

FILED
MAY 27 1994
DEPARTMENT OF REAL ESTATE

By K. J. Rudolph

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-24083 LA
)
)
BALVINDER SINGH)
)
Respondent.)
_____)

ORDER GRANTING UNRESTRICTED LICENSE

On December 27, 1990, a Decision was rendered herein, effective February 28, 1991, denying the Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license (conditional) was issued to Respondent on March 13, 1991, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On December 3, 1993, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

1 I have considered Respondent's petition and the
2 evidence submitted in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.

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

12 1. The license issued pursuant to this Order shall be
13 deemed to be the first renewal of Respondent's real estate
14 salesperson license for the purpose of applying the provisions
15 of Section 10153.4 of the Code.

16 2. Within six (6) months from the date of this Order,
17 Respondent shall:

18 A. Submit a completed application and pay the
19 appropriate fee for a real estate salesperson license; and

20 B. Submit evidence of having taken and successfully
21 completed the courses specified in subdivisions (a) and (b) of
22 Section 10170.5 of the Real Estate Law for renewal of a real
23 estate license.

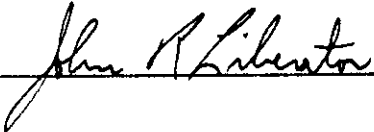
24 3. Upon renewal of the license issued pursuant to this
25 Order, Respondent shall submit evidence of having taken and
26 successfully completed the continuing education requirements of
27

1
2 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
3 real estate license.

4
5 This Order shall be effective immediately.

6 Dated: May 20, 1994.

7
8 CLARK WALLACE
Real Estate Commissioner

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10 

11 **BY: John R. Liberator**
12 **Chief Deputy Commissioner**

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20 cc: BALVINDER SINGH
21 8443 Lindley #6
22 Northridge, California 91325

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FILED
FEB 28 1991
DEPARTMENT OF REAL ESTATE

By *Emily J. Gidda*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-24083 LA
BALVINDER SINGH,)	L-50335
aka Balvinder Gidda,)	
Respondent.)	

ORDER DENYING RECONSIDERATION

On December 27, 1990, a Decision was rendered in the above-entitled matter. The Decision is to become effective on February 28, 1991.

On January 29, 1991, respondent petitioned for reconsideration of the Decision of December 27, 1990.

I have given due consideration to the petition of respondent. I find no good cause to reconsider the Decision of December 27, 1990, and reconsideration is hereby denied.

IT IS SO ORDERED February 28, 1991.

JOHN R. LIBERATOR
Chief Deputy Real Estate
Commissioner

John R. Liberator

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JAN 29 1991

DEPARTMENT OF REAL ESTATE
BY CSM

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)
BALVINDER SINGH, aka) No. H-24083 LA
Balvinder Gidda,) L-50335
_____)

ORDER STAYING EFFECTIVE DATE

On December 27, 1990, a Decision was rendered in the above-entitled matter to become effective January 29, 1991.

IT IS HEREBY ORDERED that the effective date of the Decision of December 27, 1990, is stayed for a period of 30 days.

The Decision of December 27, 1990, shall become effective at 12 o'clock noon on February 28, 1991.

DATED: January 29, 1991.

JOHN R. LIBERATOR
Chief Deputy Commissioner

By: Randolph Brendja
RANDOLPH BRENDJA
Regional Manager

SAC

DEPARTMENT OF REAL ESTATE

JAN -7 1991

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * * *

BY: *[Signature]*

In the Matter of the Application of)
)
BALVINDER SINGH,)
)
)
Respondent.)

No. H- 24083 LA
L- 50335

DECISION

The Proposed Decision dated December 10, 1990 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 application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence or rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on January 29, 1991.

IT IS SO ORDERED December 27, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

[Signature]
BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement)
Issues Against:)
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) H-24083 LA
BALVINDER SINGH)
) L-50335
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)
Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly for hearing before Carolyn M. Richardson, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on November 28, 1990. Marjorie P. Mersel, Staff Counsel, represented complainant. Respondent was present at the hearing and represented himself.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Statement of Issues was brought by the Real Estate Commissioner of the State of California in conformity with Business and Professions Code (hereinafter BPC) Section 10152 for further proof of the honesty and truthfulness of Balvinder Singh, aka Balvinder Gidda (hereinafter respondent).

2. On or about December 8, 1989, respondent filed a salesperson's license application with the Department of Real Estate (hereinafter Department) pursuant to Business and Professions Code (hereinafter BPC) Section 10153.3. Respondent answered "Yes" to question 25: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?", and explained the circumstances surrounding a federal conviction, as set forth in Finding 3 below.

3(A) On July 14, 1986, in the United States District Court for the Central District of California, respondent pleaded guilty to, and was convicted of, violating Section 1542 of Title 18, United States Code (false statement in application for passport), a crime of moral turpitude per se.

(B) On August 13, 1986, imposition of sentence was suspended and respondent was placed on five years formal probation.

(C) On September 27, 1989, respondent's probation was terminated.

(D) Said crime is substantially related to the duties, qualifications, or functions of a real estate salesperson.

4(A) The facts and circumstances surrounding respondent's conviction are, as follows: On or about April 8, 1986, utilizing a forged birth certificate previously purchased by respondent from an acquaintance, respondent falsely stated in an application for a United States passport that his name was Balvinder Gidda, and that he was born in the United States on March 3, 1965 at Los Angeles County General Hospital.

(B) Respondent admits his criminal offense and contends he committed it so that he could participate as a runner from the United States in the Olympics.

5. Respondent has suffered no other convictions.

6. Respondent came to the United States from India illegally in 1983. However, since that time, respondent has acquired legal alien status and plans to apply for United States citizenship in late 1990. Respondent has worked for Galaxy Die and Engineering Inc. as a computer programmer since June 1984. He works forty-five (45) to sixty (60) hours per week.

Respondent currently holds a State of California tax preparer certificate. He has taken various courses in the computer field at Simi Valley Adult School and Los Angeles Community College District. Before coming to the United States, respondent earned a Masters Degree in mathematics from the University of Delhi in India.

Respondent has been married to a United States citizen since September 1985 and has no children.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

1. Grounds exist to deny respondent's application for a real estate salesperson's license under BPC Sections 480(a)(1) and 10177(b), in that respondent was convicted of a crime involving moral turpitude, which is substantially related to the duties, qualifications, or functions of a real estate salesperson licensee, as set forth in Findings 3(A), 3(B), 3(D), and 4(A) above.

2. It was not established that respondent is rehabilitated from his conviction of 1986; eventhough, respondent admits his offense and is in the process of getting his life in order (Findings 2, 4(B), 5 and 6 above).

It would not be against the public interest to issue respondent a restricted real estate salesperson's license, based upon Findings 2, 3(C), 4(B), 5, and 6 above and Rule 2911 of Title 10, California Code of Regulations. Rule 2911 sets forth the criteria for evaluating the rehabilitation of an applicant for issuance of a license. Under (a), (d), (g), and (h) of the Rule, the passage of at least two (2) years from the conviction, early discharge from probation, stability of family life, and completion of vocational training courses for economic self-improvement are factors that establish rehabilitation.

In the matter herein, more that two (2) years have passed since the conviction (Finding 4(A) above); respondent was discharged early from probation (Finding 3(C) above); respondent has been in a stable marriage for over four years (Finding 6 above); and respondent has completed various computer courses and acquired a tax preparer's certificate for economic self-improvement (Finding 6 above).

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

The application of respondent Balvinder Singh, aka Balvinder Gidda, for a license to act as a real estate salesperson in the State of California is hereby denied; provided, however, that respondent shall be entitled to apply for, and shall be issued, a restricted real estate salesperson's license pursuant to BPC Section 10156.5, if he makes application therfor and pays the appropriate fee for said license within sixty (60) days from the effective date of this Decision. The restricted real estate salesperson license issued to respondent shall be subject to BPC Sections 10156.6 and 10156.7, and the following terms and conditions:

1. Within eighteen (18) months of the issuance of said license, under the provisions of BPC Section 10153.4, respondent shall submit evidence satisfactory to the Real Estate Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance for advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after issuance of the restricted license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given respondent a written notice of the lifting of the suspension.

2. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction of, or plea of nolo contendere to, a crime which bears a substantial relationship to respondent's fitness or capacity to act as a real estate salesperson.

3. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent violated the provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or conditions attached to said restricted license.

4. Respondent shall not be eligible for the issuance of an unrestricted license, nor for the removal of any of the conditions, limitations, or restrictions of a restricted license, until two (2) years have elapsed from the date of issuance of the restricted license to him.

5. With the application for the restricted license, or an application for transfer of the restricted license to a new employing broker, respondent shall submit a signed statement by the prospective employing broker on a form printed by the Department certifying that the employing broker has read the Decision which is the basis for the issuance of the restricted license and that she or he will fully review all transactions and documents prepared by respondent and fully supervise respondent.

Dated: December 10, 1990



CAROLYN M. RICHARDSON
Administrative Law Judge
Office of Administrative Hearings

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Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

JUL -3 1990

DEPARTMENT OF REAL ESTATE
BY C. B. [Signature]

In the Matter of the Application of

BALVINDER SINGH,

Case No. H-24083 LA

OAH No. L-50335

Respondent

NOTICE OF HEARING ON APPLICATION

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, 314 W. First Street, Los Angeles, CA 90012

on the 28th day of November, 19 90, at the hour of 10:00 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 hearing officer 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 hearing officer directs otherwise.

Dated: July 3, 1990

DEPARTMENT OF REAL ESTATE
By Marjorie P. Merse
MARJORIE P. MERSEL Counsel

cc: Balvinder Singh
Sacto.
OAH

SACTO

1 MARJORIE P. MERSEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790

APR 23 1990

DEPARTMENT OF REAL ESTATE
BY *Sybil Williams*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Application of)	No. H-24083 LA
12	BALVINDER SINGH, aka)	<u>STATEMENT OF ISSUES</u>
13	Balvinder Gidda,)	
14	Respondent.)	

15 The Real Estate Commissioner, in conformity with
16 Section 10152, Division 4, Business and Professions Code of the
17 State of California, requires further proof of the honesty and
18 truthfulness of BALVINDER SINGH, aka Balvinder Gidda (herein-
19 after referred to as respondent), in connection with respondent's
20 application for a real estate salesperson license, filed on
21 November 15, 1989, and in relation thereto, will consider the
22 following:

23 I

24 Respondent, pursuant to the provisions of Section
25 10153.3 of the Business and Professions Code, made application
26 to the Department of Real Estate of the State of California for
27 a real estate salesperson license on or about November 15, 1989,

1 with the knowledge and understanding that any license issued as
2 a result of said application would be subject to the conditions
3 of Section 10153.4 of the Business and Professions Code.

4 II

5 On or about August 13, 1986, in the United States
6 District Court for the Central District of California, respondent
7 pled guilty and was convicted of the crime of violating 18 United
8 States Code, §1542 (False Statement in Application for Passport)
9 a felony and a crime involving moral turpitude.

10 III

11 The crime of which respondent was convicted bears a
12 substantial relationship to the qualifications, functions or
13 duties of a real estate licensee.

14 IV

15 Respondent's conviction, as alleged above, is grounds
16 for denying respondent's application for a real estate license
17 under Sections 480 and 10177(b) of the Business and Professions
18 Code of the State of California.

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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the Government Code.

5 Dated at Los Angeles, California
6 this 23rd day of April, 1990.

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9 Deputy Real Estate Commissioner

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cc: Balvinder Singh
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