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FILED

JUL 29 2025

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-05777 SD
)
MARKER REAL ESTATE INC, KEVIN)
W MARKARIAN, individually and as)
designated officer/officer of Marker Real)
Estate Inc, and TOCHUKWU SAMUEL)
MORDI,)
)
Respondents.)
_____)

ORDER NUNC PRO TUNC

It having been called to the attention of the Real Estate Commissioner that there is a mistake in the terms of the Order of the Stipulation and Agreement in Settlement and Order dated January 7, 2025 effective April 7, 2025, and good cause appearing therefor, the Order is amended as follows:

Page 1, Lines 17-21, is amended to read as follows:

“It is hereby stipulated by and between Respondents MARKER REAL ESTATE INC and KEVIN W MARKARIAN (collectively “Respondents”) and their attorney of record, Frank M. Buda, and the Complainant, acting by and through Kevin H. Sun, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the

1 Accusation filed on December 13, 2023, in this matter (Case No. H-05777 SD):”.

2 **Page 4, Paragraph 2 of the Order, Lines 1-5**, is amended to read as follows:

3 “2. Respondent shall cooperate fully with the Department and testify at the
4 hearing in this matter (Case No. H-05777 SD), if one is held. Respondent agrees to accept
5 written notice to appear at hearing, in lieu of a subpoena. If Respondent fails to cooperate fully
6 with the Department or testify at the hearing in this matter, the suspension shall go into effect
7 automatically with regard to said Respondent.”

8 **Page 4, Lines 15-17**, is amended to read as follows:

9 “All licenses and license rights of Respondent KEVIN W MARKARIAN under
10 the Real Estate Law are suspended for a period of thirty (30) days from the effective date of
11 this Decision;”.

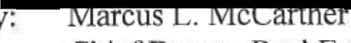
12 **Page 4, Paragraph 2 of the Order, Lines 22-26**, is amended to read as follows:

13 “2. Respondent shall cooperate fully with the Department and testify at the
14 hearing in this matter (Case No. H-05777 SD), if one is held. Respondent agrees to accept
15 written notice to appear at hearing, in lieu of a subpoena. If Respondent fails to cooperate fully
16 with the Department or testify at the hearing in this matter, the suspension shall go into effect
17 automatically with regard to said Respondent.”

18 This Order shall become effective immediately.

19 IT IS SO ORDERED

20 CHIKA SUNQUIST
21 REAL ESTATE COMMISSIONER
22 

23 By: 
24 Marcus L. McCarther
25 Chief Deputy Real Estate Commissioner
26
27

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 06 2025

By 

8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of)

DRE No. H-05777 SD

12 MARKER REAL ESTATE INC, KEVIN W)
13 MARKARIAN, individually and as designated)
14 officer/officer of Marker Real Estate Inc, and)
15 TOCHUKWU SAMUEL MORDI,)

Respondents.)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16
17 It is hereby stipulated by and between Respondents MARKER REAL ESTATE INC
18 and KEVIN W MARKARIAN (collectively "Respondents") and their attorney of record, Frank M.
19 Buda, and the Complainant, acting by and through Kevin H. Sun, Counsel for the Department of
20 Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on
21 December 13, 2023, in this matter (Case No. H-05781 SD):

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

27 2. Respondents have received, read and understand the Statement to Respondents,

1 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in
2 this proceeding.

3 3. On or about December 29, 2023, Respondents filed Notices of Defense pursuant
4 to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
5 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
6 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
7 will thereby waive their rights to require the Commissioner to prove the allegations in the
8 Accusation at a contested hearing held in accordance with the provisions of the APA and that they
9 will waive other rights afforded to them in connection with the hearing such as the right to present
10 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of this
18 proceeding and is expressly limited to this proceeding and any other proceeding or case in which
19 the Department or another licensing agency of this state, another state, or if the federal government
20 is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

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

1 7. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
3 administrative or civil proceedings by the Department of Real Estate with respect to any matters
4 which were not specifically alleged to be causes for accusation in this proceeding.

5 **DETERMINATION OF ISSUES**

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

9 The conduct of Respondent MARKER REAL ESTATE INC, as described in the
10 Accusation, are in violation of Title 10, Chapter 6, California Code of Regulations ("Regulations")
11 Sections 2715 and are grounds for the suspension or revocation of all of the real estate license and
12 license rights of Respondent.

13 The conduct of Respondent KEVIN W MARKARIAN, as described in the
14 Accusation, are in violation of California Business and Professions Code ("Code") Section
15 10177(h) and are grounds for the suspension or revocation of all of the real estate license and
16 license rights of Respondent.

17 **ORDER**

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I.

20 (MARKER REAL ESTATE INC)

21 All licenses and license rights of Respondent MARKER REAL ESTATE INC under
22 the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this
23 Decision;

24 A. Provided, however, that the thirty (30) days of said suspension shall be stayed for
25 two (2) years upon the following terms and conditions:

26 1. No further cause for disciplinary action against the real estate license of
27 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

2. Respondent shall cooperate fully with the Department and testify at the hearing in this matter (Case No. H-05781 SD), if one is held. Respondent agrees to accept written notice to appear at hearing, in lieu of a subpoena. If Respondent fails to cooperate fully with the Department or testify at the hearing in this matter, the suspension shall go into effect automatically with regard to said Respondent.

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

4. That no final subsequent determination be made after hearing or upon stipulation, that 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 under this section, the stay imposed herein shall become permanent.

II.

(KEVIN W MARKARIAN)

All licenses and license rights of Respondent MARKER REAL ESTATE INC under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision;

A. Provided, however, that the thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

2. Respondent shall cooperate fully with the Department and testify at the hearing in this matter (Case No. H-05781 SD), if one is held. Respondent agrees to accept written notice to appear at hearing, in lieu of a subpoena. If Respondent fails to cooperate fully with the Department or testify at the hearing in this matter, the suspension shall go into effect automatically with regard to said Respondent.

3. That Respondent shall obey all laws, rules and regulations governing the

rights, duties and responsibilities of a real estate licensee in the State of California; and

4. That no final subsequent determination be made after hearing or upon stipulation, that 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 under this section, the stay imposed herein shall become permanent.

III.

(MARKER REAL ESTATE INC and KEVIN W MARKARIAN)

All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents pay the sum of **\$2,019.45** for half of the Commissioner's reasonable costs of the investigation and enforcement which led to this disciplinary action. Respondents are jointly and severally liable for their portion of said costs. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. **The payment for the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section, 651 Bannon Street, Suite 504, Sacramento, CA 95811.** If Respondent fail to satisfy this condition, the Commissioner shall order suspension of Respondents' licenses and license rights until the sum is paid.

DATED: 12/7/2024

Kevin H. Sun, Counsel for
Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

We have read the Stipulation, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and

1 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
2 allegations in the Accusation at a hearing at which we would have the right to cross-examine
3 witnesses against us and to present evidence in defense and mitigation of the charges.

4 Respondents shall mail the original signed signature page of the stipulation herein to
5 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
6 Los Angeles, California 90013-1105.

7 In the event of time constraints before an administrative hearing, Respondents can
8 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
9 emailing a scanned copy of the signature page, as actually signed by Respondents, to the
10 Department counsel assigned to this case. Respondents agree, acknowledge and understand that by
11 electronically sending the Department a scan of Respondents' actual signature as it appears on the
12 Stipulation and Agreement that receipt of the scan by the Department shall be binding on
13 Respondents as if the Department had received the original signed Stipulation. Respondents shall
14 also mail the original signed signature page of this Stipulation to the Department counsel.

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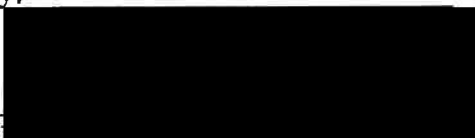
27 ///

Respondents' signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this Stipulation, Respondents are bound by its terms as of the date of such signature and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.


DATED: 12/03/24


MARKER REAL ESTATE INC
Respondent
By: CEO

DATED: 12/03/24


KEVIN W MARKARIAN
Respondent

DATED: 12-3-24



Frank M. Buda, Esq.
Counsel for Respondents
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MARKER REAL ESTATE INC and KEVIN W MARKARIAN in this matter and shall become effective at 12 o'clock noon on 4-7-2025, 2024.

IT IS SO ORDERED 1/7/2025, 2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER


By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner