

OCT 30 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. 2017-31

Petitioner,

vs.

MARTHA J. ROGERS,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT MARTHA J. ROGERS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE 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 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 licensed as a Broker under license number B.0025313.CORP, and as a property manager under permit number PM.0125313.BKR, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed as a Broker under license number B.0025313.CORP, since December 21, 2000, and is currently in active status.

2. RESPONDENT has been licensed as a Property Manager under permit number PM.0125313.BKR, since June 24, 2001, and is currently in active status.

1 3. RESPONDENT, at the relevant times mentioned in this Complaint, was the broker and
2 property manager for Superior Realty.

3 4. On or about September 12, 2012, RESPONDENT and Superior Realty entered into a
4 Property Management Agreement (the "Williams Agreement") with Bruce M. Williams for his real
5 property at 8200 Amersham Avenue, Las Vegas, Nevada (the "Property").

6 5. The terms of the Williams Agreement required RESPONDENT to "mail statement,
7 disbursements and charges no later than the 15th day of each month" to Williams.

8 6. RESPONDENT failed to remit those statement, disbursements and charges to Williams
9 within a reasonable time for each of the twelve months in 2016, and for June, July and August 2017.

10 7. On or about January 6, 2017, Williams filed a Statement of Fact with the Division
11 complaining about RESPONDENT's conduct.

12 8. On or about September 14, 2017, Williams filed a supplemental email to his Statement
13 of Fact with the Division complaining about RESPONDENT's conduct.

14 9. RESPONDENT and Superior Realty entered into six other property management
15 agreements that failed to list beginning and/or ending dates for those agreements, and were not signed
16 by RESPONDENT.

17 10. RESPONDENT and Superior Realty entered into seventeen other property management
18 agreements that were not signed by RESPONDENT.

19 11. RESPONDENT had a Superior Realty Trust Account, XXXXXX0581.

20 12. RESPONDENT used a rubber stamp to sign over 100 checks from that account.

21 13. RESPONDENT had a Superior Realty Operations Account, XXXXXX0599.

22 14. RESPONDENT had a Superior Realty Maintenance Account, XXXXXX0003.

23 15. A Division audit determined that RESPONDENT should have been paid approximately
24 \$6,550.00 a month in property management fees.

25 16. For the month of July 2016, RESPONDENT paid herself \$33,900.00 in property
26 management fees by transferring those monies from the Trust Account into the Operations Account and
27 Maintenance Account.

28 ...

1 17. For the month of August 2016, RESPONDENT paid herself \$34,250.00 in property
2 management fees by transferring those monies from the Trust Account into the Operations Account and
3 Maintenance Account.

4 18. For the month of September 2016, RESPONDENT paid herself \$26,900.00 in property
5 management fees by transferring those monies from the Trust Account into the Operations Account and
6 Maintenance Account.

7 19. For the month of October 2016, RESPONDENT paid herself \$22,900.00 in property
8 management fees by transferring those monies from the Trust Account into the Operations Account and
9 Maintenance Account.

10 20. For the month of November 2016, RESPONDENT paid herself \$28,400.00 in property
11 management fees by transferring those monies from the Trust Account into the Operations Account and
12 Maintenance Account.

13 21. For the month of December 2016, RESPONDENT paid herself \$23,450.00 in property
14 management fees by transferring those monies from the Trust Account into the Operations Account and
15 Maintenance Account.

16 22. By way of letter dated February 6, 2017, the Division required RESPONDENT to
17 provide additional information and documents regarding the investigation into the complaint by
18 Williams.

19 23. Despite being given an extension of time to respond, RESPONDENT failed to supply a
20 written response, including supporting documentation, to the Division's February 6, 2017 letter.

21 **VIOLATIONS**

22 RESPONDENT has committed the following violations of law:

23 24. RESPONDENT violated NRS 645.630(1)(f) *on twelve (12) occasions* by failing, within
24 a reasonable time, to account for or to remit any money which came into her possession and which
25 belongs to others.

26 25. RESPONDENT violated NRS 645.630(1)(h), pursuant to NRS 645.6056(2)(a), on *six*
27 *(6) occasions* by failing to list beginning and/or ending dates on six property management agreements.

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1 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at
2 9:00 a.m., and on December 7, 2017, should business not be concluded, starting at 9:00 a.m. at the
3 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
4 Nevada 89102.

5 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
6 time as part of a regular meeting of the Commission that is expected to last from December 5
7 through December 7, 2017, or earlier if the business of the Commission is concluded. Thus, your
8 hearing may be continued until later in the day or from day to day. It is your responsibility to be
9 present when your case is called. If you are not present when your hearing is called, a default
10 may be entered against you and the Commission may decide the case as if all allegations in the
11 complaint were true. If you have any questions please call Rebecca Hardin, Commission
12 Coordinator (702) 486-4074.

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

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

25 You have the right to request that the Commission issue subpoenas to compel witnesses to
26 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
27 demonstrate the relevance of the witness’ testimony and/or evidence. Other important rights you have
28 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.


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

5 DATED this 30 day of October, 2017.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
10 SHARATH CHANDRA, Administrator
11 3300 West Sahara Avenue
12 Las Vegas, Nevada 89102

13 ADAM PAUL LAXALT
14 Attorney General

15 By: 
16 KEITH E. KIZER
17 Senior Deputy Attorney General
18 555 East Washington Avenue, Suite 3900
19 Las Vegas, Nevada 89101
20 (702) 486-3326
21 Attorneys for Real Estate Division
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