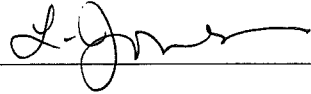


**FILED**

**March 14, 2013**

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

6 Telephone: (916) 227-0789  
7 (916) 227-0781 (Direct)  
8  
9 Fax: (916) 227-9458

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of and )  
FSF, AARON GREGORY NEW, )  
and ALEKSANDR VOROBETS )  
Respondents. )

No. H-5969 SAC  
ACCUSATION

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against FSF, AARON GREGORY NEW, AND ALEKSANDR VOROBERTS (Respondents), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

///

///

1 3

2 At all times mentioned, Respondent FSF was and is licensed by the State of  
3 California Department of Real Estate (Department) as a real estate broker corporation. From  
4 November 17, 2011, to present, FSF was and is licensed to use the fictitious business name Fresh  
5 Start Foundation.

6 4

7 At all times after August 23, 2012, FSF was and is licensed by the Department of  
8 as a mortgage loan originator. At no time prior to August 23, 2012, was FSF licensed as a  
9 mortgage loan originator.

10 5

11 At all times mentioned, Respondent AARON NEW (NEW) was and is licensed  
12 by the Department individually as a real estate broker. From on or about March 30, 2011,  
13 through May 21, 2012, NEW was licensed as the designated broker officer of FSF. As said  
14 designated officer-broker, NEW was responsible pursuant to Section 10159.2 of the Code for the  
15 supervision of the activities of the officers, agents, real estate licensees and employees of FSF for  
16 which a license is required.

17 6

18 At no time mentioned did NEW have a license endorsement issued by the  
19 Department authorizing him to act as a mortgage loan originator.

20 7

21 From on or about July 4, 2009, through February 26, 2012, Respondent  
22 ALEKSANDR VOROBETS (VOROBETS) was licensed by the Department as a real estate  
23 salesperson. From on or about July 20, 2009 through February 26, 2012, VOROBETS'  
24 salesperson license was affiliated under the brokerage of AKA New Inc.

25 8

26 As of February 27, 2007, VOROBETS was and is licensed by the Department  
27 individually as a real estate broker. From May 24, 2012, to present, VOROBETS was and is

1 licensed as the designated broker officer of FSF. As said designated officer-broker, VOROBETS  
2 was and is responsible pursuant to Section 10159.2 of the Code for the supervision of the  
3 activities of the officers, agents, real estate licensees and employees of FSF for which a license is  
4 required.

5 9

6 Beginning December 13, 2011, VOROBETS was and is licensed by the  
7 Department of as a mortgage loan originator.

8 10

9 Whenever reference is made in an allegation in this Accusation to an act or  
10 omission of FSF, such allegation shall be deemed to mean that the officers, directors, employees,  
11 agents and real estate licensees employed by or associated with FSF committed such acts or  
12 omissions while engaged in furtherance of the business or operation of FSF and while acting  
13 within the course and scope of their corporate authority and employment.

14 11

15 At all times mentioned Respondents engaged in the business of, acted in the  
16 capacity of, advertised or assumed to act as a real estate broker in the State of California within  
17 the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage  
18 loan brokerage business with the public wherein Respondents solicited lenders and borrowers for  
19 loans secured directly or collaterally by liens on real property or a business opportunity, and  
20 wherein such loans were arranged, negotiated, processed, and consummated on behalf of others  
21 for compensation or in expectation of a compensation.

22 FIRST CAUSE OF ACTION

23 12

24 Each and every allegation in Paragraphs 1 through 11, inclusive, is incorporated  
25 by this reference as if fully set forth herein.

26 ///

27 ///

Prior to August 23, 2012, FSF engaged in business as a mortgage loan originator as that term is defined by Section 10166.01(b)(1) (activities related to loan modifications) of the Code, which includes but is not limited to the conduct of mortgage loan modification activities, and failed to obtain and maintain a real estate license endorsement identifying that FSF is a licensed mortgage loan originator, in violation of Section 10166.02(b) (failure to obtain license endorsement) of the Code, including but not limited to the following:

Date of Agreement	Borrower	Property
02/11/11	Edward H.	1118 Campbell Street, Oakland
12/23/10	Carolina P.	7717 Renton Way, Sacramento
01/23/11	Loren and Janet S.	13848 Aurora Drive, San Leandro
08/05/11	Danilo B. and Amor R.	351 Morton Drive, Daly City
11/22/10	Darren T.	523 Viewmont Street, Benicia

On or about January 5, 2012, FSF failed to immediately notify the Real Estate Commissioner (Commissioner) in writing that real estate salesperson, VOROBETS, was employed by FSF as required by Section 10161.8 (salesperson employment) of the Code and Section 2752 (notice of change of broker) of the Regulations.

Prior to November 17, 2011, FSF operated its real estate business under the fictitious business name of "Fresh Start Foundation" without obtaining a license bearing said fictitious business name in violation of Section 10159.5 (fictitious name) of the Code and Section 2731 (use of fictitious name) of the Regulations.

The acts and/or omissions of FSF as alleged in the First Cause of Action constitute grounds for the suspension or revocation of all licenses and license rights of FSF,

1 pursuant to the following provisions of the Code and Regulations:

2 (a) As to Paragraph 13, under Sections 10166.051 (grounds for discipline-  
3 violation of license endorsement and notice requirements) and 10177(d) (willful disregard or  
4 violation of Real Estate Law) of the Code and in conjunction with Section 10166.02(b) (failure  
5 to obtain license endorsement) of the Code;

6 (b) As to Paragraph 14, under Sections 10177(d) (willful disregard or  
7 violation of Real Estate Law) in conjunction with Section 10161.8 (salesperson employment) of  
8 the Code and Section 2752 (notice of change of broker) of the Regulations; and

9 (c) As to Paragraph 15, under Sections 10177(d) (willful disregard or  
10 violation of Real Estate Law) in conjunction with Section 10159.5 (fictitious name) of the Code  
11 and Section 2731 (use of fictitious name) of the Regulations.

12 SECOND CAUSE OF ACTION

13 17

14 Each and every allegation in Paragraphs 1 through 16, inclusive, is incorporated  
15 by this reference as if fully set forth herein.

16 18

17 Respondents NEW and/or VOROBETS failed to exercise reasonable supervision  
18 over the acts of FSF in such a manner as to allow the acts and events described in the First Cause  
19 of Action to occur.

20 19

21 The acts and/or omissions of NEW and/or VOROBETS described in Paragraph 18  
22 constitute failure on the part of NEW and/or VOROBETS , as designated broker-officer for FSF,  
23 to exercise reasonable supervision and control over the licensed activities of FSF as required by  
24 Section 10159.2 of the Code.

25 20

26 The facts described above as to the Second Cause of Accusation constitute cause  
27 for the suspension or revocation of the licenses and license rights of Respondent NEW and/or

1 VOROBETS under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2  
2 of the Code in conjunction with Section 10177(d) of the Code.

3 COST RECOVERY

4 21

5 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
6 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
7 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
8 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
10 of this Accusation and that upon proof thereof, a decision be rendered imposing discipline on all  
11 licenses and license rights, including all license endorsements and license endorsement rights, of  
12 Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions  
13 Code), for the cost of the investigation and enforcement of this case as permitted by law, for the  
14 cost of the Department's audit as permitted by law, and for such other and further relief as may  
15 be proper under the provisions of law.

16   
17 TRICIA SOMMERS  
18 Deputy Real Estate Commissioner

19 Dated at Sacramento, California,

20 this 12<sup>th</sup> day of February, 2013.  
21 March

22 DISCOVERY DEMAND

23 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of  
24 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the  
25 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate  
26 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
27 Office of Administrative Hearings deems appropriate.