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FILED

MAR 15 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36471 LA
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))
BROCK JUSTIN WORTHEN,))
))
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))
))
Respondent.))
))

ORDER SUSPENDING REAL ESTATE LICENSE

To: BROCK JUSTIN WORTHEN
742 1/2 W. Doran St.
Glendale, CA 91203

Effective February 7, 2011, Respondent entered into a Stipulation and Agreement ("Stipulation") with the Department. Pursuant to the terms of the Stipulation Respondent's real estate broker license was restricted on terms and conditions including the requirement that Respondent take and pass continuing education requirements as set forth in the Real Estate

1 Commissioner's Decision in Case No. H-36471 LA. The Commissioner
2 has determined that Respondent has failed to satisfy this
3 condition.

4 NOW, THEREFORE, IT IS ORDERED that the real estate
5 broker license heretofore issued to Respondent and the exercise
6 of any privileges thereunder are hereby suspended until such time
7 as Respondent provides proof satisfactory to the Department of
8 having taken and passed continuing education requirements
9 referred to above or pending final determination made after
10 hearing (see "Hearing Rights" set forth below).

11 IT IS FURTHER ORDERED that all license certificates and
12 identification cards issued by the Department of Real Estate
13 which are in the possession of Respondent be immediately
14 surrendered by personal delivery or by mailing in the enclosed
15 self-addressed envelope to:

16 DEPARTMENT OF REAL ESTATE
17 Attention: Flag Section
18 Post Office Box 187000
19 Sacramento, CA 95818-7000

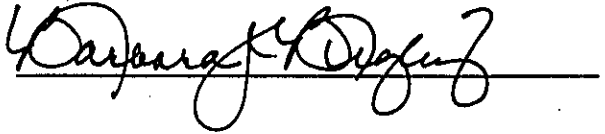
19 HEARING RIGHTS: you have the right to a hearing to
20 contest the Commissioner's determination that you are in
21 violation of the condition. If you desire a hearing, you must
22 submit a written request. The request may be in any form as long
23 as it is in writing and indicates that you want a hearing.
24 Unless a written request for a hearing, signed by or on behalf of
25 you, is delivered or mailed to the Department at 320 West Fourth
26 Street, Suite 350, Los Angeles, California 90013, within 20 days
27 after the date that this Order was mailed to or served on you,

1 the Department will not be obligated or required to provide you
2 with a hearing.

3 This Order shall be effective immediately.

4 DATED: 2/28/12

5 BARBARA J. BIGBY
6 Acting Real Estate Commissioner

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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED
JAN 18 2011
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-36471 LA
13 SPECTRUM CAPITAL SERVICES, INC.,) L-2010060233
14 MATHREW DEAN DUNAEV, and)
15 BROCK JUSTIN WORTHEN,) STIPULATION AND AGREEMENT
Respondents.)

16 It is hereby stipulated by and between BROCK JUSTIN
17 WORTHEN (sometimes referred to as "Respondent") and his attorney
18 of record, Mary E. Work, Esq., and the Complainant, acting
19 by and through Lissete Garcia, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and
21 disposing of the Accusation filed on February 25, 2010, in this
22 matter:

23 . 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the

1 Administrative Procedure Act ("APA"), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement ("Stipulation").

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation, filed by the Department of Real Estate in this
7 proceeding.

8 3. On March 10, 2010, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing such
18 as the right to present evidence in defense of the allegations
19 in the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to contest these factual allegations, but
24 to remain silent and understands that, as a result thereof,
25 these factual statements, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate
27 Commissioner shall not be required to provide further evidence

1 to prove such allegations.

2 5. This Stipulation and Respondent's decision not to
3 contest the Accusation are made for the purpose of reaching an
4 agreed disposition of this proceeding and are expressly limited
5 to this proceeding and any other proceeding or case in which the
6 Department of Real Estate ("Department"), or another licensing
7 agency of this state, another state or if the federal government
8 is involved and otherwise shall not be admissible in any other
9 criminal or civil proceedings.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation as his decision in
12 this matter thereby imposing the penalty and sanctions on
13 Respondent's real estate license and license rights as set forth
14 in the below "Order". In the event that the Commissioner in his
15 discretion does not adopt the Stipulation, the Stipulation shall
16 be void and of no effect, and Respondent shall retain the right
17 to a hearing on the Accusation under all the provisions of the
18 APA and shall not be bound by any stipulation or waiver made
19 herein.

20 7. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department of Real
24 Estate with respect to any conduct which was not specifically
25 alleged to be causes for accusation in this proceeding.

26 DETERMINATION OF ISSUES

27 By reason of the foregoing stipulations and waivers and

1 solely for the purpose of settlement of the pending Accusation
2 without a hearing, it is stipulated and agreed that the following
3 determination of issues shall be made:

4 The conduct, acts and/or omissions of Respondent
5 BROCK JUSTIN WORTHEN, as set forth in the Accusation, constitutes
6 cause for the suspension or revocation of all the real estate
7 licenses and license rights of Respondent BROCK JUSTIN WORTHEN
8 under the provisions of Section 10177(d) of the Business and
9 Professions Code ("Code") for violations of Code Sections 10130,
10 10137, 10176(a) and 10176(i).

11 ORDER

12 WHEREFORE THE FOLLOWING ORDER is hereby made:

13 All licenses and licensing rights of Respondent BROCK
14 JUSTIN WORTHEN, under the Real Estate Law are hereby revoked;
15 provided, however, a restricted real estate salesperson license
16 shall be issued to Respondent pursuant to Section 10156.5 of the
17 Business and Professions Code if Respondent makes application
18 therefor and pays to the Department of Real Estate the
19 appropriate fee for said license within ninety (90) days from
20 the effective date of this Decision. The restricted license

21 issued to Respondent shall be subject to all of the provisions
22 of Section 10156.7 of the Business and Professions Code and to
23 the following limitations, conditions and restrictions imposed
24 under authority of Section 10156.6 of that Code:

25 1. Any restricted license issued to Respondent shall
26 be suspended for one hundred eighty (180) days from the date of
27 issuance of said restricted license, provided, however, if

1 Respondent petitions, the last sixty (60) days of said
2 suspension shall be stayed for two (2) years upon condition
3 that:

4 a. Respondent pays a monetary penalty pursuant to
5 Section 10175.2 of the Business and Professions Code at the rate
6 of \$166.66 per day for each day of the suspension for a total
7 monetary penalty of \$10,000.

8 b. Said payment shall be in the form of a cashier's
9 check or certified check made payable to the Recovery Account of
10 the Real Estate Fund. Said check must be received by the
11 Department no later than one hundred twenty (120) days from the
12 effective date of the Decision in this matter.

13 c. No further cause for disciplinary action against
14 the real estate license of Respondent occurs within two (2)
15 years from the effective date of the Decision in this matter.

16 d. If Respondent fails to pay the monetary penalty in
17 accordance with the terms of the Decision, the Commissioner may,
18 without a hearing, order the immediate execution of all or party
19 of the stayed suspension, in which event the Respondent shall
20 not be entitled to any repayment nor credit, prorated or
21 otherwise, for money paid to the Department under the terms of
22 this Decision.

23 e. If Respondent pays the monetary penalty and if no
24 further cause for disciplinary action against the real estate
25 license of Respondent occurs within two (2) years from the
26 effective date of the Decision, the stay hereby granted shall
27 become permanent.

1 2. The restricted license issued to Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea
4 of nolo contendere to a crime which is substantially related
5 to Respondent's fitness or capacity as a real estate licensee.

6 3. The restricted license may be suspended prior to
7 hearing by Order of the Real Estate Commissioner on evidence
8 satisfactory to the Commissioner that Respondent has violated
9 provisions of the California Real Estate Law, the Subdivided
10 Lands Law, Regulations of the Real Estate Commissioner or
11 conditions attaching to said restricted license.

12 4. Respondent shall not be eligible for the issuance
13 of an unrestricted real estate license nor for the removal of
14 any of the conditions, limitations or restrictions of the
15 restricted license until at least two (2) years have elapsed
16 from the effective date of this Decision.

17 5. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker on a form approved by
21 the Department of Real Estate which shall certify:

22 (a) That the employing broker has read the Decision
23 of the Commissioner which granted the right to a restricted
24 license; and

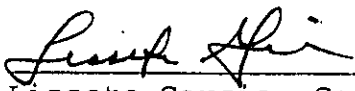
25 (b) That the employing broker will exercise close
26 supervision over the performance by the restricted licensee
27

1 relating to activities for which a real estate license is
2 required.

3 6. Respondent shall, within nine (9) months from the
4 effective date of this Decision, present evidence satisfactory
5 to the Real Estate Commissioner that Respondent has, since the
6 most recent issuance of an original or renewal real estate
7 license, taken and successfully completed the continuing
8 education requirements of Article 2.5 of Chapter 3 of the Real
9 Estate Law for renewal of a real estate license. If Respondent
10 fails to satisfy this condition, the Commissioner may order the
11 suspension of the restricted license until the Respondent
12 presents such evidence. The Commissioner shall afford
13 Respondent the opportunity for a hearing pursuant to the APA to
14 present such evidence.

15 7. Respondent shall within six (6) months from the
16 effective date of this Decision, take and pass the Professional
17 Responsibility Examination administered by the Department
18 including the payment of the appropriate examination fee. If
19 Respondent fails to satisfy this condition, the Commissioner may
20 order suspension of Respondent's license until Respondent passes
21 the examination.

22 DATED: 11/29/10


Lissete Garcia, Counsel for
Department of Real Estate

23 * * *

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25
26 I have read the Stipulation and Agreement, have
27 discussed it with my counsel, and its terms are understood by me

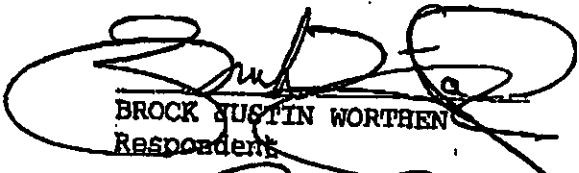
1 and are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act (including but not limited to Sections 11506,
4 11508, 11509 and 11513 of the Government Code), and I willingly,
5 intelligently and voluntarily waive those rights, including the
6 right of requiring the Commissioner to prove the allegations in
7 the Accusation at a hearing at which I would have the right to
8 cross-examine witnesses against me and to present evidence in
9 defense and mitigation of the charges.

10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Agreement by faxing
12 a copy of the signature page, as actually signed by Respondent,
13 to the Department at the following telephone/fax number: (213)
14 576-6917. Respondent agrees, acknowledges and understands that
15 by electronically sending to the Department a fax copy of his
16 actual signature as it appears on the Stipulation and Agreement,
17 that receipt of the faxed copy by the Department shall be as
18 binding on Respondent as if the Department had received the
19 original signed Stipulation and Agreement.
20

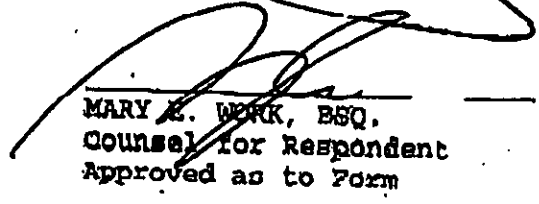
21 Further, if the Respondent is represented by counsel,
22 the Respondent's counsel can signify her agreement to the terms
23 and conditions of the Stipulation and Agreement by submitting
24 that signature via fax. The Commissioner has asked that
25 counsel's signature be under penalty of perjury that she will
26 concurrently or within 24 hours of obtaining Respondent's
27 signature to the agreement by depositing in the mail the original

1 stipulation containing the original signatures of both the
2 Respondent and Respondent's counsel.

3 DATED: 11-17-10


BROCK JUSTIN WORTHEN
Respondent

5
6 DATED: 11/18/10


MARY E. WORK, ESQ.
Counsel for Respondent
Approved as to Form

9 * * *
10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and Order in this matter, and shall become
12 effective at 12 o'clock noon on _____

13 IT IS SO ORDERED _____, 2010.

14
15 JEFF DAVI
16 Real Estate Commissioner
17
18 _____
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1 stipulation containing the original signatures of both the
2 Respondent and Respondent's counsel.

3 DATED: _____

4 _____
5 BROCK JUSTIN WORTHEN
6 Respondent

7 DATED: _____

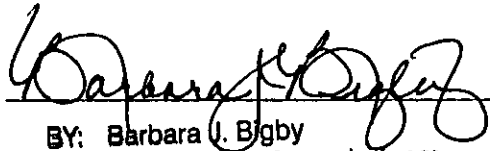
8 _____
9 MARY E. WORK, ESQ.
10 Counsel for Respondent
11 Approved as to Form

12 * * *

13 The foregoing Stipulation and Agreement is hereby
14 adopted as my Decision and Order in this matter, and shall become
15 effective at 12 o'clock noon on February 7, 2011.

16 IT IS SO ORDERED 1/24, 2011

17 JEFF DAVI
18 Real Estate Commissioner

19 
20 BY: Barbara J. Bigby
21 Chief Deputy Commissioner
22
23
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1 Department of Real Estate
2 320 West 4th Street, Room 350
3 Los Angeles, California 90013

FILED
JAN 18 2011
DEPARTMENT OF REAL ESTATE

By

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-36471 LA
13 SPECTRUM CAPITAL SERVICES, INC.,) L-2010060233
14 MATHEW DEAN DUNAEV, and)
15 BROCK JUSTIN WORTHEN,) STIPULATION AND AGREEMENT
16)
17 Respondents.)

18 It is hereby stipulated by and between MATHEW DEAN
19 DUNAEV (sometimes referred to as "Respondent") and his attorney
20 of record, Dmitry Y. Gurovic, and the Complainant, acting by and
21 through Lissete Garcia, Counsel for the Department of Real
22 Estate, as follows for the purpose of settling and disposing of
23 the Accusation filed on February 25, 2010, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative
28 Procedure Act (APA), shall instead and in place
thereof be submitted solely on the basis of the provisions of

1 this Stipulation and Agreement.

2 2. Respondent MATHEW DEAN DUNAEV has received, read
3 and understands the Statement to Respondent, the Discovery
4 Provisions of the APA and the Accusation filed by the Department
5 of Real Estate in this proceeding.

6
7 3. On March 4, 2010, Respondent MATHEW DEAN DUNAEV
8 filed a Notice of Defense pursuant to Section 11506 of the
9 Government Code for the purpose of requesting a hearing on the
10 allegations in the Accusation. Respondent MATHEW DEAN DUNAEV
11 hereby freely and voluntarily withdraws said Notice of Defense.
12 Respondent MATHEW DEAN DUNAEV acknowledges that he understands
13 that by withdrawing said Notice of Defense he will thereby waive
14 his right to require the Commissioner to prove the allegations
15 in the Accusation at a contested hearing held in accordance with
16 the provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing such as the right
18 to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.
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22 4. Respondent MATHEW DEAN DUNAEV, pursuant to the
23 limitations set forth below, hereby admits that the
24 determination of issues, as set forth below, are true and
25 correct and the Real Estate Commissioner shall not be required
26 to provide further evidence of such allegations.
27

28 5. It is understood by the parties that the Real

1 Estate Commissioner may adopt the Stipulation and Agreement as
2 his Decision in this matter, thereby imposing the penalty and
3 sanctions on Respondent's real estate license and license rights
4 as set forth in the below "Order". In the event that the
5 Commissioner in his discretion does not adopt the Stipulation
6 and Agreement, it shall be void and of no effect, and Respondent
7 shall retain the right to a hearing and proceeding on the
8 Accusation under all the provisions of the APA and shall not be
9 bound by any admission or waiver made herein.
10

11 6. The Order or any subsequent Order of the Real
12 Estate Commissioner made pursuant to this Stipulation and
13 Agreement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding.
18
19

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions
22 and waivers and solely for the purpose of settlement of the
23 pending Accusation without a hearing, it is stipulated and
24 agreed that, as set forth in the Accusation, the following
25 determination of issues shall be made:
26

27 1. From on or about June 28, 2008, until May 11,
28 2009, Respondent SPECTRUM CAPITAL SERVICES, INC. was authorized

1 to act by and through Respondent MATHEW DEAN DUNAEV as its
2 broker designated pursuant to Code Section 10159.2 to be
3 responsible for ensuring compliance with the Real Estate Law.
4 Respondent MATHEW DEAN DUNAEV cancelled his designation as
5 officer-broker of Respondent SPECTRUM CAPITAL SERVICES, INC. on
6 or about May 11, 2009.
7

8 2. At all times herein mentioned, Respondent MATHEW
9 DEAN DUNAEV, for or in expectation of compensation, engaged in
10 the business of, acted in the capacity of, advertised or assumed
11 to act as a real estate broker for others in the State of
12 California within the meaning of Section 10131 of the Code,
13 including, but not limited to, soliciting and representing
14 borrowers in negotiating and obtaining mortgage loans and
15 offering to sell, buy, or solicit prospective purchasers of real
16 property.
17

18 3. At no time mentioned was Wealth Architecture
19 Group, LLC, licensed by the Department in any capacity. Wealth
20 Architecture Group, LLC, ("WAG") is incorporated as a limited
21 liability corporation in California.
22

23 4. WAG and SPECTRUM CAPITAL SERVICES, INC. shared the
24 same business address: 12001 Ventura Place, Suite 200, Studio
25 City, California 91604. WAG advertised itself as a "real estate
26 investment consulting firm." WAG solicited people with good
27 credit to "invest" by purchasing real estate properties around
28

1 the country and promising the investors a rate of return on said
2 properties which are supposedly being sold at below market
3 prices. The investors were sometimes unaware that the
4 properties were appraised at values much higher than they were
5 truly worth. For compensation, WAG arranged with the real
6 estate developer to solicit people to buy the properties. WAG
7 and Respondent MATHEW DEAN DUNAEV, and Premier Capital Finance,
8 through their agents, employees and/or unlicensed independent
9 contractors, solicited the purchase or sale of real properties
10 and/or negotiated the terms or performed services for the
11 investors/borrowers for the purchase of the properties within
12 the meaning of Section 10131 of the Code.
13
14

15 5. On or about July, 2008, WAG entered into an
16 agreement with real estate developer Baldwin Lincoln
17 Development, LLC, to market and sell residential condominiums
18 located at 3711 Baldwin Street, Los Angeles, California 90031,
19 also known as the "City View Garden" project ("Baldwin Street
20 Condominiums"). WAG received a commission, which WAG labeled as
21 "marketing fees" for performing real estate sales activities
22 without a license. WAG employed or compensated independent
23 contractors who were not licensed by the Department to help
24 procure buyers for the Baldwin Street Condominiums. These
25 unlicensed individuals included, but were not limited to, Namba,
26 Ruby Gaeta, Michael Thomas, Michelle Archer, Erin Gilbert,
27
28

1 Nadine Rocha and Cristina Franco. Said unlicensed individuals
2 received compensation for furthering the Baldwin Street
3 Condominiums scheme.

4 6. Respondent MATHEW DEAN DUNAEV and DUNAEV's dba
5 Premier Capital Finance submitted, or caused loan applications
6 to be submitted, to lenders which contained false information
7 and misrepresentations about, among other things, the sources of
8 the borrower's deposits (which often came from WAG), the
9 borrower's true address and income, and that the borrower
10 intended to occupy the property as their primary residence.
11 Respondent MATHEW DEAN DUNAEV collected mortgage loan broker
12 commissions for the purchase of some of the condominiums.
13
14

15 a. In July, 2008 and August, 2008, Respondent MATHEW
16 DEAN DUNAEV, working through SPECTRUM and Premier Capital
17 Finance, submitted two separate loan applications to two
18 different lenders for Alice Shing, aka Alice Ching, for the
19 purchase of two Baldwin Street Condominiums located at 3711
20 Baldwin Street, Unit #701, Los Angeles, California 90031, and
21 3711 Baldwin Street, Unit #707, Los Angeles, California 90031.
22 The loan applications both stated that Alice Shing intended to
23 live at each of the properties as her primary residence. One of
24 the loan applications also listed Alice Shing's address as 12001
25 Ventura Place, #200, Studio City, California 91604, which is WAG
26 and SPECTRUM's business address.
27
28

1 however, a restricted real estate salesperson license shall be
2 issued to Respondent pursuant to Section 10156.5 of the Business
3 and Professions Code if Respondent makes application therefor
4 and pays to the Department of Real Estate the appropriate fee
5 for the restricted license within 90 days from the effective
6 date of this Decision. The restricted license issued to
7
8 Respondent shall be subject to all of the provisions of Section
9 10156.7 of the Business and Professions Code and to the
10 following limitations, conditions and restrictions imposed under
11 authority of Section 10156.6 of that Code:

12
13 1. The restricted license issued to Respondent may be
14 suspended prior to hearing by Order of the Real Estate
15 Commissioner in the event of Respondent's conviction or plea of
16 nolo contendere to a crime which is substantially related to
17 Respondent's fitness or capacity as a real estate licensee.

18
19 2. The restricted license issued to Respondent may be
20 suspended prior to hearing by Order of the Real Estate
21 Commissioner on evidence satisfactory to the Commissioner that
22 Respondent has violated provisions of the California Real Estate
23 Law, the Subdivided Lands Law, Regulations of the Real Estate
24 Commissioner, or conditions attaching to the restricted license.

25
26 3. Respondent shall not be eligible to apply for the
27 issuance of an unrestricted real estate salesperson or broker
28 license nor for the removal of any of the conditions,

1 limitations or restrictions of a restricted license until two
2 (2) years have elapsed from the effective date of this Decision.

3 4. Respondent shall submit with any application for
4 license under an employing broker, or any application for
5 transfer to a new employing broker, a statement signed by the
6 prospective employing real estate broker on a form approved by
7 the Department of Real Estate which shall certify:
8

9 (a) That the employing broker has read the Decision
10 of the Commissioner which granted the right to a restricted
11 license; and

12 (b) That the employing broker will exercise close
13 supervision over the performance by the restricted licensee
14 relating to activities for which a real estate license is
15 required.
16

17 5. Respondent shall, within nine months from the
18 effective date of this Decision, present evidence satisfactory
19 to the Real Estate Commissioner that Respondent has, since the
20 most recent issuance of an original or renewal real estate
21 license, taken and successfully completed the continuing
22 education requirements of Article 2.5 of Chapter 3 of the Real
23 Estate Law for renewal of a real estate license. If Respondent
24 fails to satisfy this condition, the Commissioner may order the
25 suspension of the restricted license until the Respondent
26 presents such evidence. The Commissioner shall afford
27
28

1 Respondent the opportunity for a hearing pursuant to the
2 Administrative Procedure Act to present such evidence.

3
4 DATED: 11/29/10 *Lisette Garcia*
5 LISSETE GARCIA
6 Counsel for Complainant

7 * * *

8 I have read the Stipulation and Agreement, have
9 discussed it with my counsel, and its terms are understood by me
10 and are agreeable and acceptable to me. I understand that I am
11 waiving rights given to me by the California Administrative
12 Procedure Act (including but not limited to Sections 11506,
13 11508, 11509 and 11513 of the Government Code), and I willingly,
14 intelligently and voluntarily waive those rights, including the
15 right of requiring the Commissioner to prove the allegations in
16 the Accusation at a hearing at which I would have the right to
17 cross-examine witnesses against me and to present evidence in
18 defense and mitigation of the charges.
19
20

21 Respondent can signify acceptance and approval of the
22 terms and conditions of this Stipulation and Agreement by faxing
23 a copy of the signature page, as actually signed by Respondent,
24 to the Department at the following fax number: (213) 576-6914.
25 Respondent agrees, acknowledges and understands that by
26 electronically sending to the Department a fax copy of his
27 actual signature as it appears on the Stipulation and Agreement,
28


1 that receipt of the faxed copy by the Department shall be as
2 binding on Respondent as if the Department had received the
3 original signed Stipulation and Agreement.

4 Further, if the Respondent is represented by counsel,
5 the Respondent's counsel can signify his agreement to the terms
6 and conditions of the Stipulation and Agreement by submitting
7 that signature via fax. The Commissioner has asked that
8 counsel's signature be under penalty of perjury that he will
9 concurrently or within 24 hours of obtaining Respondent's
10 signature to the agreement by depositing in the mail the
11 original stipulation containing the original signatures of both
12 the Respondent and Respondent's counsel.

13 DATED: 11/5/10


MATTHEW DEAN DUNAEV
Respondent

14
15
16
17 DATED: "


MATTHEW T. GIROVICH
Respondent's Counsel
Approved as to Form and Content

18
19
20
21 The foregoing stipulation and Agreement is hereby
22 adopted as my Decision in this matter and shall become effective
23 at 12 o'clock noon on _____

24
25 IT IS SO ORDERED _____, 2010.

26
27 JEFF DAVI
Real Estate Commissioner

28 _____

1 that receipt of the faxed copy by the Department shall be as
2 binding on Respondent as if the Department had received the
3 original signed Stipulation and Agreement.

4 Further, if the Respondent is represented by counsel,
5 the Respondent's counsel can signify his agreement to the terms
6 and conditions of the Stipulation and Agreement by submitting
7 that signature via fax. The Commissioner has asked that
8 counsel's signature be under penalty of perjury that he will
9 concurrently or within 24 hours of obtaining Respondent's
10 signature to the agreement by depositing in the mail the
11 original stipulation containing the original signatures of both
12 the Respondent and Respondent's counsel.
13

14 DATED: _____

MATHEW DEAN DUNAEV
Respondent

17 DATED: _____

DMITRY Y. GUROVICH
Respondent's Counsel
Approved as to Form and Content

21 The foregoing Stipulation and Agreement is hereby
22 adopted as my Decision in this matter and shall become effective
23 at 12 o'clock noon on February 7, 2011.

24 IT IS SO ORDERED _____, ²⁰¹¹~~2010~~

26 JEFF DAVI
Real Estate Commissioner

27 
28 BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By _____

* * * *

In the Matter of the Accusation of)	
)	NO. H-36471 LA
<u>SPECTRUM CAPITAL SERVICES, INC.,</u>)	
<u>MATHEW DEAN DUNAEV, and</u>)	
<u>BROCK JUSTIN WORTHEN,</u>)	
)	
Respondents.)	
)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 26, 2010, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On February 24, 2010, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent SPECTRUM CAPITAL SERVICES, INC.'s last known mailing address on file with the Department on February 25, 2010.

On May 26, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent SPECTRUM CAPITAL SERVICES, INC.'s default was entered herein.

2.

Respondent SPECTRUM CAPITAL SERVICES, INC. ("SPECTRUM") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate corporation. Respondent was originally licensed by the Department of Real Estate ("Department") on or about December 20, 2007. From on or about June 28, 2008, until May 11, 2009, Respondent SPECTRUM was authorized to act by and through Respondent Mathew Dean Dunaev as its broker designated pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Respondent Mathew Dean Dunaev cancelled his designation as officer-broker of Respondent SPECTRUM on or about May 11, 2009.

3.

At all times herein mentioned, Respondent Mathew Dean Dunaev was and is licensed and/or has license rights under the Code as a real estate broker.

4.

At all times herein mentioned, Respondent Brock Justin Worthen was and is licensed and/or has license rights under the Code as a real estate salesperson. Respondent Brock Justin Worthen was first licensed as a real estate salesperson on or about February 4, 2003. Respondent Brock Justin Worthen was not licensed to do business activity under the employ of any broker from October 1, 2007, to July 29, 2009.

5.

At all times herein mentioned, Respondent SPECTRUM, for or in expectation of compensation, engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker for others in the State of California within the meaning of Section 10131 of the Code, including, but not limited to, soliciting and representing borrowers in negotiating and obtaining mortgage loans and offering to sell, buy, or solicit prospective purchasers of real property.

6.

At no time mentioned was Wealth Architecture Group, LLC, licensed by the Department in any capacity. Wealth

Architecture Group, LLC, ("WAG") is incorporated as a limited liability corporation in California. WAG's corporate officers are Respondent Brock Justin Worthen and Ryan Oliver Namba ("Namba"). At all times relevant herein, Respondent Brock Justin Worthen and Namba have owned or controlled more than 10% of WAG's stock. Respondent Brock Justin Worthen is listed as the corporate Member Manager of WAG and as its agent for service of process on the Secretary of State of California's Statement of Information for WAG. Namba is listed as a corporate Manager of WAG on the Secretary of State of California's Statement of Information for WAG.

7.

From April 2, 2004, until April 1, 2008, Namba was licensed under the Code as a real estate salesperson. Namba was licensed under the employ of broker, Investment Finders of America, Inc.

8.

WAG and SPECTRUM share the same business address: 12001 Ventura Place, Suite 200, Studio City, California 91604. WAG advertises itself as a "real estate investment consulting firm." WAG solicits people with good credit to "invest" by purchasing real estate properties around the country and promising the investors a rate of return on said properties which are supposedly being sold at below market prices. The investors are sometimes unaware that the properties are appraised at values much higher than they are truly worth. For compensation, WAG arranges with the real estate developer to solicit people to buy the properties. WAG and Respondents SPECTRUM, Mathew Dean Dunaev, and Premier Capital Finance, through their agents, employees and/or unlicensed independent contractors, solicited the purchase or sale of real properties and/or negotiated the terms or performed services for the investors/borrowers for the purchase of the properties within the meaning of Section 10131 of the Code.

9.

On or about July, 2008, WAG entered into an agreement with real estate developer Baldwin Lincoln Development, LLC, to market and sell residential condominiums located at 3711 Baldwin Street, Los Angeles, California 90031, also known as the "City View Garden" project ("Baldwin Street Condominiums"). WAG received a commission, which WAG labeled as "marketing fees" for

performing real estate sales activities without a license. WAG employed or compensated independent contractors who were not licensed by the Department to help procure buyers for the Baldwin Street Condominiums. These unlicensed individuals included, but were not limited to, Namba, Ruby Gaeta, Michael Thomas, Michelle Archer, Erin Gilbert, Nadine Rocha and Cristina Franco. Said unlicensed individuals received compensation from Respondents for furthering the Baldwin Street Condominiums scheme in violation of Sections 10130 and 10137 of the Code.

10.

Respondents SPECTRUM and Mathew Dean Dunaev performed services for some of the buyers of the Baldwin Condominiums. Respondents SPECTRUM, Mathew Dean Dunaev and Mathew Dean Dunaev's dba Premier Capital Finance submitted or caused loan applications to be submitted to lenders which contained false information and misrepresentations about, among other things, the sources of the borrower's deposits (which often came from WAG), the borrower's true address and income, and that the borrower intended to occupy the property as their primary residence. These misrepresentations were intended to defraud lenders and resulted in substantial losses with some of the properties ultimately going into foreclosure. WAG, Namba, and Respondent Brock Justin Worthen received compensation for the sale of each Baldwin Street condominium and Respondents SPECTRUM and Mathew Dean Dunaev also collected mortgage loan broker commissions for the purchase of some of the condominiums.

a. In July, 2008 and August, 2008, Respondent Mathew Dean Dunaev, working through SPECTRUM and Premier Capital Finance, submitted two separate loan applications to two different lenders for Alice Shing, aka Alice Ching, for the purchase of two Baldwin Street Condominiums located at 3711 Baldwin Street, Unit #701, Los Angeles, California 90031, and 3711 Baldwin Street, Unit #707, Los Angeles, California 90031. The loan applications both stated that Alice Shing intended to live at each of the properties as her primary residence. One of the loan applications also listed Alice Shing's address as 12001 Ventura Place, #200, Studio City, California 91604, which is WAG and SPECTRUM's business address.

b. Respondent Brock Justin Worthen, WAG, Michael Thomas, and Cristina Franco each withdrew funds from their Wells Fargo checking accounts which were used

for the benefit of different borrowers, including Alice Shing, for the purchase of Baldwin Street Condominiums. Loan applications submitted by Respondents SPECTRUM and Mathew Dean Dunaev contained misrepresentations about the source of funds that the borrower's placed in escrow as a deposit for the purchase of the property.

c. WAG received commissions of as much as 41% of the sale proceeds for the Baldwin Street Condominiums.

d. Ruby Gaeta received commissions from escrow labeled as "independent consulting fees" for soliciting prospective purchasers of Baldwin Street Condominiums on behalf of WAG and SPECTRUM.

e. WAG paid some investors/borrowers who purchased Baldwin Street Condominiums an "inducement" that was not disclosed to their lender(s).

f. WAG is owned and operated by managing partners Namba and Brock Justin Worthen. Michael Thomas is listed as WAG's Director of National Accounts. Erin Gilbert served as WAG's client services representative. Michelle Archer, Nadine Rocha, and Cristina Franco, were each employed, compensated, or participated in furthering WAG, SPECTRUM, and Premier Capital Finance's acts as set forth in Paragraph 10 above.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent SPECTRUM CAPITAL SERVICES, INC. exists pursuant to Business and Professions Code Sections 10176(a), 10176(i), and 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

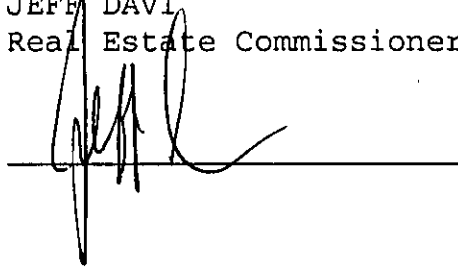
ORDER

The licenses and license rights of Respondent SPECTRUM CAPITAL SERVICES, INC.'s under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon July 19, 2010.

DATED: _____ 6/23, 2010.

JEFF DAVIS
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davis', is written over a horizontal line.

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

FILED
MAY 26 2010
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12) NO. H-36471 LA
13 SPECTRUM CAPITAL SERVICES, INC.,)
14 MATHew DEAN DUNAEV, and) DEFAULT ORDER
15 BROCK JUSTIN WORTHEN,)
16 Respondents.)

17 Respondent, SPECTRUM CAPITAL SERVICES, INC., having
18 failed to file a Notice of Defense within the time required by
19 Section 11506 of the Government Code, is now in default. It is,
20 therefore, ordered that a default be entered on the record in
21 this matter.

22 IT IS SO ORDERED May 26, 2010

23 JEFF DAVI
24 Real Estate Commissioner

25 *[Signature]*
26 By: DOLORES WEEKS
27 Regional Manager

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2.

At all times herein mentioned, Respondent SPECTRUM was and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) ("Code") as a corporate real estate broker. Respondent was originally licensed by the Department of Real Estate ("Department") on or about December 20, 2007. From on or about June 28, 2008, until May 11, 2009, Respondent SPECTRUM was authorized to act by and through Respondent DUNAEV as its broker designated pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Respondent DUNAEV cancelled his designation as officer-broker of Respondent SPECTRUM on or about May 11, 2009.

3.

At all times herein mentioned, Respondent DUNAEV was and is licensed and/or has license rights under the Code as a real estate broker. Respondent DUNAEV was first licensed as a real estate broker on or about April 17, 2006. Respondent DUNAEV is also doing business as Premier Capital Finance aka "PMAC".

4.

At all times herein mentioned, Respondent WORTHEN was and is licensed and/or has license rights under the Code as a real estate salesperson. Respondent WORTHEN was first licensed as a real estate salesperson on or about February 4, 2003. Respondent WORTHEN was licensed under the employ of broker, Forward Sunset, Inc. from October 3, 2003, until October 1, 2007. Respondent WORTHEN has been licensed under the employ of

1 broker, LF Assoc Inc. since July 29, 2009. Respondent WORTHEN
2 was not licensed to do business activity under the employ of any
3 broker from October 1, 2007, to July 29, 2009.

4 5.

5 At all times herein mentioned, Respondents, for or in
6 expectation of compensation, engaged in the business of, acted
7 in the capacity of, advertised or assumed to act as real estate
8 brokers for others in the State of California within the meaning
9 of Section 10131 of the Code, including, but not limited to,
10 soliciting and representing borrowers in negotiating and
11 obtaining mortgage loans and offering to sell, buy, or solicit
12 prospective purchasers of real property.

13 FIRST CAUSE OF ACCUSATION
14 (Making Any Substantial Misrepresentation)

15 6.

16 Complainant hereby incorporates by reference the
17 allegations set forth in Paragraphs 1 through 5 above.

18 7.

19 At no time mentioned was Wealth Architecture Group,
20 LLC, licensed by the Department in any capacity. Wealth
21 Architecture Group, LLC, ("WAG") is incorporated as a limited
22 liability corporation in California. WAG's corporate officers
23 are Respondent WORTHEN and Ryan Oliver Namba ("Namba"). At all
24 times relevant herein, Respondent WORTHEN and Namba have owned
25 or controlled more than 10% of WAG's stock. Respondent WORTHEN
26 is listed as the corporate Member Manager of WAG and as its
27 agent for service of process on the Secretary of State of
28 California's Statement of Information for WAG. Namba is listed

1 as a corporate Manager of WAG on the Secretary of State of
2 California's Statement of Information for WAG.

3 8.

4 From April 2, 2004, until April 1, 2008, Namba was
5 licensed under the Code as a real estate salesperson. Namba was
6 licensed under the employ of broker, Investment Finders of
7 America, Inc. Namba has renewal rights until April 1, 2010,
8 under Section 10201 of the Code. The Department retains
9 jurisdiction pursuant Code Section 10103.

10 9.

11 WAG and SPECTRUM share the same business address:
12 12001 Ventura Place, Suite 200, Studio City, California 91604.
13 WAG advertises itself as a "real estate investment consulting
14 firm." WAG solicits people with good credit to "invest" by
15 purchasing real estate properties around the country and
16 promising the investors a rate of return on said properties
17 which are supposedly being sold at below market prices. The
18 investors are sometimes unaware that the properties are
19 appraised at values much higher than they are truly worth. For
20 compensation, WAG arranges with the real estate developer to
21 solicit people to buy the properties. WAG and Respondents
22 SPECTRUM, DUNAEV, and Premier Capital Finance, through their
23 agents, employees and/or unlicensed independent contractors,
24 solicited the purchase or sale of real properties and/or
25 negotiated the terms or performed services for the
26 investors/borrowers for the purchase of the properties within
27 the meaning of Section 10131 of the Code.

28 ///

10.

1
2 On or about July, 2008, WAG entered into an agreement
3 with real estate developer Baldwin Lincoln Development, LLC, to
4 market and sell residential condominiums located at 3711 Baldwin
5 Street, Los Angeles, California 90031, also known as the "City
6 View Garden" project ("Baldwin Street Condominiums"). WAG
7 received a commission, which WAG labeled as "marketing fees" for
8 performing real estate sales activities without a license. WAG
9 employed or compensated independent contractors who were not
10 licensed by the Department to help procure buyers for the
11 Baldwin Street Condominiums. These unlicensed individuals
12 included, but were not limited to, Namba, Ruby Gaeta, Michael
13 Thomas, Michelle Archer, Erin Gilbert, Nadine Rocha and Cristina
14 Franco. Said unlicensed individuals received compensation from
15 Respondents for furthering the Baldwin Street Condominiums
16 scheme in violation of Sections 10130 and 10137 of the Code.

11.

17
18 Respondents SPECTRUM and DUNAEV performed services for
19 some of the buyers of the Baldwin Condominiums. Respondents
20 SPECTRUM, DUNAEV and DUNAEV's dba Premier Capital Finance
21 submitted or caused loan applications to be submitted to lenders
22 which contained false information and misrepresentations about,
23 among other things, the sources of the borrower's deposits
24 (which often came from WAG), the borrower's true address and
25 income, and that the borrower intended to occupy the property as
26 their primary residence. These misrepresentations were intended
27 to defraud lenders and resulted in substantial losses with some
28 of the properties ultimately going into foreclosure. WAG,

1 Namba, and Respondent WORTHEN received compensation for the sale
2 of each Baldwin Street condominium and Respondents SPECTRUM and
3 DUNAEV also collected mortgage loan broker commissions for the
4 purchase of some of the condominiums.

5 a. In July, 2008 and August, 2008, Respondent DUNAEV,
6 working through SPECTRUM and Premier Capital Finance, submitted
7 two separate loan applications to two different lenders for
8 Alice Shing, aka Alice Ching, for the purchase of two Baldwin
9 Street Condominiums located at 3711 Baldwin Street, Unit #701,
10 Los Angeles, California 90031, and 3711 Baldwin Street, Unit
11 #707, Los Angeles, California 90031. The loan applications both
12 stated that Alice Shing intended to live at each of the
13 properties as her primary residence. One of the loan
14 applications also listed Alice Shing's address as 12001 Ventura
15 Place, #200, Studio City, California 91604, which is WAG and
16 SPECTRUM's business address.

17 b. Respondent WORTHEN, WAG, Michael Thomas, and
18 Cristina Franco each withdrew funds from their Wells Fargo
19 checking accounts which were used for the benefit of different
20 borrowers, including Alice Shing, for the purchase of Baldwin
21 Street Condominiums. Loan applications submitted by Respondents
22 SPECTRUM and DUNAEV contained misrepresentations about the
23 source of funds that the borrower's placed in escrow as a
24 deposit for the purchase of the property.

25 c. WAG received commissions of as much as 41% of the
26 sale proceeds for the Baldwin Street Condominiums.

27 d. Ruby Gaeta received commissions from escrow labeled
28 as "independent consulting fees" for soliciting prospective

1 purchasers of Baldwin Street Condominiums on behalf of WAG and
2 SPECTRUM.

3 e. WAG paid some investors/borrowers who purchased
4 Baldwin Street Condominiums an "inducement" that was not
5 disclosed to their lender(s).

6 f. WAG is owned and operated by managing partners Namba
7 and WORTHEN. Michael Thomas is listed as WAG's Director of
8 National Accounts. Erin Gilbert served as WAG's client services
9 representative. Michelle Archer, Nadine Rocha, and Cristina
10 Franco, were each employed, compensated, or participated in
11 furthering WAG, SPECTRUM, and Premier Capital Finance's acts as
12 set forth in Paragraph 11 above.

13 12.

14 The conduct, acts and substantial misrepresentations
15 of Respondents SPECTRUM, DUNAEV and WORTHEN, as set forth in
16 Paragraphs 6 through 11 above, constitute cause to revoke or
17 suspend the licenses and license rights of Respondents pursuant
18 to Sections 10176(a), 10176(i), and/or 10177(g) of the Code.

19
20 SECOND CAUSE OF ACCUSATION
21 (Compensation of Unlicensed Person)

22 13.

23 There is hereby incorporated in this second, separate
24 and distinct Cause of Accusation, all of the allegations
25 contained in Paragraphs 1 through 12, with the same force and
26 effect as if herein fully set forth.

27 ///

14.

1
2 The acts and conduct of Respondents SPECTRUM and
3 DUNAEV in employing and/or compensating Namba, Ruby Gaeta,
4 Michael Thomas, Michelle Archer, Erin Gilbert, Nadine Rocha and
5 Cristina Franco, to conduct activities requiring a real estate
6 license when they were not licensed by the Department are in
7 violation of Sections 10130 and 10137 and constitute cause to
8 revoke or suspend the licenses and license rights of Respondents
9 SPECTRUM and DUNAEV pursuant to Sections 10177(d) and/or
10 10177(g) of the Code.

15.

11
12 The acts and conduct of Respondent WORTHEN in
13 accepting compensation from any person other than the broker
14 under whom he was licensed at the time to conduct activities
15 requiring a real estate license are in violation of Sections
16 10130 and 10137 and constitute cause to revoke or suspend the
17 licenses and license rights of Respondent WORTHEN pursuant to
18 Sections 10177(d) and/or 10177(g) of the Code.

19
20 THIRD CAUSE OF ACCUSATION
21 (Failure to Supervise)

16.

22 There is hereby incorporated in this third, separate
23 and distinct Cause of Accusation, all of the allegations
24 contained in Paragraphs 1 through 15, with the same force and
25 effect as if herein fully set forth.

26 ///


27 ///

1
2 Respondent DUNAEV's failure to supervise the
3 activities of Respondent SPECTRUM to ensure compliance with the
4 Real Estate Law, is in violation of Section 10159.2 of the Code
5 and constitutes additional grounds to suspend or revoke
6 Respondent DUNAEV's license and license rights pursuant to
7 Sections 10177(d), 10177(g) and/or 10177(h) of the Code.

8 WHEREFORE, Complainant prays that a hearing be
9 conducted on the allegations of this Accusation and that upon
10 proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and/or license rights of
12 Respondents, SPECTRUM CAPITAL SERVICES, INC., MATHEW DEAN
13 DUNAEV, and BROCK JUSTIN WORTHEN, under the Real Estate Law
14 (Part 1 of Division 4 of the Business and Professions Code) and
15 for such other and further relief as may be proper under other
16 applicable provisions of law.

17 Dated at Los Angeles, California

18 this 24 day of February, 2010.

19
20 
21 ROBIN TRUJILLO
22 Deputy Real Estate Commissioner

23 cc: Spectrum Capital Services, Inc.
24 Mathew Dean Dunaev
25 Brock Justin Worthen
26 Robin Trujillo
27 Sacto.
28 LF Assoc Inc.