

FILED

NOV 03 2021

BUREAU OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of:)
)
 NICHOLAS KENT DILLON II; FLAT FEE)
)
 GROUP, INC., doing business as Smart Realty)
)
 Group; JASON WHITMORE; individually and)
)
 as former designated officer of Flat Fee Group,)
)
 Inc.; and MICHELLE JENNY LIN, individually)
)
 and as designated officer of)
)
 Flat Fee Group, Inc.;)
)
)
)
 Respondents.)
)

DRE No. H-41819 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 23, 2021, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, JASON WHITMORE; individually and as former designated officer of Flat Fee Group, Inc. ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the

Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On October 19, 2020, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on November 12, 2020.

2.

On July 23, 2021, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

At all times mentioned, Respondent is licensed and/or has licensing rights issued by the Department of Real Estate as a real estate broker.

4.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on November 12, 2020, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraphs 11 through 44, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Sections 10177(d), 10177(g), 10177(h), and Regulations sections 10159.2 and 2725 of the Business and Professions Code.

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

///

///

///

ORDER

All licenses, licensing rights, and license endorsements of Respondent JASON WHITMORE; individually and as former designated officer of Flat Fee Group, Inc. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on NOV 23 2021

DATED: 10.29.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

1 Department of Real Estate
2 1651 Exposition, Blvd.
3 Sacramento, CA, 95815

FILED

JUL 23 2021

DEPT. OF REAL ESTATE
By Al Selavo

4
5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. H-41819 LA
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)
30)
31)
32)
33)
34)
35)
36)
37)
38)
39)
40)
41)
42)
43)
44)
45)
46)
47)
48)
49)
50)
51)
52)
53)
54)
55)
56)
57)
58)
59)
60)
61)
62)
63)
64)
65)
66)
67)
68)
69)
70)
71)
72)
73)
74)
75)
76)
77)
78)
79)
80)
81)
82)
83)
84)
85)
86)
87)
88)
89)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
100)

Respondent JASON A WHITMORE, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED JUL 23 2021

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

By: Chika Sunquist
CHIKA SUNQUIST
Assistant Commissioner, Enforcement