Department of Real Estate 320 West 4th Street, Suite 350

Telephone: (213) 576-6982

Los Angeles, California 90013-1105

FILED

JUL 19 2012

DEPARTMENT OF REAL ESTATE
BY:

# STATE OF CALIFORNIA

BEFORE THE DEPARTMENT OF REAL ESTATE

\* \* \*

To:

ANTHONY NICHOLAS SOBAK,

SOBAK FINANCIAL, INC. and

SOBAK LOAN FORENSICS.

ORDER TO DESIST

AND REFRAIN
(B&P Code Section 10086)

No. H-38275 LA

The Commissioner ("Commissioner") of the Department of Real Estate ("Department") of the State of California caused an investigation to be made of the activities of ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS. Based on that investigation the Commissioner has determined that ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS have engaged in, are engaging in acts or attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of Business and Professions Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to negotiate loans or perform loan modification services for borrowers in connection with loans secured by liens on real property) and 10131.2 (collecting advance fees in connection with those services).

In addition, based on that investigation, the Commissioner has determined that ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS have engaged in or are engaging in acts or are attempting to engage practices constituting violations of the California Business and Professions Code ("Code. Based on the findings of that investigation, set forth below, 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.

#### **FINDINGS** OF FACT

- 1. From April 19, 2006, through the present, ANTHONY NICHOLAS SOBAK ("SOBAK") has been licensed by the Department of Real Estate ("Department") as a real estate salesperson, Department License No. 01518797. From February 12, 2009, through the present, SOBAK's license status has been no broker affiliation "NBA" which means that SOBAK may not perform acts for which a real estate license is required in California.
- 2. SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS have never been licensed by the Department in any capacity. SOBAK is the owner and a director of both SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS.
- 3. On or about July 8, 2009, SOBAK, while doing business as SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS, solicited loan modification and negotiation services to borrower Jesus M. Jesus M. paid an advance fee payment of \$2,995 to SOBAK LOAN FORENSICS pursuant to an advance fee agreement for loan modification and negotiation services in connection with a loan secured by a lien on real property. SOBAK failed to perform the loan modification and negotiation services that had been promised to Jesus M. SOBAK described the services as a forensic loan audit in an effort to circumvent existing laws that restricted the charging and collection of advance fees from homeowners prior to the completion of loan modification services.

///

27 | ///

## 

#### CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 3, above,
ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN
FORENSICS violated Code Section 10130 by engaging in activities requiring a real estate
license without first obtaining a broker license from the Department or acting as a salesperson
under the employment of a licensed real estate broker.

## DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS, whether doing business under their own name or any other fictitious business names, immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, including:

- (i) soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and
- (ii) charging, demanding, or collecting a fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Commissioner's Regulations relating to charging, collecting, and accounting for fees.

Real Estate Commissioner

By WAYNES. BELL
Chief Counsel

**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)."

ce: Anthony Nicholas Sobak / Sobak Financial, Inc. / Sobak Loan Forensics 41667 Ivy Street, Suite E
Murrieta, CA 92562