

FILED

APR 05 2017

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA,

Case No.: 2016-3644

Petitioner,

DECISION:
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

vs.

GARRETT EUGENE LEPIRE,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission ("Commission"), State of Nevada, on Tuesday, March, 14, 2017, at the Gaming Control Board, 1919 College Parkway, Carson City, Nevada 89701. GARRETT EUGENE LEPIRE ("Respondent") appeared in person and testified at the hearing. Deputy Attorney General PETER K. KEEGAN appeared and prosecuted a complaint ("Complaint") on behalf of Petitioner SHARATH CHANDRA, 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.

JURISDICTION

Respondent, at all relevant times mentioned in the Complaint, was licensed as a Salesperson, License Number S.0057606, and therefore is subject to the jurisdiction of the Division and the provisions of Nevada Revised Statutes ("NRS") Chapter 645 and Nevada Administrative Code ("NAC") Chapter 645.

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

1 Fact:

2 1. Respondent has been licensed as a Salesperson, License Number S.0057606,
3 since September 15, 2003, and currently is in active status.

4 2. Respondent currently is employed with Jim Wilson Realty in Carson City,
5 Nevada as a Salesperson. Respondent's principal broker is James Wilson, License
6 Number B.0000708.

7 3. On or about September 28, 2016, the Division received a *Complaint* from
8 Kacie DeKruise ("Complainant") against Respondent claiming that Respondent was
9 delinquent on his court-ordered child support payments of Eight Hundred Seventy-One
10 Dollars (\$871.00) per month and had not made a payment since March 2016.

11 4. On or about September 30, 2016, Respondent submitted his License Renewal
12 Application and attested to being in compliance with a court order to pay child support.

13 5. On or about October 6, 2016, the Division sent Respondent an Opening
14 Letter, via certified mail, indicating that an investigation had commenced concerning the
15 September 28, 2016, *Complaint* and informed Respondent that a response was due to the
16 Division by October 20, 2016.

17 6. On or about October 27, 2016, Respondent submitted his license
18 Reinstatement Application and attested to being in compliance with a court order to pay
19 child support.

20 7. On or about November 2, 2016, the Division sent Respondent a follow-up
21 letter, via certified mail, informing him that his response to the Opening Letter was due
22 on October 20, 2016, but the Division had not yet received Respondent's response.

23 8. On or about November 16, 2016, Respondent submitted his Affidavit Form
24 response to the Division and admitted that he had withheld child support payments from
25 the Complainant because of a dispute between the parties concerning the birth certificate
26 of a child.

27 9. On or about December 20, 2016, the Division sent Respondent an NRS 233B
28 Notice of Intent, via certified mail, to commence disciplinary action against him by filing

1 a *Complaint* and request for hearing with the Nevada Real Estate Commission.

2 **CONCLUSIONS OF LAW**

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

5 10. Respondent violated NRS 645.358(1)(b) by misrepresenting the status of his
6 compliance with child support orders and thereby failing to comply with the licensing
7 statement prescribed by the Division of Welfare and Supportive Services of the
8 Department of Health and Human Services in NRS 425.520.

9 11. Respondent violated NRS 645.633(1)(j) pursuant to NAC 645.605(11)(c) by
10 misrepresenting the status of his compliance with child support orders on his October 17,
11 2016, license reinstatement application, which would have been grounds for denial of his
12 license.

13 **ORDER**

14 IT IS HEREBY ORDERED, upon a unanimous vote, that Respondent shall
15 reimburse the Division for its investigation and hearing costs in the amount of One
16 Thousand Five Hundred Nineteen and 95/100 Dollars (\$1,519.95) within one (1) year of
17 the effective date of this Order. The Division may institute debt collection proceedings for
18 failure to timely pay the total fine.

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

21 This Order shall become effective on the 7th day of May, 2017.

22 REAL ESTATE DIVISION
23 STATE OF NEVADA

24 By: 

25 Commissioner
26 Nevada Real Estate Commission

27 April 5, 2017