

FILED

AUG 01 2016

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *[Signature]*

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

Case No. 2015-950

Petitioner,

vs.

DECISION

THOMAS G. MOLER,

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 Thomas G. Moler ("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 Findings of Fact:

1. RESPONDENT is licensed as a broker under license number B.0001202.INDV and as a property manager under permit number PM.0162371.BKR.
2. On May 29, 2015, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of \$2,000 for a violation of NRS 645.633 (1)(h) pursuant to NAC 645.605 (1) and (6); NRS 645.252(2); and NRS 630(1)(f) for failing to collect rent from the tenant for months

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1 without late fees assessed or eviction pursuant to the contract, and for failing to timely turn  
2 over the security deposit to the new property management company.

3 3. The Notice of Violation with Imposition of Administrative Fine was properly  
4 served upon RESPONDENT.

5 4. The Notice of Violation and accompanying letter from the Division advised that  
6 the fine must be remitted to the Division by June 29, 2015.

7 5. 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 violation and/or imposition of the fine.

10 6. RESPONDENT was notified that he had the right to appeal the Notice of  
11 Violation with imposition of Administrative Fine and request a hearing within 30 days of the  
12 date of the Notice of Violation.

13 7. RESPONDENT did not appeal and did not request a hearing before June 29,  
14 2015.

15 8. As such, RESPONDENT was required to pay the fine imposed in the amount of  
16 \$2,000.00 by the proscribed date of June 29, 2015.

17 9. Although not required to do so, the Division made numerous attempt to contact  
18 RESPONDENT about the payment of the Administrative Fine.

19 10. The Division sent emails to RESPONDENT on July 6, 2015, October 6, 2015  
20 and November 6, 2015.

21 11. RESPONDENT finally responded after the November 6, 2015 email from the  
22 Division.

23 12. As a result of that contact from RESPONDENT, he was given one final  
24 extension to pay the fine or submit a written appeal by November 23, 2015.

25 13. RESPONDENT failed to pay the fine or file an appeal by November 23, 2015.

26 14. To date, RESPONDENT has failed to fully pay the administrative fine.

27 ...

28 ...

1 CONCLUSIONS OF LAW

2 The Commission, based upon the preponderance of the evidence, makes the following  
3 legal conclusions:

4 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters  
5 645 and 233B and NAC Chapter 645.

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

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

10 15. RESPONDENT has been found to be in violation of NRS 645.633(1)(h),  
11 pursuant to NAC 645.605(1) and (6), NRS 645.252.(2) and NRS 630(1)(f).

12 ORDER

13 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division the remaining  
14 balance owed on the \$2,000.00 administrative fine within thirty (30) days of the effective date  
15 of this Order. No grace period is permitted. If full payment of the fine is not actually received  
16 by the Division on or before the due date, it shall be construed as an event of default by  
17 RESPONDENT. In the event of default, RESPONDENT's license and permit shall be  
18 immediately suspended. The suspension shall continue until the balance is paid in full. The  
19 Division may institute debt collection proceedings for failure to timely pay the fine.

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

22 This Order shall become effective on the 9<sup>th</sup> day of September, 2016.

23 DATED this 1<sup>st</sup> day of August, 2016.

24 REAL ESTATE COMMISSION  
25 STATE OF NEVADA

26  
27 By:   
28 President, Nevada Real Estate Commission