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Bureau of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

**FILED**

NOV 30 2015

BUREAU OF REAL ESTATE

By *Michael L. Davis*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	BRE No. H-38931 LA
	)	OAH No. 2014120450
	)	
MARKOR MORTGAGE, INC.; and	)	
JEFFREY W. MARKELL, individually and	)	STIPULATION AND
as a designated officer of Markor Mortgage, Inc.,	)	AGREEMENT
	)	
	)	
Respondents.	)	

It is hereby stipulated by and between Respondents MARKOR MORTGAGE, INC. ("MMI") and JEFFREY W. MARKELL ("MARKELL"), individually and as designated officer of Markor Mortgage, Inc., (collectively "Respondents") both represented by Frank Buda, Esq., and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on June 28, 2013, in this matter:

1. All issues which were to be contested and all evidence which were to be presented by Complainant and Respondents MMI and MARKELL at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the California Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on

1 the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2           2. Respondents MMI and MARKELL have received, read, and understand the  
3 Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the  
4 Bureau of Real Estate in this proceeding.

5           3. Respondents MMI and MARKELL filed Notices of Defense pursuant to  
6 California Government Code section 11506 for the purpose of requesting a hearing on the  
7 allegations in the Accusation. Respondents MMI and MARKELL hereby freely and voluntarily  
8 withdraw said Notices of Defense. Respondents MMI and MARKELL acknowledge that they  
9 understand that by withdrawing said Notices of Defense they thereby waive their right to require  
10 the Commissioner to prove the allegations in the Accusation at a contested hearing held in  
11 accordance with the provisions of the APA and that Respondents MMI and MARKELL will  
12 waive other rights afforded to them in connection with the hearing such as the right to present  
13 evidence in their defense and the right to cross-examine witnesses.

14           4. This Stipulation is based on the factual allegations contained in the Accusation.  
15 In the interest of expedience and economy, Respondents MMI and MARKELL choose not to  
16 contest these allegations, but to remain silent and understand that, as a result thereof, these  
17 factual allegations, without being admitted or denied, will serve as a prima facie basis for the  
18 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
19 provide further evidence to prove said factual allegations.

20           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
22 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or  
23 another state or federal government is involved.

24           6. It is understood by the parties that the Real Estate Commissioner may adopt  
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on the  
26 real estate licenses and license rights of Respondents MMI and MARKELL as set forth in the  
27 below "Order." In the event that the Commissioner in his discretion does not adopt this

1 Stipulation, it shall be void and of no effect, and Respondents MMI and MARKELL shall retain  
2 the right to a hearing and proceeding on the Accusation under the provisions of the APA and  
3 shall not be bound by this Stipulation herein.

4 7. The Order or any subsequent Order of the Real Estate Commissioner made  
5 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further  
6 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
7 which were not specifically alleged to be causes for Accusation in this proceeding, but do  
8 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in  
9 the Accusation against Respondents MMI and MARKELL herein.

10 8. Respondents MMI and MARKELL understand that by agreeing to this  
11 Stipulation, Respondents MMI and MARKELL agree to pay, pursuant to California Business and  
12 Professions Code section 10106, the cost of the investigation and enforcement. The amount of  
13 investigation and enforcement cost is \$3,789.00.

14  
15 DETERMINATION OF ISSUES

16 By reason of the foregoing, it is stipulated and agreed that the following  
17 determination of issues shall be made:

18 I.

19 The conduct, acts, or omissions of Respondents MARKOR MORTGAGE, INC.  
20 and JEFFREY W. MARKELL, as described in the Accusation and Paragraph 4, above, are in  
21 violation of California Business and Professions Code sections 10240, 10236.4, 10166.02(a),  
22 10159.5, and 10148; California Financial Code section 4973(a)(2)(A) and 4973(f)(1); and Title  
23 10, Chapter 6 of the California Code of Regulations, sections 2840 and 2731, and are a basis for  
24 discipline of Respondents' license and license rights as violation of the Real Estate Law pursuant  
25 to California Business and Professions Code section 10177(d) and 10177(g).

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II.

In addition to the violations described in the previous paragraph, the conduct, acts, or omissions of Respondent MARKELL, as described in the Accusation and Paragraph 4, above, are in violation of California Business and Professions Code sections 10159.2 and Title 10, Chapter 6 of the California Code of Regulations, section 2725, and are a basis for discipline of Respondent's license and license rights as violations of the Real Estate Law pursuant to California Business and Professions Code sections 10177(d), 10177(g), and 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

(SUSPENSION)

I.

All licenses and licensing rights of Respondents MARKOR MORTGAGE, INC. and JEFFREY W. MARKELL under the Real Estate Law are suspended for a period of sixty (60) days, from the effective date of this Decision and Order, provided, however, that:

A. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents MMI and MARKELL shall obey all laws, rules, and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, which cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

1 (INVESTIGATION AND ENFORCEMENT COSTS)

2 II.

3 Pursuant to California Business and Professions Code section 10106,

4 Respondents MMI and MARKELL shall pay, jointly and severally, the Commissioner's  
5 reasonable cost for investigation and enforcement of the matter. The investigation and  
6 enforcement cost which led to this disciplinary action is \$3,789.00. Said payment shall be made  
7 within sixty (60) days after the effective date of this Decision. Said payment shall be in the form  
8 of a cashier's check made payable to the Bureau of Real Estate at: Bureau of Real Estate, Flag  
9 Section, P.O. Box 137013, Sacramento, CA 95813-7013.

10 The Commissioner shall suspend the licenses of Respondents MMI and

11 MARKELL pending a hearing held in accordance with California Government Code section  
12 11500, et seq., if payment is not timely made as provided for herein. The suspension shall  
13 remain in effect until payment is made in full or until Respondents MMI and MARKELL enter  
14 into an agreement satisfactory to the Commissioner to provide for payment, or until a decision  
15 providing otherwise is adopted following a hearing held pursuant to this condition.

16  
17 (CONTINUING EDUCATION)

18 III.

19 Respondent MARKELL shall, within nine (9) months from the effective date of

20 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent  
21 MARKELL has, since the most recent issuance of an original or renewal real estate license, taken  
22 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of  
23 the Real Estate Law for renewal of a real estate license. If Respondent MARKELL fails to  
24 satisfy this condition, Respondent MARKELL's real estate license shall automatically be  
25 suspended until Respondent MARKELL presents evidence satisfactory to the Commissioner of  
26 having taken and successfully completed the continuing education requirements. Proof of  
27 completion of the continuing education courses must be delivered to the Bureau of Real Estate,

1 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

2  
3 (PROFESSIONAL RESPONSIBILITY EXAM)

4 IV.

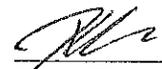
5 Respondent MARKELL shall, within six (6) months from the effective date of  
6 this Decision and Order, take and pass the Professional Responsibility Examination administered  
7 by the Bureau of Real Estate including the payment of the appropriate examination fee. If  
8 Respondent MARKELL fails to satisfy this condition, Respondent MARKELL's real estate  
9 license shall automatically be suspended until Respondent MARKELL passes the examination.

10  
11 (TRUST FUND COURSE)

12 V.

13 All licenses and licensing rights of Respondent MARKELL are indefinitely  
14 suspended unless or until Respondent MARKELL provides proof satisfactory to the  
15 Commissioner, of having taken and successfully completed the continuing education course on  
16 trust fund accounting and handling specified in California Business and Professions Code section  
17 10170.5(a)(3). Proof of satisfaction of these requirements includes evidence that Respondent  
18 MARKELL has successfully completed the trust fund account and handling continuing education  
19 courses, no earlier than 120 days prior to the effective date of the Decision and Order in this  
20 matter. Proof of completion of the trust fund accounting and handling course must be delivered  
21 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or  
22 by fax at 916-263-8758, prior to the effective date of this Decision and Order.

23 DATED: 10/19/2015

24   
25 DIANE LEE, Counsel for  
26 Bureau of Real Estate

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1 \* \* \*

2 EXECUTION OF THE STIPULATION

3 I, JEFFREY W. MARKELL, individually and as designated officer of Markor  
4 Mortgage, Inc., have read the Stipulation and discussed it with my attorney, Frank Buda, Esq. Its  
5 terms are understood by me, and are agreeable and acceptable to me and MARKOR  
6 MORTGAGE, INC. I understand that I am waiving rights given to me and MARKOR  
7 MORTGAGE, INC. by the California APA (including, but not limited to, California Government  
8 Code sections 11506, 11508, 11509, and 11513), and I, individually and as designated officer of  
9 Markor Mortgage, Inc., willingly, intelligently, and voluntarily waive those rights, including, but  
10 not limited to, the right of requiring the Commissioner to prove the allegations in the Accusation  
11 at a hearing at which I, individually and as designated officer of Markor Mortgage, Inc., would  
12 have the right to cross-examine witnesses against me and MARKOR MORTGAGE, INC. and to  
13 present evidence in defense and mitigation of the charges.

14  
15 MAILING AND FACSIMILE

16 Respondents MMI and MARKELL (1) shall mail the original signed signature  
17 page of this Stipulation herein to Bureau of Real Estate, Attention: Legal Section – Diane Lee,  
18 320 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondents MMI and  
19 MARKELL shall also (2) facsimile a copy of signed signature page, to the Bureau of Real Estate  
20 at the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.

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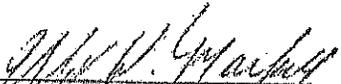
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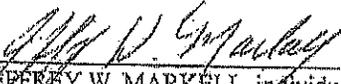
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1 A facsimile constitutes acceptance and approval of the terms and conditions of  
2 this Stipulation. Respondents MMI and MARKELL agree, acknowledge, and understand that by  
3 electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of  
4 Respondents MMI and MARKELL as it appear on the Stipulation that receipt of the facsimile  
5 copy by the Bureau of Real Estate shall be as binding on Respondents MMI and MARKELL as if  
6 the Bureau of Real Estate had received the original signed Stipulation.

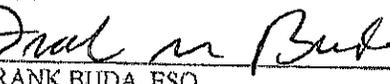
7  
8 DATED: 10/16/2015

  
JEFFREY W. MARKELL, as designated officer of  
Markor Mortgage, Inc.

9  
10  
11 DATED: 10/16/2015

  
JEFFREY W. MARKELL, individually

12  
13 DATED: 10/17/2015

  
FRANK BUDA, ESQ.  
Attorney for Respondents MARKELL  
MORTGAGE, INC. and JEFFREY W. MARKELL

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17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
18 Respondents MARKOR MORTGAGE, INC. and JEFFREY W. MARKELL, and shall become  
19 effective at 12 o'clock noon on \_\_\_\_\_, 2015.

20  
21 IT IS SO ORDERED \_\_\_\_\_, 2015.

22 REAL ESTATE COMMISSIONER  
23  
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2 this Stipulation. Respondents MMI and MARKELL agree, acknowledge, and understand that by  
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4 Respondents MMI and MARKELL as it appear on the Stipulation that receipt of the facsimile  
5 copy by the Bureau of Real Estate shall be as binding on Respondents MMI and MARKELL as if  
6 the Bureau of Real Estate had received the original signed Stipulation.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY W. MARKELL, as designated officer of  
Markor Mortgage, Inc.

9  
10  
11 DATED: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY W. MARKELL, individually

12  
13 DATED: \_\_\_\_\_

\_\_\_\_\_  
FRANK BUDA, ESQ.  
Attorney for Respondents MARKELL  
MORTGAGE, INC. and JEFFREY W. MARKELL

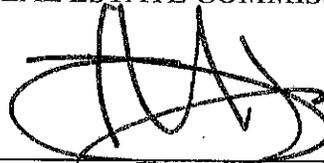
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16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
18 Respondents MARKOR MORTGAGE, INC. and JEFFREY W. MARKELL, and shall become  
19 effective at 12 o'clock noon on DEC 21 2015

20  
21 IT IS SO ORDERED

NOVEMBER 17, 2015

22 REAL ESTATE COMMISSIONER

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24  
25 By: JEFFREY MASON  
26 Chief Deputy Commissioner