

FILED

BEFORE THE REAL ESTATE COMMISSION

FEB 11 2016

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Ruben*

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

Case No. 2015-950

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

THOMAS G. MOLER,

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 Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT THOMAS G. MOLER ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which 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 the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint is licensed by the Division as broker under license number B.0001202.INDV and as a property manager under permit number PM.0162371.BKR and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

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FACTUAL ALLEGATIONS

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2 1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed
3 as a broker under license number B.0001202.INDV and as a property manager under permit
4 number PM.0162371.BKR and is currently active and subject to the jurisdiction of the Division
5 and the provisions of NRS chapter 645 and NAC chapter 645.

6 2. On May 29, 2015 the Administrator of the Real Estate Division issued
7 RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount
8 of \$2,000 for a violation of NRS 645.633 (1)(h) pursuant to NAC 645.605 (1) and (6);
9 NRS 645.252(2); and NRS 630(1)(f) for failing to collect rent from the tenant (his son) for
10 months without late fees assessed or eviction pursuant to the contract and for failing to timely
11 turn over security deposit to new property management company timely.

12 3. The Notice of Violation with Imposition of Administrative Fine was properly
13 served upon RESOPNDENT.

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

16 5. The Notice of Violation and accompanying letter contained notice to the
17 RESPONDENT advising RESPONDENT of him appeal rights if he disagreed with the finding
18 of violation and/or imposition of the fine.

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

22 7. RESPONDENT did not appeal and had not requested a hearing prior to June
23 29, 2015.

24 8. As such, RESPONDENT was required to pay the fine imposed in the amount of
25 \$2,000 by the proscribed date of June 29, 2015.

26 9. Although not required to do so, the Division made numerous attempt to contact
27 RESPONDENT about the payment of the Administrative fine.

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1 **THE HEARING WILL TAKE PLACE on March 15, 2016 commencing at 9:00 a.m.,**
2 **or as soon thereafter as the Commission is able to hear the matter, and each day**
3 **thereafter commencing at 9:00 a.m. through March 17, 2016, or earlier if the business of**
4 **the Commission is concluded. The Commission meeting will be held on March 15,**
5 **2016 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las**
6 **Vegas, Nevada 89101. The meeting will continue on March 16, 2016 at the Grant**
7 **Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101,**
8 **commencing at 9:00 a.m., and on March 17, 2016, should business not be concluded,**
9 **starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room**
10 **4412, Las Vegas, Nevada 89101.**

11 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the**
12 **same time as part of a regular meeting of the Commission that is expected to last from**
13 **March 15 through March 17, 2016, or earlier if the business of the Commission is**
14 **concluded. Thus, your hearing may be continued until later in the day or from day to**
15 **day. It is your responsibility to be present when your case is called. If you are not**
16 **present when your hearing is called, a default may be entered against you and the**
17 **Commission may decide the case as if all allegations in the complaint were true. If you**
18 **have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-**
19 **4074.**

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

26 **As the Respondent, you are specifically informed that you have the right to appear and**
27 **be heard in your defense, either personally or through your counsel of choice. At the hearing,**
28 **the Division has the burden of proving the allegations in the complaint and will call witnesses**

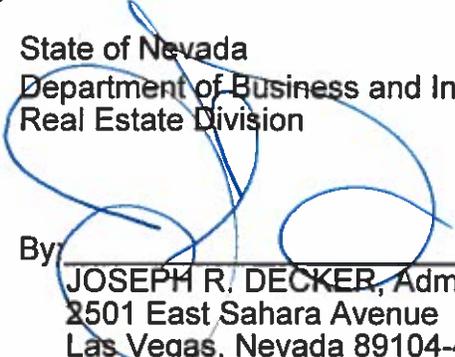
1 and present evidence against you. You have the right to respond and to present relevant
2 evidence and argument on all issues involved. You have the right to call and examine
3 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
4 to the issues involved.

5 You have the right to request that the Commission issue subpoenas to compel
6 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
7 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
8 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
9 233B, and NAC 645.810 through 645.875.

10 The purpose of the hearing is to determine if the Respondent has violated NRS 645
11 and/or NAC 645 and if the allegations contained herein are substantially proven by the
12 evidence presented and to further determine what administrative penalty is to be assessed
13 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

14 DATED this 11th day of February, 2016.

15 State of Nevada
16 Department of Business and Industry
17 Real Estate Division

18 By: 
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21 Las Vegas, Nevada 89104-4137
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