

FILED

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Department of Real Estate
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DEPARTMENT OF REAL ESTATE
BY: ca

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:)	No. H-38275 LA
)	
ANTHONY NICHOLAS SOBAK,)	<u>ORDER TO DESIST</u>
SOBAK FINANCIAL, INC. and)	<u>AND REFRAIN</u>
SOBAK LOAN FORENSICS.)	(B&P Code Section 10086)
)	

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).

1 In addition, based on that investigation, the Commissioner has determined that
2 ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN
3 FORENSICS have engaged in or are engaging in acts or are attempting to engage practices
4 constituting violations of the California Business and Professions Code ("Code. Based on the
5 findings of that investigation, set forth below, the Commissioner hereby issues the following
6 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of
7 Section 10086 of the Code.

8 FINDINGS OF FACT

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

14 2. SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS have never
15 been licensed by the Department in any capacity. SOBAK is the owner and a director of both
16 SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS.

17 3. On or about July 8, 2009, SOBAK, while doing business as SOBAK
18 FINANCIAL, INC. and SOBAK LOAN FORENSICS, solicited loan modification and
19 negotiation services to borrower Jesus M. Jesus M. paid an advance fee payment of \$2,995 to
20 SOBAK LOAN FORENSICS pursuant to an advance fee agreement for loan modification and
21 negotiation services in connection with a loan secured by a lien on real property. SOBAK failed
22 to perform the loan modification and negotiation services that had been promised to Jesus M.
23 SOBAK described the services as a forensic loan audit in an effort to circumvent existing laws
24 that restricted the charging and collection of advance fees from homeowners prior to the
25 completion of loan modification services.

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1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
7 (\$60,000).”
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