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**FILED**

AUG 22 2023

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
MARK STEVEN KOUMELIS,  
  
Respondent.

No. H-7213 SAC  
  
STIPULATION AND  
AGREEMENT

It is hereby stipulated by and between MARK STEVEN KOUMELIS (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing of the Accusation filed on April 25, 2023, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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.

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
2 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate  
3 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing  
4 held in accordance with the provisions of the APA and that Respondent will waive other rights  
5 afforded to Respondent in connection with the hearing such as the right to present evidence in  
6 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

17 6. This Decision and Order or any subsequent Order of the Commissioner  
18 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar  
19 to any further administrative or civil proceedings by the Department with respect to any matters  
20 which were not specifically alleged in Accusation H-7213 SAC.

#### 21 DETERMINATION OF ISSUES

22 By reason of the foregoing stipulations, admissions, and waivers and solely for  
23 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
24 that the following Determination of Issues shall be made:

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26 I



1 by the prospective employing real estate broker on a form approved by the Department which  
2 shall certify:

- 3 (a) That the employing broker has read the Decision and Order of the  
4 Commissioner which granted the right to a restricted license; and  
5 (b) That the employing broker will exercise close supervision over the  
6 performance by the restricted licensee relating to activities for which a real  
7 estate license is required.

8 5. Respondent shall, within nine (9) months from the effective date of this  
9 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,  
10 since the most recent issuance of an original or renewal real estate license, taken and successfully  
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
13 Respondent's real estate license shall automatically be suspended until Respondent presents  
14 evidence satisfactory to the Commissioner of having taken and successfully completed the  
15 continuing education requirement.

16 6. Respondent shall notify the Commissioner in writing within 72 hours of  
17 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
18 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
19 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
20 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
21 constitute an independent violation of the terms of the restricted license and shall be grounds for  
22 the suspension or revocation of that license.

23  
24 12 July 2023

25 DATED



26 TRUDY SUGHRUE, Counsel  
27 DEPARTMENT OF REAL ESTATE

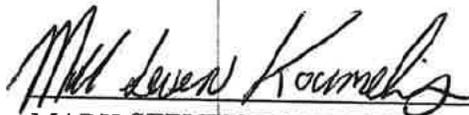
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1 I have read the Stipulation and Agreement, and its terms are understood by me  
2 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
3 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive  
4 those rights, including the right of requiring the Commissioner to prove the allegations in the  
5 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
6 and to present evidence in defense and mitigation of the charges.

7 Respondent further agrees to send the original signed Stipulation by mail to the  
8 following address no later than one (1) week from the date the Stipulation is signed by  
9 Respondent: *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento,*  
10 *California 95813-7007.* Respondent understands and agrees that if he fails to return the original  
11 signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.

12 7-11-2022

13 DATED

14 

15 MARK STEVEN KOUMELIS  
16 Respondent

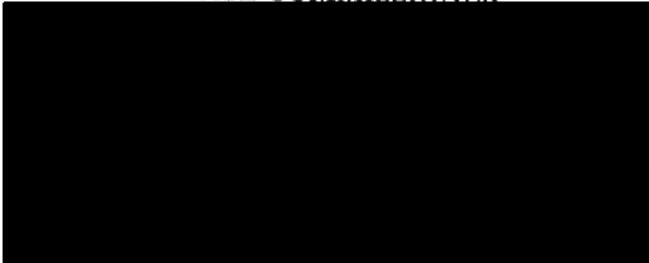
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18 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
19 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

20 SEP 12 2023

21 IT IS SO ORDERED

22 8.11.23

23 DOUGLAS R. McCAULEY  
24 REAL ESTATE COMMISSIONER  
25   
26  
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