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FILED

SEP 11 2017

BUREAU OF REAL ESTATE

By H. Olaz

8 STATE OF CALIFORNIA
9 BUREAU OF REAL ESTATE

11 To:) No. H- 12124 SF
12 MARSHALL REALTY, and)
13 ANNE ELIZABETH OLIVA.) ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

14 The Commissioner of the California Bureau of Real Estate (Bureau) caused an
15 investigation to be made of the activities of MARSHALL REALTY and ANNE ELIZABETH
16 OLIVA ("OLIVA"). Based on that investigation, the Commissioner has determined that
17 MARSHALL REALTY and OLIVA have engaged in, are engaging in, or are attempting to
18 engage in, acts or practices which constitute violations of the California Business and Professions
19 Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including
20 the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
21 broker in the State of California within the meaning of Sections 10131(a) (assist others with the
22 purchase and sale of real property) and/or 10159.5 (failing to obtain authorization from the
23 Bureau before using a fictitious business name) of the Code. Furthermore, based on the
24 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
25 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

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1 FINDINGS OF FACT

2 1. At all relevant times, OLIVA has been licensed by the Bureau as a real
3 estate broker. At no time mentioned, has MARSHALL REALTY been a registered fictitious
4 business name under OLIVA's real estate broker license.

5 2. At no time mentioned has MARSHALL REALTY been licensed by the
6 Bureau in any capacity.

7 3. Robert Alfred Marshall is a former real estate broker who operated his real
8 estate business under his registered fictitious business name MARSHALL REALTY. Robert
9 Alfred Marshall passed away in 2012 and his daughter, OLIVA, took over his real estate
10 business. Thereafter, OLIVA operated under the name MARSHALL REALTY. For instance,
11 MARSHALL REALTY appears on OLIVA's business cards, on broker-salesperson relationship
12 agreements between OLIVA and her agents, on property management agreements entered into
13 between OLIVA and property owners, on OLIVA's monthly owner statements to property
14 owners, and on the bank statements and checks for the property management trust account.

15 4. At no time mentioned, has MARSHALL REALTY been a registered
16 fictitious business name under OLIVA's real estate broker license.

17 CONCLUSIONS OF LAW

18 5. Based on the findings of fact contained in paragraphs 1 through 4,
19 MARSHALL REALTY solicited, negotiated, and/or participated in property management
20 activities which require a real estate license under Code Sections 10130 and 10131(b) during a
21 period of time when MARSHALL REALTY was not licensed by the Bureau in any capacity.

22 6. Based on the findings of fact contained in paragraphs 1 through 4, OLIVA
23 conducted real estate activities using the fictitious business name "Marshall Realty" without first
24 registering this fictitious business name with the Bureau as required by Section 10159.5 of the
25 Code and Section 2731 of the Regulations.

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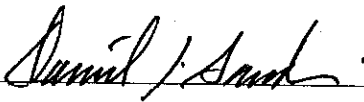
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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein,
3 MARSHALL REALTY, whether doing business under your own name, or any other name or
4 fictitious name, IS HEREBY ORDERED to immediately desist and refrain from performing any
5 acts within the State of California for which a real estate broker license is required, and, in
6 particular, to immediately Desist and Refrain from soliciting, providing or participating in
7 property management services for others, for compensation, or in the expectation of
8 compensation, unless an appropriate license is issued by the Bureau.

9 Based on the Findings of Fact and Conclusions of Law stated herein, ANNE
10 ELIZABETH OLIVA, whether doing business under your own name, or any other name or
11 fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from conducting
12 real estate activities using the fictitious business name "MARSHALL REALTY" without first
13 registering this fictitious business name with the Bureau as required by Section 10159.5 of the
14 Code and Section 2731 of the Regulations.

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16 WAYNE S. BELL
17 REAL ESTATE COMMISSIONER

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20 By: DANIEL J. SANDRI
21 Chief Deputy Commissioner

22 - NOTICE -

23 Business and Professions Code Section 10139 provides that "Any person acting as a real
24 estate broker or real estate salesperson without a license or who advertises using words indicating
25 that he or she is a real estate broker without being so licensed shall be guilty of a public offense
26 punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the
27 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)."