

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

FILED
MAR 17 2005
DEPARTMENT OF REAL ESTATE

Laura B. Dine

In the Matter of the Accusation of)

GARY LEROY BAUMAN,)

Respondent.)

No. H-31260 LA

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 January 6, 2005, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked license is controlled by Section 11522 of the Government Code. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto for the information of the Respondent.

FINDINGS OF FACT

I

On August 26, 2004, Maria Suarez 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, to Respondent's last known mailing address on file with the Department on September 1, 2004, and, by regular mail, on October 4, 2004.

On January 6, 2005, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

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 (hereinafter "Code") as a real estate broker.

III

On or about May 19, 2003, in the Superior Court of California, County of San Bernardino, Respondent was convicted of violating California Vehicle Code Section 23152(b) (Driving with Blood Alcohol 0.08% or More).

IV

On or about April 24, 2000, in the Superior Court of California, County of Riverside, Respondent was convicted of violating California Vehicle Code Section 23152(b) (Driving with Blood Alcohol 0.08% or More).

V

The evidence established that the crimes of which Respondent was convicted involve moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

II

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

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ORDER

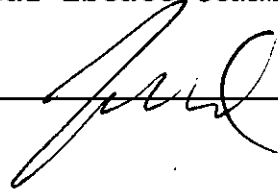
The licenses and license rights of Respondent GARY LEROY BAUMAN under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon on APR 6 2005:

DATED:

3-8-05

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read "Jeff Davi", is written over a horizontal line.

FILED
JAN - 6 2005
DEPARTMENT OF REAL ESTATE

By Laura B. Cline

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-31260 LA
GARY LEROY BAUMAN,) DEFAULT ORDER
Respondent.)

Respondent GARY LEROY BAUMAN, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

1/6/05
JEFF DAVI
Real Estate Commissioner

By:

Dolores Weeks
DOLORES WEEKS
Regional Manager

Set for

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
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4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6910 (Direct)

FILED
SEP 1 2004
DEPARTMENT OF REAL ESTATE

By Maria B. Suarez

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 GARY LEROY BAUMAN,)
13 Respondent.)

No. H-31260 LA

A C C U S A T I O N

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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against GARY LEROY BAUMAN, aka Gary Bauman, Gary L. Bauman,
18 (hereinafter "Respondent"), is 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 (hereinafter "Code"), as a real
23 estate broker.

24 ///

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II

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in her official capacity.

III

On or about April 24, 2000, in the Superior Court of California, County of Riverside, in Case No. RIM393348, Respondent was convicted of violating Vehicle Code Section 23152(b) (Driving with Blood Alcohol .08% or More), a crime which is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

On or about May 19, 2003, in the Superior Court of California, County of San Bernardino, in Case No. TRE34102, Respondent was convicted of violating Vehicle Code Section 23152(b) (Driving with Blood Alcohol .08% or More), a crime which is substantially related to the qualifications, functions and duties of a real estate licensee.

V

The convictions set forth above constitute cause under Code Sections 490 and 10177(b) for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent,
5 GARY LEROY BAUMAN, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code), and for such
7 other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 21st day of August, 2004.

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13 Deputy Real Estate Commissioner
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22 cc: Gary Leroy Bauman
23 Suarez
24 Sacto.
25 CW
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