

FILED
APR - 8 2008
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

K. Mederholt

In the Matter of the Accusation of)
DERICK WHITFIELD PAYNE,)
Respondent(s).)

No. H-34415 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 30, 2008, 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 revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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

I

On October 18, 2007 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 October 23, 2007.

On January 29, 2008, 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. Effective October 29, 2006, Respondent's real estate broker license expired. Pursuant to Code Section 10201, Respondent has a two-year right of renewal. Pursuant to Code Section 10103, the Department of Real Estate retains jurisdiction.

III

On or about April 18, 2006, in the Superior Court of California, County of Los Angeles, in case no. VA081200, Respondent was convicted of violating Penal Code 245(A) (Assault With Firearm), Penal Code 273.5 (Inflicting Corporal Injury on Spouse) and Penal Code 236 (False Imprisonment), all three of which are felonies.

IV

The evidence established that the crimes of which Respondent was convicted involve moral turpitude and is 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.

ORDER

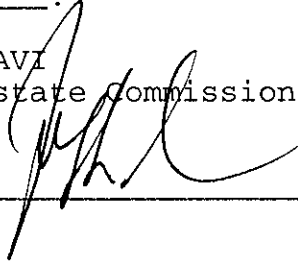
The licenses and license rights of Respondent
DERICK WHITFIELD PAYNE under the provisions of Part I of Division
4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock
noon APR 28 2008.

DATED: _____

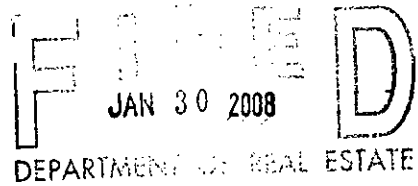
3/12/08

JEFF DAVIS
Real Estate Commissioner



1 Department of Real Estate
2 320 West 4th Street, suite 350
3 Los Angeles, CA 90013

4 (213) 576-6982



8 K. Shuler

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) NO. H-34415 LA
13)
14 DERICK WHITFIELD PAYNE,) DEFAULT ORDER
15)
16 Respondent(s).)

17 Respondent, DERICK WHITFIELD PAYNE, having failed to file a
18 Notice of Defense within the time required by Section 11506 of
19 the Government Code, is now in default. It is, therefore,
20 ordered that a default be entered on the record in this matter.

21 IT IS SO ORDERED

January 29, 2008

22 JEFF DAVI
23 Real Estate Commissioner

24 By: Dolores Weeks
25 DOLORES WEEKS
26 Regional Manager
27

*Auto
get*

SHARI SVENINGSON, Counsel (SBN 195298)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6907

FILED
OCT 23 2007
DEPARTMENT OF REAL ESTATE

K. M. Scholtz

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34415 LA
DERICK WHITFIELD PAYNE,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DERICK WHITFIELD PAYNE, ("Respondent") alleges as follows:

1.

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

///
///
///

1
2 2.

3 Respondent is presently licensed and/or has license
4 rights under the Real Estate Law, Part 1 of Division 4 of the
5 California Business and Professions Code ("Code"), as a real
6 estate broker. Effective October 29, 2006, Respondent's real
7 estate broker license expired. Pursuant to Code Section 10201,
8 Respondent has a two-year right of renewal. Pursuant to Code
9 Section 10103, the Department of Real Estate retains
10 jurisdiction.

11 3.

12 (CRIMINAL CONVICTIONS)

13 On or about April 18, 2006, in the Superior Court of
14 California, County of Los Angeles, in case no. VA081200,
15 Respondent was convicted of violating Penal Code 245(A) (Assault
16 With Firearm), Penal Code 273.5 (Inflicting Corporal Injury on
17 Spouse) and Penal Code 236 (False Imprisonment), all three of
18 which are felonies. These crimes involve moral turpitude, which
19 bear a substantial relationship under Section 2910, Title 10,
20 Chapter 6, California Code of Regulations to the qualifications,
21 functions or duties of a real estate licensee.

22 4.

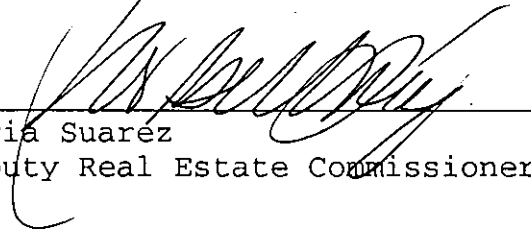
23 The crimes of which Respondent was convicted, as
24 described in Paragraph 3 above, constitute cause under Sections
25 490 and 10177(b) of the Code for the suspension or revocation of
26
27

1 the license and license rights of Respondent under the Real
2 Estate Law.

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

11 Dated at Los Angeles, California

October 18, 2007.

12
13
14 
15 _____
16 Maria Suarez
17 Deputy Real Estate Commissioner
18
19
20
21
22
23
24
25

26 cc: DERICK WHITFIELD PAYNE
27 Maria Suarez
Sacto.