

FILED

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DEPARTMENT OF REAL ESTATE
BY: 

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 NORA YEFIMA,) No. H- 38709 LA
14) ACCUSATION
15 Respondent.)
16 _____)

17 The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the
18 State of California, for cause of Accusation against NORA YEFIMA, ("Respondent or
19 sometimes YEFIMA") is informed and alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the
22 State of California, makes this Accusation in her official capacity.

23 2.

24 At all times herein mentioned, Respondent was licensed and/or had license rights
25 under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions
26 Code).
27

28 ///

1 3.

2 All references to the "Code" are to the California Business and Professions Code
3 and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

4 4.

5 From October 14, 2008 to date, Respondent YEFIMA has been licensed as a real
6 estate salesperson, License No. 01853612. YEFIMA is the sole owner of REC Oshana Real
7 Estate & Escrow Inc., a real estate corporation, License No. 01898994. On October 22, 2012,
8 YEFIMA became non-broker affiliated.

9
10 FIRST CAUSE OF ACCUSATION

11 (Failure to Report Indictment)

12 5.

13 There is hereby incorporated in this First, separate Cause of Accusation, all of the
14 allegations contained in Paragraphs 1 through 4, above, with the same force and effect as if
15 herein fully set forth.

16 6.

17 Code Section 10186.2, subdivision (a)(1)(A), requires real estate licensees to
18 report to the Department any bringing of an indictment or information charging a felony against
19 the licensee. Said report must be made in writing within 30 days from the bringing of the
20 indictment under Code Section 10186.2(a)(2).

21 7.

22 On October 2, 2012, an indictment was filed before the United States District
23 Court for the Central District of California, in Case No. CR12-0960 against Respondent
24 YEFIMA, among others. Said indictment charged Respondent YEFIMA, with felony violations
25 of 18 U.S.C. § 1343 (wire fraud), and 18 U.S.C. § 2 (aiding and abetting an act to be done).

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27 ///

1 8.

2 Respondent YEFIMA's failure to report said indictment to the Department in
3 writing within 30 days of the bringing of the indictment, is in violation of Code
4 Sections 10186.2(a)(1)(A) and 10186.2(a)(2), which constitutes grounds to suspend or revoke
5 Respondent's license and license rights pursuant to Code Sections 10177, subdivision (d) and/or
6 10177, subdivision (g).

7
8 SECOND CAUSE OF ACCUSATION

9 (Short Sale Fraud)

10 9.

11 There is hereby incorporated in this Second, separate Cause of Accusation, all of
12 the allegations contained in Paragraphs 1 through 8 above, with the same force and effect as if
13 herein fully set forth.

14 10.

15 The Gould property short sale.

16
17 On or about July 25, 2011, Respondent YEFIMA, sole owner of REC Oshana
18 Real Estate & Escrow Inc. ("Oshana Escrow"), and its escrow officer for its broker-controlled,
19 in-house escrow, facilitated two fraudulent real estate transactions involving the real property
20 located at 4465 Gould Ave. in La Canada-Flintridge, California ("the Gould property").

21 11.

22 First YEFIMA opened or caused to open escrow #2020-MA at Oshana Escrow for
23 the purpose to obtaining a short sale from the Bank of America and second for the purpose of
24 refinancing the Gould property once the short sale obtained.

25 12.

26 On or around August 2011, YEFIMA prepared or caused to be prepared a
27 fraudulent short sale approval letter to be submitted to Provident Title. The letter represented
28

1 that Bank of America, the short sale lender for the Gould property, had agreed to reconvey two
2 loans totaling \$3,500,000 secured by the Gould property upon payment of \$250,000.

3
4 13.

5 Bank of America did not approve said short sale nor had knowledge thereof until
6 payoff funds in amount of were received by Provident Title.

7
8 14.

9 To facilitate the second part of her fraudulent scheme YEFIMA then opened
10 another escrow #2029-MA, at Oshana Escrow, namely to obtain refinance of the Gould property
11 by buyer Hamlet.B., now falsely free and clear of \$3,500,000 in mortgage debt. As a result of
12 YEFIMA's fraudulent designs, Bank of America was defrauded \$3,500,000, and private
13 refinance lender Lone Oak Fund LLC, \$1,500,000, totaling \$5,000,000 (five million dollars).

14 (Violations of the Real Estate Law)

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16 15.

17 The conduct of Respondent YEFIMA, as alleged and described in Paragraphs 9
18 through 14, above, violated the Code hereunder, as set forth below:

19 10176 subdivision (a) for substantial misrepresentations to the Bank of America
20 and Provident title.

21 10176 subdivision (b) for false promises of a character likely to influence,
22 persuade, or induce the Provident Title to clear title to the Gould property by removing its
23 \$3,500,000 indebtedness.

24 10176 subdivision (i) and/or 10177 subdivision (j) for fraud and dishonest dealing
25 in connection with the Gould sale transaction.

26 10176 subdivision (i) and/or 10177 subdivision (j) for concealment of material
27 facts in connection with the Gould sale transaction.

28 10137 Unlawful employment.

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THIRD CAUSE OF ACCUSATION

(Negligence)

16.

There is hereby incorporated in this Third, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 15, above, with the same force and effect as if herein fully set forth.

17.

The overall conduct of Respondent YEFIMA constitutes negligence or incompetence and is cause for discipline of the real estate license and license rights of Respondent YEFIMA pursuant to the provisions of Code Section 10177 subdivision (g).

FOURTH CAUSE OF ACCUSATION

(Fiduciary Duty)

18.

There is hereby incorporated in this Fourth, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 18, above, with the same force and effect as if herein fully set forth.

19.

The conduct, acts and omissions of Respondent YEFIMA constitutes a breach of fiduciary duty of good faith, trust, confidence and candor, within the scope of YEFIMA's' respective professional relationships, in violation of Code Section 10177(g) and constitutes cause for discipline of the real estate license and license rights of Respondent YEFIMA pursuant to the provisions of Code Section 10177 subdivision (g).

20.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner

1 may request the administrative law judge to direct a licensee found to have committed a violation
2 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
3 of the case.
4

5 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
6 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and/or license rights of Respondent NORA YEFIMA, under the Real
8 Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of
9 investigation and enforcement as permitted by law, and for such other and further relief as may
10 be proper under other provisions of law including restitution and costs of investigation and
11 enforcement.
12

13 Dated at Los Angeles, California

14 this 11 day of February 2013.

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16 ROBIN TRUJILLO
17 Deputy Real Estate Commissioner
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23

24 cc: Nora Yefima
25 Robin Trujillo
26 Sacto.
27 OAH
28 Adriana Cabassa