

FILED

OCT 30 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2017-714

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. RESPONDENT and Superior Realty had a property management agreement with
4 Herman Tachera for the management of his real properties at (a) 67 St. Johns Wood Avenue,
5 Henderson, (b) 5052 Big Island Court, North Las Vegas, and (c) 1483 Rancho Ridge Drive, Henderson,
6 Nevada.

7 5. The tenants of the St. Johns Wood property vacated that property on or about December
8 31, 2016.

9 6. On or about February 22, 2017, Tachera instructed RESPONDENT to forward to
10 Tachera the balance of the security deposit (\$1,397.50) for that property.

11 7. The tenants of the Big Island Court property vacated that property on or about March 2,
12 2017.

13 8. Thereafter, Tachera instructed RESPONDENT to forward to Tachera the balance of the
14 security deposit (\$1,300.00) and move-out report for that property, as well as the \$1,397.50 security
15 deposit balance for the St. Johns Wood property.

16 9. Around that time, Tachera terminated his property management agreement with
17 RESPONDENT for the Rancho Ridge Drive property.

18 10. Tachera instructed RESPONDENT to forward to Tachera the balance of the security
19 deposit and owner reserve (\$1,300.00) for the Rancho Ridge Drive property.

20 11. RESPONDENT failed to remit approximately \$3,997.50 in monies owed to Tachera
21 within a reasonable time.

22 12. On or about March 27, 2017, Tachera filed a Statement of Fact with the Division
23 complaining about RESPONDENT's conduct.

24 13. By way of letter dated April 3, 2017, the Division required RESPONDENT to respond
25 to the complaint by Tachera.

26 14. RESPONDENT failed to supply a complete response to the Division's April 3, 2017
27 letter.

28 ...

1 15. By way of letter dated June 5, 2017, the Division required RESPONDENT to respond to
2 the complaint by Tachera.

3 16. RESPONDENT failed to supply a response to the Division's June 5, 2017 letter.

4 **VIOLATIONS**

5 RESPONDENT has committed the following violations of law:

6 17. RESPONDENT violated NRS 645.630(1)(f) *on three occasions* by failing, within a
7 reasonable time, to account for or to remit any money which came into her possession and which
8 belongs to others.

9 18. RESPONDENT violated NAC 645.605(11)(a) and/or (b) by failing to disclose all facts
10 and documents pertinent to an investigation to members of the Division's staff conducting the
11 investigation.

12 **DISCIPLINE AUTHORIZED**

13 19. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
14 an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend,
15 revoke or place conditions on the license of RESPONDENT.

16 20. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
17 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
18 Commission otherwise imposes discipline on RESPONDENT.

19 21. Therefore, the Division requests that the Commission take such disciplinary action as it
20 deems appropriate under the circumstances.

21 **NOTICE OF HEARING**

22 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
23 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
24 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

25 **THE HEARING WILL TAKE PLACE on December 5, 2017, commencing at 9:00 a.m., or**
26 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
27 **commencing at 9:00 a.m. through December 7, 2017, or earlier if the business of the Commission**
28 **is concluded. The Commission meeting will be held on December 5, 2017, at the Nevada State**

1 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
2 89102. The meeting will continue on December 6, 2017 at the Nevada State Business Center, 3300
3 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at
4 9:00 a.m., and on December 7, 2017, should business not be concluded, starting at 9:00 a.m. at the
5 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
6 Nevada 89102.

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

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

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


27 You have the right to request that the Commission issue subpoenas to compel witnesses to
28 testify and/or evidence to be offered on your behalf. In making the request, you may be required to

1 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
2 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

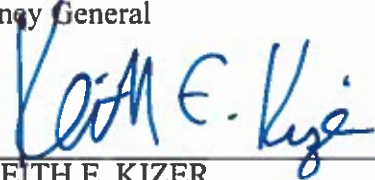
3 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
4 NAC 645 and if the allegations contained herein are substantially proven by the evidence
5 presented and to further determine what administrative penalty, if any, is to be assessed against the
6 Respondent, pursuant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

7 DATED this 30 day of October, 2017.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
12 SHARATH CHANDRA, Administrator
13 3300 West Sahara Avenue
14 Las Vegas, Nevada 89102

15 ADAM PAUL LAXALT
16 Attorney General

17 By: 
18 KEITH E. KIZER
19 Senior Deputy Attorney General
20 555 East Washington Avenue, Suite 3900
21 Las Vegas, Nevada 89101
22 (702) 486-3326
23 Attorneys for Real Estate Division
24
25
26
27
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