

File

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAR 04 2020

DEPT. OF REAL ESTATE

By *[Signature]*

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of)

) DRE No. H-41485 LA

12 NICOLE ANNA,)

) **ORDER EXTENDING TIME**

13 Respondent.)

14 _____
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16 On or about January 30, 2020, a Stipulation and Agreement was rendered herein.

17 The Stipulation and Agreement, which will become effective on March 2, 2020, is subject to
18 certain limitations, conditions, and restrictions, including a requirement that Respondent NICOLE
19 ANNA (hereinafter "Respondent") pay the commissioner reasonable cost as follows: "[a]ll licenses
20 and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the
21 sum of \$3,696.20 for the Commissioner's reasonable cost of the investigation and enforcement
22 which led to this disciplinary action. Said payment shall be in the form of a cashier's check or
23 certified check made payable to the Department of Real Estate. The investigation and enforcement
24 costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
25 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order."

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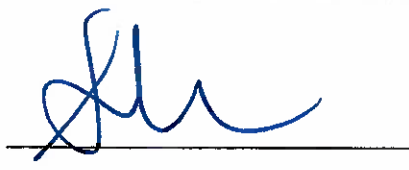
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Good cause having been shown, the time during which the Respondent must satisfy the condition described above is hereby extended to **September 2, 2020**.

This order shall become effective at 12 o'clock noon on **MAR 24 2020**, 2020.

IT IS SO ORDERED 3/2/20, 2020.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

FEB 10 2020

DEPT. OF REAL ESTATE

By 

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of

12 NICOLE ANNA,

13 Respondent.

} DRE No. H-41485 LA

} **STIPULATION AND AGREEMENT**

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15
16 It is hereby stipulated by and between Respondent NICOLE ANNA (hereinafter
17 "Respondent"), and the Complainant, acting by and through Kevin H. Sun, Counsel for the
18 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation
19 filed on September 3, 2019, in this matter (Case No. H-41485 LA):

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

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

1 3. On September 23, 2019, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
3 the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
5 will thereby waive her right to require the Commissioner to prove the allegations in the Accusation
6 at a contested hearing held in accordance with the provisions of the APA and that she will waive
7 other rights afforded to her in connection with the hearing such as the right to present evidence in
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
10 factual allegations in the Accusation filed in this proceeding are true and correct and the Real Estate
11 Commissioner shall not be required to provide further evidence of such allegations.

12 5. It is understood by the parties that the Real Estate Commissioner may adopt the
13 Stipulation and Agreement as her Decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate license and license rights as set forth in the below "Order".
15 In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement,
16 it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding
17 on the Accusation under all the provisions of the APA and shall not be bound by any admission or
18 waiver made herein.

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

23 **DETERMINATION OF ISSUES**

24 By reason of the foregoing stipulations, admissions and waivers and solely for the
25 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
26 the following determination of issues shall be made:

27 The conduct of Respondent, as described in Paragraph 4, is in violation of California

1 Business and Professions Code (hereinafter "Code") Sections 10130, 10131, and 10132, and is
2 grounds for the suspension or revocation of all of the real estate license and license rights of
3 Respondent under the provision of Section 10176 (a), (b), (c), (i), and 10177(d), (g), and (j) of the
4 Code.

5 **ORDER**

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7 I.

8 All licenses and licensing rights of Respondent NICOLE ANNA under the Real
9 Estate Law are revoked; provided, however: a restricted real estate salesperson license shall be
10 issued to Respondent NICOLE ANNA, to be issued pursuant to Code Section 10156.5 if
11 Respondent makes application therefore and pays to the Department the appropriate fee for his
12 restricted real estate broker license within ninety (90) days from the effective date of this Decision
13 and Order. The restricted license issued to Respondent NICOLE ANNA shall be subject to all of
14 the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
15 restrictions imposed under authority of Section 10156.6 of the Code:

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

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

23 3. Respondent shall not be eligible to apply for the issuance of unrestricted real
24 estate licenses nor for removal of any of the conditions, limitations or restrictions of a restricted
25 license until two (2) years have elapsed from the effective date of this Decision and Order.

26 4. Respondent shall, within nine (9) months from the effective date of this Decision
27 and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most

1 recent issuance of an original or renewal real estate license, taken and successfully completed the
2 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
3 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
4 license shall automatically be suspended until Respondent presents evidence satisfactory to the
5 Commissioner of having taken and successfully completed the continuing education requirements.
6 Proof of completion of the continuing education courses must be delivered to the Department of
7 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.


8 5. Respondent shall submit with any application for license under an employing
9 broker, or any application for transfer to a new employing broker, a statement signed by the
10 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
11 shall certify:

12 (a) That the employing broker has read the Decision of the Commissioner which
13 granted the right to a restricted license; and

14 (b) That the employing broker will exercise close supervision over the performance
15 by the restricted licensee relating to activities for which a real estate license is required.

16 6. All licenses and licensing rights of Respondent are indefinitely suspended unless
17 or until Respondent pays the sum of \$3,696.20 for the Commissioner's reasonable cost of the
18 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
19 form of a cashier's check or certified check made payable to the Department of Real Estate. The
20 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag
21 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
22 Decision and Order.

23
24 DATED: 1/31/2020



Kevin H. Sun, Counsel for
Department of Real Estate

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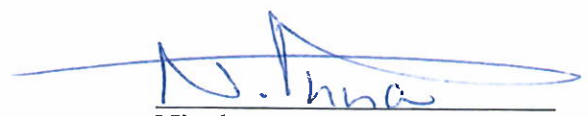
EXECUTION OF THE STIPULATION

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

MAILING AND FACSIMILE

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by sending a hard copy of the original signed signature page of the Stipulation herein to Kevin H. Sun, Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a scan of Respondent's actual signatures as they appear on the Stipulation and Agreement, that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 12/23/2019



Nicole Anna
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent NICOLE ANNA in this matter and shall become effective at 12 o'clock noon on MAR 02 2020, 2019.

IT IS SO ORDERED 11/30/20, 2019.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

