


FILED

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BUREAU OF REAL ESTATE
By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against)	
)	No. H-42086 LA
SEAN MICHAEL BELISLE,)	
)	
Respondent.)	<u>ACCUSATION</u>
)	
)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against SEAN MICHAEL BELISLE ("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6 of the California Code of Regulations.

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ACCUSATION

1 LICENSE HISTORY

2 3.

3 a. Respondent is presently licensed and/or has license rights under the Code as a
4 real estate broker with Department of Real Estate ("Department") license ID 01924498.

5 b. The Department originally issued Respondent a broker license on or about
6 January 16, 2013. Respondent's license is set to expire on January 15, 2025, unless renewed.

7 c. Since August 18, 2020, Respondent has been a broker associate for L B
8 Brokerage Inc (license ID 00909780)

9 d. Respondent does not maintain any fictitious business names with the
10 Department.

11 REAL ESTATE ACTIVITY

12 4.

13 At all times relevant herein, Respondent engaged in the business of, acted in the
14 capacity of, advertised or assumed to act as a real estate broker for or in expectation of
15 compensation, within the meaning of Code section 10131(b), by leasing or renting or offering
16 to lease or rent, or placing for rent, or soliciting listings of places for rent, or soliciting for
17 prospective tenants, or negotiating the sale, purchase or exchanges of leases on real property, or
18 on a business opportunity, or collecting rents from real property, or improvements thereon, or
19 from business opportunities ("property management")

20 CAUSE FOR ACCUSATION

21 (AUDIT NO. LA200097)

22 5.

23 On or about June 28, 2021, the Department completed an audit examination of
24 the books and records of Respondent pertaining to its property management activities described
25 in Paragraph 4 above. The audit examination covered the period of time from January 1, 2019,
26 to December 31, 2020 ("audit period"). The audit examination revealed violations of the Code
27 and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit
28 Report No. LA200097 and the exhibits and work papers attached to said audit report.

ACCUSATION

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6.

According to Respondent and the records examined, during the audit period Respondent managed approximately twenty-five (25) properties for twenty-five (25) owners.

7.

At all times mentioned herein, and in connection with the property management activities described in Paragraph 4 above, Respondent accepted or received funds, including funds in trust ("trust funds") from or on behalf of the owners of the properties managed by Respondent, and thereafter made deposits and/or disbursements of such funds. Respondent maintained three (3) single beneficiary bank accounts and one (1) bank account for multiple beneficiaries. The auditor examined one (1) single beneficiary bank account ("BA1") at Farmers and Merchants Bank (Account No. xxx9875) and the bank account for multiple beneficiaries ("BA2") at Famers and Merchants Bank (Account No. xxx9514).

Violations of the Real Estate Law

8.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. LA200097 and the exhibits and work papers attached to the audit reports:

(a) Handling of Trust Funds/Trust Fund Handling for Multiple Beneficiaries (Code section 10145(a); Regulations section 2832.1).

As of December 31, 2020, BA2 had a shortage of \$20,237.17. The shortage was caused by a negative balance of \$8,855.00 and an unidentified shortage of \$11,382.17.

Respondent did not provide any evidence that the owners of the trust funds had given their written consent to allow Respondent to reduce the balance of funds in BA2 to an amount less than the existing aggregate trust fund liabilities.

(b) Trust Fund Handling (Code section 10145).

The auditor examined and reconciled BA1. As of December 31, 2020, BA1 showed a discrepancy of \$11,899.91 due to inaccurate recordkeeping.

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1 **(c) Trust Fund Records to be Maintained (Code section 10145; Regulations section 2831).**

2 Respondent did not properly maintain complete and accurate records of all trust
3 fund receipts and disbursements (control record) for BA1 and BA2. Based on an examination of
4 records, some trust funds recorded on the control records had inaccurate trust fund dates of
5 disbursement for BA1. BA1 and BA2's records had inaccurate running daily balances.

6 **(d) Separate Record for Each Beneficiary or Transaction (Code section 10145;**
7 **Regulations section 2831.1).**

8 Respondent did not maintain accurate separate records for each beneficiary or
9 transaction (separate record) for BA2. Based on an examination of the separate records
10 provided for the audit examination, not all trust fund receipts and disbursements were recorded
11 in the separate records for BA2.

12 **(e) Handling of Trust Funds/Trust Account Reconciliation (Code section 10145;**
13 **Regulations section 2831.2).**

14 During the audit period, Respondent failed to perform and maintain an accurate
15 monthly reconciliation comparing the balance of all separate beneficiary or transaction records
16 with the records of all trust funds received and disbursed for BA2.

17 **(f) Trust Fund Handling/Designation of Trust Account (Code section 10145; Regulations**
18 **section 2832).**

19 Based on an examination of BA1 and BA2's signature card titled "Account
20 Agreement" dated June 19, 2013, BA1 and BA2 were not designated as trust accounts nor were
21 BA1 and BA2 in the name of Respondent as trustee. The signature card for BA1 and BA2 listed
22 the account title as "Bellweather Properties."

23 **(g) Use of False or Fictitious Business Name (Code section 10159.5; Regulations section**
24 **2731).**

25 Based on an examination of BA1 and BA2's bank signature card, cancelled
26 checks, and bank statements, during the audit period, Respondent used the unlicensed fictitious
27 business name "Bellweather Properties" to conduct real estate property management activities
28 without first obtaining a license from the Department bearing such fictitious business name.

1 **(h) Trust Account Withdrawals (Code section 10145; Regulations section 2834).**

2 Based on the bank signature card for BA1 and BA2 dated June 19, 2013, Helene
3 Belisles, a non-licensee, was authorized to sign and make withdrawals on BA1 and BA2 during
4 the audit period. Respondent did not have fidelity bond coverage or insurance coverage equal to
5 at least the maximum amount of the trust funds to which the unlicensed employee has access.

6 9.

7 **Unlicensed Use of False or Fictitious Business Name**

8 While using the unlicensed fictitious business name "Bellweather Properties,"
9 Respondent advertises and solicits renters and property owners on the website
10 <https://bellweatherproperties.com> ("website") in violation of Code section 10159.5. As of
11 March 5, 2018, Bellweather Properties LLC's powers, rights and privileges ceased as a
12 California company. Respondent was the managing member of Bellweather Properties LLC.

13 -10.

14 Each of the foregoing violations in Paragraphs 8(a)-(h) and 9 above constitute
15 cause for the suspension or revocation of the real estate license and/or license rights of
16 Respondent under the provisions of Sections 10177(d) and/or 10177(g).

17 **COSTS**

18 **(AUDIT COSTS)**

19 11.

20 Section 10148(b) of the Code, provides, in pertinent part, that the Real Estate
21 Commissioner shall charge a real estate broker for the costs of any audit if the Commissioner
22 has found in a final decision, following a disciplinary hearing, that the broker has violated
23 Section 10145 of the Code or a regulation or rule of the Commissioner interpreting said Code
24 section.

25 **(INVESTIGATION AND ENFORCEMENT COSTS)**


26 12.

27 Section 10106 of the Code, provides, in pertinent part, that in any order issued in
28 resolution of a disciplinary proceeding before the Department, the Commissioner may request

1 the administrative law judge to direct a licensee found to have committed a violation of this part
2 to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
5 disciplinary action against all the licenses and/or license rights of Respondent SEAN
6 MICHAEL BELISLE under the Real Estate Law, for the costs of investigation and enforcement
7 as permitted by law, for the cost of the audit, and for such other and further relief as may be
8 proper under other applicable provisions of law.

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10 Dated at San Diego, California this 12 day of October, 2021.

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14 Veronica Kilpatrick
15 Supervising Special Investigator
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22 cc: SEAN MICHAEL BELISLE
23 Veronica Kilpatrick
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25 Audits – Chambers Tse
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