

1 Stipulation and Agreement (“Stipulation”).

2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
4 (“Department”) in this proceeding.

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

14 4. This Stipulation is based on the factual allegations contained in the Accusation
15 filed in this proceeding. In the interests of expedience and economy, Respondent chooses not to
16 contest these factual allegations, but to remain silent and understands that, as a result thereof,
17 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
18 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
19 such allegations.

20 5. This Stipulation and Respondent’s decision not to contest the Accusation are
21 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate or another licensing agency of this state, another state or if the federal government is
24 involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

25 6. It is understood by the parties that the Real Estate Commissioner may adopt
26 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
27 Respondent’s real estate license and license rights as set forth in the below “Order.” In the event

1 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
2 void and of no effect and Respondent shall file a Notice of Defense for a hearing and proceed on
3 the Accusation under the provisions of the APA and shall not be bound by any stipulation or
4 waiver made herein.

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

9 DETERMINATION OF ISSUES

10 By reason of the foregoing stipulations and waivers and solely for the purpose of
11 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
12 following determination of issues shall be made:

13 The conduct, acts or omissions of Respondent NICHOLAS KENT DILLON II, as
14 set forth in the Accusation, are a basis for discipline of Respondent's licenses and license rights
15 pursuant to Real Estate Law, Part 1 of Division 4 of the California Business and Professions
16 Code ("Code") sections 10176(a), 10177(j), 10177(d), and/or 10177(g).

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I.

20 All licenses and license rights of Respondent NICHOLAS KENT DILLON II
21 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
22 license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent
23 makes application therefor and pays to the Department the appropriate fee for the restricted
24 license within ninety (90) days from the effective date of this Decision and Order. The restricted
25 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
26 Code and to the following limitations, conditions and restrictions imposed under authority of
27 Section 10156.6 of that Code:

1 1. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
3 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
4 estate licensee.

5 2. The restricted license issued to Respondent may be suspended prior to hearing
6 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
7 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
8 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
9 license.

10 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
11 real estate license nor for removal of any of the conditions, limitations or restrictions of a
12 restricted license until two (2) years have elapsed from the effective date of this Decision and
13 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
14 attaching to the license have been removed.

15 4. Respondent shall submit with any application for license under an employing
16 broker, or any application for transfer to a new employing broker, a statement signed by the
17 prospective employing real estate broker on a form approved by the Department which shall
18 certify:

19 (a) That the employing broker has read the Decision of the Commissioner
20 which granted the right to a restricted license; and

21 (b) That the employing broker will exercise close supervision over the
22 performance by the restricted licensee relating to activities for which a real estate license is
23 required.

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II.

All licenses and license rights of Respondent are indefinitely suspended unless or until Respondent pays Respondent's pro rata share of \$1,947.58 for the Commissioner's reasonable costs of the investigation (\$6,321.55) and enforcement (\$1,468.80), which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The payment of the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

III.

All licenses and license rights of Respondent are indefinitely suspended unless or until Respondent pays restitution of \$4,500.00 to Jonathan Prichard for out-of-pocket expenses incurred during the fumigation of the Del Amo property. Said payment shall be in the form of a cashier's check made payable to Jonathan Prichard. The payment must be delivered to Jonathan Prichard prior to the effective date of this Decision and Order.

IV.

Respondent shall, within nine (9) months from the effective date of this Decision and Order, present evidence satisfactory to the Commissioner that Respondent 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 fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent 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 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.


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V.

Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

DATED: 1-19-2022


Judith B. Vasan, Counsel for
Department of Real Estate

EXECUTION OF THE STIPULATION

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

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

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

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

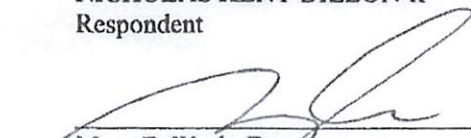
1 binding on Respondent as if the Department had received the original signed Stipulation and
2 Agreement.

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

9 DATED: 1/17-22


NICHOLAS KENT DILLON II
Respondent

12 DATED: 1/19/2022


Mary E. Work, Esq.
Counsel for Respondent
Approved as to Form

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
17 Respondent NICHOLAS KENT DILLON II and shall become effective at 12 o'clock noon on
18 MAR 11 2022

19 IT IS SO ORDERED 2.4.22

21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER

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