BEFORE THE
DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANTHONY PARK** **223 S. Central Ave. #513** **Los Angeles, CA 90012** **Real Estate Appraiser License No. AL037498** Respondent.	Case No. BL111004-02 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 23, 2012, Elizabeth Seaters, acting solely in her official capacity as the Acting Chief of Enforcement, acting on behalf of the Office of Real Estate Appraisers (Complainant), filed Accusation No. BL111004-02 against Anthony Park (Respondent) before the Director of the Office of Real Estate Appraisers. (Accusation attached as Exhibit A.)

2. On or about February 17, 2006, the Director of the Office of Real Estate Appraisers (Director) issued Real Estate Appraiser License No. AL037498 to Respondent. The Real Estate Appraiser License was in full force and effect at all times relevant to the charges brought in Accusation No. BL111004-02 and will expire on February 8, 2014, unless renewed.

3. On or about February 23, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. BL111004-02, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

and 11507.7) at Respondent's address of record which, pursuant to Title 10, California Code of Regulations, section 3527, is required to be reported and maintained with the Director. Respondent's address of record was and is: 223 S. Central Ave. #513, Los Angeles, CA 90012.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. Subsequent to the date of service, the aforementioned documents were returned by the U.S. Postal Service marked Attempted, Not Known. The address on the documents was the same as the address on file with the Director. Respondent failed to maintain an updated address with the Director and the Director has made attempts to serve the Respondent at the address on file. Respondent has not made himself available for service and therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

6. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. BL111004-02.

8. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Deputy Director finds Respondent is in default. The Deputy Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Director's offices regarding the allegations contained in Accusation No.

BL111004-02, finds that the charges and allegations in Accusation No. BL111004-02, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Anthony Park has subjected his Real Estate Appraiser License No. AL037498 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Deputy Director of the Office of Real Estate Appraisers is authorized to revoke Respondent's Real Estate Appraiser License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Title 10, California Code of Regulations, sections 3721(a)(1), (a)(4), (a)(6) and (a)(7), 3701, 3702(a)(1) and (a)(3), 3722(a)(5) and (a)(9), Business and Professions Code sections 11318(a)(1), (a)(2), (b), (c), (d) and (e), and 11319, and the Conduct Section of the USPAP Ethics Rule.

ORDER

IT IS SO ORDERED that Real Estate Appraiser License No. AL037498, heretofore issued to Respondent Anthony Park, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 11, 2012.

It is so ORDERED May 11, 2012

Original Signed

FOR THE DEPUTY DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS

20597684.DOC
DOJ Matter ID:SF2012204303

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

Kathleen S. Chovan
Department Counsel, State Bar No. 158325
Office of Real Estate Appraisers
1102 "Q" Street, Suite 4100
Sacramento, CA 95811
Telephone: (916) 552-9000
Facsimile: (916) 552-9008

Attorney for Complainant

BEFORE THE
DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS
OFFICE OF REAL ESTATE APPRAISERS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANTHONY Y. PARK** 223 S. Central Avenue #513 Los Angeles, California 90012 **Residential License Number AL037498** Respondent.	**Case No. BL 111004-02** **ACCUSATION**

Complainant alleges:

PARTIES

1. Elizabeth Seaters, acting on behalf of the Office of Real Estate Appraisers (Complainant) brings this Accusation solely in her official capacity as Acting Chief of Enforcement for Complainant.

2. On February 17, 2006, the Office of Real Estate Appraisers issued Residential Real Estate Appraiser License No. AL037498 to Anthony Y. Park (Respondent). The Residential Real Estate Appraiser License was in full force and effect at all times relevant to the charges brought herein and will expire on February 8, 2014, unless renewed.

JURISDICTION

3. This Accusation is brought before the Director of the Office of Real Estate Appraisers (Director) under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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4. Code section 11310.1 states:

Protection of the public shall be the highest priority for the Office of Real Estate Appraisers in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5. Code section 11313 states, in pertinent part:

The office [Office of Real Estate Appraisers] is under the supervision and control of the secretary [secretary of Business, Transportation and Housing Authority]. The duty of enforcing and administering this part is vested in the director [director of the Office of Real Estate Appraisers] and he or she is responsible to the secretary therefor. The director shall adopt and enforce rules and regulations as are determined reasonably necessary to carry out the purposes of this part [Real Estate Appraisers' Licensing and Certification Law].

6. Code section 11314 states, in pertinent part:

The office is required to include in its regulations requirements for licensure and discipline of real estate appraisers that ensure protection of the public interest...

MINIMUM STANDARDS FOR CONDUCT AND PERFORMANCE

7. Code section 11318 states, in pertinent part:

(a) A licensee, applicant for licensure...shall report to the office, in writing, the occurrence of any of the following events within 30 days of the date he or she has knowledge of any of these events:

(1) The bringing of an indictment or information charging a felony against the licensee, applicant for licensure...

(2) The conviction of the licensee, applicant for licensure ...of any felony or misdemeanor.

As used in this section, a conviction includes an initial plea, verdict, or finding of guilty, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final, the sentence may not be imposed, or all appeals may not be exhausted...

(b) The report required by subdivision (a) shall be signed by the licensee, applicant for licensure...and clearly set forth the facts that constitute the reportable event. The report shall include the title of the matter, court or agency name, docket number, and dates of occurrence of the reportable event.

(c) The licensee, applicant for licensure...shall also promptly obtain and submit a certified copy of the police or administrative agency's investigative report and certified copies of the court or administrative agency's docket, complaint or accusation, and judgment or other order.

(d) A licensee, applicant for licensure...shall promptly respond to oral or written inquiries from the office concerning the reportable events.

(e) Failure to make a report required by subdivision (a) shall constitute a cause for discipline or denial of an application.

8. Code section 11319 states:

Notwithstanding any other provision of this code, the Uniform Standards of Professional Appraisal Practice constitute the minimum standard of conduct and performance for a licensee in any work or service performed that is addressed by those standards. If a licensee also is certified by the Board of Equalization, he or she shall follow the standards established by the Board of Equalization when fulfilling his or her responsibilities for assessment purposes.

FINE AND COST RECOVERY PROVISIONS

9. Code section 11316, subdivision (a), states, in pertinent part:

The director may assess a fine against a licensee, applicant for licensure...for violation of this part or any regulations adopted to carry out its purposes...

10. Code section 11409, subdivision (a), states, in pertinent part:

Except as otherwise provided by law, any order issued in resolution of a disciplinary proceeding may direct a licensee, applicant for licensure...found to have committed a violation or violations of statutes or regulations relating to real estate appraiser practice to pay a sum not to exceed the reasonable costs of investigation, enforcement, and prosecution of the case.

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REGULATORY PROVISIONS

11. OREA regulations appear in Title 10, Chapter 6.5, section 3500 et seq., as amended from time to time, of the California Code of Regulations.

12. California Code of Regulations, title 10, ("Regulation") section 3701 states:

Every holder of a license under this part shall conform to and observe the Uniform Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards are herein incorporated into these regulations by reference as if fully set forth herein.

13. Regulation section 3702 states, in pertinent part:

(a) The Director finds and declares as follows:

(1) That the profession of real estate appraisal is vested with a fiduciary relationship of trust and confidence as to clients, lending institutions, and both public and private guarantors or insurers of funds in federally-related real estate transactions and that the qualifications of honesty, candor, integrity and trustworthiness are directly and substantially related to and indispensable to the practice of the appraisal profession...

(3) Every holder of a license to practice real estate appraisal...shall be required to demonstrate by his or her conduct that he or she possesses the qualifications of honesty, candor, integrity and trustworthiness.

(b) The Director may require such proof as he may deem advisable concerning the special qualifications of an applicant for or holder of an appraiser's license...

14. Regulation section 3721 states, in pertinent part:

(a) The Director may issue a citation, order of abatement, assess a fine or private or public reproval, suspend or revoke any license...of any person who has:

(1) Been convicted of a felony or any crime which is substantially related to the qualifications, functions, or duties of the profession of real estate appraisal;

...

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(4) Done any act which if done by the holder of a license to practice real estate appraisal would be grounds for revocation or suspension of such license;

...

(6) Violated any provision of USPAP;

(7) Violated any provision of the Real Estate Appraisers' Licensing and Certification Law, Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code, or regulations promulgated pursuant thereto; or any provision of the Business and Professions Code applicable to applicants for or holders of licenses authorizing appraisals...

(b) Before issuing any private or public reproval or denying, suspending or revoking any license issued or issuable under the provisions of the Real Estate Appraisers Licensing and Certification Law or these regulations, the Office shall proceed as prescribed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code (the Administrative Procedure Act) and the Office shall have all the powers granted therein.

15. Regulation section 3722 states, in pertinent part:

(a) A crime or act shall be deemed to be substantially related to the qualifications, functions or duties of an appraiser if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his/her license. The crimes or acts include, but are not limited to, the following...

(5) Traffic in any narcotic or controlled substance in violation of law;

...

(9) Crimes of violence or threatened violence against persons or property;

...

(b) An act or crime shall be deemed to be substantially related to the functions, duties or qualifications of an appraiser if it involves any willful violation of the Real Estate Appraisers' Licensing and Certification Act or provisions of the Business and Professions Code applicable to appraisers.

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(c) The weight to be accorded to a substantially related crime or act under (a) or (b) shall be determined by application of the following standards:

(1) The extent to which the particular acts or omissions have adversely affected other persons, including but not limited to lenders, clients, employers or other persons; and the probability that such adverse effects will continue;

(2) The recency or remoteness in time of the acts or omissions;

(3) The type of license applied for or held by the person involved;

(4) The extenuating or aggravating circumstances surrounding the acts or omissions;

(5) The motivation of the acts or omissions, whether praiseworthy or blameworthy;

(6) The probability that the questioned acts or omissions will continue or be repeated; and

(7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved or other licensed persons.

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP) (EFFECTIVE JANUARY 1, 2010)[1]

16. The Ethics Rule of USPAP provides, in part:

An appraiser must promote and preserve the public trust inherent in appraisal practice by observing the highest standards of professional ethics ...

Conduct:

[1] USPAP is periodically revised: appraisers are responsible for adherence to the edition of USPAP in effect as of the date of the activity at issue. The January 1, 2008 edition of USPAP (effective January 1, 2008, through December 31, 2009) , was in effect at the time Respondent was charged with five counts of felony criminal activity (November 5, 2009). The January 1, 2010 edition of USPAP (effective January 1, 2010 through December 31, 2011) was applicable at the time of Respondent's conviction for five counts of felony criminal activity (February 5, 2010). For purposes of this Accusation, the language of the January 1, 2010 edition of USPAP is provided. The prohibition against criminal conduct within the Conduct section of the Ethics Rule is identical as between the January 1, 2008 and January 1, 2010 Editions of USPAP.

An appraiser:

...

- must not engage in criminal conduct

CHARGES AND ALLEGATIONS

17. On November 5, 2009, Respondent was criminally charged in *The People of the State of California v Anthony Youngho Park* in the Superior Court of the State of California for the County of Los Angeles as GA031810, with five counts: (1) violation of Health and Safety Code section 11352(a) (transportation, sale, giving away, etc of controlled substances - narcotics), a felony; (2) Health and Safety Code section 11351.5 (possession of cocaine base for sale), a felony; (3) Penal Code section 12021(a)(1) (possession of firearm while addicted to use of narcotic drug), a felony, (4) Penal Code section 12025 (a)(1) (carrying concealed weapon in a vehicle), a felony, (5) Penal Code section 12031(a)(1) (carrying loaded firearm in public place), a felony.

18. On February 5, 2010, Respondent pled guilty and was convicted of a felony for each of counts 1 – 5 described in the paragraph 17 above. For each of counts 1 and 2, Respondent was sentenced to five years in prison. For each of counts 3, 4 and 5, Respondent was sentenced to three years in prison. For all five counts, the execution of sentence was suspended, and Respondent was placed on three years of probation, with other terms to include registration with local police or sheriff's department as a drug offender pursuant to Health and Safety Code section 11590.

BASIS FOR DISCIPLINE

19. Respondent is subject to disciplinary action under Regulation section 3721, subdivisions (a) (1), (a) (4), (a) (6) and (a) (7), by and through his violation of Regulation sections 3701, 3702 subdivisions (a) (1) and (a) (3), and the following causes for discipline:

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FIRST CAUSE FOR DISCIPLINE

(Felony Convictions - Health and Safety Codes §§ 11352(a) and 11351.5 Traffic of a Narcotic or Controlled Substance)

20. Respondent's license is subject to disciplinary action for conviction of two felony crimes substantially related to the qualifications, functions or duties of an appraiser involving the traffic of a narcotic or controlled substance within the meaning of Regulation section 3722(a) (5), in that he was convicted on February 5, 2010 for possession, transportation and sale of cocaine, in violation of Health and Safety Code sections 11352(a) and 11351.5 as set forth in paragraphs 17 – 18 above.

SECOND CAUSE FOR DISCIPLINE

(Felony Convictions – Penal Code §§ 12021(a) (1), 12025(a) (1) and 12031(a) (1) Possession of a Concealed Loaded Weapon in Public)

21. Respondent's license is subject to disciplinary action for conviction of three felony crimes substantially related to the qualifications, functions or duties of an appraiser involving violence or threatened violence against persons or property within the meaning of Regulation section 3722 (a)(9), in that he was convicted on February 5, 2010 for carrying a concealed loaded weapon in public in violation of Penal Code sections 12021(a)(1), 12025(a)(1) and 12031(a)(1), as set forth in paragraphs 17 – 18 above.

THIRD CAUSE FOR DISCIPLINE

(Violation of Business and Professions Code 11318 – Failure to Report)

22 Respondent is subject to disciplinary action under Business and Professions Code section 11318 (e) in that Respondent failed to report, within 30 days of his knowledge of the events, the felony charges filed on November 5, 2009 or the felony convictions ordered on February 10, 2010, as required under Code sections 11318(a)(1) and (a)(2), and failed to provide the documentation required under Code sections 11318 (b), (c) and (d).

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FOURTH CAUSE FOR DISCIPLINE

(Violation of Code section 11319 and Conduct Section, Ethics Rule-Unprofessional Conduct)

23. Respondent is subject to disciplinary action under Regulation section 3721(a)(6), in that on February 5, 2010, Respondent was convicted of five counts of felony criminal conduct, in violation of the Code section 11319 and the Conduct Section of the Ethics Rule, as set forth in paragraphs 17 – 22 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director issue a decision:

1. Revoking Residential Real Estate Appraiser License No. AL037498 issued to Respondent Anthony Y. Park;

2. Ordering Respondent to pay the Director of the Office of Real Estate Appraisers a fine, pursuant to Business and Professions Code section 11316, subdivision (a) prior to any future application;

3. Ordering Respondent to pay the Director of the Office of Real Estate Appraisers the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 11409 prior to any future application; and

4. Taking such other and further action as deemed necessary and proper.

Original Signed

DATED: 2/23/12

Elizabeth Seaters
Acting Chief of Enforcement
Office of Real Estate Appraisers
State of California
Complainant