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FILED

DEC 23 2021

DEPARTMENT OF REAL ESTATE
By: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:)

12 ELLINGTON PROPERTIES and)
13 FRANCIS SAMUEL DIXON,)

14 Respondents.)

No. H-7055 SAC

ACCUSATION

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16 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
17 Supervising Special Investigator of the State of California, for cause of Accusation against
18 ELLINGTON PROPERTIES ("ELLINGTON") and FRANCIS SAMUEL DIXON ("DIXON")
19 (collectively referred to herein as "Respondents"), is informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

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22 Respondents are presently licensed and/or have license rights under the Real
23 Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

24 2

25 At all times herein mentioned, ELLINGTON was and is licensed by the State of
26 California Department of Real Estate ("Department") as a real estate broker corporation.

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1 On or about November 2, 2009, and continuing until February 12, 2020, the corporate powers,
2 rights, and privileges of ELLINGTON were suspended by the California Secretary of State.

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4 At all times herein mentioned, Ted DeFazio was employed as a real estate
5 salesperson under ELLINGTON's corporate broker license. Mr. DeFazio was the salesperson
6 acting on behalf of ELLINGTON in the transaction outlined below in Paragraphs 7a, 7b, 7c, and
7 7f.

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9 At all times herein mentioned, DIXON was and is licensed by the Department
10 individually as a real estate broker, and as the designated broker officer of ELLINGTON.
11 As said designated officer-broker, DIXON was responsible, pursuant to Section 10159.2 of the
12 Code, for the supervision of the activities of the officers, agents, real estate licensees and
13 employees of ELLINGTON for which a license is required.

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15 Whenever reference is made in an allegation in this Accusation to an act or
16 omission of ELLINGTON, such allegation shall be deemed to mean that the officers, directors,
17 employees, agents and/or real estate licensees employed by or associated with ELLINGTON
18 committed such act or omission while engaged in the furtherance of the business or operations of
19 ELLINGTON, and while acting within the course and scope of their authority and employment.

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21 At all times mentioned, Respondents engaged in the business of, acted in the
22 capacity of, advertised, or assumed to act as real estate brokers in the State of California, within
23 the meaning of Section 10131(a) of the Code, including the operation and conduct of a real
24 estate resale brokerage with the public wherein, on behalf of others, for compensation or in
25 expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,
26 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated
27 the purchase and resale of real property.

Within the proceeding three years from the date of the filing of this action, Respondents performed real estate related services on behalf of other for compensation within the meaning of Section 10131(a) of the Code regarding the following transactions:

No.	Property Address	Respondents represent	Commission Amt.	Start of RE Activity	Close Date
7a.	389 Torburry Way, Folsom CA	Seller	2.5%	3/3/2019	N/A
7b.	1638 Virginia Ave. West Sac., CA	Buyer	2.5%	6/9/2019	7/8/2019
7c.	6806 South Land Park Dr., Sac., CA	Seller	2.5%	7/7/2019	9/13/2019
7d.	1134 La Sierra Dr., El Dorado Hills, CA	Buyer	2.5%	7/17/2019	8//21/2019
7e.	21555 Thunderbird Rd., Apply Valley, CA 92307	Buyer	2%	8/11/2019	4/17/2020
7f.	4551 Oxbow Ridge Pl., Fair Oaks, CA 95628	Buyer	2.5%	9/5/2019	10/2/2019
7g.	175 Foresthill Ave., Auburn CA	Seller	2.5%	10/24/2019	12/10/2019

FIRST CAUSE OF ACTION
Operating While Suspended
(As Against ELLINGTON and DIXON)

Each and every allegation in Paragraphs 1 through 7, inclusive, above are incorporated by this reference as if fully set forth herein.

Effective November 2, 2009, and at all times thereafter until February 12, 2020, the corporate powers, rights and privileges of ELLINGTON were suspended by the California Secretary of State.

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While suspended by the California Secretary of State, ELLINGTON continued to engage in real estate sales activity, as described in Paragraph 7a through 7g, including, but not limited to, performing services on behalf of buyers and sellers in expectation of compensation regarding the purchase and sale of real property.

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While ELLINGTON was suspended by the California Secretary of State, DIXON continued to utilize ELLINGTON to engage in real estate sales activity, as described in Paragraph 7d, 7e, and 7g, including, but not limited to, performing services on behalf of buyers and sellers in expectation of compensation regarding the purchase and sale of real property.

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The acts and/or omissions of Respondents, as alleged above, are grounds for the revocation or suspension of Respondents' real estate license and license rights under Section 10177(d) of the Code and Section 10177(g) of the Code, and Title 10, Section 2742(c) of the California Code of Regulations ("the Regulations").

SECOND CAUSE OF ACTION
Advertising Violation
(As Against ELLINGTON)

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Each and every allegation in Paragraphs 1 through 12, inclusive, above, are incorporated by this reference as if fully set forth herein.

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On or about March 30, 2021, and ongoing, ELLINGTON failed to disclose its Department of Real Estate issued corporate license identification number on ELLINGTON's corporate website address located on the web at www.ellprop.com.

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The acts and/or omissions of ELLINGTON, as alleged above in the Paragraph 14, constitute grounds for the revocation or suspension of the real estate licenses or license rights of ELLINGTON pursuant to Sections 10140.6 and 10177 of the Code.

THIRD CAUSE OF ACTION

Failure to Supervise
(As Against DIXON)

Each and every allegation in Paragraphs 1 through 15, inclusive, above, are incorporated by this reference as if fully set forth herein.

At all relevant times, DIXON, as the supervising broker of ELLINGTON, was required to exercise reasonable supervision and control over the activities of ELLINGTON pursuant to Section 10177(h) of the Code and Section 2725 of the Regulations.

DIXON failed to exercise reasonable supervision over the acts and/or omissions of ELLINGTON in such a manner as to allow the acts and/or omissions as described in the First, and Second Causes of Action to occur, which constitutes cause for the suspension or revocation of the license(s) and license rights of DIXON under Sections 10177(d) and/or 10177(g) of the Code, 10177(h), and 10159.2 of the Code, in conjunction with Section 2725 of the Regulations.


COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondents under the Code, for the cost of
4 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
5 and further relief as may be proper under other provisions of law.

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11 TRICIA D. PARKHURST
12 Supervising Special Investigator

10 Dated at Sacramento, California,
11 this 20th day of December, 2021

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13 DISCOVERY DEMAND

14 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of
15 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
16 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
17 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
18 Office of Administrative Hearings deems appropriate.