

1 Bureau of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

DEC 08 2015

BUREAU OF REAL ESTATE

By *Sybil Hanner*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) BRE No. H-39728 LA
12) OAH No. 2015040879
13)
14 SITSEEFly, INC.; JEFFREY CARL AULT,)
15 individually and as designated officer of) STIPULATION AND
16 SitSeeFly, Inc.; and MICHAEL LEONIS, JR.,) AGREEMENT
17)
18 Respondents.)

17 It is hereby stipulated by and between Respondent JEFFREY CARL AULT
18 (“AULT”), represented by Steve Vondran, Esq., and the Complainant, acting by and through
19 Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
20 disposing of the Accusation (“Accusation”) filed on February 3, 2015, in this matter:

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

26 2. Respondent AULT has received and read, and understands the Statement to
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1 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of
2 Real Estate in this proceeding.

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

11 4. This Stipulation is based on the factual allegations contained in the Accusation.
12 In the interest of expedience and economy, Respondent AULT chooses not to contest these
13 allegations, but to remain silent and understands that, as a result thereof, these factual allegations,
14 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
15 stipulated to herein. The Real Estate Commissioner shall not be required to provide further
16 evidence to prove said factual allegations.

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of
18 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
19 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or
20 another state or federal government is involved.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt
22 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on the
23 real estate licenses and license rights of Respondent AULT as set forth in the below "Order." In
24 the event that the Commissioner in his discretion does not adopt this Stipulation, it shall be void
25 and of no effect, and Respondent AULT shall retain the right to a hearing and proceeding on the
26 Accusation under the provisions of the APA and shall not be bound by this Stipulation herein.

1 of this Decision and Order, the entire stay hereby granted pursuant to this Decision and Order, as
2 to said Respondent AULT only, shall become permanent.

3 2. The remaining sixty (60) days of said suspension shall be stayed for two (2)
4 years upon the following terms and conditions:

5 a. Respondent AULT shall obey all laws, rules and regulations governing the
6 rights, duties and responsibilities of a real estate licensee in the State of California; and,

7 b. That no final subsequent determination be made, after hearing or upon
8 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
9 date of this Decision and Order. Should such a determination be made, the Commissioner may,
10 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
11 suspension. Should no such determination be made, the stay imposed herein shall become
12 permanent.

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14 (INVESTIGATION AND ENFORCEMENT COSTS)

15 II.

16 Pursuant to California Business and Professions Code section 10106,
17 Respondent AULT as well as Respondents SitSeeFly, Inc. ("SitSeeFly") and Michael Leonis, Jr.
18 ("Leonis") shall pay the Commissioner's reasonable cost for investigation and enforcement of the
19 matter. The investigation and enforcement cost which led to this disciplinary action is \$1,610.00.
20 Respondent AULT shall pay fifty (50) percent of \$1,610.00, which is \$805.00. Said payment
21 shall be made within sixty (60) days after the effective date of this Decision. Said payment shall
22 be in the form of a cashier's check made payable to the Bureau of Real Estate at: Bureau of Real
23 Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

24 The Commissioner shall suspend the license of Respondent AULT pending a
25 hearing held in accordance with California Government Code section 11500, et seq., if payment
26 is not timely made as provided for herein. The suspension shall remain in effect until payment is
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1 made in full or until Respondent AULT enters into an agreement satisfactory to the
2 Commissioner to provide for payment, or until a decision providing otherwise is adopted
3 following a hearing held pursuant to this condition.

4
5 (AUDIT COSTS)

6 III.

7 Pursuant to California Business and Professions Code section 10148, Respondent
8 AULT and Respondent SitSeeFly shall each pay \$2,325.07 for the Commissioner's cost of the
9 audit which led to this disciplinary action. Respondent AULT shall pay this \$2,325.07 within
10 sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of audit costs
11 should not be made until Respondent AULT receives the invoice. If Respondent AULT fails to
12 satisfy this condition in a timely manner as provided for herein, the real estate license of
13 Respondent AULT shall automatically be suspended until payment is made in full, or until a
14 decision providing otherwise is adopted following a hearing held pursuant to this condition.

15 Pursuant to California Business and Professions Code section 10148, Respondent
16 AULT shall pay the Commissioner's reasonable cost, not to exceed \$4,650.14, for an audit of to
17 determine if Respondent AULT has corrected the violations found in the Determination of
18 Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may
19 use the estimated average hourly salary for all persons performing audits of real estate broker(s),
20 and shall include an allocation for travel time to and from the auditor's place of work.
21 Respondent AULT shall pay such cost, jointly and severally, within sixty (60) days of receiving
22 an invoice therefore from the Commissioner. Payment of the audit costs should not be made
23 until Respondent AULT receives the invoice. If Respondent AULT fails to satisfy this condition
24 in a timely manner as provided for herein, the real estate licenses of Respondent AULT shall
25 automatically be suspended until payment is made in full, or until a decision providing otherwise
26 is adopted following a hearing held pursuant to this condition.

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(CONTINUING EDUCATION)

IV.

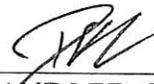
Respondent AULT shall, within nine (9) months from the effective date of this
Decision and Order, present evidence satisfactory to the Commissioner that Respondent AULT
has, since the most recent issuance of an original or renewal real estate license, taken and
successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
Real Estate Law for renewal of a real estate license. If Respondent AULT fails to satisfy this
condition, Respondent AULT's real estate license shall automatically be suspended until
Respondent AULT presents evidence satisfactory to the Commissioner of having taken and
successfully completed the continuing education requirements. Proof of completion of the
continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O.
Box 137013, Sacramento, CA 95813-7013.

(PROFESSIONAL RESPONSIBILITY EXAM)

V.

Respondent AULT shall, within six (6) months from the effective date of this
Decision and Order, take and pass the Professional Responsibility Examination administered by
the Bureau of Real Estate including the payment of the appropriate examination fee. If
Respondent AULT fails to satisfy this condition, Respondent AULT's real estate license shall
automatically be suspended until Respondent AULT passes the examination.

DATED: 10/30/2015



DIANE LEE, Counsel for
Bureau of Real Estate

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A facsimile constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent AULT agrees, acknowledges, and understands that by electronically sending to the Bureau of Real Estate a facsimile copy of the actual signature of Respondent AULT as it appear on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding on Respondent AULT as if the Bureau of Real Estate had received the original signed Stipulation.

DATED: 10-30-2015


JEFFREY CARL AULT, individually and as former designated officer of SitSeeFly, Inc.

DATED: 10-30-15


STEVE VONDRAN, ESQ.
Attorney for Respondent JEFFREY CARL AULT

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent JEFFREY CARL AULT, and shall become effective at 12 o'clock noon on _____, 2015.

IT IS SO ORDERED _____, 2015.

REAL ESTATE COMMISSIONER

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DATED: _____

JEFFREY CARL AULT, individually and as former designated officer of SitSeeFly, Inc.

DATED: _____

STEVE VONDRAN, ESQ.
Attorney for Respondent JEFFREY CARL AULT

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent JEFFREY CARL AULT, and shall become effective at 12 o'clock noon on DEC 28 2015, 2015.

IT IS SO ORDERED DECEMBER 1, 2015.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner