Bureau of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

FILED

DEC 09 2013

BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ANTHONY NICHOLAS SOBAK, Respondent.	CalBRE No. H-38211 LA OAH No. 2012100881 Hearing: Oct. 29-31, 2013
In the Matter of the Order to Desist and Refrain to: ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC., and SOBAK LOAN FORENSICS.	CalBRE No. H-38275 LA OAH No. 2012100880 Hearing: Oct. 29-31, 2013

STIPULATION AND AGREEMENT

It is hereby stipulated by and between ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC., and SOBAK LOAN FORENSICS (collectively "Respondents") and their attorney, Frank M. Buda, and the Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 20, 2012, and the Order to Desist and Refrain filed on

July 19, 2012, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at formal hearings on the Accusation and Order to Desist and Refrain, which hearings were to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent ANTHONY NICHOLAS SOBAK has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate ("Bureau"), in this proceeding.

3. Respondent ANTHONY NICHOLAS SOBAK filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC., and SOBAK LOAN FORENSICS filed a Notice of Defense for the purpose of requesting a hearing on the allegations in the Order to Desist and Refrain. Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of Defense they will thereby waive their rights to require the Commissioner to prove the allegations in the Accusation and Order to Desist and Refrain at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection

with the hearing such as the right to present evidence in defense of the allegations in the Accusation and Order to Desist and Refrain and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation and Order to Desist and Refrain filed in this proceeding. In the interest of expedience and economy, Respondents choose not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondents' decision not to contest the Accusation and Order to Desist and Refrain are made for the purpose of reaching an agreed disposition of these proceedings and are expressly limited to these proceedings and any other proceeding or case in which the Bureau or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate license(s) and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the

Stipulation shall be void and of no effect, and Respondents shall retain the right to a hearing on the Accusation and Order to Desist and Refrain under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau with respect to any conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulation and waiver and solely for the purpose of settlement of the pending Accusation and Order to Desist and Refrain without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct, acts and/or omissions of Respondent ANTHONY NICHOLAS SOBAK, as set forth in the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent ANTHONY NICHOLAS SOBAK under the provisions of Sections 10177(d) and 10177(g) of the Business and Professions Code ("Code") for violation of section 10130 the Business and Professions Code.

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II.

The conduct, acts and/or omissions of ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC., and SOBAK LOAN FORENSICS as set forth in the Order to Desist and Refrain, constitute a violation of section 10130 the Business and Professions Code for engaging in activities requiring a real estate broker license prior to or without obtaining said license from the Bureau of Real Estate.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent ANTHONY NICHOLAS SOBAK under the Real Estate Law are hereby revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent shall be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of

nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent shall be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until at least two (2) years have elapsed from the effective date of this Decision.

4. All licenses and licensing rights of Respondent ANTHONY NICHOLAS SOBAK are indefinitely suspended unless or until Respondent ANTHONY NICHOLAS SOBAK provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent ANTHONY NICHOLAS SOBAK has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

5. Respondent ANTHONY NICHOLAS SOBAK shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner shall order suspension of Respondent's license until Respondent passes the examination.

6. Respondent ANTHONY NICHOLAS SOBAK understands that by agreeing to this Stipulation, the Bureau may conduct a routine audit pursuant to Business and Professions Code Section 10148 to determine if Respondent's real estate broker activities are in compliance with the Real Estate Law.

7. Pursuant to California Business and Professions Code Section 10106, Respondent ANTHONY NICHOLAS SOBAK shall pay the Commissioner's reasonable costs for investigation and enforcement of the matter. The investigation and enforcement costs which led to this disciplinary action total $3,988.25. Said payment shall be made within ninety (90) days from the effective date of this Decision.

a. The Commissioner shall suspend the license of Respondent pending a hearing held in accordance with California Government Code Section 11500, et seq., if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent enters into an agreement satisfactory to the

Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

8. A copy of all proofs of payment and completed coursework shall be submitted to Bureau Counsel Lissete Garcia, Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105, on or before the dates set forth above.

DATED: 10/28/2013

LISSETE GARCIA Counsel for Complainant

* * *

We have read the Stipulation and Agreement, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation and Order to Desist and Refrain at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at fax number (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of their actual signature as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original signed Stipulation and Agreement.

DATED: 10-28-2013

ANTHONY NICHOLAS SOBAK, Respondent

DATED: 10-28-2013

SOBAK FINANCIAL, INC.
By: Anthony Nicholas Sobak

DATED: 10-28-2013

SOBAK LOAN FORENSICS
By: Anthony Nicholas Sobak

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 10-28-13

FRANK M. BUDA,
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby

adopted as my Decision in this matter and shall become effective at 12 o'clock noon on DEC 30 2013.

IT IS SO ORDERED NOV 27 2013.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

AK

Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982

FILED

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DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To: ANTHONY NICHOLAS SOBAK, SOBAK FINANCIAL, INC. and SOBAK LOAN FORENSICS.	No. H-38275 LA ORDER TO DESIST AND REFRAIN (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).

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.

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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.

DATED: July 13, 2012.

Real Estate Commissioner

By WAYNE S. 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)."

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