


SACTO
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FILED
OCT - 7 2011
DEPARTMENT OF REAL ESTATE
By 

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37579 LA
12 MICHAEL STEPHEN TIMOSCHUK,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against MICHAEL STEPHEN TIMOSCHUK, alleges as follows:

18 I

19 The Complainant, Robin Trujillo, acting in her official
20 capacity as a Deputy Real Estate Commissioner of the State of
21 California, makes this Accusation against MICHAEL STEPHEN
22 TIMOSCHUK.

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II

MICHAEL STEPHEN TIMOSCHUK (hereinafter referred to as "Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson employed by real estate broker Synergy Management Systems, Inc.

IV

On or about December 12, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 14248 Minorca Cove, Del Mar, California for borrowers Mark and Christine Greany.

V

On or about January 6, 2009, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 20521 Nickie Lane, Saugus, California, for borrower Gwen Fauquier.

VI

In or around August and September, 2009, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 2026 E. Santa Clara Ave. #53, Santa Ana, California, for borrower Brenda Lea Settle.

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VII

Respondent's employing broker was not aware of the above transactions.

VIII

Respondent violated Code Section 10145(c) by collecting advance fees from the borrowers Fauquier, Settle, and the Greanys and failed to turn the funds over to his employing broker.

IX

Respondent's activities are acts requiring a real estate broker license under the provisions of Code Section 10131(d) and (e).

X

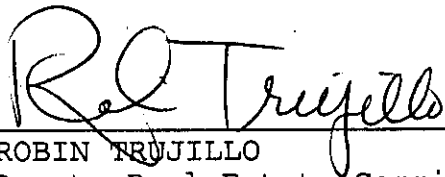
Respondent misappropriated the funds he received from the borrowers Fauquier and Settle and the Greanys without the knowledge or permission of the borrowers.

XI

The conduct of Respondent, as alleged above, subjects his real estate license and license rights to suspension or revocation pursuant to Sections 10177(f) and 10177(j) of the Code, and Sections 10177(d) and/or 10177(g) for violation of Code Sections 10130 and 10145(c).

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

9 Dated at Los Angeles, California
10 this 6 day of September, 2011.

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14 ROBIN TRUJILLO
15 Deputy Real Estate Commissioner
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22 cc: Michael Stephen Timoschuk
23 Optimum First, Inc.
24 Robin Trujillo
25 Sacto.
26
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