

FILED

AUG 01 2016

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2014-3773

Petitioner,

vs.

DECISION

REX F. HENRIOTT,

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 Rex F. Henriott ("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 been licensed as a broker under license number B.0017799.LLC since March 3, 2006, as a business broker under license number BUSB.0006809.BKR since November 8, 2011, and as a property manager under permit number PM.0163019.BKR since March 3, 2006.

2. On November 23, 2015, the Division Administrator issued RESPONDENT a Notice of Violation with Imposition of Administrative Fine in the amount of \$2,500.00 for violations of NRS 645.252(1)(a), NRS 645.252(2), NRS 645.633(1)(h) and NRS 645.633(1)(i)

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1 for (a) excessive charges to a property owner, (b) conduct which constitutes deceitful,
2 fraudulent or dishonest dealing, (c) not telling a property owner about the return of a tenant's
3 deposit and letting the tenant out of a lease, and (d) gross negligence or incompetence in
4 performing an act for which he needed a license.

5 3. The Notice of Violation and accompanying letter from the Division advised that
6 the administrative fine must be remitted to the Division by December 24, 2015.

7 4. The Notice of Violation and accompanying letter contained notice to
8 RESPONDENT advising RESPONDENT of his appeal rights if he disagreed with the finding of
9 violations and/or imposition of the administrative fine.

10 5. RESPONDENT was notified that he had the right to appeal the administrative
11 fine and request a Commission hearing within 30 days of the date of the Notice of Violation.

12 6. RESPONDENT did not appeal the administrative fine and did not request a
13 Commission hearing prior to December 24, 2015.

14 7. As such, RESPONDENT was required to pay the \$2,500.00 administrative fine
15 by December 24, 2015.

16 8. The Division sent a letter to RESPONDENT on January 26, 2016, regarding his
17 nonpayment of the administrative fine.

18 9. To date, RESPONDENT has failed to pay the administrative fine.

19 **CONCLUSIONS OF LAW**

20 The Commission, based upon the preponderance of the evidence, makes the following
21 legal conclusions:

22 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters
23 645 and 233B and NAC Chapter 645.

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

26 3. RESPONDENT failed to timely file an appeal of the Notice of Violation with
27 Imposition of Administrative Fine.

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1 4. RESPONDENT violated NRS 645.252(1)(a), NRS 645.252(2), NRS
2 645.633(1)(h) and NRS 645.633(1)(i), as set forth in the Notice of Violation with Imposition of
3 Administrative Fine.

4 **ORDER**

5 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division the
6 administrative fine of \$2,500.00 on or before the effective date of this Order. The Division
7 may institute debt collection proceedings for failure to timely pay the entire fine.

8 IT IS FURTHER ORDERED that RESPONDENT's real estate licenses and property
9 manager permit are hereby suspended as of the effective date of this Order until the fine has
10 been paid in full.

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

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

14 DATED this 1st day of August, 2016.

15 REAL ESTATE COMMISSION
16 STATE OF NEVADA

17
18 By: 

19 President, Nevada Real Estate Commission
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