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1 2	Department of Real Estate P. O. Box 187007 Sacramento, CA 95818-7007 MAY 2 1 2012
3 4	Telephone: (916) 227-0789  DEPARTMENT OF REAL ESTATE    By
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6	
7	BEFORE THE DEPARTMENT OF REAL ESTATE
8	STATE OF CALIFORNIA
9	* * *
10	
11	To:
12	) NO. H-4351 SD MICHELE HRIVNAK. )
13	) ORDER TO DESIST AND REFRAIN ) (B & P Code Section 10086)
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16	The Real Estate Commissioner ("the Commissioner") of the California
17	Department of Real Estate ("the Department") caused an investigation to be made of the
18	activities of MICHELE HRIVNAK ("Respondent"). Based on that investigation, the
19	Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting
20	to engage in, acts or practices constituting violation of Section 10130 (real estate broker license
21	requirement) of the California Business and Professions Code ("Code"). Furthermore, based on
22	the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions
23	of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.
24	FINDINGS OF FACT
25	1. Respondent was licensed by the Department as a real estate salesperson
26	until January 8, 2010. However, at all times relevant herein, Respondent was not licensed by
27	the Department to conduct activities requiring a real estate license in the State of California.
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1	2. MICHELE HRIVNAK be a signatory on at least two (2) of its bank trust
2	accounts maintained by Epifany Properties, Inc., into which trust funds related to real estate
3	activity were deposited. Thereafter, Respondent withdrew funds from those accounts after her
4	real estate salesperson license expired on January 8, 2010.
5	CONCLUSIONS OF LAW
6	3. Based on the Findings of Fact contained in Paragraphs 1 and 2, above,
7.	Respondent performed activities which required a real estate broker license in violation of
8	Section 10130 of the Code.
9	DESIST AND REFRAIN ORDER
10	Based on the Findings of Fact and Conclusions of Law stated herein,
11	MICHELE HRIVNAK, whether doing business under your own name, or any other name or
12	fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from
13	conducting activities requiring a real estate broker license in the State of California until such
14	time as you are properly licensed to perform such activities.
15	DATED: <u>5/17/2012</u>
16	REAL ESTATE COMMISSIONER
17	
18	- Alan
19	By WAYNE S. BELL Chief Counsel
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22	<b>Notice:</b> 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
23	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
24	(\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both
25	fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)"
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cc:

ATTY JWB/km

MICHELE HRIVNAK

1230 Columbia Street, Suite 850 San Diego, CA 92101

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