

FILED

July 2, 2014

BUREAU OF REAL ESTATE



By _____

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

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12 In the Matter of the Accusation of)
13 LIDIA GRONSKY,)
14 Respondent.)

No. H-11733 SF
ACCUSATION

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16 The Complainant, ROBIN S. TANNER, acting in her capacity as a Deputy Real
17 Estate Commissioner of the State of California, for Accusation against LIDIA GRONSKY
18 (Respondent), is informed and alleges as follows:

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20 The Complainant makes this Accusation against Respondent in her official
21 capacity.

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23 At all times herein mentioned, Respondent was and is presently licensed and/or
24 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
25 Professions Code (the Code) as a real estate salesperson and at no time herein mentioned was
26 she licensed as a real estate broker.

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

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On or about January 30, 2013, Respondent met with Roman A. and Natalia Y. (Homeowners) and agreed to perform a loan modification for their residence commonly known as 2780 43rd Avenue, San Francisco, California (43rd Ave. Property).

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On or about January 30, 2013, Respondent solicited and Homeowners paid an advance fee of \$5,000.00 for loan modification services that Respondent promised to conduct.

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On or about January 30, 2013, Respondent represented to Homeowners that a trustee's sale was scheduled on February 4, 2013, for the 43rd Ave. Property. At no time on or before February 4, 2013, did Wells Fargo Bank have a third party representation consent form on file that would have allowed Respondent to speak on behalf of Homeowners.

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Respondent subsequently represented that she had stopped the trustee's sale that was allegedly scheduled for February 4, 2013. In fact, the trustee's sale was scheduled for April 4, 2013.

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In or around March 2013, Wells Fargo Bank advised Homeowners that the application for a loan modification that Respondent submitted was denied and that the April 4, 2013, trustee sale would not be delayed.

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In or around March 2013, Homeowners learned that the only documents submitted for a loan modification by Respondent included a dispute letter and a financial statement that had been previously prepared by another person.

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On or about March 21, 2013, Homeowners contacted the Office of Executive Complaints and was advised to submit their own application for a loan modification for the 43rd Ave. Property.

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On or about March 25, 2013, Homeowners submitted their own application for a loan modification, which was ultimately granted.

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On or about April 2, 2013, after Homeowners filed an online complaint with the Consumer Protection Bureau, the April 4, 2013, trustee sale for the 43rd Ave. Property was postponed.

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On or around December 2013, Homeowners requested a refund of the \$5,000.00 advance fee from Respondent. Respondent refused to pay them any money.

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On or about February 20, 2014, Homeowners sued Respondent in Small Claims Court in Contra Costa County, Case No. PSC14-0138, and won a judgment in the amount of \$5,065.00 against Respondent.

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As of the date of this pleading, Respondent has failed to pay any portion of the judgment referred to in Paragraph 12, above.

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The representations made by Respondent to Homeowners set out above were false, and Respondent knew they were false when she made those representations. The true facts were that Respondent knew there was no trustee's sale scheduled for February 4, 2013, that she did not stop a trustee sale, and that she had not submitted sufficient documentation for a loan modification. Respondent made these misrepresentations to fraudulently induce Homeowners to pay her the \$5,000.00 advance fee.

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The acts described above constitute violations of Sections 10085.5 (advance fees) and 10145 (trust fund handling), 10176(a) (substantial misrepresentation), 10176(b) (false promises to influence, persuade or induce) and 10176(i) (other conduct/ fraud, dishonest conduct) and are grounds for discipline under Sections 10176(a), 10176(b), 10176(i), 10177(d) (willful/disregard real estate law) or 10177(g) (negligence/incompetence real estate licensee) of the Code.

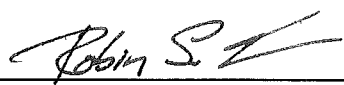
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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 18th day of June, 2014.