

MAR 28 2016

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

GAIL J. ANDERSON, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES13-07-07-007

Petitioner,

vs.

ROMAN T. FERNANDEZ, JR.,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Nevada Real Estate Commission, Department of Business and Industry, State of Nevada ("Commission") on October 14, 2014 at 555 E. Washington Avenue, Room 4401, Las Vegas Nevada, 89101. Present were Commissioners David Boyer, Norma Jean Opatik, Sherrie Cartinella, Neil Schwartz, and Richard Johnson. The Respondent, ROMAN T. FERNANDEZ ("RESPONDENT" or "FERNANDEZ"), appeared and testified on his own behalf. Witnesses Victoria Bayot and Corazon Valdez appeared and testified. All Exhibits were accepted into evidence without objection.

FINDINGS OF FACT

Based upon the credible testimony of the witnesses, Victoria Bayot and Corazon Valdez, the documentary evidence presented during the Hearing, and the RESPONDENT's own admissions, the Commission hereby finds that there is a preponderance of evidence in the record to establish each of the following Findings of Fact:

1. RESPONDENT, at the relevant times, was licensed as a Salesperson, license number S.0026541 from 1990 through December 31, 2012 (expired) and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

1 2. Victoria Bayot (hereinafter referred to as "Bayot") was referred to
2 RESPONDENT through a mutual acquaintance on April 25, 2012 to assist her in purchasing a
3 property.

4 3. RESPONDENT showed Bayot a property at 4955 Lindell Road, Las Vegas and
5 she decided to purchase the property.

6 4. Pursuant to RESPONDENT'S request, Bayot provided RESPONDENT a one
7 thousand dollars (\$1,000) money order check on April 25, 2012 as an earnest deposit on a
8 property.

9 5. When RESPONDENT went to the Bayot home to pick up the money order, he
10 also requested two additional personal checks in the amount \$1,400 and \$2,600.
11 RESPONDENT assured Bayot that this money would go towards the home purchase.

12 6. On April 27, 2012, RESPONDENT called Bayot at night and stated that he had
13 documents for her to sign. At that time he stated that he needed \$8,000 to allegedly pay for
14 his sisters' 401K.

15 7. Bayot provided RESPONDENT \$8,000 upon the promise that RESPONDENT
16 would pay her back by May 18, 2012.

17 8. On May 1, 2012, RESPONDENT asked Bayot for another \$7,000 to allegedly
18 pay for his nephew's car.

19 9. Bayot provided RESPONDENT \$7,000 upon the promise that RESPONDENT
20 would be repaid by May 18, 2012.

21 10. On May 4, 2012, RESPONDENT asked for another \$7,500 in cash when he was
22 told that a check from his mother's account could not be deposited.

23 11. Bayot provided \$7,500 to RESPONDENT upon this request.

24 12. On May 30, 2012 RESPONDENT and Bayot went to Fidelity Title to sign closing
25 documents.

26 13. Bayot expected that RESPONDENT would pay her the money he owed her,
27 however instead, RESPONDENT asked Bayot for another \$1,500. She refused.

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1 14. At that time, RESPONDENT promised that he would wire the money he owed to
2 Bayot on May 31, 2012.

3 15. RESPONDENT did not wire any money to Bayot.

4 16. The only attempts RESPONDENT made to repay these amounts were through
5 checks issued from RESPONDENT'S mother's account on May 4, 2012 and May 18, 2012.

6 17. Both checks were rejected on June 14, 2012 because the bank account had
7 been closed.

8 18. Although RESPONDENT initially received a total of \$5,000 for the purchase of
9 the condo, only the \$1,000 Money Order is contained in the sales transaction file.

10 19. Corazon R. Valdez (Hereinafter referred to as "Valdez") was referred to
11 RESPONDENT in June of 2011 to assist her in purchasing a property.

12 20. On June 1, 2011, RESPONDENT contacted Valdez to prepare documents. At
13 this time, RESPONDENT asked Valdez to borrow \$6,000 to allegedly stop his aunt's home
14 from going into foreclosure.

15 21. Valdez agreed to the loan and on June 1, 2011, gave RESPONDENT a check in
16 the amount of \$6,000 and RESPONDENT signed a promissory note indicating that he had
17 borrowed the money and would repay her \$7,000 on August 5, 2011.

18 22. The next day, RESPONDENT told Valdez that he allegedly needed money for a
19 transaction with another client.

20 23. Valdez agreed to the additional loans. On June 2, 2011, RESPONDENT
21 received Valdez' check in the amount of \$3,000 and RESPONDENT signed a promissory note
22 indicating that he had borrowed the money and would repay her \$3,600 on July 5, 2011.

23 24. On June 8, 2011, RESPONDENT received Valdez' check in the amount of
24 \$1,000 and RESPONDENT signed a promissory note indicating that he had borrowed the
25 money and would repay her \$1,200 on July 8, 2011.

26 25. On June 10, 2011, RESPONDENT received Valdez' check in the amount of
27 \$1,200 and RESPONDENT signed a promissory note indicating that he had borrowed the
28 money and would repay her \$1,400 on July 15, 2011.

1 \$1,161.84 for hearing and investigative costs. Respondent shall pay the total fine to the
2 Division within ninety (90) days of the effective date of this Order.

3 37. RESPONDENT'S salesperson license number S.0026541 is hereby **REVOKED**.

4 38. The Division may institute debt collection proceedings for failure to timely pay
5 the total fine pursuant to NRS 645.630.

6 39. The Commission retains jurisdiction for correcting any errors that may have
7 occurred in the drafting or issuance of this Order.

8 This Order shall become effective on the 29th day of APRIL, 2016.
9 ~~28th~~ ~~JUNE~~

10 Dated this 16th day of MARCH, 2016.

11 NEVADA REAL ESTATE COMMISSION

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