

FILED

AUG 01 2016

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Robert Kizer*

JOSEPH R. DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 14-09-20-097

Petitioner,

vs.

DECISION

CHRISTIAN DELGADO,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, July 12, 2016, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. Respondent Christian Delgado ("RESPONDENT") did not appear. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. RESPONDENT has never obtained from the Division a license as a real estate broker, real estate broker-salesperson, or real estate salesperson.
2. RESPONDENT is the Chief Operating Officer of Real Estate Development LLC.
3. On or about May 29, 2013, RESPONDENT met with Blumaro Godinez and Roxana Jandres regarding their desire to purchase real property in Nevada.
4. At that meeting, RESPONDENT asked Godinez and Jandres for \$35,000 to be used as a down payment for the purchase of real property.

1 5. On or about June 5, 2013, Godinez gave Real Estate Development LLC a
2 \$35,000 cashier's check for a down payment on the purchase of real property.

3 6. On or about June 11, 2013, Godinez and Jandres signed a Buying Agreement
4 with Real Estate Development LLC.

5 7. Thereafter, Real Estate Development LLC showed Godinez and Jandres only
6 one property over a period of more than a month.

7 8. Godinez and Jandres requested the return of their down payment, but Real
8 Estate Development LLC and RESPONDENT have not issued a refund, and stopped
9 communicating with Godinez and Jandres.

10 9. On or about September 10, 2013, Godinez and Jandres filed a Statement of
11 Fact with the Division complaining about RESPONDENT's conduct.

12 10. By way of a letter dated September 23, 2013, the Division asked RESPONDENT
13 to provide an affidavit regarding the complaint filed by Godinez and Jandres.

14 11. RESPONDENT never responded to the Division's letter.

15 12. On or about July 11, 2013, RESPONDENT met with Bernardino and Maria
16 Gonzalez regarding their desire to purchase real property in Nevada.

17 13. At that meeting, Bernardino and Maria Gonzalez signed a Buying Agreement
18 with Real Estate Development LLC.

19 14. On or about July 14, 2013, Bernardino Gonzalez gave Real Estate
20 Development LLC a \$10,000 check for a down payment on the purchase of real property.

21 15. Real Estate Development LLC showed Bernardino and Maria Gonzalez only one
22 property for possible purchase.

23 16. Bernardino and Maria Gonzalez requested the return of their down payment, but
24 Real Estate Development LLC and RESPONDENT have not issued a refund.

25 17. On or about September 26, 2013, Bernardino and Maria Gonzalez filed a
26 Statement of Fact with the Division complaining about RESPONDENT's conduct.

27 18. On or about July 11, 2013, RESPONDENT met with Juanita Escobar regarding
28 her desire to purchase real property in Nevada.

1 19. At that meeting, RESPONDENT asked Escobar for \$22,000 to be used as a
2 down payment for the purchase of real property.

3 20. On or about July 15, 2013, Escobar gave Real Estate Development LLC a
4 \$22,000 cashier's check for a down payment on the purchase of real property.

5 21. Also on that date, RESPONDENT gave Escobar a proposed Agreement to
6 Purchase real estate.

7 22. Escobar requested the return of her down payment, but Real Estate
8 Development LLC and RESPONDENT have not issued a refund, and stopped communicating
9 with Escobar.

10 23. On or about October 24, 2013, Escobar filed a Statement of Fact with the
11 Division complaining about RESPONDENT's conduct.

12 24. On or about August 27, 2014, the Division sent a *Cease and Desist Order* to
13 RESPONDENT, ordering RESPONDENT to cease and desist "from conducting any and all
14 real estate activity as defined in NRS 645.030"

15 CONCLUSIONS OF LAW

16 The Commission, based upon the preponderance of the evidence, makes the following
17 legal conclusions:

18 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters
19 645 and 233B and NAC Chapter 645.

20 2. Pursuant to NAC 645.860, the Commission finds that the following charges
21 specified in the Complaint are true and supported by substantial evidence.

22 3. RESPONDENT violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) on three
23 occasions by engaging in the business of, acting in the capacity of, or assuming to act as, a
24 real estate broker, real estate broker-salesperson or real estate salesperson within the State
25 of Nevada without first obtaining the appropriate license from the Division.

26 ORDER

27 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total of
28 \$16,392.92. The total reflects a fine of \$15,000.00 for committing the above violations of law

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plus \$1,392.92 for hearing and investigative costs. RESPONDENT shall pay the total amount to the Division within ninety (90) days of the effective date of this Order. The Division may institute debt collection proceedings for failure to timely pay the total amount.

The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this Decision.

This Order shall become effective on the 9th day of September, 2016.

DATED this 1st day of August, 2016.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: 

President, Nevada Real Estate Commission