

7-29-18

FILED

OCT 17 2018

DEPT. OF REAL ESTATE
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)	DRE No. H-40993 LA
)	
<u>FIRST AVENUE REAL ESTATE</u>)	
<u>GROUP, INC.</u> and)	
)	
PAUL RICHARD KOTAS,)	
Individually and as former designated)	
Officer of First Avenue Real Estate)	
Group, Inc.)	
)	
Respondent.)	

ORDER DENYING RECONSIDERATION

On, August 20, 2018 a Decision revoking Respondent FIRST AVENUE REAL ESTATE GROUP, INC.'s real estate broker license was rendered in the above-entitled matter. The Decision was to become effective on September 17, 2018, and was stayed by separate Order to October 17, 2018.

On September 26, 2018, Respondent petitioned for reconsideration of the Decision of August 20, 2018.

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I have given due consideration to the petition of Respondent. I find no good cause
to reconsider the Decision of August 20, 2018, and reconsideration is hereby denied.

IT IS SO ORDERED NOV 05 2018

DANIEL SANDRI
ACTING REAL ESTATE COMMISSIONER



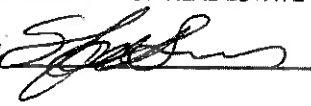
By: **STEPHEN M. LERNER**
Assistant Commissioner, Legal Affairs

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FILED

SEP 14 2018

DEPARTMENT OF REAL ESTATE

By 

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of:)	DRE NO. H-40993 LA
FIRST AVENUE REAL ESTATE GROUP,)	OAH NO.
INC.,)	
Respondent(s).)	

ORDER STAYING EFFECTIVE DATE

On 08/20/2018, a Decision was rendered in the above-entitled matter to become effective September 17, 2018 .

IT IS HEREBY ORDERED that the effective date of September 17, 2018, is stayed for a period of 30 days to allow Respondent FIRST AVENUE REAL ESTATE GROUP, INC. to file a petition for reconsideration or consider Respondent's petition for reconsideration.

The Decision of 08/20/2018, shall become effective at 12 o' clock noon on OCT 17 2018 .

DATED: September 14, 2018.

DANIEL SANDRI
ACTING REAL ESTATE COMMISSIONER



FILED

AUG 29 2018

DEPARTMENT OF REAL ESTATE

By *Angela Manner*

BEFORE THE DEPARTMENT¹ OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-40993 LA
)	
FIRST AVENUE REAL ESTATE)	
GROUP, INC.,)	
Respondent.)	

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 for Respondent FIRST AVENUE REAL ESTATE GROUP, INC. ("Respondent") filed on August 2, 2018, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and/or (3) other evidence.

Pursuant to Government Code Section 11521, the Department of Real Estate ("Department") may order reconsideration of this Decision on petition of any party. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On April 3, 2018, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the Department. On April 4, 2018, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, and by regular mail to Respondent's last known mailing address on file with the Department. No Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered on August 2, 2018.

¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker (corporation) ID 01978145.

3.

Attached as Exhibit A is a true and correct copy of the Accusation filed on April 4, 2018. The allegations contained in the Accusation are taken as true, and the Accusation is incorporated herein as part of this Decision.

4.

All references to the "Code" are to the Business and Professions Code and all references to "Regulations" are to title 10, chapter 6, California Code of Regulations.

DETERMINATION OF ISSUES

1.

Respondent's conduct, as described in Paragraphs 16 through 18 of Exhibit A, and during the audit examination period described in Paragraph 15 of Exhibit A, Respondent FIRST AVENUE acted in violation of the Code and the Regulations, as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
22	Code section 10145 and Regulation 2832.1
23	Code section 10145 and Regulation 2831
24	Code section 10145 and Regulation 2831.1
25	Code section 10145 and Regulation 2831.2
26	Code section 10159.5 and Regulation 2731
28	Code section 10177(d) and 10177(g)

2.

The overall conduct of Respondent FIRST AVENUE is violative of the Real Estate Law and constitutes cause for the suspension or revocation of their real estate licenses and license rights under the provisions of **Code Section 10177(g)** for negligence and **Code Section 10177(d)** for willful disregard of the Real Estate Law.

3.

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

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ORDER

All licenses and licensing rights of Respondent FIRST AVENUE REAL ESTATE GROUP, INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

SEP 17 2018

This Decision shall become effective at 12 o'clock noon on _____.

DATED: August 20, 2018 .

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate
320 West Fourth St, Ste 350
2 Los Angeles, CA, 90013

FILED

AUG 02 2018

DEPARTMENT OF REAL ESTATE

By R. Rosado

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-40993 LA*
12)
12 FIRST AVENUE REAL ESTATE) DEFAULT ORDER
13 GROUP, INC.,)
14 Respondent.)

15 Respondent FIRST AVENUE REAL ESTATE GROUP, INC. , having failed
16 to file a Notice of Defense within the time required by Section 11506 of the Government
17 Code, is now in default. It is, therefore, ordered that a default be entered on the record in
18 this matter.

19 IT IS SO ORDERED AUGUST 2, 2018.

20 DANIEL SANDRI
21 ACTING REAL ESTATE COMMISSIONER

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23 By: Joe M. Carrillo
24 JOSEPH M. CARRILLO
25 Managing Deputy Commissioner IV
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