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FILED

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DEPARTMENT OF REAL ESTATE
BY: C.R.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) NO. H-38211 LA
12)
13 ANTHONY NICHOLAS SOBAK,) A C C U S A T I O N
14) Respondent.)
15)

16 The Complainant, Veronica Kilpatrick, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against ANTHONY NICHOLAS SOBAK ("Respondent") is
19 informed and alleges as follows:

20 1.

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

24 2.

25 At all times herein mentioned, Respondent was licensed
26 and/or has license rights under the Real Estate Law (Part 1 of
27 Division 4 of the California Business and Professions Code).
28

1 3.

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

6 4.

7 From April 19, 2006, through the present, Respondent
8 has been licensed by the Department of Real Estate
9 ("Department") as a real estate salesperson, Department License
10 No. 01518797. From February 12, 2009, through the present,
11 Respondent's license status has been no broker affiliation "NBA"
12 which means that Respondent may not perform acts for which a
13 real estate license is required in California.

14 5.

15 Code Section 10131 defines a real estate broker as a
16 person who: (a) sells or offers to sell, buys or offers to buy,
17 solicits prospective sellers or purchasers of, solicits or
18 obtains listing of, or negotiates the purchase, sale or exchange
19 of real property or a business opportunity; or (d) solicits
20 borrowers or lenders for or negotiates loans or collects
21 payments or performs services for borrowers or lenders or note
22 owners in connection with loans secured directly or collaterally
23 by liens on real property. Code Section 10131.2 defines a real
24 estate broker as a person who engages in the business of
25 claiming, demanding, charging, receiving, collecting or
26 contracting for the collection of an advance fee in connection
27 with any employment undertaken to promote the sale or lease of
28 real property or of a business opportunity by advance fee

1 listing, advertisement or other offering to sell, lease,
2 exchange or rent property or a business opportunity, or to
3 obtain a loan or loans thereon.

4 6.

5 Sobak Financial, Inc. and Sobak Loan Forensics have
6 never been licensed by the Department in any capacity.

7 Respondent is the owner and a director of both Sobak Financial,
8 Inc. and Sobak Loan Forensics.

9 7.

10 On or about July 8, 2009, Respondent, while doing
11 business as Sobak Financial, Inc. and Sobak Loan Forensic,
12 solicited loan modification and negotiation services to borrower
13 Jesus Martinez ("Martinez"). Martinez paid an advance fee of
14 \$2,995 to Sobak Loan Forensics pursuant to an advance fee
15 agreement for loan modification and negotiation services in
16 connection with a loan secured by a lien on real property.

17 Respondent failed to perform the loan modification and
18 negotiation services that had been promised to Martinez.

19 Respondent described the services as a forensic loan audit in an
20 effort to circumvent existing laws that restricted the charging
21 and collection of advance fees from homeowners prior to the
22 completion of loan modification services.

23 8.

24 As set forth above, Respondent performed or offered to
25 perform activities that require a real estate broker license in
26 violation of Code Section 10130, which constitutes grounds for
27 the suspension or revocation of the license and license rights
28

1 of Respondent pursuant to Code Sections 10177(d) and/or
2 10177(g).

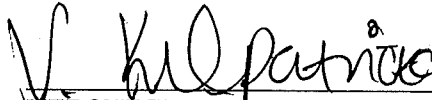
3 9.

4 Section 10106 of the Code provides, in pertinent part,
5 that in any order issued in resolution of a disciplinary
6 proceeding before the department, the commissioner may request
7 the administrative law judge to direct a licensee found to have
8 committed a violation of this part to pay a sum not to exceed
9 the reasonable costs of the investigation and enforcement of the
10 case.

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that upon
13 proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and/or license rights of Respondent
15 ANTHONY NICHOLAS SOBAK under the Real Estate Law (Part 1 of
16 Division 4 of the Business and Professions Code), for the cost
17 of investigation and enforcement as permitted by law, and for
18 such other and further relief as may be proper under other
19 provisions of law.

20 Dated at Los Angeles, California

21 this 7 day of June, 2012.

22
23 

24 VERONICA KILPATRICK
25 Deputy Real Estate Commissioner

26 cc: Anthony Nicholas Sobak
27 Veronica Kilpatrick
28 Sacto.