

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF ADMINISTRATIVE HEARINGS
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In the Matter of the Complaint of

**DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,**

Complainant,

DECISION

Complaint No.: 2016-1155

-against-

LEBRENS DENASSE,

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on January 30, 2019 at the office of the Department of State located at 123 William Street, New York, New York.

The respondent, having been advised of his right to be represented by an attorney, chose to represent himself.

The complainant was represented by Matthew Wolf, Esq.

COMPLAINT

The complaint alleges that the respondent real estate broker and notary public has wrongfully failed to satisfy a money judgement against him.

FINDINGS OF FACT

1) Notice of hearing and subsequent notices of adjournment were served on the respondent by certified and regular mail (State's Ex. 1).

2) The respondent is duly licensed as a real estate broker for the license term ending on December 20, 2020, and is duly commissioned as a notary public for the term ending June 14, 2020 (State's Ex. 2).

3) On April 1, 2015, after an inquest in Kings County Civil Court, Louna Riche was granted a judgement of \$6,667.88, including costs and disbursements, against the respondent (State's Ex. 3).

4) According to the respondent's testimony the judgement arose out of a business arrangement entered into between him and Ms. Riche who, at the time, was his girlfriend. She asked him whether if she gave him \$2,000.00 he could double it, and he agreed to accept her money. The arrangement did not involve real estate. Over a period of time he returned \$2,900.00 in cash to her. However, when their social relationship ended and he married someone else she sued him and obtained the default judgement.

5) The judgement has not been satisfied, but the respondent has obtained the necessary funds and has arranged to appear in court on February 11, 2019 to satisfy the judgement.

OPINION AND CONCLUSIONS OF LAW

The complainant contends that by failing to satisfy the judgment obtained against him by Ms. Riche the respondent demonstrated untrustworthiness and a lack of good moral character. "The failure to pay a judgment which has been lawfully obtained, without a showing that he is unable to do so, is a demonstration of untrustworthiness by a real estate broker. Department of State v Feldman, 113 DOS 80, conf'd. sub nom Feldman v Department of State, 81 AD2d 553, 440 NYS2d 541 (1981); Division of Licensing Services v Shulkin, 40 DOS 90; Division of Licensing Services v Janus, 33 DOS 89." Division of Licensing Services v Harrington, 123 DOS 93 at 4. Applying the same principles, a wrongful failure to satisfy a judgement would be a demonstration of a lack of the good moral character required of a notary public.

The respondent presented no evidence showing that he was unable to satisfy the judgement. Although the judgement has gone unsatisfied for several years, speaking on the record counsel for the complainant sought only an order directing that if the judgement is not satisfied within a reasonable period of time the respondent's license and commission be suspended until such payment is made. That appears reasonable to the tribunal.

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT Lebens Denasse has demonstrated untrustworthiness as a real estate broker and the lack of the good moral character required of a notary public, and accordingly, pursuant to Real Property Law §441-c and Executive Law §130 his license as a real estate broker, UID # 10371200311, and his commission as a notary public, UID #01DE6111659, shall be suspended effective April 1, 2019 unless and until he has presented proof satisfactory to the Division of Licensing Services that he has fully satisfied the judgement in the matter of Louna Riche v Denasse Realty and Lebens Denasse, King County Civil Court index number CV-073216-14/KI.

/S/
Roger Schneier
Administrative Law Judge

Dated: January 30, 2019