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FILED

JAN 28 2025

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

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| In the Matter of the Accusation of |) | No. H-43005 LA |
| |) | |
| HOMEPIE, INC. and SEAN MICHAEL |) | <u>ACCUSATION</u> |
| CROSIER, individually and as designated officer |) | |
| of Homepie, Inc., |) | |
| |) | |
| Respondent(s). |) | |

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California, for cause of Accusation against HOMEPIE, INC and SEAN MICHAEL CROSIER (collectively "Respondents") alleges as follows:

1.

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California, makes this Accusation in his official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

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ACCUSATION

1 LICENSE HISTORY

2 3.

3 (HOMEPIE, INC)

4 (a) Respondent HOMEPIE, INC ("HOMEPIE") is presently licensed and/or has
5 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
6 Professions Code, as a real estate corporation ("REC"), Department license ID 02135848.

7 (b) The Department originally issued HOMEPIE's REC license on or about
8 March 1, 2021. HOMEPIE's REC license is scheduled to expire on February 28, 2025, unless
9 renewed.

10 (c) According to the Department's records, Respondent maintains an authorized
11 fictitious business name of "Homepie."

12 (d) According to the Department's records to date, Respondent's main office
13 address is 2655 First Street, Ste 220, Simi Valley, CA 93065.

14 (e) According to the Department's records to date, Respondent employs
15 approximately 1 salesperson under its real estate license.

16 4.

17 (SEAN MICHAEL CROSIER)

18 (a) Respondent SEAN MICHAEL CROSIER ("CROSIER") is presently
19 licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the
20 California Business and Professions Code, as a real estate broker ("REB"), Department license
21 ID 01422888.

22 (b) The Department originally issued CROSIER's REB license on or about July
23 1, 2008. CROSIER's license is scheduled to expire on June 30, 2028 unless renewed.

24 (c) CROSIER was, and is currently, the designated officer for HOMEPIE since
25 March 1, 2021.

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ACCUSATION

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Violations of the Real Estate Law

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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. LA230050, and the exhibits and work papers attached to the audit report:

(a) **Trust Fund Handling For Multiple Beneficiaries (Code sections 10145 and 10146)**. Based on an examination of HOMEPIE's records, Respondents collected fees in advance (upfront fees) from sellers/property owners to list properties for sale and deposited these trust funds at HOMEPIE's various banks in violation of Code section 10145 and 10146. HOMEPIE maintained accounts at US Bank (Account No. ending in 8954), Silicon Valley Bank (Account No. ending in 1343), and Union Bank (undisclosed bank account). Said bank accounts were not designated as trust accounts or in the name of HOMEPIE as trustee.

(b) **Advance Fee Agreements and Materials/Advance Fee Materials (Code section 10085 and Regulations section 2970)**. Based on an examination of HOMEPIE's records, Respondents collected fees in advance from sellers/trust funds prior to submitting an advance fee agreement and material (i.e., Residential Limited-Service Listing Agreement – Exclusive) to the Department for approval or before the agreement were used in violation of Code sections 10085 and Regulations section 2970).

(c) **Trust Fund Handling/Advance Fees to be Deposited in Trust Account/Accounting Content (Code section 10145 and 10146 and Regulations section 2972)**. Based on an examination of HOMEPIE's records, Respondents collected fees in advance from sellers and said trust funds were not deposited into a trust account and the principals were not furnished with a verified copy of accounting with the required information in violation of Code section 10145 and 10146 and Regulations section 2972.

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1 (d) **No Definite Termination Date on Exclusive Agreement Authorizing a**
2 **Licensee (Code Section 10176(f))**. Based on an examination of HOMEPIE's records,
3 Respondents did not define a definite termination date in the "Residential Limited-Service
4 Listing Agreement – Exclusive" in violation of Code Section 10176(f).

5 (e) **Responsibility of Corporate Office in Charge/Broker Supervision (Code**
6 **sections 10159.2 and 10177(h) and Regulations section 2725)**. Based on the violations in
7 Paragraphs 8 (a)-(f) above, Respondent CROSIER failed to exercise adequate supervision and
8 control over HOMPIE's sales activities in violation of Code section 10159.2. Respondent
9 CROSIER failed to provide established policies, rules, procedures, and systems to review,
10 oversee, inspect, and manage transactions requiring a real estate license and the handling of
11 trust funds in violation of Regulations section 2725.

12 **Additional Violations of the Real Estate Law**

13 9.

14 The overall conduct of Respondent violates the Real Estate Law and constitutes
15 cause for the suspension or revocation of its real estate license and license rights under the
16 provisions of **Code Section 10177(g)** for negligence and **Code Section 10177(d)** for willful
17 disregard of the Real Estate Law.

18 10.

19 Each of the foregoing violations in Paragraphs 8 (a)-(g) above constitute cause
20 for the suspension or revocation of the real estate license and/or license rights of Respondent
21 under the provisions of Code sections 10177(d), 10177(g), and 10177(h) (as to CROSIER).

22 **COSTS**

23 (AUDIT COSTS)

24 11.

25 Section 10148(b) of the Code, provides, in pertinent part, that the Real Estate
26 Commissioner shall charge a real estate broker for the costs of any audit if the Commissioner
27 has found in a final decision, following a disciplinary hearing, that the broker has violated

1 Section 10145 of the Code or a regulation or rule of the Commissioner interpreting said Code
2 section.

3 (INVESTIGATION AND ENFORCEMENT COSTS)

4 12.

5 Section 10106 of the Code, provides, in pertinent part, that in any order issued in
6 resolution of a disciplinary proceeding before the Department, the Commissioner may request
7 the administrative law judge to direct a licensee found to have committed a violation of this
8 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
9 case.

10 PRAYER

11 WHEREFORE, Complainant prays that a hearing be conducted on the
12 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
13 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
14 Division 4 of the California Business and Professions Code) of Respondent HOMEPIE, INC
15 and SEAN MICHAEL CROSIER, for the cost of investigation and enforcement as permitted
16 by law, and for such other and further relief as may be proper under applicable provisions of
17 law.

18
19 Dated at San Diego, California this 27th day of January, 2025.

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21 
22 Ray Dagmilo
23 Supervising Special Investigator

24 cc: HOMEPIE, INC
25 SEAN MICHAEL CROSIER
26 Sacto.
27 Audits – Guadalupe Barragan