

12/05/11

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

FILED

OCT 05 2011

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: 

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 To:)	No. H-37569 LA
)	
12 GREG A. TOMASYAN,)	
)	
)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	
16 _____)	

17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of GREG A. TOMASYAN ("TOMASYAN").
20 Based on that investigation the Commissioner has determined that
21 TOMASYAN has engaged in or is engaging in activities which
22 constitute violations of the Business and Professions Code
23 ("Code"). Based on that investigation, the Commissioner hereby
24 issues the following Findings of Fact, Conclusions of Law, and
25 Desist and Refrain Order under the authority of Section 10086 of
26 the Code.
27

FINDINGS OF FACT.

1
2 1. TOMASYAN is presently licensed and/or has license
3 rights under the Real Estate Law (Part 1 of Division 4 of the
4 Code) as a real estate broker.

5 2. At the times mentioned herein TOMASYAN was employed
6 as a broker associate for Town Center Realty Inc. ("Town
7 Center"), a licensed real estate corporation, and for its
8 designated officer, Brian De Rosayro ("Rosayro"), a licensed real
9 estate broker. Neither Town Center nor Rosayro had knowledge of
10 the facts set forth below.

The Azarian Transaction

11
12 3. On or about June 11, 2010, during the course of a
13 meeting between TOMASYAN and Alex Azarian and Nga Azarian (the
14 "Azarians"), TOMASYAN made the following representations to the
15 Azarians:
16

17 (a) that the Azarians should consider selling their
18 property located at 8033 Jayseel Street, Sunland, California (the
19 "Azarian Property") in a short sale because the appraised value
20 of the Azarian's Property was less than the total amount of the
21 encumbrances; and

22 (b) that in order to obtain the bank's approval for a
23 short sale the Azarians needed to make it appear as though they
24 had no assets by permitting TOMASYAN to record a trust deed
25 against the Azarians Property falsely stating that the Azarians
26 owed money to TOMASYAN. TOMASYAN further represented to the
27 Azarians that they should give whatever cash they had to him, and

1 that he, TOMASYAN, would return it to them after the Azarians'
2 Property was sold at a short sale.

3 4. In reliance on TOMASYAN's representations, as
4 alleged in Paragraphs 3, above, on or about June 14, 2010,
5 the Azarians executed a promissory note in the amount of \$90,000
6 made payable to TOMASYAN as well as a trust deed on the Azarian's
7 Property as security for the payment of the \$90,000 promissory
8 note given to TOMASYAN. Thereafter, on or about June 16, 2010,
9 the trust deed was recorded as a lien on the Azarians' Property.

10 5. In reliance on TOMASYAN's representations, as
11 alleged in Paragraph 3, above, and in response to his demand
12 therefor, on or about June 14, 2010, at a Chase Bank in La
13 Crescenta, California, Nga Azarian gave TOMASYAN a \$49,500
14 cashier's check made payable to "Greg Tomasyan."

15 6. In reliance on TOMASYAN's representations, as
16 alleged in Paragraph 3, above, and in response to his demand
17 therefor, on or about June 15, 2010, at a Chase Bank in Tujunga,
18 California, Nga Azarian gave TOMASYAN a \$30,000 cashier's check
19 made payable to "Greg Tomasyan."
20

21 7. In or around the end of June, 2010, TOMASYAN
22 returned \$10,000 of the Azarians' \$79,500 to them.

23 8. On or about July 7, 2010, TOMASYAN disclosed to the
24 Azarians that he had gambled away the balance of the money he had
25 received from them.

26 9. TOMASYAN's representations as alleged in Paragraph
27 3, above, were false and fraudulent and made with the intent of

1 fraudulently inducing the Azarians to turn their property over to
2 him to permit TOMASYAN to convert the Azarians' property to his
3 own use and benefit.

4 10. Despite the Azarians' demand to TOMASYAN for the
5 return of the \$79,500 the Azarians paid to him, only \$10,000 of
6 that sum has been returned.

7 Stan Sitnitskiy Transaction

8 11. On or about June 21, 2010, Stan Sitnitskiy
9 ("Sitnitskiy") executed an offer to purchase the property located
10 at 6643 Riverton Avenue, North Hollywood (the "Riverton
11 Property"). In connection with the foregoing offer TOMASYAN acted
12 as the agent for both Sitnitskiy and the seller, and represented
13 to Sitnitskiy that he, TOMASYAN, was doing so as a broker
14 associate with Town Center. TOMASYAN further represented to
15 Sitnitskiy that Glen Oaks Escrow would be the escrow holder for
16 the purchase and sale transaction.

17 12. On or about June 22, 2010, at the instruction of
18 TOMASYAN, Sitnitskiy gave TOMASYAN two cashier's checks. One
19 check was in the amount of \$10,000 and made payable to Glen Oaks
20 Escrow, and the other was for \$25,000 and made payable to "Greg
21 Tomasyan." TOMASYAN represented to Sitnitskiy that the \$10,000
22 check would be deposited into escrow, and that the check for
23 \$25,000 would be deposited to the trust account for Town Center
24 to be held for use in Sitnitskiy's purchase of the Riverton
25 Property. An addendum was made to the purchase and sale agreement
26 acknowledging the foregoing agreement.
27

1 13. On or about June 24, 2010, unbeknownst to
2 Sitnitskiy, the check for \$25,000 described in Paragraph 12,
3 above, was endorsed over to the Commerce Casino General Account,
4 and then to "Greg Tomasyan."

5 14. On or about June 28, 2010, TOMASYAN returned the
6 \$10,000 check described in Paragraph 12, above, to Sitnitskiy
7 with the instruction that Sitnitskiy instead give TOMASYAN a
8 cashier's check made payable to "Greg Tomasyan" in the amount of
9 \$41,000. TOMASYAN represented that the \$41,000 check would be
10 deposited to the trust account of Town Center for Sitnitskiy's
11 purchase of the Riverton Property. An addendum was made to the
12 purchase and sale agreement acknowledging the foregoing
13 agreement.

14 15. Thereafter, TOMASYAN endorsed the \$41,000 check
15 described in Paragraph 14, above, to The Commerce Casino General
16 Account and then to "Greg Tomasyan."

17 16. TOMASYAN's representations as alleged in Paragraphs
18 12 and 14, above, were false and fraudulent in that TOMASYAN had
19 no intention of depositing any portion of Sitnitskiy's funds into
20 escrow or into the trust account of Town Center.

21 17. TOMASYAN's representations were made with the
22 intent of fraudulently inducing Sitnitskiy to give him the total
23 sum of \$66,000 to permit TOMASYAN to convert Sitnitskiy's
24 property to his own use and benefit.

25 18. Despite Sitnitskiy's demand to TOMASYAN for the
26 return of the \$66,000 Sitnitskiy gave to TOMASYAN no portion of
27

1 Sitnitskiy's funds have been returned to him.

2 CONCLUSIONS OF LAW

3 19. Based on the information contained in Paragraphs 1
4 through 18, above, the conduct, acts and/or omissions of TOMASYAN
5 as described therein constitute making a substantial
6 misrepresentation in violation of Code Section 10176(a).

7 20. Based on the information contained in Paragraphs 1
8 through 18, above, the conduct, acts and/or omissions of TOMASYAN
9 as described therein constitute making false promises of a
10 character likely to influence, persuade or induce in violation of
11 Code Section 10176(b).

12 21. Based on the information contained in Paragraphs 1
13 through 18, above, the conduct, acts and/or omissions of TOMASYAN
14 as described therein constitute fraud or dishonest dealing under
15 the provisions of Code Section 10176(i).

16 DESIST AND REFRAIN ORDER

17 Based on the Findings of Fact and Conclusions of Law
18 stated herein:

19 1. IT IS HEREBY ORDERED that GREG A. TOMASYAN
20 immediately desist and refrain from engaging in conduct, acts
21 and/or omissions while engaged in the business of or acting in
22 the capacity of a real estate licensee within this state which
23 constitute any of the following:

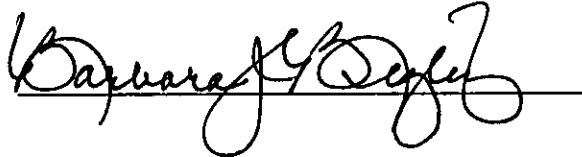
24 a. making any substantial misrepresentation as
25 described in Code Section 10176(a);
26
27

1 b. making any false promises of a character likely to
2 influence, persuade or induce as described in Code Section
3 10176(b); and

4 c. any other conduct, whether of the same or a
5 different character than that specified above, which constitutes
6 fraud or dishonest dealing as described in Code Section
7 10176(i).

8 DATED: 10/3 , 2011.

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10 BARBARA BIGBY
11 Acting Real Estate Commissioner

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26 cc: Greg A. Tomasyan
27 823 E. Palm Avenue
 Burbank, California 91501