

1 Department of Real Estate,
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982
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FILED
SEP 28 1999
DEPARTMENT OF REAL ESTATE

By C. B. [Signature]

10 BEFORE THE DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Accusation of)
14 NEKO KIMON DEFTERIOS; and)
15 DALE DAVID MARKS, doing)
16 business as The Prudential)
Dale Marks Realtors,)
Respondents.)

NO. H-27783 LA
L-1998100400

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between NEKO KIMON
18 DEFTERIOS, (sometimes referred to herein as "Respondent") and
19 the Complainant, acting by and through Darlene Averetta, Counsel
20 for the Department of Real Estate, as follows for the purpose
21 of settling and disposing of the Accusation filed on August 12,
22 1998, and amended on December 10, 1998, and January 22, 1999,
23 in this matter:

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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On October 8, 1998, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for
14 the purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing, such
22 as the right to present evidence in defense of the allegations in
23 the Accusation and the right to cross-examine witnesses.

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1 4. This Stipulation and Agreement is based on the
2 factual allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof, these
6 factual statements, without being admitted or denied, will serve
7 as a prima facie basis for the disciplinary action stipulated to
8 herein. This Stipulation and Agreement and Respondent's decision
9 not to contest the Accusation are hereby expressly limited to
10 this proceeding and made for the sole purpose of reaching an
11 agreed disposition of this proceeding. Respondent's decision not
12 to contest the factual allegations is made solely for the purpose
13 of effectuating this Stipulation and is intended by Respondent to
14 be non-binding upon him in any actions against Respondent by
15 third parties. The Real Estate Commissioner shall not be
16 required to provide further evidence to prove such allegations.

17 5. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation and Agreement as
19 his Decision in this matter, thereby imposing the penalty and
20 sanctions on Respondent's real estate license and license rights
21 as set forth in the below "Order". In the event that the
22 Commissioner in his discretion does not adopt the Stipulation
23 and Agreement, it shall be void and of no effect, and Respondent
24 shall retain his right to a hearing and proceeding on the
25 Accusation under all the provisions of the APA and shall not
26 be bound by any stipulation or waiver made herein.

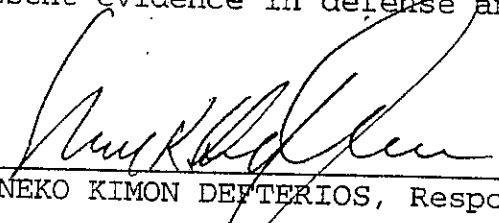
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I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

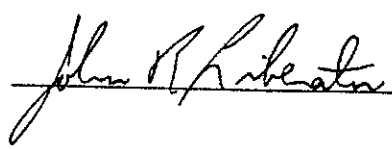
DATED: 9/8/99


NEKO KIMON DEYTERIOS, Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on October 19, 1999.

IT IS SO ORDERED September 22, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



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FILED
APR 30 1999
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
NEKO KIMON DEFTERIOS; and)	NO. H-27783 LA
DALE DAVID MARKS, doing)	L-1998100400
business as The Prudential)	
Dale Marks Realtors,)	
)	
Respondent)	

ORDER STAYING EFFECTIVE DATE

On March 17, 1999, a Decision was rendered in the above-entitled matter as to DALE DAVID MARKS. Said Decision was to become effective May 5, 1999.

IT IS HEREBY ORDERED that the effective date of the Decision of March 17, 1999, is stayed for a period of thirty (30) days.

The Decision of March 17, 1999, shall become effective at 12 o'clock noon on June 4, 1999.

DATED: April 30, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

By: *Randolph Brendia*
RANDOLPH BRENDIA
Regional Manager

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 Telephone (213) 897-3937
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FILED
APR 15 1999
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 NEKO KIMON DEFTERIOS; and)
13 DALE DAVID MARKS, doing)
14 business as The Prudential)
15 Dale Marks Realtors,)
16 Respondents.)

NO. H-27783 LA
L-1998100400

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between DALE DAVID
17 MARKS, (sometimes referred to herein as "Respondent") and the
18 Complainant, acting by and through Darlene Averetta, Counsel
19 for the Department of Real Estate, as follows for the purpose
20 of settling and disposing of the Accusation filed on August 12,
21 1998, and amended on December 10, 1998, and January 22, 1999,
22 in this matter:

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1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On October 19, 1998, Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing, such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license rights
5 as set forth in the below "Order". In the event that the
6 Commissioner in his discretion does not adopt the Stipulation
7 and Agreement, it shall be void and of no effect, and Respondent
8 shall retain his right to a hearing and proceeding on the
9 Accusation under all the provisions of the APA and shall not
10 be bound by any stipulation or waiver made herein.

11 6. The Order or any subsequent Order of the Real
12 Estate Commissioner made pursuant to this Stipulation and
13 Agreement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding relating to the purchase and resale of the planned
18 unit development known as "Haster Gardens" and the condominium
19 known as "Pine Tree Condos".

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations and waivers and
22 solely for the purpose of settlement of the pending Accusation
23 without a hearing, it is stipulated and agreed that the following
24 determination of issues shall be made:

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26 ///



1 The conduct, acts and/or omissions of Respondent DALE
2 DAVID MARKS, as set forth in the Accusation, are grounds for the
3 suspension or revocation of all real estate licenses and license
4 rights of DALE DAVID MARKS, under the provisions of Business and
5 Professions Code Section 10177(d), for violations of Business and
6 Professions Code Sections 11010 and 11018.2.

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 A. Respondent DALE DAVID MARKS' real estate license
10 expired effective January 2, 1999. Pursuant to Business and
11 Professions Code Section 10201, Respondent has a two-year right
12 of renewal. Pursuant to Business and Professions Code Section
13 10103, the Department of Real Estate retains jurisdiction over
14 Respondent's licensing rights.

15 B. All licensing rights of Respondent DALE DAVID MARKS
16 under the Real Estate Law are revoked; provided, however, a
17 restricted real estate salesperson license shall be issued to
18 Respondent pursuant to Section 10156.5 of the Business and
19 Professions Code if Respondent makes application therefor and
20 pays to the Department of Real Estate the appropriate fee for the
21 restricted license within 90 days from the effective date of this
22 Decision. The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
25 conditions and restrictions imposed under authority of Section
26 10156.6 of that Code:

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1. 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.

2. 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, or Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of this Decision.

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 employing broker has read the Decision of the Commissioner which granted the right to a restricted license;


and
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1 (b) That the employing broker will exercise close
2 supervision over the performance by the restricted licensee
3 relating to activities for which a real estate license is
4 required.

5 5. Respondent shall, within nine months from the
6 effective date of this Decision, present evidence satisfactory to
7 the Real Estate Commissioner that Respondent has, since the most
8 recent issuance of an original or renewal real estate license,
9 taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
11 renewal of a real estate license. If Respondent fails to satisfy
12 this condition, the Commissioner may order the suspension of the
13 restricted license until the Respondent presents such evidence.
14 The Commissioner shall afford Respondent the opportunity for a
15 hearing pursuant to the Administrative Procedure Act to present
16 such evidence.

17 6. Respondent shall not sell any interests in a
18 subdivision, as defined in Business and Professions Code Section
19 11000, et seq., without first applying for and obtaining a public
20 report from the Department of Real Estate covering the
21 subdivision.

22 DATED: March 8, 1999


23 DARLENE AVERETTA
Complainant's Counsel

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I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 2/28/99

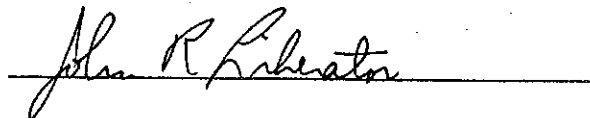

DALE DAVID MARKS, Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on May 5, 1999.

IT IS SO ORDERED March 17, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner





5 Accto
Plan

1 DARLENE AVERETTA, Counsel
2 State Bar No. 159969
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012
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7
8 (213) 897-3937
9

FILED
FEB - 8 1999
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	
12	NEKO KIMON DEFTERIOS; and)	NO. H-27783 LA
13	DALE DAVID MARKS, doing)	L-1998100400
14	business as The Prudential)	NOTICE OF ORDER GRANTING
15	Dale Marks Realtors,)	COMPLAINANT'S MOTION FOR
	Respondent(s).)	BIFURCATION OF HEARING

16 On February 4, 1999, complainant, by Counsel Darlene
17 Averetta, Staff Attorney, filed a motion to bifurcate the hearing
18 on the matter of the accusation of NEKO KIMON DEFTERIOS, from the
19 the hearing on the matter of the accusation of DALE DAVID MARKS,
20 in the above-captioned case. Said motion requested that the
21 MARKS hearing proceed as scheduled on February 10-11, 1999, and
22 that the DEFTERIOS hearing be reset in April, 1999.

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1 DARLENE AVERETTA, Counsel
State Bar No. 159969
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107 South Broadway, Room 8107
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FILED
JAN 22 1999
DEPARTMENT OF REAL ESTATE
[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 NEKO KIMON DEFTERIOS; and) NO. H-27783 LA
13 DALE DAVID MARKS, doing) SECOND AMENDED
14 business as The Prudential) ACCUSATION
15 Dale Marks Realtors,)
Respondents.)

16 This Second Amended Accusation amends the Accusation
17 filed on August 12, 1998, and amended on December 10, 1998, in
18 this matter.

19 The Complainant, Thomas McCrady, a Deputy Real Estate
20 Commissioner of the State of California, for cause of accusation
21 against NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing
22 business as The Prudential Dale Marks Realtors (sometimes
23 referred to herein collectively as "Respondents"), is informed
24 and alleges as follows:

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FIRST CAUSE OF ACCUSATION

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2 1.

3 The Complainant, Thomas McCrady, a Deputy Real Estate
4 Commissioner of the State of California, makes this Accusation in
5 his official capacity.

6 2.

7 Respondents NEKO KIMON DEFTERIOS (hereinafter
8 "DEFTERIOS") and DALE DAVID MARKS, doing business as The
9 Prudential Dale Marks Realtors (hereinafter "MARKS"), are
10 presently licensed and/or have license rights under the Real
11 Estate Law, Part 1 of Division 4 of the California Business
12 and Professions Code (hereinafter "Code").

13 3.

14 At all times material herein, Respondent DEFTERIOS
15 was licensed by the Department of Real Estate of the State of
16 California ("Department") as a real estate broker.

17 4.

18 At all times material herein, Respondent MARKS was
19 licensed by the Department as a real estate broker.

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2 Prior Discipline (DEFTERIOS)

3 (A) On or about July 25, 1980, in Case No. H-20628 LA,
4 a case then pending before the Department, a Decision of the Real
5 Estate Commissioner was entered, effective August 19, 1980,
6 against Respondent DEFTERIOS' real estate broker license for
7 violations of the Real Estate Law. The Decision revoked
8 Respondent DEFTERIOS' real estate broker license and granted him
9 the right to apply for and be issued a restricted real estate
10 broker license.

11 (B) On or about July 21, 1982, in Case No. H-21312 LA,
12 a case then pending before the Department, a Decision of the Real
13 Estate Commissioner was entered, effective August 10, 1982,
14 against Respondent DEFTERIOS' real estate broker license for
15 violations of the Real Estate Law. The Decision revoked
16 Respondent DEFTERIOS' real estate broker license.

18 Prior Discipline (MARKS)

19 On or about August 29, 1997, in Case No. H-27327 LA, a
20 case then pending before the Department, an Order to Desist and
21 Refrain was served on Respondent MARKS. Said Order ordered
22 Respondent MARKS to desist and refrain from performing any acts
23 by or through Brocarius Properties, Inc., for which a real estate
24 license was required until the Real Estate Commissioner received
25 satisfactory proof that Brocarius Properties, Inc., was no longer
26 subject to suspension pursuant to Section 2205 of the California
27 Corporations Code for failure to file a statement pursuant to



1 Section 1502 of the California Corporations Code.

2 7.

3 All further references to "Respondent(s)" include the
4 parties identified in Paragraphs 2, 3 and 4, above, and also
5 include the officers, directors, partners, managers, employees,
6 agents and/or real estate licensees employed by or associated
7 with said parties, who at all times material herein were engaged
8 in the furtherance of the business or operations of said parties
9 and who were acting within the course and scope of their
10 authority, agency or employment.

11 8.

12 Provident/Haster Real Estate Ventures, a General
13 Partnership, also known as Provident/Haster Partnership, a
14 California General Partnership (hereinafter "Provident/Haster"),
15 is not now and has never been licensed by the Department. The
16 partners of Provident/Haster are Provident Financial Services,
17 Inc., a Delaware corporation, and Prem, Inc., a Delaware
18 corporation. Respondent DEFTERIOS is the President of Provident
19 Financial Services, Inc., and Respondent MARKS is the President
20 of Prem, Inc.

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9.

From approximately March 4, 1996, to present, Provident/Haster, Respondent DEFTERIOS and Respondent MARKS were the owner or subdivider, or an agent, employee or successor in interest of the owner, or subdivider of a subdivision as defined in Code Sections 11000 and 11004.5. Said subdivision is located in the City of Garden Grove, County of Orange, State of California, described as Tract No. 5046, and also known as "HASTER GARDENS", and identified in the records of the Department as Subdivision File No. 069440LA (hereinafter "HASTER GARDENS Subdivision").

10.

The Department issued a Final Subdivision Public Report for the HASTER GARDENS Subdivision on October 23, 1992, to Anna Lee Chen, as Trustee of the amended Trust of Shih-Yuan Chen and Anna Lee Chen, dated January 3, 1980 (hereinafter "Anna Lee Chen").

11.

On or about March 4, 1996, Anna Lee Chen sold the HASTER GARDENS Subdivision to Provident/Haster. Thereafter, Provident/Haster did not apply for or obtain a public report from the Department covering the HASTER GARDENS Subdivision.

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12.

After March 4, 1996, Provident/Haster, Respondent DEFTERIOS and Respondent MARKS solicited prospective purchasers, offered for sale and/or sold units, lots or parcels in the HASTER GARDENS Subdivision including, but not necessarily limited to, the lots offered and sold on or about the dates tabulated below to the purchasers tabulated below:

<u>Date</u>	<u>Purchaser</u>	<u>Lots</u>
4/3/97	Jose Dahan	13
4/17/97	Jose Dahan	22, 24, 37, 15
4/17/97	Daniel Bomgren	26, 32
4/23/97	Daniel Bomgren	28, 36
9/27/96	Patrick Coakley	34
9/27/96	Jose Dahan	2
9/29/97	Neil Weiner	33
11/5/96	Robert Lewis	3, 30
11/5/96	Patrick Coakley	21
12/31/96	Patrick Coakley	16, 18

13.

Provident/Haster, Respondent DEFTERIOS and Respondent MARKS offered for sale and/or sold units, lots or parcels in the HASTER GARDENS Subdivision without first filing an application for and obtaining a public report from the Department covering the HASTER GARDENS Subdivision, in violation of Code Sections 11010 and 11018.2.

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17.

From approximately October, 1997, to present, Pine Tree Torrance LP, Respondent DEFTERIOS and Respondent MARKS were the owner or subdivider, or an agent, employee or successor in interest of the owner, or subdivider of a subdivision as defined in Code Sections 11000 and 11004.5. Said subdivision is located in the City of Torrance, County of Los Angeles, State of California, described as Tract No. 42692, and also known as "PINE TREE CONDOS, PHASE 1", and identified in the records of the Department as Subdivision File No. 067574LA (hereinafter "PINE TREE Subdivision").

18.

The Department issued a Final Subdivision Public Report Amendment for the PINE TREE Subdivision on December 13, 1994, to Pinetree Torrance L.P., a California limited partnership (hereinafter "Pinetree Torrance Ltd.").

19.

In or about October, 1997, Pinetree Torrance Ltd. conveyed eight (8) units in the PINE TREE Subdivision to Pine Tree Torrance LP. Thereafter, Pine Tree Torrance LP, did not apply for or obtain a public report from the Department covering the PINE TREE Subdivision.

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20.

On or about November 7, 1997, Pinetree Torrance Ltd. conveyed twenty-two (22) additional units in the Subdivision to Pine Tree Torrance LP. Thereafter, Pine Tree Torrance LP, did not apply for or obtain a public report from the Department covering the PINE TREE Subdivision.

21.

Thereafter, Pine Tree Torrance LP, Respondent DEFTERIOS and Respondent MARKS solicited prospective purchasers, offered for sale and/or sold units, lots or parcels in the PINE TREE Subdivision including, but not necessarily limited to, the units offered and sold on or about the dates tabulated below to the purchasers tabulated below:

<u>Date</u>	<u>Purchaser</u>	<u>Units</u>
10/16/97	James and Joan Schmidt	73, 76, 78, 80
10/16/97	Neil and Teresa Weiner	7, 16
11/7/97	Daniel and Barbara Bomgren	43, 45, 47
11/7/97	Michelle Prior	65, 67, 68

22.

Pine Tree Torrance LP, Respondent DEFTERIOS and Respondent MARKS offered for sale and/or sold units, lots or parcels in the PINE TREE Subdivision without first filing an application for and obtaining a public report from the Department covering the PINE TREE Subdivision, in violatation of Code Sections 11010 and 11018.2.

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1 23.

2 The conduct, acts and/or omissions of Respondents
3 DEFTERIOS and MARKS, as described herein above, constitute cause
4 for the suspension or revocation of all real estate licenses and
5 license rights of Respondents DEFTERIOS and MARKS pursuant to the
6 provisions of Code Section 10177(d).

7 THIRD CAUSE OF ACCUSATION

8 24.

9 Complainant incorporates herein by reference the
10 Preamble and the allegations of Paragraphs 1 through 23,
11 inclusive, herein above.

12 25.

13 On or about July 30, 1998, in the United States
14 District Court for the Central District of California, Respondent
15 DEFTERIOS pled guilty to violating Section 1014 and 2, United
16 States Code (U.S.C.) (False Statement to Federally Insured
17 Lending Institution and Aiding and Abetting and Causing an Act
18 To Be Done), felonies. Said crime(s) involves moral turpitude
19 and bears a substantial relationship under Section 2910, Title
20 10, California Code of Regulations, to the qualifications,
21 functions or duties of a real estate licensee.

22 26.

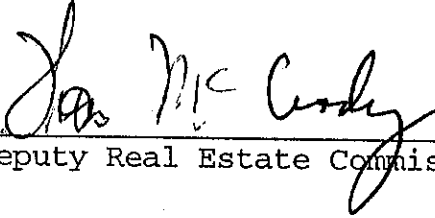
23 The facts as described in Paragraph 25, above,
24 constitute cause under Code Sections 490 and 10177(b) for the
25 suspension or revocation of the license and license rights of
26 Respondent DEFTERIOS under the Real Estate Law.

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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 Respondents
5 NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing business as The
6 Prudential Dale Marks Realtors, under the Real Estate Law (Part 1
7 of Division 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California
11 this 22nd day of January, 1999.

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13 _____
14 Deputy Real Estate Commissioner

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cc: Neko Kimon Defterios
Dale David Marks
Thomas McCrady
Sacto.
AS

SACD.
1/19/99

1 DARLENE AVERETTA, Counsel
State Bar No. 159969
2 Department of Real Estate
107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
DEC 10 1998
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

11	In the Matter of the Accusation of)	
12	NEKO KIMON DEFTERIOS; and)	NO. H-27783 LA
13	DALE DAVID MARKS, doing)	<u>FIRST AMENDED</u>
14	business as The Prudential)	<u>ACCUSATION</u>
15	Dale Marks Realtors,)	
	Respondents.)	

16 This First Amended Accusation amends the Accusation
17 filed on August 12, 1998, in this matter.

18 The Complainant, Thomas McCrady, a Deputy Real Estate
19 Commissioner of the State of California, for cause of accusation
20 against NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing
21 business as The Prudential Dale Marks Realtors (sometimes
22 referred to herein collectively as "Respondents"), is informed
23 and alleges as follows:

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Prior Discipline (DEFTERIOS)

(A) On or about July 25, 1980, in Case No. H-20628 LA, a case then pending before the Department, a Decision of the Real Estate Commissioner was entered, effective August 19, 1980, against Respondent DEFTERIOS' real estate broker license for violations of the Real Estate Law. The Decision revoked Respondent DEFTERIOS' real estate broker license and granted him the right to apply for and be issued a restricted real estate broker license.

(B) On or about July 21, 1982, in Case No. H-21312 LA, a case then pending before the Department, a Decision of the Real Estate Commissioner was entered, effective August 10, 1982, against Respondent DEFTERIOS' real estate broker license for violations of the Real Estate Law. The Decision revoked Respondent DEFTERIOS' real estate broker license.

Prior Discipline (MARKS)

On or about August 29, 1997, in Case No. H-27327 LA, a case then pending before the Department, an Order to Desist and Refrain was served on Respondent MARKS. Said Order ordered Respondent MARKS to desist and refrain from performing any acts by or through Brocarius Properties, Inc., for which a real estate license was required until the Real Estate Commissioner received satisfactory proof that Brocarius Properties, Inc., was no longer subject to suspension pursuant to Section 2205 of the California Corporations Code for failure to file a statement pursuant to



1 Section 1502 of the California Corporations Code.

2 7.

3 All further references to "Respondent(s)" include the
4 parties identified in Paragraphs 2, 3 and 4, above, and also
5 include the officers, directors, partners, managers, employees,
6 agents and/or real estate licensees employed by or associated
7 with said parties, who at all times material herein were engaged
8 in the furtherance of the business or operations of said parties
9 and who were acting within the course and scope of their
10 authority, agency or employment.

11 8.

12 Provident/Haster Real Estate Ventures, a General
13 Partnership, also known as Provident/Haster Partnership, a
14 California General Partnership (hereinafter "Provident/Haster"),
15 is not now and has never been licensed by the Department. The
16 partners of Provident/Haster are Provident Financial Services,
17 Inc., a Delaware corporation, and Prem, Inc., a Delaware
18 corporation. Respondent DEFTERIOS is the President of Provident
19 Financial Services, Inc., and Respondent MARKS, the President of
20 Prem, Inc.

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1 9.

2 From approximately March 4, 1996, to present,
3 Provident/Haster, Respondent DEFTERIOS and Respondent MARKS were
4 the owner or subdivider, or an agent, employee or successor in
5 interest of the owner, or subdivider of a subdivision as defined
6 in Code Sections 11000 and 11004.5. Said subdivision is located
7 in the City of Garden Grove, County of Orange, State of
8 California, described as Tract No. 5046, and also known as
9 "HASTER GARDENS", and identified in the records of the Department
10 as Subdivision File No. 069440LA (hereinafter "Subdivision").

11 10.

12 The Department issued a Final Subdivision Public Report
13 for the Subdivision on October 23, 1992, to Anna Lee Chen, as
14 Trustee of the amended Trust of Shih-Yuan Chen and Anna Lee Chen,
15 dated January 3, 1980 (hereinafter "Anna Lee Chen").

16 11.

17 On or about March 4, 1996, Anna Lee Chen sold the
18 Subdivision to Provident/Haster. Thereafter, Provident/Haster
19 did not apply for or obtain a public report from the Department
20 covering the Subdivision.

21 12.

22 After March 4, 1996, Provident/Haster, Respondent
23 DEFTERIOS and Respondent MARKS solicited prospective purchasers,
24 offered for sale and/or sold units, lots or parcels in the
25 Subdivision including, but not necessarily limited to, the lots
26 offered and sold on or about the dates tabulated below to the
27 purchasers tabulated below:



	<u>Date</u>	<u>Purchaser</u>	<u>Lots</u>
1			
2	4/3/97	Jose Dahan	13
3	4/17/97	Jose Dahan	22, 24, 37, 15
4	4/17/97	Daniel Bomgren	26, 32
5	4/23/97	Daniel Bomgren	28, 36
6	9/27/96	Patrick Coakley	34
7	9/27/96	Jose Dahan	2
8	9/29/97	Neil Weiner	33
9	11/5/96	Robert Lewis	3, 30
10	11/5/96	Patrick Coakley	21
11	12/31/96	Patrick Coakley	16, 18

12 13.

13 Provident/Haster, Respondent DEFTERIOS and Respondent
14 MARKS offered for sale and/or sold units, lots or parcels in the
15 Subdivision without first filing an application for and obtaining
16 a public report from the Department covering the Subdivision, in
17 violation of Code Sections 11010 and 11018.2.

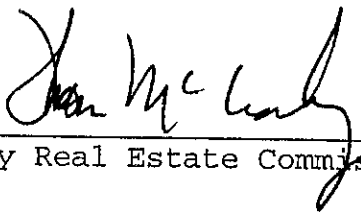
18 14.

19 The conduct, acts and/or omissions of Respondents
20 DEFTERIOS and MARKS, as described herein above, constitute cause
21 for the suspension or revocation of all real estate licenses and
22 license rights of Respondents DEFTERIOS and MARKS pursuant to the
23 provisions of Code Section 10177(d).

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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 Respondents
5 NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing business as The
6 Prudential Dale Marks Realtors, under the Real Estate Law (Part 1
7 of Division 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California
11 this 10th day of December, 1998.



Deputy Real Estate Commissioner

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cc: Neko Kimon Defterios
Dale David Marks
Thomas McCrady
Sacto.
AS



SMM
1/1/98

1 DARLENE AVERETTA, Counsel
State Bar No. 159969
2 Department of Real Estate
107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
AUG 12 1998
DEPARTMENT OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-27783 LA
12 NEKO KIMON DEFTERIOS; and) A C C U S A T I O N
13 DALE DAVID MARKS, doing)
business as The Prudential)
14 Dale Marks Realtors,)
Respondents.)
15

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of accusation
18 against NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing
19 business as The Prudential Dale Marks Realtors (sometimes
20 referred to herein collectively as "Respondents"), is informed
21 and alleges as follows:

22 1.

23 The Complainant, Thomas McCrady, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation in
25 his official capacity.

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2.

Respondents NEKO KIMON DEFTERIOS (hereinafter "DEFTERIOS") and DALE DAVID MARKS, doing business as The Prudential Dale Marks Realtors (hereinafter "MARKS"), are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code").

3.

At all times material herein, Respondent DEFTERIOS was licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker.

4.

At all times material herein, Respondent MARKS was licensed by the Department as a real estate broker.

5.

Prior Discipline (DEFTERIOS)

(a) On or about July 25, 1980, in Case No. H-20628 LA, a case then pending before the Department, a Decision of the Real Estate Commissioner was entered, effective August 19, 1980, against Respondent DEFTERIOS' real estate broker license for violations of the Real Estate Law. The Decision revoked Respondent DEFTERIOS' real estate broker license and granted him the right to apply for and be issued a restricted real estate broker license.

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1 (b) On or about July 21, 1982, in Case No. H-21312 LA,
2 a case then pending before the Department, a Decision of the Real
3 Estate Commissioner was entered, effective August 10, 1982,
4 against Respondent DEFTERIOS' real estate broker license for
5 violations of the Real Estate Law. The Decision revoked
6 Respondent DEFTERIOS' real estate broker license.

7 6.

8 Prior Discipline (MARKS)

9 On or about August 29, 1997, in Case No. H-27327 LA, a
10 case then pending before the Department, an Order to Desist and
11 Refrain was served on Respondent MARKS. Said Order ordered
12 Respondent MARKS to desist and refrain from performing any acts
13 by or through Brocarius Properties, Inc., for which a real estate
14 license was required until the Real Estate Commissioner received
15 satisfactory proof that Brocarius Properties, Inc., was no longer
16 subject to suspension pursuant to Section 2205 of the California
17 Corporations Code for failure to file a statement pursuant to
18 Section 1502 of the California Corporations Code.

19 7.

20 All further references to "Respondent(s)" include the
21 parties identified in Paragraphs 2, 3 and 4, above, and also
22 include the officers, directors, partners, managers, employees,
23 agents and/or real estate licensees employed by or associated
24 with said parties, who at all times material herein were engaged
25 in the furtherance of the business or operations of said parties
26 and who were acting within the course and scope of their
27 authority, agency or employment.



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8.

Provident/Haster Real Estate Ventures, a General Partnership, also known as Provident/Haster Partnership, a California General Partnership (hereinafter "Provident/Haster"), is not now and has never been licensed by the Department. The partners of Provident/Haster are Provident Financial Services, Inc., a Delaware corporation, and Prem, Inc., a Delaware corporation. Respondent DEFTERIOS is the President of Provident Financial Services, Inc., and Respondent MARKS, the President of Prem, Inc.

9.

From approximately March 4, 1996, to present, Provident/Haster, Respondent DEFTERIOS and Respondent MARKS were the owner or subdivider, or an agent, employee or successor in interest of the owner, or subdivider of a subdivision as defined in Code Sections 11000 and 11004.5. Said subdivision is located in the City of Garden Grove, County of Orange, State of California, described as Tract No. 5046, and also known as "HASTER GARDENS", and identified in the records of the Department as Subdivision File No. 069440LA (hereinafter "Subdivision").

10.

The Department issued a Final Subdivision Public Report for the Subdivision on October 23, 1992, to Anna Lee Chen, as Trustee of the amended Trust of Shih-Yuan Chen and Anna Lee Chen, dated January 3, 1980 (hereinafter "Anna Lee Chen").

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11.

On or about March 4, 1996, Anna Lee Chen sold the Subdivision to Provident/Haster. Thereafter, Provident/Haster did not apply for or obtain a public report from the Department covering the Subdivision.

12.

After March 4, 1996, Provident/Haster, Respondent DEFTERIOS and Respondent MARKS solicited prospective purchasers, offered for sale and/or sold units, lots or parcels in the Subdivision including, but not necessarily limited to, the lots offered and sold on or about the dates tabulated below to the purchasers tabulated below:

<u>Date</u>	<u>Purchaser</u>	<u>Lots</u>
4/3/97	Jose Dahan	13
4/17/97	Jose Dahan	22, 24, 37, 15
4/17/97	Daniel Bomgren	26, 32
4/23/97	Daniel Bomgren	28, 36
9/27/96	Patrick Coakley	34
9/27/96	Jose Dahan	2
9/29/97	Neil Weiner	33
11/5/96	Robert Lewis	3, 30
11/5/96	Patrick Coakley	21
12/31/96	Patrick Coakley	16, 18

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13.

Provident/Haster, Respondent DEFTERIOS and Respondent MARKS offered for sale and/or sold units, lots or parcels in the Subdivision, without first filing an application for and obtaining a public report from the Department covering the Subdivision, in violatation of Code Sections 11010 and 11018.2.

14.

The conduct, acts and/or omissions of Respondents DEFTERIOS and MARKS, as described herein above, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondents DEFTERIOS and MARKS pursuant to the provisions of Code Section 10177(d).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents NEKO KIMON DEFTERIOS; and DALE DAVID MARKS, doing business as The Prudential Dale Marks Realtors, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 12th day of August, 1998.


Deputy Real Estate Commissioner

cc: Neko Kimon Defterios
Dale David Marks
Sacto.
AS

