

**FILED**

JUL 19 2012

DEPARTMENT OF REAL ESTATE  
BY: ca

1 Department of Real Estate  
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4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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

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

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

7 DESIST AND REFRAIN ORDER

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

13 (i) soliciting borrowers and/or performing services for borrowers or lenders in  
14 connection with loans secured directly or collaterally by one or more liens on real property, and

15 (ii) charging, demanding, or collecting a fee for any of the services you offer to  
16 others, unless and until you obtain a real estate broker license issued by the Department, and  
17 until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full  
18 compliance with all of the requirements of the Code and Commissioner's Regulations relating to  
19 charging, collecting, and accounting for fees.

20 DATED: July 13, 2012.

21 Real Estate Commissioner

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23 By WAYNE S. BELL  
24 Chief Counsel

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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23 cc: Anthony Nicholas Sobak / Sobak Financial, Inc. / Sobak Loan Forensics  
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