

FILED

FEB 10 2016

REAL ESTATE COMMISSION
BY *R. Decker*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RES 14-09-20-097

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

CHRISTIAN DELGADO,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT CHRISTIAN DELGADO ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

FACTUAL ALLEGATIONS

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.

1 **GODINEZ and JANDRES**

2 3. On or about May 29, 2013, RESPONDENT met with Blumaro Godinez and
3 Roxana Jandres regarding their desire to purchase real property in Nevada.

4 4. At that meeting, RESPONDENT asked Godinez and Jandres for \$35,000 to be
5 used as a down payment for the purchase of real property.

6 5. On or about June 5, 2013, Godinez gave Real Estate Development LLC a
7 \$35,000 cashier's check for a down payment on the purchase of real property.

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

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

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

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

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

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

20 **GONZALEZ**

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

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

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

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

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

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

5 **ESCOBAR**

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

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

10 20. On or about July 15, 2013, Escobar gave Real Estate Development LLC a
11 \$22,000 cashier's check for a down payment on the purchase of real property.

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

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

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

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

22 **VIOLATIONS**

23 RESPONDENT has committed the following violations of law:

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

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1 **DISCIPLINE AUTHORIZED**

2 26. Pursuant to NRS 645.235, the Commission is empowered to impose an
3 administrative fine in an amount not to exceed the amount of gain or economic benefit that the
4 person derived from the violation or \$5,000, whichever amount is greater, against
5 RESPONDENT for each violation of NRS 645.230.

6 27. Additionally, under NRS Chapter 622, the Commission is authorized to impose
7 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
8 fees, if the Commission otherwise imposes discipline on RESPONDENT.

9 28. Therefore, the DIVISION requests that the Commission take such disciplinary
10 action as it deems appropriate under the circumstances.

11 **NOTICE OF HEARING**

12 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
13 Administrative Complaint against the above-named Respondent in accordance with Chapters
14 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
15 Code.

16 **THE HEARING WILL TAKE PLACE on March 15, 2016 commencing at 9:00 a.m.,**
17 **or as soon thereafter as the Commission is able to hear the matter, and each day**
18 **thereafter commencing at 9:00 a.m. through March 17, 2016, or earlier if the business of**
19 **the Commission is concluded. The Commission meeting will be held on March 15,**
20 **2016 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las**
21 **Vegas, Nevada 89101. The meeting will continue on March 16, 2016 at the Grant**
22 **Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101,**
23 **commencing at 9:00 a.m., and on March 17, 2016, should business not be concluded,**
24 **starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room**
25 **4412, Las Vegas, Nevada 89101.**

26 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the**
27 **same time as part of a regular meeting of the Commission that is expected to last from**
28 **March 15 through March 17, 2016, or earlier if the business of the Commission is**

1 concluded. Thus, your hearing may be continued until later in the day or from day to
2 day. It is your responsibility to be present when your case is called. If you are not
3 present when your hearing is called, a default may be entered against you and the
4 Commission may decide the case as if all allegations in the complaint were true. If you
5 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
6 4074.

7 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
8 open meeting under Nevada's open meeting law, and may be attended by the public. After
9 the evidence and arguments, the commission may conduct a closed meeting to discuss your
10 alleged misconduct or professional competence. A verbatim record will be made by a certified
11 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
12 the meeting, although you must pay for the transcription.

13 As the Respondent, you are specifically informed that you have the right to appear and
14 be heard in your defense, either personally or through your counsel of choice. At the hearing,
15 the Division has the burden of proving the allegations in the complaint and will call witnesses
16 and present evidence against you. You have the right to respond and to present relevant
17 evidence and argument on all issues involved. You have the right to call and examine
18 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
19 to the issues involved.

20 You have the right to request that the Commission issue subpoenas to compel
21 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
22 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
23 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
24 233B, and NAC 645.810 through 645.875.

25 The purpose of the hearing is to determine if the Respondent has violated NRS 645
26 and/or NAC 645 and if the allegations contained herein are substantially proven by the

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1 evidence presented and to further determine what administrative penalty is to be assessed
2 against the Respondent, if any, pursuant to NRS 645.633 and/or NRS 645.630.

3 DATED this 10 day of February, 2016.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

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