

FILED

JUL - 2 2020

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-05106 SD
)
LUKE MICHAEL NORDMARKEN,) STIPULATION AND AGREEMENT
doing business as)
Mission Beach Management, and)
SARINA M NORDMARKEN,)
)
Respondents.)

It is hereby stipulated by and between Respondent LUKE MICHAEL NORDMARKEN and Respondent SARINA M NORDMARKEN ("Respondents"), represented by Robert E. Muir, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on November 14, 2019, in this matter:

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

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1 2. Respondents have received, read, and understand 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. On December 2, 2019, Respondents filed a Notice of Defense pursuant
5 to section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notice of Defense, Respondents will thereby waive Respondents' right to require the Real
9 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that Respondents will
11 waive other rights afforded to Respondents in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondents, pursuant to the limitations set forth below, hereby admit
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
16 Commissioner shall not be required to provide further evidence to prove such allegations.

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

24 6. The Order or any subsequent Order of the Commissioner made pursuant
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
26 civil proceedings by the Department with respect to any matters which were not specifically
27 alleged to be causes for the Accusation in this proceeding.

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1 b. No final determination be made after hearing or upon stipulation
2 that cause for disciplinary action against any of the real estate
3 licenses or license rights of Respondent occurred within two (2) years
4 from the effective date of this Decision and Order. Should such a
5 determination be made, the Commissioner may, in his discretion,
6 vacate and set aside the stay order and reimpose all or a portion of the
7 stayed suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

9 2. Respondent LUKE MICHAEL NORDMARKEN withdraws all pending
10 license applications.

11 3. All licenses and licensing rights of Respondent LUKE MICHAEL
12 NORDMARKEN are indefinitely suspended unless or until Respondent LUKE MICHAEL
13 NORDMARKEN pays, jointly and severally with Respondent SARINA M NORDMARKEN,
14 the sum of \$3,921.05 for the Commissioner's reasonable cost of the investigation and
15 enforcement which led to this disciplinary action. Said payment shall be in the form of a
16 cashier's check made payable to the Department of Real Estate. The investigative and
17 enforcement costs must be delivered to the Department of Real Estate, Flag Section at
18 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
19 Order.

20 II.

21 All licenses and licensing rights of Respondent SARINA M NORDMARKEN
22 under the Real Estate Law are suspended for a period of thirty (30) days from the effective date
23 of this Decision and Order; provided, however, that:

24 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon
25 the following terms and conditions:

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1 a. Respondent shall obey all laws, rules, and regulations governing
2 the rights, duties, and responsibilities of a real estate licensee in the
3 State of California.

4 b. No final determination be made after hearing or upon stipulation
5 that cause for disciplinary action against any of the real estate
6 licenses or license rights of Respondent occurred within two (2) years
7 from the effective date of this Decision and Order. Should such a
8 determination be made, the Commissioner may, in his discretion,
9 vacate and set aside the stay order and reimpose all or a portion of the
10 stayed suspension. Should no such determination be made, the stay
11 imposed herein shall become permanent.

12 2. Respondent SARINA M NORDMARKEN withdraws all pending license
13 applications.

14 3. All licenses and licensing rights of Respondent SARINA M
15 NORDMARKEN are indefinitely suspended unless or until Respondent SARINA M
16 NORDMARKEN pays, jointly and severally with Respondent LUKE MICHAEL
17 NORDMARKEN, the sum of \$3,921.05 for the Commissioner's reasonable cost of the
18 investigation and enforcement which led to this disciplinary action. Said payment shall be in
19 the form of a cashier's check made payable to the Department of Real Estate. The investigative
20 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at
21 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
22 Order.

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24 DATED: 5-27-2020



Steve Chu, Counsel
Department of Real Estate

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement by May 31, 2020, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.


DATED: 4/30/2020


LUKE MICHAEL NORDMARKEN
Respondent

DATED: 4/30/2020


SARINA M NORDMARKEN
Respondent

DATED: 5-4-20


Robert E. Muir
Counsel for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent LUKE MICHAEL NORDMARKEN and Respondent
SARINA M NORDMARKEN, and shall become effective at 12 o'clock noon on
July 31, 2020.

IT IS SO ORDERED

6.21.20

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley