

SEP 21 2017

REAL ESTATE COMMISSION  
BY *[Signature]*

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BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case No. 2015-3859

Petitioner,

vs.

ROBERT DAVID COLEMAN,

Respondent.

**DECISION**

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, August 16, 2017, at the Grant Sawyer Building, 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada. Respondent Robert David Coleman ("Respondent") did not appear. Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the 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 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 was licensed as a salesperson under license number S.0174421 and as a property manager under permit number PM.0166577, until March 31, 2016.
2. Respondent's above-referenced license and permit are currently in expired status.
3. Respondent, at the relevant times mentioned in the Complaint, was affiliated with Covenant Management Corporation ("Covenant").

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1           4.     By way of correspondence dated December 9, 2015, Covenant informed the owners of  
2 the properties being managed by Covenant that the owners' property management accounts had been  
3 sold to Elite Integrity Property Management Co. ("Elite").

4           5.     Covenant had a property management agreement with Lan (Linda) Su for the  
5 management of her real properties at (a) 1842 Nebula Drive, (b) 1911 Cosmic Drive, and (c) 4421  
6 Spencer Street, Las Vegas, Nevada.

7           6.     On or about December 18, 2015, Respondent, as "Owner/President & CFO" of  
8 Covenant, sent a letter to Su regarding delays in the distribution of Su's owner packet.

9           7.     Respondent failed to remit approximately \$7,545.13 in monies owed to Su within a  
10 reasonable time.

11          8.     On or about December 28, 2015, Su filed a Statement of Fact with the Division  
12 complaining about Respondent's conduct.

13          9.     By way of letter dated December 29, 2015, the Division required Respondent to respond  
14 to the complaint by Su.

15          10.    Respondent failed to supply a response to the Division's December 29, 2015 letter  
16 regarding the complaint by Su.

17          11.    Covenant had a property management agreement with Sabrina Volland for the  
18 management of her real property at 2117 Willowbury Drive, Unit B, Las Vegas, Nevada.

19          12.    On or about August 24, 2015, Respondent sent a letter to Volland introducing himself as  
20 the new "Owner/President & CFO of Covenant."

21          13.    On or about December 11, 2015, Volland sent a letter to Respondent demanding  
22 payment of monies held in the client trust account for Volland.

23          14.    On or about January 13, 2016, Volland sent another letter to Respondent demanding the  
24 payment of monies held in that client trust account.

25          15.    Respondent failed to remit those monies, which totaled \$1,240.00, to Volland within a  
26 reasonable time.

27          16.    On or about February 16, 2016, Volland filed a Statement of Fact with the Division  
28 complaining about Respondent's conduct.

1 17. Covenant had a property management agreement with Rocky Lone for the management  
2 of his real property at 4192 Orbit Avenue, Las Vegas, Nevada.

3 18. Lone attempted to communicate with Respondent about the property management  
4 transfer from Covenant to Elite, but Respondent did not contact Lone.

5 19. On or about March 2, 2016, Lone filed a Statement of Fact with the Division  
6 complaining about Respondent's conduct.

7 20. By way of letter dated March 10, 2016, the Division required Respondent to respond to  
8 the complaint by Lone.

9 21. Respondent failed to supply a response to the Division's March 10, 2016 letter regarding  
10 the complaint by Lone.

### 11 **CONCLUSIONS OF LAW**

12 The Commission, based upon the preponderance of the evidence, makes the following legal  
13 conclusions:

14 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and  
15 233B and NAC Chapter 645.

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

18 3. Respondent violated NRS 645.630(1)(f) on two occasions by failing, within a reasonable  
19 time, to account for or to remit any money which came into his possession and which belongs to others.

20 4. Respondent violated NAC 645.605(11)(a) and/or (b) on two occasions by failing to  
21 disclose all facts and documents pertinent to an investigation to members of the Division's staff  
22 conducting the investigation.

### 23 **ORDER**

24 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of  
25 \$40,607.12. The total fine reflects a fine of \$40,000.00 for committing each of the above violations of  
26 law, plus \$607.12 for hearing and investigative costs. Respondent shall pay the total fine to the  
27 Division within thirty (30) days of the effective date of this Order. The Division may institute debt  
28 collection proceedings for failure to timely pay the total fine.

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IT IS FURTHER ORDERED that Respondent's real estate license and permit are hereby REVOKED.

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

This Order shall become effective on the 22<sup>ND</sup> day of October, 2017.  
DATED this 20<sup>TH</sup> day of SEPTEMBER, 2017.

REAL ESTATE COMMISSION  
STATE OF NEVADA

By:   
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President, Nevada Real Estate Commission