District Court, Northern District of California, Case No. 2010-10299, Respondent was convicted of violating Section 20002(a) (hit and run) of the California Vehicle Code, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

GROUND FOR DENIAL

Respondent's failure to disclose the conviction described above in Paragraph 3 constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(d) (false statement of fact required to be revealed in application) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation, or deceit) of the California Business and Professions Code ("Code").

Respondent's criminal conviction described above in Paragraphs 3 constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(a)(1) (conviction of crime), 480(a)(2) (act involving dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to

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1 Respondent, and for such other and further relief as may be proper under applicable provisions of  
2 law.

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4 ROBIN S. TANNER  
5 Supervising Special Investigator

6 Dated at Oakland, California,

7 this 7<sup>th</sup> day of January, 2019.  
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10 DISCOVERY DEMAND

11 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
12 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
13 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
14 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
15 Administrative Hearings deems appropriate.  
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