

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105
3 Telephone: (213) 576-6982
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FILED

FEB 19 2021

DEPT. OF REAL ESTATE

By 

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

10 ***

11 In the Matter of the Accusation of)

DRE No. H-41544 LA

12 BETTER LIVING SOCAL GROUP)
13 CORPORATION and KELLY NICOLE LAULE,)
14 individually and as designated officer of Better)
Living Social Group Corporation,)

STIPULATION AND AGREEMENT

15 Respondents.)
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18 It is hereby stipulated by and between Respondents BETTER LIVING SOCAL
19 GROUP CORPORATION and KELLY NICOLE LAULE (collectively "Respondents") and their
20 attorney of record, Frank Buda, and the Complainant, acting by and through Kevin H. Sun, Counsel
21 for the Department of Real Estate, as follows for the purpose of settling and disposing of the
22 Accusation filed on November 19, 2019, in this matter (Case No. H-41544 LA):

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

1 2. Respondents have received, read and understand the Statement to Respondents,
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in
3 this proceeding.

4 3. On December 2, 2019, Respondents filed Notices of Defense pursuant to Section
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
8 will thereby waive their rights to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that they
10 will waive other rights afforded to them in connection with the hearing such as the right to present
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

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

26 7. Respondents understand that by agreeing to this Stipulation and Agreement,
27 Respondents agree to pay, pursuant to California Business and Professions Code section 10106, the

1 cost of the investigation and enforcement. The amount of total investigation and enforcement cost
2 is \$3,570.00.

3 8. Respondents understand that by agreeing to this Stipulation and Agreement,
4 Respondents agree to pay, pursuant to California Business and Professions Code section 10148, the
5 cost of the audit which led to this disciplinary action. The amount of said cost for the original audit
6 is \$4,447.95.

7 9. Respondents understand that by agreeing to this Stipulation and Agreement, the
8 Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant to
9 California Business and Professions Code section 10148. The maximum cost of the subsequent
10 audit will not exceed \$5,559.94.

11 **DETERMINATION OF ISSUES**

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

15 The conduct of Respondents, as described in the Accusation, are in violation of
16 California Business and Professions Code ("Code") Sections 10145, 10159.5, and 10162, as well as
17 Title 10, Chapter 6, California Code of Regulations ("Regulations") Sections 2731, 2832, and 2835
18 and are grounds for the suspension or revocation of all of the real estate license and license rights of
19 Respondents under the provision of Code Sections 10176(e), 10177(d) and (g) of the Code.

20 In addition, the conduct of Respondent KELLY NICOLE LAULE, as described in
21 the Accusation, are in violation of Code Section 10159.2 and Regulations Section 2725 and are
22 grounds for the suspension or revocation of all of the real estate license and license rights of
23 Respondent KELLY NICOLE LAULE under the provision of Code Section 10177 (h) of the Code.

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2. 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.

(BETTER LIVING SOCAL GROUP CORPORATION and KELLY NICOLE LAULE)


A. All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents pays the sum of \$300.00 to Joan Land. Said payment shall be in the form of a cashier's check made payable to Joan Land. The restitution check must be delivered to the Counsel Kevin H. Sun, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105, prior to the effective date of this Decision and Order.

B. All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents pays the sum of **\$3,570.00** for the Commissioner's reasonable costs of the investigation and enforcement, which led to this disciplinary action. 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 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.** If Respondents fail to satisfy this condition, the Commissioner shall order suspension of Respondents' licenses and license rights until the sum is paid.

C. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of **\$4,447.95**. Respondents shall pay such costs within ninety (90) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receives the invoice. If Respondents fails to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

1 D. Pursuant to Code section 10148 of the Code, Respondents shall pay the
2 Commissioner's reasonable costs, not to exceed \$5,559.94, for a subsequent audit to determine if
3 Respondents has corrected the violations found in the Determination of Issues. In calculating the
4 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average
5 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
6 for travel time to and from the auditor's place of work. **Respondents shall pay such costs within**
7 **sixty (60) days of receiving an invoice therefor from the Commissioner.** Payment of the audit
8 costs should not be made until Respondents receives the invoice. If Respondents fail to satisfy this
9 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
10 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
11 is adopted following a hearing held pursuant to this condition.

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13 DATED: 12/23/2020



Kevin H. Sun, Counsel for
Department of Real Estate

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17 **EXECUTION OF THE STIPULATION**

18 We have read the Stipulation, have discussed it with our counsel, and its terms are
19 understood by us and are agreeable and acceptable to us. We understand that we are waiving rights
20 given to us by the California Administrative Procedure Act (including but not limited to Sections
21 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
22 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
23 allegations in the Accusation at a hearing at which we would have the right to cross-examine
24 witnesses against us and to present evidence in defense and mitigation of the charges.

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

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

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

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15 DATED: 11-3-2020

Kelly Laule
BETTER LIVING SOCIAL GROUP CORPORATION
Respondent
By: Kelly Laule

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18 DATED: 11-3-2020

Kelly Laule
KELLY NICOLE LAULE, individually and
as designated officer of BETTER LIVING SOCIAL GROUP
CORPORATION,
Respondent

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22 DATED: 11-6-20

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

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1 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
2 Respondents BETTER LIVING SOCIAL GROUP CORPORATION and KELLY NICOLE
3 LAULE in this matter and shall become effective at 12 o'clock noon on
4 MAR 22 2021, 2021.

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6 IT IS SO ORDERED 2 - 12 - 21, 2021.

7 DOUGLAS R. McCAULEY
8 REAL ESTATE COMMISSIONER

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10 Douglas R. McCauley
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