

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

FILED

MAY 23 2024

DEPARTMENT OF REAL ESTATE
By J. Taggart

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of:) Case No. H-7164 SAC
11) H-7221 SAC
12 ANNA A NOVOLOAKE,)
13) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER
15 Respondent.)

16 It is hereby stipulated by and between Respondent ANNA A. NOVOLOAKE,
17 ("Respondent"), acting by and through counsel Jeffrey Kravitz of Kravitz & Chan, LLP, and the
18 Complainant, acting by and through Adriana Z. Badilas, Counsel for the Department of Real
19 Estate ("Department"), as follows for the purpose of settling and disposing of Accusation (H-
20 7164 SAC), filed on April 13, 2023, and Accusation (No. H-7221 SAC), filed on September 20,
21 2023, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the two Accusations, which
24 hearing was consolidated and was to be held in accordance with the provisions of the
25 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely
26 on the basis of the provisions of this Stipulation and Agreement In Settlement and Order
27 ("Stipulation and Agreement").

1 2. Respondent has received, read, and understands the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
3 of Real Estate in this proceeding.

4 3. A Notice of Defense was received from the Respondent as to both
5 Accusations pursuant to Section 11505 of the Government Code for the purpose of requesting
6 a hearing on the allegations made in the two Accusations. Respondent hereby freely and
7 voluntarily withdraws said Notices of Defense. Respondent acknowledges that she understands
8 that by withdrawing said Notices of Defense she will thereby waive her rights to require the
9 Commissioner to prove the allegations in both Accusations at a contested hearing held in
10 accordance with the provisions of the APA and that Respondent will waive other rights
11 afforded to her in connection with the hearing such as the right to present evidence in defense
12 of the allegations in the two Accusations and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits that
14 the factual allegations or findings of fact as set forth in the two Accusations filed in this
15 proceeding are true and correct and the Real Estate Commissioner shall not be required to
16 provide further evidence of such allegations.

17 5. This Stipulation and Agreement is made for the purpose of reaching an
18 agreed disposition of this proceeding and is expressly limited to this proceeding and any other
19 proceeding or case in which the Department, the state or federal government, any agency of
20 this state, or an agency of another state is involved.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt
22 the Stipulation and Agreement as her Decision in this matter, thereby imposing the penalties
23 and sanctions on Respondent's real estate licenses and license rights as set forth in the below
24 "Order." If the Commissioner in her discretion does not adopt the Stipulation and Agreement,
25 it shall be void and of no effect, and Respondent shall retain the right to a hearing and
26 proceeding on the two Accusations under all the provisions of the APA and shall not be bound
27 by any admission or waiver made herein.

1 7. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to
3 any further administrative or civil proceedings by the Department of Real Estate with respect
4 to any matters which were not specifically alleged to be causes for accusation in this
5 proceeding.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions, and waivers, and solely for
8 the purpose of settlement of the two pending Accusations without further proceedings, it is
9 stipulated and agreed that the following Determination of Issues shall be made:

10 1. The acts and/or omissions of Respondent, as described in the Accusation,
11 Matter No. H-7164 SAC, are grounds for the suspension or revocation of the licenses and license
12 rights of Respondent under the provisions of Sections 490, 10177(b), 10177(d), and 10186.2 of
13 the Code.

14 2. The acts and/or omissions of Respondent, as described in the Accusation,
15 Matter No. H-7221 SAC, are grounds for the suspension or revocation of the licenses and license
16 rights of Respondent under the provisions of Sections 10176(a), 10177(d), and 10177(g) of the
17 Code.

18 ORDER.

19 All licenses and licensing rights of Respondent under the Real Estate Law are
20 revoked; provided, however, a restricted real estate salesperson license shall be issued to
21 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore
22 for the restricted license within ninety (90) days from the effective date of this Decision and
23 Order. The restricted license issued to Respondent shall be subject to all of the provisions of
24 Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed
25 under authority of Section 10156.6 of that Code:

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1 1. The restricted license issued to Respondent may be suspended prior to
2 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
3 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
4 estate licensee.

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

9 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
10 real estate license nor for removal of any of the conditions, limitations, or restrictions of a
11 restricted license until four (4) years have elapsed from the effective date of this Decision and
12 Order. Respondent shall not be eligible to apply for any unrestricted license until all restrictions
13 attaching to the license have been removed.

14 4. Respondent shall, within six (6) months from the effective date of this Order,
15 take and pass the Professional Responsibility Examination administered by the Department,
16 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
17 condition, Respondent's real estate license shall automatically be suspended until Respondent
18 passes the examination.


19 5. Respondent shall notify the Commissioner in writing within 72 hours of any
20 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
21 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
22 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
23 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
24 constitute an independent violation of the terms of the restricted license and shall be grounds for
25 the suspension or revocation of that license.

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1 6. All licenses and licensing rights of Respondent are indefinitely suspended
2 unless or until Respondent pays the total sum of \$5,181.70 for the Commissioner's reasonable
3 costs of the investigation and enforcement which led to this disciplinary action. Said payment
4 shall be in the form of a cashier's check or certified check made payable to the Department. The
5 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
6 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
7 Order.

8
9 11/24/2024
10 DATED


ADRIANA Z. BADILAS, Counsel
Department of Real Estate

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12 * * *

13 I have read the Stipulation and Agreement and its terms are understood by me and
14 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
15 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
16 11509 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
17 those rights, including the right of requiring the Commissioner to prove the allegations in the
18 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
19 and to present evidence in defense and mitigation of the charges.

20 Respondent and Respondent's attorney further agree to send the original signed
21 Stipulation and Agreement by mail to the following address no later than one (1) week from the
22 date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:
23 *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-*
24 *7007.*

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Respondent and Respondent's attorney understand and agree that if they fail to return the original signed Stipulation and Agreement by the due date, Complainant retains the right to set this matter for hearing.

1/24/24
DATED


ANNA A. NOVOLOAKE
Respondent

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


1-24-26
DATED


JEFFREY KRAVITZ
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on JUN 12 2024.

IT IS SO ORDERED 5/16/2024, 2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER


By: Marcus L. McCarther
Chief Deputy Real estate Commissioner