DEPARTMENT OF REAL ESTATE
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FILED

JUN 30 2009

DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: OLEG ARTISHUK	NO. H-5235 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of OLEG ARTISHUK (ARTISHUK). Based on that investigation, the Commissioner has determined that ARTISHUK has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (the Code) and/or Title 10, Chapter 6, California Code of Regulations (the Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

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Whenever acts referred to below are attributed to ARTISHUK, those acts are alleged to have been done by ARTISHUK, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names "2nd Chance Negotiations, Inc.", "Green Tree Lending", "New Leaf Lending", or other names or fictitious names unknown at this time (collectively referred to as "the related entities").

FINDINGS OF FACT

1. ARTISHUK has been licensed by the Department as a real estate salesperson until his license expired on May 10, 2009. He now has a right of late renewal of his salesperson's license until May 9, 2011.

2. During the period of time set out below, ARTISHUK, while employed by or acting on behalf of one or more of the related entities, solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect an advance fee for any of the services offered.

3. In approximately October 2008, ARTISHUK solicited Daniel and Caroline Billings (Billings) in order to provide loan modification services to Billings.

4. In furtherance of ARTISHUK's plan and scheme to provide loan modification services to Billings, ARTISHUK requested an advance fee of $3,581 from Billings. In reliance on ARTISHUK's representations, Billings authorized ARTISHUK to charge that amount to Billings' credit card, payable to 2nd Chance Negotiations, Inc.

5. After Billings delivered the check mentioned above to ARTISHUK, Billings did not obtain a successful and sustainable loan modification, obtain any other benefit from ARTISHUK, or from anyone connected in any way with ARTISHUK, or any of the related entities, or receive a refund of the amount Billings paid to 2nd Chance Negotiations, Inc.

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CONCLUSIONS OF LAW

6. Based on the findings of fact contained in paragraphs 1 through 5, ARTISHUK, acting by himself, or by and/or through one or more of the related entities, or other names or fictitious names unknown at this time, solicited borrowers and represented that he would perform services for those borrowers and/or the borrowers' lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, and prior submission by the broker of an advance fee agreement to the Department for its review.

7. ARTISHUK, acting by himself, or by and/or through one or more of the related entities, or other names or fictitious names unknown at this time failed to provide Billings with the services ARTISHUK represented to Billings that he, or the related entities, would perform.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, OLEG ARTISHUK, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from charging, demanding, or collecting advance fees, as that term in defined in Section 10026 of the Code, for any of the services you offer to others, in any form, and particularly with respect to loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that you have:

(1) An advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(2) Placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code; and

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(3) Provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations.

DATED: 6-26-09

JEFF DAVI
Real Estate Commissioner

By

BY: Barbara J. Bigby
Chief Deputy Commissioner

Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)."

cc: OLEG ARTISHUK
2742 WALNUT AVENUE
CARMICHAEL, CA 95608