

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

DEC 16 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 To: )  
12 ) NO. H-2572 FR  
13 JANA NICHOLS and )  
14 BLACK HILLS PROPERTY SERVICES ) ORDER TO DESIST AND REFRAIN  
15 ) (B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real  
17 Estate ("Department") caused an investigation to be made of the activities of JANA NICHOLS  
18 (hereafter "NICHOLS"), individually and doing business as BLACK HILLS PROPERTY  
19 SERVICES (hereafter "BLACK HILLS"). Based on that investigation, the Commissioner has  
20 determined that NICHOLS, individually and doing business as BLACK HILLS, has engaged in,  
21 is engaging in, or is attempting to engage in, acts or practices constituting violations of the  
22 California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code  
23 of Regulations ("Regulations"), including acting in the capacity of, advertising or assuming to  
24 act as a real estate broker in the State of California within the meaning of Section 10131(b)  
25 (representing clients in the capacity of a rental property manager) of the Code. Furthermore,  
26 based on the investigation, the Commissioner hereby issues the following Findings of Fact and  
27 Desist and Refrain Order under the authority of Section 10086 of the Code.

1 FINDINGS OF FACT

2 1. At no time has NICHOLS been licensed by the Department in any capacity.

3 2. At no time has BLACK HILLS been licensed by the Department in any capacity.

4 3. At least during the period of time set out below, NICHOLS, individually and  
5 doing business as BLACK HILLS, for or in expectation of compensation, negotiated to do one  
6 or more of the following acts for another or others, for or in expectation of compensation:  
7 soliciting and showing properties to prospective tenants, negotiating rental terms, preparing  
8 rental agreements and collecting rent on behalf of clients.

9 4. In furtherance of her plan and scheme to manage rental property, on or about  
10 April 15, 2009, Respondent negotiated a rental agreement with Mark H. and Cynthia H. for the  
11 property located at 7993 Estrella Road, San Miguel, California. In addition, Respondent  
12 collected a \$2,000 deposit from Mark H. and Cynthia H. Respondent continued to collect rental  
13 payments from Mark H. and Cynthia H. through at least March 31, 2010.

14 5. In furtherance of her plan and scheme to manage rental property, on or about  
15 May 29, 2009, Respondent negotiated a rental agreement with Jeffrey M. for the property located  
16 at 649 Bolen Drive, Paso Robles, California. Respondent charged Jeffrey M. a \$2,175 deposit  
17 and a monthly rental fee of \$1,450.

18 CONCLUSIONS OF LAW

19 6. Based on the Findings of Fact contained in Paragraphs 1 through 5, above, JANA  
20 NICHOLS, individually and doing business as BLACK HILLS PROPERTY SERVICES, has  
21 performed and/or participated in property management activities which require a real estate  
22 license under Section 10131(b) of the Code during a period of time when JANA NICHOLS,  
23 individually and doing business as BLACK HILLS PROPERTY SERVICES, was not licensed  
24 by the Department in any capacity, in violation of Section 10130 of the Code.

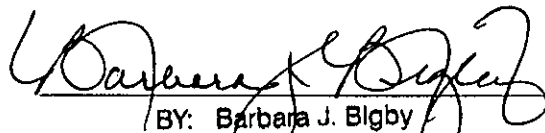
25 DESIST AND REFRAIN ORDER

26 Based upon the Findings of Fact and Conclusions of Law stated herein, JANA  
27 NICHOLS, individually and doing business as BLACK HILLS PROPERTY SERVICES, is

1 ordered to immediately desist and refrain from performing any and all acts within the State of  
2 California for which a real estate broker license is required, and in particular, that you are to  
3 immediately desist and refrain from providing or participating in property management services  
4 for others and for compensation and/or the expectation of compensation.

5 DATED: 12/15, 2010

6 JEFF DAVI  
7 Real Estate Commissioner

8  
9 

10 BY: Barbara J. Bigby  
11 Chief Deputy Commissioner

12 -NOTICE-

13 Business and Professions Code Section 10139 provides that, "Any person acting  
14 as a real estate broker or real estate salesperson without a license or who advertises using words  
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
19 (\$60,000)...."

20 To: Jana Nichols  
21 7115 Santa Ysabel Avenue, Unit C  
22 Atascadero, CA 93423

23 Black Hills Property Services  
24 7115 Santa Ysabel Avenue, Unit C  
25 Atascadero, CA 93423  
26  
27