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FILED

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BUREAU OF REAL ESTATE

By John C. Garcia

8 BEFORE THE BUREAU OF REAL ESTATE
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation against

CALBRE No. H-40659 LA

13 LARA SINITSIN,

ACCUSATION

14 Respondent.

15
16 The Complainant, Maria Suarez, a Supervising Special Investigator for the Bureau of
17 Real Estate ("Bureau") of the State of California, for cause of Accusation against LARA
18 SINITSIN ("Respondent"), is informed and alleges as follows:

19 1.

20 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
21 California, makes this Accusation in her official capacity.

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2.

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

3.

Respondent 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).

4.

From January 11, 2003, through the present, Respondent has been licensed by the Bureau as a real estate salesperson, License ID 01365127. Respondent's license is scheduled to expire on January 10, 2019, unless renewed. Respondent has renewal rights pursuant to Code Section 10201. The Bureau retains jurisdiction pursuant to Code Section 10103.

5.

At all times relevant herein, Respondent was licensed under the employment of broker Empire Estates Group, Inc. (License ID 01896544) and Leon Roman Chernyavsky (License ID 01267724) was the designated officer of Empire Estates Group, Inc.

6.

Del Sol Property Management, Inc. ("DPMI") has never been licensed in any capacity by the Bureau.

7.

DPMI is a California corporation formed on or about October 10, 2006. Respondent is the owner and sole officer and director of DPMI.

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1 FIRST CAUSE OF ACCUSATION

2 Unlicensed Activity

3 7.

4 For an unknown period of time that includes the prior three years, Respondent, while
5 doing business as DPMI, has engaged in the business of, acted in the capacity of, advertised or
6 assumed to act as a real estate broker in the State of California, within the meaning of Code
7 Section 10131, subdivision (b), in that Respondent offered to lease or rent, place for rent, solicit
8 listings of rentals, solicit for prospective tenants, negotiate the leases on real property, or collect
9 rents from real properties for others.

10 8.

11 Respondent advertised and offered to perform property management services as DPMI on
12 the websites: www.delsolproperties.com and www.linkedin.com.

13 9.

14 On or about August 23, 2015, Respondent entered into a Lease Listing Agreement with
15 V.P. and R.B.¹ for the exclusive authorization to lease or rent V.P. and R.B.'s real property
16 located at 17026 Magnolia Blvd., Encino, California ("Magnolia property"). The Magnolia
17 property consists of both a main house and a guest house. Respondent was to receive
18 compensation of five percent (5%) of the total rent for the Magnolia property. On or about
19 August 23, 2015, Respondent listed the Magnolia property for lease or rent for monthly rent of
20 \$4,600 for the just the main house or \$5,500 for both the main house and guest house.

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24 ¹ Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will be provided during the discovery phase of this case to Respondents and/or their attorneys, after service of a timely and proper request for discovery on Complainant's counsel.

1 10.

2 In or around November of 2015, Respondent obtained a tenant and negotiated a lease for
3 the Magnolia property. V.P. and R.B. were living overseas at the time. On November 4, 2015,
4 Respondent executed a Residential Lease or Month-to-Month Rental Agreement for the
5 Magnolia property with tenant J.W. on behalf of V.P. as landlord. The tenant was to pay a
6 monthly rent of \$5,500.00. The tenant was to pay a security deposit of \$5,500 and a pro-rated
7 first month rent payment of \$4,583.00. The lease was to terminate on October 31, 2017. Empire
8 Estates Group, Inc. ("Empire") and Respondent were listed as the agents for both the landlord
9 and the tenant.

10 11.

11 According to Empire and its designated officer, Leon Roman Chernyavsky, the Magnolia
12 property was listed for lease and leased by Respondent, acting as an agent for Empire in May of
13 2013. That listing and lease were disclosed to Empire and done under the employment and
14 supervision of Empire. However, Respondent's listing and lease of the Magnolia property in
15 November of 2015 was not disclosed to Empire by Respondent and any commission paid to
16 Respondent was not processed through Empire. After learning of the 2015 Magnolia property
17 lease transaction, Empire requested that Respondent provide all documents related to the 2015
18 Magnolia lease transaction. Respondent failed to provide the documents and claimed that she
19 could not locate her file.

20 12.

21 On November 13, 2015, V.P. made a payment of \$7,920.00 to DPMI as commission for
22 two years of property management services for the Magnolia property.

23 ///

1 13.

2 Respondent engaged in property management activities while doing business as DPMI,
3 which required a license under Code sections 10131(b) and 10132. Respondent's conduct, acts,
4 and/or omissions are in violation of Code sections 10130, 10137, and 10139, which constitute
5 cause for the suspension or revocation of all real estate license and license rights of Respondent
6 under the provisions of Code Sections 10177(d) and/or 10177(g).

7 SECOND CAUSE OF ACCUSATION

8 Secret or Undisclosed Profit/Dishonest Dealing

9 14.

10 There is hereby incorporated in this Second, separate and distinct Cause of Accusation,
11 all of the allegations contained in Paragraphs 1 through 13, with the same force and effect as if
12 herein fully set forth.

13 15.

14 On November 7, 2015, Monarca Enterprises submitted an invoice no. 12497 for repairs
15 or construction services allegedly performed on the Magnolia property. The amount charged
16 was \$5,940.94. The invoice was charged to DPMI.

17 16.

18 On or about November 13, 2015, V.P. paid Respondent \$3,415.00 for reimbursement for
19 appliances allegedly purchased by Respondent for the Magnolia property.

20 17.

21 On November 13, 2015, V.P. made a separate payment of \$7,920.00 to DPMI as
22 commission for two years of property management services for the Magnolia property.

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18.

On November 21, 2015, V.P. paid Respondent \$5,940.94 to Monarca Enterprises for construction services allegedly completed for the Magnolia property.

19.

On November 25, 2015, Monarca Enterprises submitted another invoice no. 12503 for repairs allegedly performed on the Magnolia property. The amount charged was \$2,450.00. The invoice was charged to DPMI.

20.

On or about May 27, 2016, V.P. and R.B. submitted a complaint to the Bureau against Respondent. Among other things, V.P. and R.B.'s complaint alleged that Respondent overcharged them six percent instead of five percent for Respondent's property management services for the Magnolia property. Moreover, V.P. and R.B. alleged that Respondent failed to provide copies of the executed copies of the listing and lease agreement for the Magnolia property to V.P. and R.B. Further, Respondent used unlicensed contractors to perform repairs on the Magnolia property without V.P. and R.B.'s knowledge.

21.

Monarca Enterprises is a fictitious business name registered under DPMI with the Office of Finance for the City of Los Angeles. Both businesses use the same business address: 11434 Ventura Blvd., #101, Studio City, California 91604. That address is the same as Respondent's mailing address listed with the Bureau.

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1 22.

2 The conduct, acts and/or omissions of Respondent as described above in Paragraphs 15
3 through 21, above, are in violation of Code section 10142 and constitute cause for the suspension
4 or revocation of all real estate licenses and license rights of Respondent under the provisions of
5 Code Sections 10176(g), 10177(d), and 10177(j).


6 Investigation and Enforcement Costs

7 23.

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

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

18 Dated at Los Angeles, California this 31st day of May, 2017.

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21 _____
22 MARIA SUAREZ
23 Supervising Special Investigator

22 cc: Lara Sinitsin
23 Arthur Elizarov
24 Maria Suarez
Sacto.