

Jacob
gta

FILED
JUL 17 2008
DEPARTMENT OF REAL ESTATE

Michael

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-29713 LA
)
LLOYD RALPH ANASTASI,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE AND
GRANTING RIGHT TO A RESTRICTED LICENSE

On February 4, 2003, a Decision was rendered herein
revoking Respondent's real estate broker license.

On January 10, 2005, Respondent petitioned for
reinstatement of Respondent's real estate broker license. An
Order Denying Reinstatement of License was filed on March 13,
2006.

On or about July 31, 2007, Respondent again petitioned
for reinstatement of Respondent's real estate broker license and
the Attorney General of the State of California has been given
notice of the filing of the petition.

///

1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate broker license, in
6 that:

7 I

8 In the Decision which revoked Respondent's real
9 estate license, there were Determination of Issues made that
10 there was cause to revoke Respondent's real estate license
11 pursuant to Business and Professions Code ("Code") Sections
12 490 and 10177(b).

14 On or about February 25, 2002, Respondent was
15 convicted of violating 18 U.S.C. 1014 (false statement to
16 a federally insured financial institution), a felony.

18 Said crime involves moral turpitude and is
19 substantially related to the functions, qualifications and
20 duties of a real estate licensee, pursuant to Section 2910,
21 Title 10, Chapter 6, California Code of Regulations
22 ("Regulations").

23 II

24 On September 29, 1988, a Decision was reached in
25 Department Case No. H-23233 LA. Said Decision revoked
26 Respondent's real estate broker license, but provided the right
27

1 to apply for and obtain a restricted real estate broker
2 license.

3 In said Decision there were determination of issues
4 made that there was cause to revoke Respondent's real estate
5 license pursuant to Code Section 10177(d), for violation of
6 Code Section 10145 and Regulations 2830 and 2832; Code Section
7 10176(i) for dishonesty in his professional dealings; and Code
8 Section 10177(g) for negligence or incompetence in his business
9 dealings.
10

11 III

12 On or about January 10, 2005, Respondent petitioned
13 for reinstatement of Respondent's real estate broker license.
14 An Order Denying Reinstatement of License was filed on March
15 13, 2006. It had been determined that there was cause to deny
16 Respondent's petition application pursuant to Regulations
17 2911(a), 2911(k) and 2911(n)(1) and Code Section 10177(a).
18

19 IV

20 The burden of proving rehabilitation rests with the
21 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
22 A petitioner is required to show greater proof of honesty and
23 integrity than an applicant for first time licensure. The proof
24 must be sufficient to overcome the prior adverse judgment on the
25 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
26 395).
27

1 The Department has developed criteria in Regulation
2 2911, to assist in evaluating the rehabilitation of an applicant
3 for reinstatement of a license. Among the criteria relevant in
4 this proceeding are:

5 2911(a) - Additional time is needed to assess
6 Respondent's rehabilitation, due to Respondent's history of
7 substantially related acts and conduct.

8 2911(i) - Respondent has not provided proof of
9 sustained enrollment in formal educational or vocational
10 training courses for economic self-improvement.

11 Given the fact that Respondent has not established
12 that Respondent has complied with Regulations 2911(a) and
13 2911(i), I am not satisfied that Respondent is sufficiently
14 rehabilitated to receive a real estate broker license.

15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for reinstatement of Respondent's real estate broker
17 license is denied.

18 I am satisfied, however, that it will not be against
19 the public interest to issue a restricted real estate broker
20 license to Respondent.

21 A restricted real estate broker license shall
22 be issued to Respondent pursuant to Code Section 10156.5
23 if Respondent within twelve (12) months from the date hereof:

24 (a) take and passes the written examination required
25 to obtain a real estate broker license;
26
27

1 (b) makes application therefor and pays the
2 appropriate fee for said license;

3 (c) takes and passes the Professional Responsibility
4 Examination administered by the Department including the
5 payment of the appropriate examination fee.
6

7 The restricted license issued to Respondent shall be
8 subject to all of the provisions of Code Section 10156.7 and to
9 the following limitations, conditions and restrictions imposed
10 under authority of Code Section 10156.6:

11 1. The restricted license issued to Respondent
12 may be suspended prior to hearing by Order of the Real Estate
13 Commissioner in the event of Respondent's conviction or plea
14 of nolo contendere to a crime which is substantially related
15 to Respondent's fitness or capacity as a real estate licensee.
16

17 2. The restricted license issued to Respondent
18 may be suspended prior to hearing by Order of the Real Estate
19 Commissioner on evidence satisfactory to the Commissioner that
20 Respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real
22 Estate Commissioner or conditions attaching to the restricted
23 license.
24

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26 ///

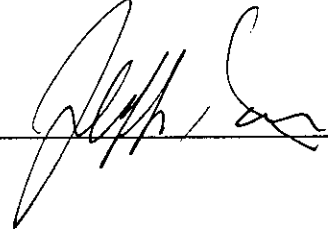
27 ///

1 3. Respondent shall not be eligible to apply for
2 the issuance of an unrestricted real estate license nor for
3 the removal of any of the conditions, limitations or
4 restrictions of a restricted license until two (2) years
5 have elapsed from the effective date of this Decision.
6

7 This Order shall become effective at 12 o'clock noon
8 on AUG - 6 2008.

9 DATED: 7-8-08.

10 JEFF DAVI
11 Real Estate Commissioner

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1000.
May

FILED
MAR 13 2006
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-29713 LA
)
ANASTASI REALTORS, INC. and)
LLOYD RALPH ANASTASI, individually) and as designated broker-officer)
of Anastasi Realtors, Inc.,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On February 4, 2003, a Decision was rendered herein
revoking the corporate real estate broker license of ANASTASI
REALTORS, INC. and the real estate broker license of LLOYD
RALPH ANASTASI.

On or about January 10, 2005, Respondents petitioned
for reinstatement of their real estate licenses and the Attorney
General of the State of California has been given notice of the
filing of the petitions.

///
///

1 I have considered Respondents' petitions and
2 the evidence and arguments in support thereof. Respondents
3 have failed to demonstrate to my satisfaction that Respondents
4 have undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondents' real estate broker licenses,
6 in that:
7

8 I

9 In the Decision which revoked Respondents' real
10 estate licenses there was a Determination of Issues made that
11 there was cause to revoke Respondents' real estate licenses
12 pursuant to Business and Professions Code ("Code") Sections
13 490 and 10177(b), for a criminal conviction.
14

15 On February 25, 2002, Respondents ANASTASI REALTORS,
16 INC. and LLOYD RALPH ANASTASI, were convicted of violating 18
17 United States Code Section 1014 (false statement to a federally
18 insured financial institution), a felony crime involving moral
19 turpitude which is substantially related to the qualifications,
20 functions and duties of a real estate licensee.
21

22 II

23 On or about August 9, 1988, pursuant to the Real
24 Estate Commissioner's Decision in Case Number H-23233 LA,
25 Respondent LLOYD RALPH ANASTASI's real estate broker license
26 was revoked, with the right to a restricted broker license.
27 A restricted real estate broker license was thereafter issued

1 to Respondent on September 30, 1998. On or about November 2,
2 1992, Respondent's Petition for Reinstatement of his broker
3 license was granted and Respondent's real estate broker license
4 was reinstated.

5 The facts underlying the Decision were that in 1984,
6 Respondent represented sellers of real property as their agent.
7 Respondent received an earnest money deposit check from the
8 sellers which was to be deposited into an escrow account and
9 applied to the sellers down payment. Instead, Respondent
10 deposited the earnest money check into his personal account.
11 Up to the date of the administrative hearing, Respondent refused
12 to return the money to the sellers or to provide them with an
13 accounting of the money. It was determined that Respondent had
14 violated Code Section 10145 and Section 2830 and 2832 of Title
15 10, California Code of Regulations ("Regulations"). Cause for
16 disciplinary action against Respondent's license and license
17 rights was found pursuant to Code Sections 10176(i), 10177(d)
18 and 10177(g).

19 III

20 The burden of proving rehabilitation rests with the
21 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
22 A petitioner is required to show greater proof of honesty and
23 integrity than an applicant for first time licensure. The proof
24 must be sufficient to overcome the prior adverse judgment on the
25 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
26 395).
27

1 The Department has developed criteria in Regulation
2 2911 to assist in evaluating the rehabilitation of an applicant
3 for reinstatement of a license. Among the criteria relevant in
4 this proceeding are:

5 2911 (a) - A longer period of time is required to
6 assess Respondents' rehabilitation given Respondent LLOYD RALPH
7 ANASTASI's history of substantially related acts and conduct.

8 2911 (n)(1) - Change in attitude from that which
9 existed at the time of the conduct in question as evidenced
10 by the testimony of Respondent; and

11 2911 (k)- Correction of business practices resulting
12 in injury to others or with the potential to cause such injury.

13 Respondents have not evidenced such change by the
14 following:
15

16 1. In response to question No. 4 of Respondent LLOYD
17 RALPH ANASTASI's Petition Application, to wit: "Have you ever
18 been a defendant in any civil court litigation, including small
19 claims court?", he marked the box denoting "yes", but failed
20 to disclose the following civil court actions against him:
21 Los Angeles Superior Court Case Numbers 92S07873, BC127003,
22 YC016391 and YC013332; Torrance Municipal Court Case Numbers
23 93S07029 and 96S00521; and Inglewood Municipal Court Case
24 Number 00S01545.

25 ///

26 ///

27 ///

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1 This was a material misstatement. The failure
2 to disclose relevant information in the Petition Application
3 prevents or hinders a full investigation into the extent of
4 rehabilitation. Information regarding civil judgments and
5 actions may reflect on Respondent's business practices and
6 qualifications for a real estate license. A failure to
7 disclose material facts shows a lack of candor and diligence
8 expected of a licensee, is a dishonest act and is additional
9 cause pursuant to Code Section 10177(a) to deny Respondent's
10 petition application.
11

12 2. As part of the petition process, Respondent LLOYD
13 RALPH ANASTASI had an interview with a Deputy Real Estate
14 Commissioner. At the interview Respondent stated that ANASTASI
15 REALTORS, INC. received commissions for acts requiring a real
16 estate license, after its license was revoked.

17 Given the fact that Respondents have not established
18 that they have complied with Regulations 2911(a), 2911(k) and
19 2911(n)(1) and Code Section 10177(a), I am not satisfied that
20 Respondents are sufficiently rehabilitated to receive real
21 estate broker licenses.
22

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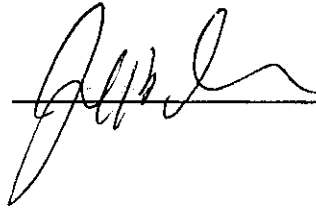
27 ///

1 NOW, THEREFORE, IT IS ORDERED that Respondents'
2 petitions for reinstatement of Respondents' broker licenses are
3 denied.

4
5 This Order shall become effective at 12 o'clock noon
6 on April 3, 2006.

7 DATED: 2-9-06

8 JEFF DAVI
9 Real Estate Commissioner

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23
24 cc: Anastasi Realtors, Inc.
25 1250 8th Street
 Manhattan Beach, CA 90266

26 Lloyd R. Anastasi
27 1250 8th Street
 Manhattan Beach, CA 90266

STATE OF CALIFORNIA

FILED
FEB - 9 2003
DEPARTMENT OF REAL ESTATE

* * * *

By [Signature]

In the Matter of the Accusation of) No. H-29713 LA
)
 ANASTASI REALTORS, INC.,)
 LLOYD RALPH ANASTASI, individually)
 and as designated broker-officer)
 of Anastasi Realtors, Inc.,)
)
 Respondents.)
)

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 28, 2003, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' 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 Respondents.

FINDINGS OF FACT

1.

On October 4, 2002, 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, return receipt requested, to Respondent ANASTASI REALTORS, INC. at its last known

mailing address on file with the Department on October 4, 2002, and signed for on October 7, 2002. A package with the same contents was also sent by certified mail to Respondent LLOYD RALPH ANASTASI at his last known mailing address on file with the Department on October 4, 2002, and signed for on October 8, 2002 by Laurene Anastasi. An additional mailing by certified mail to Respondent LLOYD RALPH ANASTASI was made on November 15, 2002 at his address at Lompoc Prison. This was not signed for but was not returned to the Department.

2.

On January 28, 2003, no Notices of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

3.

At all times relevant herein, Respondent ANASTASI REALTORS, INC. (hereinafter "Respondent ARI") was and is licensed or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a corporate real estate broker.

4.

At all times relevant herein, Respondent LLOYD RALPH ANASTASI (hereinafter "Respondent ANASTASI") was and is licensed or had 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. At all times relevant herein, Respondent ANASTASI was the broker/officer of Respondent ARI designated pursuant to Code Section 10159.2 to be responsible for the supervision of the activities conducted on behalf of ARI by its officers and employees as necessary to secure full compliance with the Real Estate Law.

Prior Discipline

5.

On or about August 9, 1988, Respondent ANASTASI's real estate broker license was revoked, with rights to a restricted broker license, pursuant to the Real Estate Commissioner's Decision in Case Number H-23233 LA. A restricted broker license was thereafter issued to Respondent on October 19, 1988. On or about November 2, 1992, Respondent's Petition for Reinstatement of his

broker license was granted and Respondent's real estate broker license was reinstated.

Convictions

6.

On or about February 25, 2002, in the United States District Court, Central District of California, in case number CR00-1031-GAF, Respondent ARI was convicted on its plea of guilty to three counts of violating 18 U.S.C. 1014 (false statement to a federally insured financial institution), a Class C felony, and one count of violating 18 U.S.C. 1014 (false statement to a federally insured financial institution, a Class B felony), crimes of moral turpitude which are substantially related to the qualifications, functions or duties of a real estate licensee.

Respondent ARI was sentenced to two years probation, subject to certain terms and conditions. Respondent was also ordered to pay restitution in the amount of \$249,834 (for which it is jointly and severally liable with Respondent ANASTASI) and a total fine of \$100,000.

7.

On or about February 25, 2002, in the United States District Court, in case number CR00-1031-GAF, Respondent ANASTASI, aka Lloyd R. Anastasi and Lloyd Ralph Anastasi, was convicted on his plea of guilty to three counts of violating 18 U.S.C. 1014 (false statement to a federally insured institution), a Class C felony, and one count of violating 18 U.S.C. 1014 (false statement to a federally insured financial institution, a Class B felony), crimes of moral turpitude which are substantially related to the qualifications, functions and duties of a real estate licensee.

Respondent ANASTASI was sentenced to serve fifteen months in prison, to be followed by three years supervised release. Respondent was also ordered to pay restitution in the amount of \$249,834 by March 15, 2002 (for which he is jointly and severally liable with Respondent ARI) and a total fine of \$100,000.

DETERMINATION OF ISSUES

1.

The facts alleged above are grounds for the suspension or revocation of Respondent ARI's licenses and license rights pursuant to Code Sections 490 and 10177(b).

2.

The facts alleged above are grounds for the suspension or revocation of Respondent ANASTASI's license and license rights pursuant to Code Sections 490 and 10177(b).

3.

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

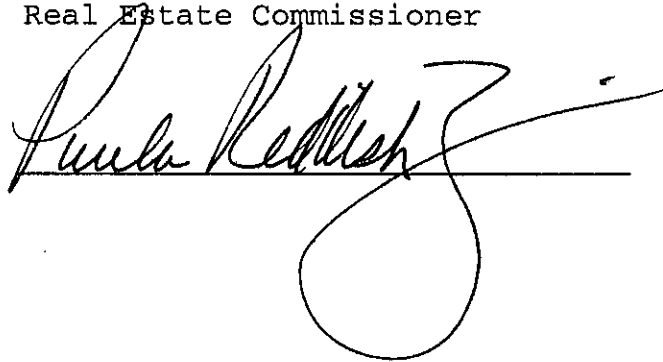
ORDER

All license and license rights of Respondent ANASTASI REALTORS, INC. and of Respondent LLOYD RALPH ANASTASI, individually and as designated broker-officer of Anastasi Realtors, Inc. 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 February 27, 2003.

IT IS SO ORDERED

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A large, stylized handwritten signature in black ink, appearing to read "Paula Reddish", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105
(213) 576-6982

FILED
JAN 28 2003
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

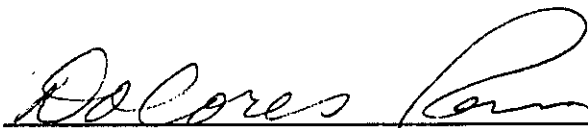
* * * *

11 In the Matter of the Accusation of)
12 ANASTASI REALTORS, INC. and) NO. H-29713 LA
13 LLOYD RALPH ANASTASI, individually) DEFAULT ORDER
14 and as designated broker officer)
of Anastasi Realtors, Inc.,)
15 Respondents.)

16
17 Respondents, ANASTASI REALTORS, INC. and LLOYD RALPH
18 ANASTASI, individually and as designated broker officer of
19 Anastasi Realtors, Inc., having failed to file a Notice of
20 Defense within the time required by Section 11506 of the
21 Government Code, is now in default. It is, therefore, ordered
22 that a default be entered on the record in this matter.

23 IT IS SO ORDERED January 28, 2003.

24 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

25
26 
27 By: DOLORES RAMOS
Regional Manager

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013-1105

5 (213) 576-6982
6 (213) 576-6914

FILED
OCT 4 2002
DEPARTMENT OF REAL ESTATE

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * *

10 In the Matter of the Accusation of) No. H-29713 LA
11)
12 ANASTASI REALTORS INC.,)
13 LLOYD RALPH ANASTASI, individually) A C C U S A T I O N
14 and as designated broker officer of) Anastasi Realtors Inc.,)
15 Respondents.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of
18 Accusation against ANASTASI REALTORS INC. and LLOYD RALPH
19 ANASTASI, individually and as designated broker officer of
20 Anastasi Realtors Inc., is informed and alleges in her
21 official capacity as follows:

22 1.

23 At all times relevant herein, Respondent ANASTASI
24 REALTORS INC. ("Respondent ARI") was and is licensed under the
25 Real Estate Law, Part 1 of Division 4 of the California
26 Business and Professions Code (hereinafter "Code") as a
27

1 corporate real estate broker.

2 2.

3 At all times relevant herein, Respondent LLOYD RALPH
4 ANASTASI ("Respondent ANASTASI") was licensed by the
5 Department of Real Estate as a real estate broker. At all
6 times relevant herein, Respondent ANASTASI was the
7 broker/officer of ARI designated pursuant to Code Section
8 10159.2 to be responsible for the supervision and control of
9 the activities conducted on behalf of ARI by its officers and
10 employees as necessary to secure full compliance with the Real
11 Estate Law.

12 Prior Discipline

13 3.

14 On or about August 9, 1988, Respondent ANASTASI's
15 real estate broker license was revoked, with rights to a
16 restricted broker license, pursuant to the Real Estate
17 Commissioner's Decision in Case Number H-23233 LA. A
18 restricted broker license was thereafter issued to Respondent
19 on October 19, 1988. On or about November 2, 1992,
20 Respondent's Petition for Reinstatement of his broker license
21 was granted and Respondent's real estate broker license was
22 reinstated.

23 Convictions

24 4.

25 On or about February 25, 2002, in the United States
26 District Court, Central District of California, in case number
27 CR00-1031-GAF, Respondent ARI was convicted on its plea of

guilty to three counts of violating 18 U.S.C 1014 (false statement to a federally insured financial institution), a Class C felony, and one count of violating 18 U.S.C 1014 (false statement to a federally insured financial institution, a Class B felony), crimes of moral turpitude which are substantially related to the qualifications, functions or duties of a real estate licensee.

Respondent was sentenced to two years probation, subject to certain terms and condition. Respondent was also ordered to pay restitution in the amount of \$249,834 (for which it is jointly and severally liable with Respondent ANASTASI) and a total fine of \$100,000.

5.

On or about February 25, 2002, in the United States District Court, Central District of California, in case number CR00-1031-GAF, Respondent ANASTASI, aka Lloyd R. Anastasi and Lloyd Ralph Anastasi, was convicted on his plea of guilty to three counts of violating 18 U.S.C 1014 (false statement to a federally insured financial institution), a Class C felony, and one count of violating 18 U.S.C 1014 (false statement to a federally insured financial institution, a Class B felony), crimes of moral turpitude which are substantially related to the qualifications, functions or duties of a real estate licensee.

Respondent was sentenced to serve fifteen months in prison, to be followed by three years supervised release. Respondent was also ordered to pay restitution in the amount

1 of \$249,834 by March 15, 2002 (for which he is jointly and
2 severally liable with Respondent ARI) and a total fine of
3 \$100,000.

4 6.

5 Respondents' convictions, as set forth above in
6 Paragraphs 4 and 5, constitute cause under Sections 490 and
7 10177(b) of the Business and Professions Code for suspension
8 or revocation of all licenses and license rights of Respondent
9 ANASTASI and Respondent ARI under the Real Estate Law.

10 WHEREFORE, Complainant prays that a hearing be
11 conducted on the allegations of this Accusation and that upon
12 proof thereof, a decision be rendered imposing disciplinary
13 action against all licenses and/or license rights of
14 Respondent ANASTASI REALTORS INC. and Respondent LLOYD RALPH
15 ANASTASI, individually and as designated broker/officer of
16 Anastasi Realtors Inc. under the Real Estate Law and for such
17 other and further relief as may be proper under applicable
18 provisions of law.

19 Dated at Los Angeles, California
20 this 26th day of September 2002.

21
22
23 
24 Deputy Real Estate Commissioner

25 cc: Lloyd Ralph Anastasi
26 Anastasi Realtors Inc.
27 Sacto.
Maria Suarez
EE