

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

FILED
AUG 16 2022
DEPT. OF REAL ESTATE
By LSA

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)

12 SEAN MICHAEL BELISLE,)

13 Respondent.)

DRE No. H-42086 LA
OAH No. 2022010672

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between SEAN MICHAEL BELISLE (sometimes
17 referred to as “Respondent”), acting by and through his attorney, Jozef G. Magyar, Esq. of
18 Kimball, Tirey & St. John LLP, and the Complainant, acting by and through Judith B. Vasan,
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
20 of the Accusation (“Accusation”) filed on October 19, 2021, in this matter:

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

26 2. Respondent received, read and understands the Statement to Respondent, the
27 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

1 (“Department”) in this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
5 acknowledges that he understands that by withdrawing said Notice of Defense Respondent
6 thereby waives his right to require the Commissioner to prove the allegations in the Accusation
7 at a contested hearing held in accordance with the provisions of the APA and that Respondent
8 will waive other rights afforded to him in connection with the hearing such as the right to present
9 evidence in his defense, and the right to cross-examine witnesses.

10 4. Respondent hereby admits that the factual allegations of the Accusation filed
11 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to
12 provide further evidence of such allegations.

13 5. It is understood by the parties that the Real Estate Commissioner may adopt
14 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
15 Respondent’s real estate license and license rights as set forth in the below “Order”. In the event
16 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
17 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
18 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
19 made herein.

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

24 DETERMINATION OF ISSUES

25 By reason of the foregoing, it is stipulated and agreed that the following
26 determination of issues shall be made:

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1 The conduct, acts or omissions of Respondent SEAN MICHAEL BELISLE, as
2 set forth in the Accusation, are in violation of the Real Estate Law, Part 1 of Division 4 of the
3 California Business and Professions Code (“Code”) sections 10145 and 10159.5 and Sections
4 2731, 2831, 2831.2, 2832, 2832.1, and 2834 of Title 10, Chapter 6 of the California Code of
5 Regulations (“Regulations”) and are a basis for discipline of Respondent’s licenses and licensing
6 rights pursuant to Code section 10177(d).

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I.

10 All licenses and license rights of Respondent SEAN MICHAEL BELISLE under
11 the Real Estate Law are suspended for a period of fifteen (15) days from the effective date of this
12 Decision; provided, however, that all fifteen (15) days of said suspension shall be stayed for one
13 (1) year upon the following terms and conditions:

- 14 1. Respondent shall obey all laws, rules and regulations governing the rights,
15 duties and responsibilities of a real estate licensee in the State of California; and
- 16 2. That no final subsequent determination be made, after hearing or upon
17 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
18 of this Decision and Order. Should such a determination be made, the Commissioner may, in his
19 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
20 suspension. Should no such determination be made, the stay imposed herein shall become
21 permanent.

22 (AUDIT COSTS)

23 II.

24 Pursuant to Code section 10148, Respondent shall pay the Commissioner’s
25 reasonable costs for the audit which led to this disciplinary action in the amount of \$8,313.50.
26 Respondent shall pay such costs within one hundred and twenty (120) days of receiving an
27 invoice therefore from the Commissioner. Payment of the audit costs should not be made until

1 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
2 as provided for herein, Respondent's real estate licenses and/or license rights shall automatically
3 be suspended until payment is made in full, or until a decision providing otherwise is adopted
4 following a hearing held pursuant to this condition.

5 III.

6 Pursuant to Code section 10148 of the Code, Respondent shall pay the
7 Commissioner's reasonable costs not to exceed \$10,391.87 for a subsequent audit to determine if
8 Respondent has corrected the violations found in the Determination of Issues. In calculating the
9 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated
10 average hourly salary for all persons performing audits of real estate brokers, and shall include
11 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
12 costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment
13 of the audit costs should not be made until Respondent receives the invoice. If Respondent fails
14 to satisfy this condition in a timely manner as provided for herein, Respondent's real estate
15 licenses shall automatically be suspended until payment is made in full, or until a decision
16 providing otherwise is adopted following a hearing held pursuant to this condition.

17 (INVESTIGATION and ENFORCEMENT COSTS)

18 IV.

19 Respondent shall pay the Commissioner's reasonable costs of the investigation
20 and enforcement which led to this disciplinary action. The total amount of said investigation
21 (\$1,115.45) and enforcement (\$288.00) costs is \$1,403.45. Said payment shall be in the form of a
22 cashier's check made payable to the Department of Real Estate. The payment for the
23 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
24 Section at P.O. Box 137013, Sacramento, CA 95813-7013, within ninety (90) days from the
25 effective date of this Decision and Order. If Respondent fails to pay the costs of the investigation
26 and enforcement in accordance with the terms and conditions of the Decision and Order, all
27 licenses and license rights of Respondent shall be automatically suspended unless or until

1 Respondent pays the costs of the investigation and enforcement. Respondent shall not be entitled
2 to any repayment nor credit, prorated or otherwise, for money paid to the Department under the
3 terms of this Decision and Order.

4 (CONTINUING EDUCATION)

5 V.

6 Respondent further agrees to provide proof satisfactory to the Commissioner of
7 having taken and successfully completed the continuing education course on trust fund
8 accounting and handling as specified in Paragraph (3) of subdivision (a) of Section 10170.5 of
9 the Business and Professions Code. Proof of satisfaction of this requirement includes evidence
10 that Respondent has successfully completed the trust fund accounting and handling continuing
11 education course within one hundred and twenty days (120) days prior to the effective date of the
12 Decision and Order in this matter. Proof of completion of the trust fund accounting and handling
13 course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
14 Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this Decision and
15 Order.

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17 DATED: 6-10-2022

18 
19 Judith B. Vasani
Counsel for Department of Real Estate

20 EXECUTION OF THE STIPULATION

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

1 Respondent shall mail the original signed signature page of the stipulation herein
2 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
3 Suite 350, Los Angeles, California 90013-1105.

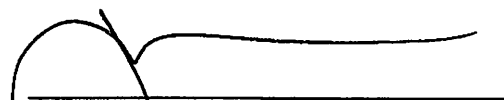
4 In the event of time constraints before an administrative hearing, Respondent can
5 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
6 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
7 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
8 that by electronically sending the Department a scan of Respondent's actual signature as it
9 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
10 binding on Respondent as if the Department had received the original signed Stipulation and
11 Agreement.

12 Respondent's signature below constitutes acceptance and approval of the terms
13 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
14 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
15 that this agreement is not subject to rescission or amendment at a later date except by a separate
16 Decision and Order of the Real Estate Commissioner.

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18 DATED: 6/7/22


SEAN MICHAEL BELISLE
Respondent

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21 DATED: 6/9/22


Jozef G. Magyar, Esq.
Counsel for Respondent
Approved as to Form

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1 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
2 Respondent SEAN MICHAEL BELISLE and shall become effective at 12 o'clock noon on
3 SEP 16 2022.

4 IT IS SO ORDERED 8.12.22.

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6 DOUGLAS R. McCAULEY
7 REAL ESTATE COMMISSIONER

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9 Douglas R. McCauley
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