

1 KYLE T. JONES, Counsel (SBN 300751)
2 Department of Real Estate
3 P.O. BOX 137007
4 Sacramento, CA 95813-7007

5 Telephone: (916) 576-8700
6 (916) 263-3767 (Fax)
7 (916) 576-7840 (Direct)

FILED
DEC 22 2021
DEPARTMENT OF REAL ESTATE
By *J. Lagan*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-12573 SF
13 NIKIL BALAKRISHNAN,)
14 Respondent.) ACCUSATION

15 The Complainant, STEPHANIE YEE, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against NIKIL
17 BALAKRISHNAN ("Respondent"), is informed and alleges as follows:

18 1

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real
21 estate salesperson.

22 2

23 On or about May 8, 2020, in the Superior Court of the State of California, County
24 of San Francisco, Case No. 1905717, Respondent was convicted of violating Section 242
25 (Battery) of the California Penal Code, a misdemeanor and a crime that bears a substantial
26 relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section
27 2910, Title 10, of the California Code of Regulations.

On September 28, 2021, a diligent search was made of the records of the Department of Real Estate ("Department") relating to Respondent's real estate salesperson license No. 01989487. No record or written notice was received within 30 days from Respondent notifying the Department, in writing, of any conviction, license disciplinary action, criminal complaint, information, or indictment charging a felony.

MATTER IN AGGRAVATION

On or about August 27, 2010, in the Superior Court of the State of California, County of Santa Clara, Case No. B1045217, Respondent was convicted of violating Section 23152(b) (driving under the influence-over .08%) of the California Vehicle Code, a misdemeanor.

GROUND FOR DISCIPLINE

The facts alleged above in Paragraph 2 constitute cause under Sections 490 (conviction of substantially related crime) and 10177(b) (conviction of substantially related crime) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

Respondent's failure to report the conviction to the Department, as described above in Paragraph 3 violates Section 10186.2 (a) (conviction reporting requirements) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate Law) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

///

///

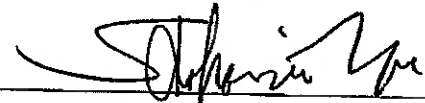
///

1 COST RECOVERY

2 7

3 The Department will seek to recover the costs of the investigation and prosecution
4 of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any
5 order issued in resolution of a disciplinary proceeding before the Department, the Commissioner
6 may request the administrative law judge to direct a licensee found to have committed a violation
7 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
8 of the case.

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
10 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and license rights of Respondent under the Real Estate Law, for the
12 cost of investigation and enforcement as permitted by law, and for such other and further relief as
13 may be proper under other provisions of law.

14 

15 STEPHANIE YEE

16 Supervising Special Investigator

17
18 Dated at Oakland, California,
19 this 20th day of December, 2021.

20
21
22 DISCOVERY DEMAND

23 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
24 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
25 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
26 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
27 Administrative Hearings deems appropriate.