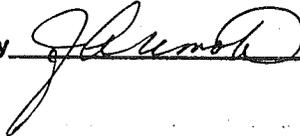


1 Bureau of Real Estate  
320 West Fourth Street, #350  
2 Los Angeles, California 90013

**FILED**

DEC 09 2013

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) CalBRE No. H-38211 LA  
12 ) OAH No. 2012100881  
13 ANTHONY NICHOLAS SOBAK, )  
14 Respondent. ) Hearing: Oct. 29-31, 2013

15 )  
16 In the Matter of the Order to Desist) CalBRE No. H-38275 LA  
and Refrain to: ) OAH No. 2012100880  
17 )  
18 ANTHONY NICHOLAS SOBAK, )  
SOBAK FINANCIAL, INC., and ) Hearing: Oct. 29-31, 2013  
19 SOBAK LOAN FORENSICS. )

20 **STIPULATION AND AGREEMENT**

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

1 July 19, 2012, in this matter:

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

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

13 3. Respondent ANTHONY NICHOLAS SOBAK filed a Notice  
14 of Defense pursuant to Section 11506 of the Government Code for  
15 the purpose of requesting a hearing on the allegations in the  
16 Accusation. Respondents ANTHONY NICHOLAS SOBAK, SOBAK  
17 FINANCIAL, INC., and SOBAK LOAN FORENSICS filed a Notice of  
18 Defense for the purpose of requesting a hearing on the  
19 allegations in the Order to Desist and Refrain. Respondents  
20 hereby freely and voluntarily withdraw said Notices of Defense.  
21 Respondents acknowledge that they understand that by withdrawing  
22 said Notices of Defense they will thereby waive their rights to  
23 require the Commissioner to prove the allegations in the  
24 Accusation and Order to Desist and Refrain at a contested  
25 hearing held in accordance with the provisions of the APA and  
26 that they will waive other rights afforded to them in connection  
27

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

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

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

21           6. It is understood by the parties that the Real  
22 Estate Commissioner may adopt the Stipulation as his decision in  
23 this matter thereby imposing the penalty and sanctions on  
24 Respondents' real estate license(s) and license rights as set  
25 forth in the below "Order". In the event that the Commissioner  
26 in his discretion does not adopt the Stipulation, the  
27

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

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

11 DETERMINATION OF ISSUES

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

17 I.

18 The conduct, acts and/or omissions of Respondent  
19 ANTHONY NICHOLAS SOBAK, as set forth in the Accusation,  
20 constitute cause for the suspension or revocation of all the  
21 real estate licenses and license rights of Respondent ANTHONY  
22 NICHOLAS SOBAK under the provisions of Sections 10177(d) and  
23 10177(g) of the Business and Professions Code ("Code") for  
24 violation of section 10130 the Business and Professions Code.

25 ///

26 ///

27

1 II.

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

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 All licenses and licensing rights of Respondent  
11 ANTHONY NICHOLAS SOBAK under the Real Estate Law are hereby  
12 revoked; provided, however, a restricted real estate broker  
13 license shall be issued to Respondent pursuant to Section  
14 10156.5 of the Business and Professions Code if Respondent makes  
15 application therefor and pays to the Bureau of Real Estate the  
16 appropriate fee for the restricted license within ninety (90)  
17 days from the effective date of this Decision. The restricted  
18 license issued to Respondent shall be subject to all of the  
19 provisions of Section 10156.7 of the Business and Professions  
20 Code and to the following limitations, conditions and  
21 restrictions imposed under authority of Section 10156.6 of that  
22 Code:

23 1. The restricted license issued to Respondent shall  
24 be suspended prior to hearing by Order of the Real Estate  
25 Commissioner in the event of Respondent's conviction or plea of  
26  
27

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

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

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

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

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

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

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

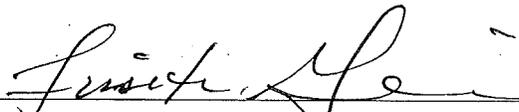
20                   a. The Commissioner shall suspend the license of  
21 Respondent pending a hearing held in accordance with California  
22 Government Code Section 11500, et seq., if payment is not timely  
23 made as provided for herein, or as provided for in a subsequent  
24 agreement between the Respondent and the Commissioner. The  
25 suspension shall remain in effect until payment is made in full  
26 or until Respondent enters into an agreement satisfactory to the  
27

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

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

9  
10  
11 DATED:

10/28/2013

  
LISSETE GARCIA Counsel for Complainant

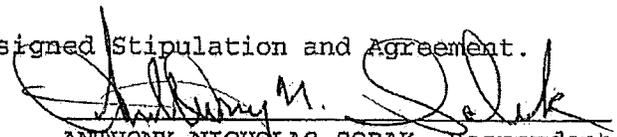
12  
13 \* \* \*

14 We have read the Stipulation and Agreement, have  
15 discussed it with our counsel, and its terms are understood by  
16 us and are agreeable and acceptable to us. We understand that  
17 we are waiving rights given to us by the California  
18 Administrative Procedure Act (including but not limited to  
19 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
20 and we willingly, intelligently and voluntarily waive those  
21 rights, including the right of requiring the Commissioner to  
22 prove the allegations in the Accusation and Order to Desist and  
23 Refrain at a hearing at which we would have the right to cross-  
24 examine witnesses against us and to present evidence in defense  
25 and mitigation of the charges.  
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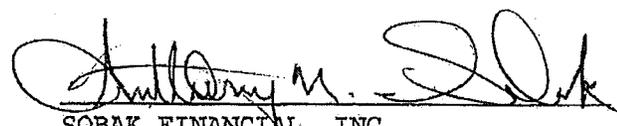
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Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at fax number (213) 576-6917. Respondents agree, 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.

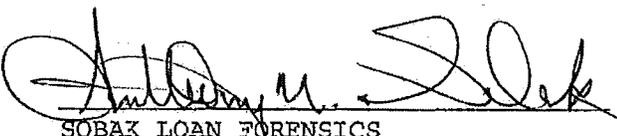
DATED: 10-28-2013

  
ANTHONY NICHOLAS SOBAK, Respondent

DATED: 10-28-2013

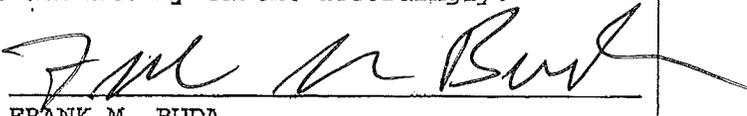
  
SOBAK FINANCIAL, INC.  
By: Anthony Nicholas Sobak

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

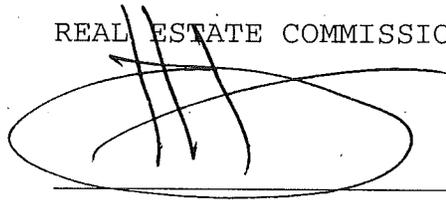
\* \* \*

The foregoing Stipulation and Agreement is hereby

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

3 IT IS SO ORDERED NOV 27 2013.

4 REAL ESTATE COMMISSIONER

5 A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, is written over the printed title. The signature is contained within a faint oval outline.

6  
7  
8 By: JEFFREY MASON  
9 Chief Deputy Commissioner

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1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6914  
7 Fax: (213) 576-6917  
8

**FILED**

JUN 20 2012

DEPARTMENT OF REAL ESTATE  
BY: C.R.

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) NO. H-38211 LA  
13 ANTHONY NICHOLAS SOBAK, ) A C C U S A T I O N  
14 Respondent. )  
15 )

16 The Complainant, Veronica Kilpatrick, a Deputy Real  
17 Estate Commissioner of the State of California, for cause of  
18 Accusation against ANTHONY NICHOLAS SOBAK ("Respondent") is  
19 informed and alleges as follows:

20 1.

21 The Complainant, Veronica Kilpatrick, a Deputy Real  
22 Estate Commissioner of the State of California, makes this  
23 Accusation in her official capacity.

24 2.

25 At all times herein mentioned, Respondent was licensed  
26 and/or has license rights under the Real Estate Law (Part 1 of  
27 Division 4 of the California Business and Professions Code).  
28

1 3.

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

6 4.

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

14 5.

15 Code Section 10131 defines a real estate broker as a  
16 person who: (a) sells or offers to sell, buys or offers to buy,  
17 solicits prospective sellers or purchasers of, solicits or  
18 obtains listing of, or negotiates the purchase, sale or exchange  
19 of real property or a business opportunity; or (d) solicits  
20 borrowers or lenders for or negotiates loans or collects  
21 payments or performs services for borrowers or lenders or note  
22 owners in connection with loans secured directly or collaterally  
23 by liens on real property. Code Section 10131.2 defines a real  
24 estate broker as a person who engages in the business of  
25 claiming, demanding, charging, receiving, collecting or  
26 contracting for the collection of an advance fee in connection  
27 with any employment undertaken to promote the sale or lease of  
28 real property or of a business opportunity by advance fee

1 listing, advertisement or other offering to sell, lease,  
2 exchange or rent property or a business opportunity, or to  
3 obtain a loan or loans thereon.

4 6.

5 Sobak Financial, Inc. and Sobak Loan Forensics have  
6 never been licensed by the Department in any capacity.

7 Respondent is the owner and a director of both Sobak Financial,  
8 Inc. and Sobak Loan Forensics.

9 7.

10 On or about July 8, 2009, Respondent, while doing  
11 business as Sobak Financial, Inc. and Sobak Loan Forensic,  
12 solicited loan modification and negotiation services to borrower  
13 Jesus Martinez ("Martinez"). Martinez paid an advance fee of  
14 \$2,995 to Sobak Loan Forensics pursuant to an advance fee  
15 agreement for loan modification and negotiation services in  
16 connection with a loan secured by a lien on real property.

17 Respondent failed to perform the loan modification and  
18 negotiation services that had been promised to Martinez.

19 Respondent described the services as a forensic loan audit in an  
20 effort to circumvent existing laws that restricted the charging  
21 and collection of advance fees from homeowners prior to the  
22 completion of loan modification services.

23 8.

24 As set forth above, Respondent performed or offered to  
25 perform activities that require a real estate broker license in  
26 violation of Code Section 10130, which constitutes grounds for  
27 the suspension or revocation of the license and license rights  
28

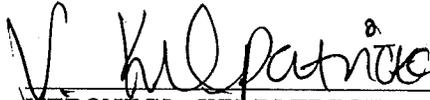
1 of Respondent pursuant to Code Sections 10177(d) and/or  
2 10177(g).

3 9.

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

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

20 Dated at Los Angeles, California  
21 this 7 day of June, 2012.

22  
23 

24 VERONICA KILPATRICK  
25 Deputy Real Estate Commissioner

26 cc: Anthony Nicholas Sobak  
27 Veronica Kilpatrick  
28 Sacto.