

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-7843

FILED

MAY 25 2022

DEPARTMENT OF REAL ESTATE
By B. Nicholas

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of:) Case No. H-7055 SAC
11)
12 ELLINGTON PROPERTIES and,) STIPULATION AND AGREEMENT
13 FRANCIS SAMUEL DIXON,) IN SETTLEMENT AND ORDER
14 Respondents.)
_____)

15 It is hereby stipulated by and between Respondent ELLINGTON PROPERTIES
16 (“ELLINGTON”) and FRANCIS SAMUEL DIXON (“DIXON”) (collectively referred to as
17 “Respondents”), acting by and through J. Scott Donald, counsel for Respondents, and the
18 Complainant, acting by and through Jason D. Lazark, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing of the Accusation filed on December
20 23, 2021, in this matter:

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

26 2. Respondents have received, read, and understand the Statement to
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department

1 of Real Estate in this proceeding.

2 3. Respondents filed Notices of Defense pursuant to Section 11505 of the
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
4 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
5 acknowledge that they understand that by withdrawing said Notices of Defense they will
6 thereby waive their rights to require the Real Estate Commissioner ("Commissioner") to prove
7 the allegations in the Accusation at a contested hearing held in accordance with the provisions
8 of the APA, and that they will waive other rights afforded to them in connection with the
9 hearing such as the right to present evidence in defense of the allegations in the Accusation and
10 the right to cross-examine witnesses.

11 4. This Stipulation and Agreement is based on the factual allegations contained in
12 the Accusation. In the interest of expediency and economy, Respondents choose not to contest
13 these factual allegations, but to remain silent and understand that, as a result thereof, these
14 factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order"
15 set forth below. The Commissioner shall not be required to provide further evidence to prove
16 such allegations.

17 5. This Stipulation and Agreement and Respondents' decision not to contest the
18 Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are
19 expressly limited to this proceeding and not any other proceeding or case in which the
20 Department, the state or federal government, an agency of this state, or an agency of another
21 state is involved.

22 6. It is understood by the parties that the Real Estate Commissioner may adopt
23 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties
24 and sanctions on Respondents' real estate licenses and license rights as set forth in the below
25 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
26 and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a
27

1 effective date of this Order. Should such a determination be made, the Commissioner may, in
2 his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay imposed herein shall become
4 permanent.

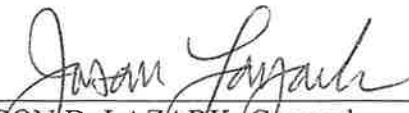
5 III.

6 AS TO ELLINGTON AND DIXON JOINTLY AND SEVERALLY

7 All licenses and licensing rights of Respondents are indefinitely suspended
8 unless or until Respondents, jointly and severally, pay the sum of \$2,200.00 for the
9 Commissioner's reasonable cost of the investigation and enforcement which led to this
10 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
11 made payable to the Department of Real Estate. The investigative and enforcement costs must
12 be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
13 CA 95813-7013, prior to the effective date of this Decision and Order.

14
15 5/3/2022

16 DATED

17 
18 JASON D. LAZARK, Counsel
19 Department of Real Estate


20 * * *

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

///

1 I further agree to send the original signed Stipulation and Agreement by mail to
2 the following address no later than one (1) week from the date the Stipulation and Agreement
3 is signed by me and my attorney: *Department of Real Estate, Legal Section, P.O. Box 137007,*
4 *Sacramento, California 95813-7007.* I understand and agrees that if they fail to return the
5 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
6 this matter for hearing.

7
8 April 26, 2022
9 DATED

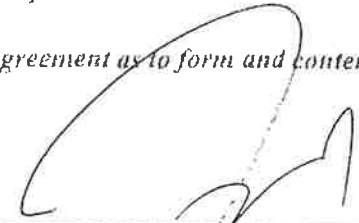

FRANCIS SAMUEL DIXON
Designated Officer for Respondent
ELLINGTON PROPERTIES

10
11 April 26, 2022
12 DATED


FRANCIS SAMUEL DIXON
Respondent

13
14 *I have reviewed the Stipulation and Agreement as to form and content and*
15 *have advised my client accordingly.*

16
17 4/26/2022
DATED



J. SCOTT DONALD
Attorney for Respondents
ELLINGTON PROPERTIES and
FRANCIS SAMUEL DIXON

18
19
20 * * *

21 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
22 this matter and shall become effective at 12 o'clock noon on JUN 15 2022

23 IT IS SO ORDERED 5.19.22, 2022.

24
25 REAL ESTATE COMMISSIONER

26 
27 DOUGLAS R. McCAULEY