

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

**FILED**

4 DEC 09 2013

5 BUREAU OF REAL ESTATE

6 By 

7  
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  
17 and Refrain to: ) OAH No. 2012100880  
18 ANTHONY NICHOLAS SOBAK, )  
19 SOBAK FINANCIAL, INC., and ) Hearing: Oct. 29-31, 2013  
20 SOBAK LOAN FORENSICS. )

21 **STIPULATION AND AGREEMENT**

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

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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  
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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.

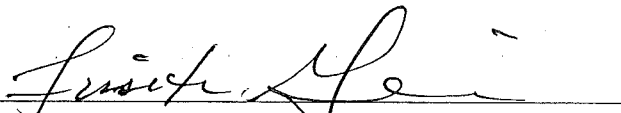
20           a. The Commissioner shall suspend the license of  
21 Respondent pending a hearing held in accordance with California  
22 Government Code Section 11500, et seq., if payment is not timely  
23 made as provided for herein, or as provided for in a subsequent  
24 agreement between the Respondent 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  
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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.

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11 DATED:

10/28/2013

  
LISSETE GARCIA Counsel for Complainant

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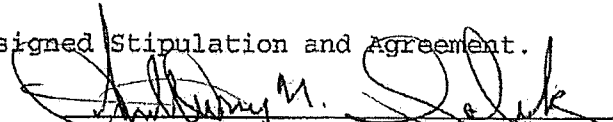
14 We have read the Stipulation and Agreement, have  
15 discussed it with our counsel, and its terms are understood by  
16 us and are agreeable and acceptable to us. We understand that  
17 we are waiving rights given to us by the California  
18 Administrative Procedure Act (including but not limited 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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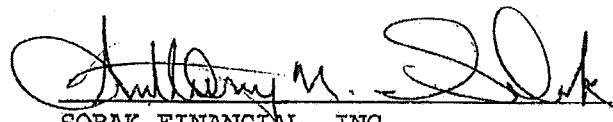
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Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at fax number (213) 576-6917. Respondents agree, 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.

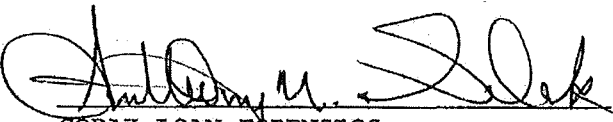
DATED: 10-28-2013

  
ANTHONY NICHOLAS SOBAK, Respondent

DATED: 10-28-2013

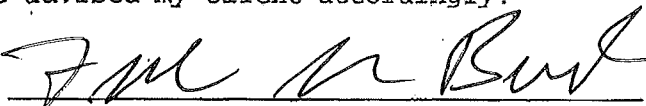
  
SOBAK FINANCIAL, INC.  
By: Anthony Nicholas Sobak

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

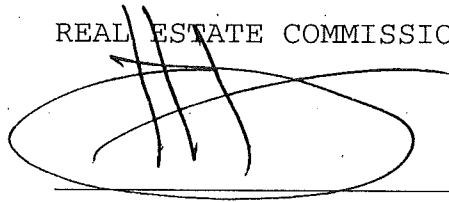
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The foregoing Stipulation and Agreement is hereby

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 vertical strokes, is written over the printed title 'REAL ESTATE COMMISSIONER'. The signature is enclosed within a faint, hand-drawn oval.

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8 By: JEFFREY MASON  
9 Chief Deputy Commissioner

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