

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF REAL ESTATE BROKERS AND SALESPERSONS

In the Matter of

STELLAR PROPERTIES AND MANAGEMENT GROUP LLC
License No. 65-05-357716,

and

CONSUELO MARINA BLAKELY
License Nos. 65-02-357717
65-02-357380,
Respondents.

File Nos. 65-18-003192
65-19-001083

ORDER OF SUMMARY SUSPENSION

A First Superseding Formal Complaint has been filed against the above-named Respondents in accordance with the Occupational Code, MCL 339.101 *et seq.*, associated administrative rules, and the Administrative Procedures Act; MCL 24.201 *et seq.*

Section 505 of the Code grants the Department of Licensing and Regulatory Affairs the authority to summarily suspend a license or registration if, after an investigation and based upon an affidavit of a person with knowledge of the facts, it determines that an imminent threat to the public health, safety, or welfare exists requiring emergency action.

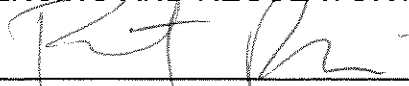
Based on Respondents' actions as described in the attached Affidavit and Complaint, the Department finds that an imminent threat to the public health, safety, or welfare exists.

IT IS ORDERED that Respondents' licenses are summarily suspended on the date this Order is served.

Under MCL 339.505, Respondents have the right to petition for dissolution of this Order of Summary Suspension. The petition shall clearly state that it is a "Petition to Dissolve Summary Suspension" and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 10-14-19


By: Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

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FIRST SUPERSEDING FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division Director, Bureau of Professional Licensing, complains against Respondents as follows:

1. The Michigan Board of Real Estate Brokers and Salespersons is an administrative agency established by the Occupational Code, MCL 339.101 *et seq.* Pursuant to MCL 339.602, the Board is empowered to penalize persons for violations of the Occupational Code.

2. Respondent Stellar Properties and Management Group LLC (Stellar Properties) is currently licensed as a real estate broker company in the state of Michigan. Respondent Blakely is currently licensed as an associate real estate broker in the state of Michigan and is the principal broker for Stellar Properties. Respondent Blakely also

holds an associate real estate broker license with Stellar Realty and Consulting Group LLC.

3. On December 21, 2010, Respondent Blakely was convicted of “Notary Public—General Violations”, a felony, in the Third Judicial Court, Wayne County, Michigan in case number 10-012938-01-FH. The conviction was based on Respondent Blakely fraudulently using a notary public stamp on eviction paperwork that she filed in district court. Respondent Blakely was sentenced to probation, with terms, for one year and ordered to pay fees and costs.

Client M.S.

4. On or about June 1, 2017, Respondents entered into a property management agreement with M.S. for 15765 Prevost, Detroit, Michigan.

5. On November 13, 2018, M.S. filed a Statement of Complaint with the Department alleging that Respondents failed to remit rent money totaling over \$5,000.00 and failed to respond to her inquiries.

6. On January 4, 2019, and February 5, 2019, a Department investigator contacted Respondent Stellar Properties and left a voicemail for Respondent Blakely requesting contact.

7. On February 26, 2019, after receiving no contact from Respondent Blakely, the investigator conducted a field stop at Respondent Stellar Properties’ address of record during normal business hours, but the office was closed. The investigator

deposited his business card in Respondent Blakely's overnight drop-box along with a written directive to provide to the Bureau an accounting of all money received and disbursed for 15765 Prevost within 15 days.

8. On February 27, 2019, Respondent Blakely telephoned the investigator and acknowledged receipt of the directive to provide an accounting. During the conversation, Respondent Blakely acknowledged collecting and failing to properly remit funds for 15765 Prevost.

9. Respondents failed to provide an accounting of all money received and disbursed for 15765 Prevost.

Client A.S.

10. On or about August 21, 2016, Respondents entered into a property management agreement with A.S. for 16559 Northlawn, Detroit, Michigan. The agreement required Respondents, in part, to provide for and supervise the maintenance and repair of both the interior and exterior of the property.

11. On or about August 24, 2017, Respondents and A.S. amended the agreement to include another property at 19931 Oakfield, Detroit, Michigan.

12. On October 23, 2018, A.S. approved the expenditure of \$8,630.00 for repairs for 19931 Oakfield, of which \$5,212.14 was paid from funds already in Respondents' possession with the balance provided to Respondents by A.S.

13. On November 22, 2018, A.S. approved the use of \$258.50 in rent proceeds to cut tall grass and remove debris from 19931 Oakfield.

14. On June 11, 2019, A.S., by his attorney, filed a Statement of Complaint with the Department alleging that Respondents failed to: perform repairs, cut grass, and remove debris from 19931 Oakfield; failed to maintain the interior and exterior of 16658 Northlawn and 19931 Oakfield according to the terms of the property management agreement; and failed to provide an accounting of all monies received and disbursed for 16658 Northlawn and 19931 Oakfield, despite repeated requests for an accounting by A.S.

15. On June 26, 2019, a Department investigator telephoned Respondent Stellar Properties and was provided Respondent Blakely's email address by the automated messaging system. The investigator emailed Respondent Blakely a directive to provide an accounting of all money received and disbursed for 16658 Northlawn and 19931 Oakfield within 15 days.

16. On August 20, 2019, a Department investigator conducted a field stop at Respondent Stellar Properties' address of record during normal business hours and found the office closed. The investigator left a business card in the overnight drop box and sent a second email directing Respondent Blakely to provide an accounting for 16658 Northlawn and 19931 Oakfield within 15 days.

17. On September 6, 2019, the investigator followed up by emailing the request for an accounting to Respondent Stellar Properties at the email address listed on

its website as well as to Michelle Goode, an office assistant identified in A.S.'s Statement of Complaint.

18. Respondents failed to provide an accounting of all money received and disbursed for 16559 Northlawn and 19931 Oakfield.

Client G.A.

19. On or about July 30, 2015, Respondents entered into a property management agreement with G.A. for 18776 Kingsville, Harper Woods, Michigan. The agreement required Respondents, in part, to deposit 85 percent of the rent money into a designated account by the 25th of each month.

20. On June 21, 2019, G.A. filed a Statement of Complaint with the Department alleging that Respondents failed to deposit \$7,951.00 in rent monies for the 2018 calendar year, failed to make any deposits for the 2019 calendar year, and failed to respond to inquiries about the missing funds.

21. On July 10, 2019, a Department investigator telephoned Respondent Stellar Properties and left a voicemail for Office Assistant Goode, requesting contact from Respondent Blakely. Ms. Goode's voicemail greeting provided an email address for contacting Respondent Blakely, so the investigator also emailed a request for contact to Respondent Blakely.

22. On August 19, 2019, the Department investigator mailed a directive to provide an accounting of all money received and disbursed for 18776 Kingsville to Respondent Stellar Properties' address of record.

23. On September 16, 2019, the Department mailed to Respondent Blakely's address of record a directive to provide an accounting of all money received and disbursed for 18776 Kingsville within 15 days.

24. Respondents failed to provide an accounting of all money received and disbursed for 18776 Kingsville.

COUNT I

Respondents' conduct, as described above and Respondent Blakely's conviction demonstrates a lack of propensity to serve the public in the licensed area in a fair, honest, and open manner, and accordingly, a lack of good moral character, in violation of MCL 339.640(d).

COUNT II

Respondents' conduct, as described above, evidences a departure from, or failure to conform to, minimal standards of acceptable practice for an occupation, and therefore, demonstrates incompetence, in violation of MCL 339.604(g).

COUNT III

Respondents' conduct, as described above, evidences failing to account for or remit money that comes into the licensee's possession that belongs to others, in violation of MCL 339.2512(1)(d).

COUNT IV

Respondents' conduct, as described above, evidences a failure to maintain records of funds deposited and withdrawn from property management accounts, contrary to MCL 339.2512c(5), in violation of MCL 339.2512(1)(g).

The Formal Complaint previously executed against Respondents on May 29, 2019, is WITHDRAWN and replaced in full by this First Superseding Formal Complaint.

RESPONDENTS ARE NOTIFIED that, pursuant to MCL 339.508(2), Respondents have 15 days from the date of receipt of this Complaint to notify the Department of Respondents' decision(s) to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondents' selection shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to notify the Department of their decision within 15 days, the Department shall proceed to an administrative hearing.

Dated: 10-14-19



Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

AFFIDAVIT

In the matter of:

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

File Nos. 65-18-003192
65-19-001083

Complainant,

v

STELLAR PROPERTIES AND
MANAGEMENT GROUP LLC
License No. 65-05-357716

and

CONSUELO MARINA BLAKELY
License Nos. 65-02-357717
65-02-357380

Respondents.

STATE OF MICHIGAN)
COUNTY OF INGHAM)

AFFIDAVIT OF STACIE BAYES

Stacie Bayes, being first duly sworn, deposes and says:

1. That she makes this Affidavit in support of the Department of Licensing and Regulatory Affairs' Order of Summary Suspension in the above-referenced matters; that the facts stated in the Affidavit are within her personal knowledge or her knowledge and belief, that she is competent to testify to the facts and will do so if called as a witness.

2. That she is the Manager of the Occupational Code Investigations Section (Section) in the Bureau of Professional Licensing, Department of Licensing and

Regulatory Affairs (Department). The Section is responsible for investigating violations of the Michigan Occupational Code (Code), 1980 PA 299, as amended, MCL 339.101 *et seq* by persons and entities issued a license under the Code.

3. That, in the course of her duties, she reviewed reports and other documents and substantiated the following facts:

a. On December 4, 2018, the Section began investigating an informal complaint that Respondents failed to forward rent money totaling over \$5,000.00 to property owner Michelle Stevenson.

i. During the course of the investigation, an investigator made seven separate attempts to contact Respondents and obtain an accounting for 15765 Prevost, Detroit, Michigan.

ii. To date, Respondents have failed to provide an accounting of all money received and disbursed for 15765 Prevost, Detroit, Michigan.

b. On June 13, 2019, the Section began investigating an informal complaint that Respondents obtained \$8,630.00 belonging property owner Andreas Von Scholten for property repairs and maintenance that were never performed and would not provide an accounting of funds received and disbursed.

i. During the course of the investigation, an investigator made 11 separate attempts to contact Respondents and obtain an accounting

for 16658 Northlawn, Detroit, Michigan and 19931 Oakfield, Detroit, Michigan.

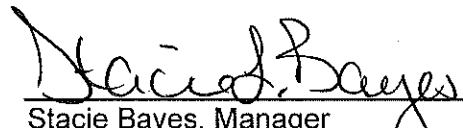
ii. To date, Respondents have failed to provide an accounting of all money received and disbursed for 16658 Northlawn, Detroit, Michigan and 19931 Oakfield, Detroit, Michigan.

c. On July 2, 2019, the Section began investigating an informal complaint that Respondents failed to forward rent totaling \$7,951.00 to property owner Greg Atkinson.

i. During the course of the investigation, an investigator made eight separate attempts to contact Respondents and obtain an accounting for 18776 Kingsville, Harper Woods, Michigan.

ii. To date, Respondents have failed to provide an account of all money received and disbursed for 18776 Kingsville, Harper Woods, Michigan.

4. To ensure for the protection of the public welfare, the Code requires licensed real estate brokers and associate brokers to account for or remit money that comes into their possession that belongs to others, maintain property management records, and allow the Department access to those records during a course of an investigation and review or review of business activities. Respondents failure to comply with these provisions of the Code evidence an imminent threat the health, safety, and welfare of the public and justifies the summary suspension of Respondents' real estate licenses in Michigan.



Stacie Bayes, Manager
Occupational Code Investigations Section
Bureau of Professional Licensing

Subscribed and sworn before me this

10th day of October 2019

Sharon M. Wambly

My commission expires 2-11-2021

Signing in Ingham Co, MI.
County of Easton