

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

GARY HAWTON, LISA HAWTON,

Respondents.

Case Nos. 2016-3740, 2016-3741

**FILED**

FEB 22 2019

REAL ESTATE COMMISSION  
BY *Erika Patta*

**COMPLAINT AND NOTICE OF HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron Ford, Attorney General of the State of Nevada, and Donald J. Bordelove, Deputy Attorney General, hereby notifies RESPONDENTS GARY HAWTON and LISA HAWTON ("RESPONDENTS") 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**

RESPONDENTS engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and a permit to engage in property management, issued by the Division and are, therefore, subject to the jurisdiction of the Division and the provisions of NRS and NAC 645.

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## FACTUAL ALLEGATIONS

1. On or about September 28, 2016, Stephanie White, Esq. filed a complaint against RESPONDENTS for conducting real estate and property management activities without first obtaining licenses from the Nevada Real Estate Division to perform such activities.

2. As principals of Las Vegas Home Watchers (<http://www.lasvegashomewatchers.com/>), RESPONDENTS enter into "flexible term arrangements" and "Service Agreement[s]" with property owners for compensation.

3. RESPONDENTS summarize their services as follows: "Home watch is a service for absentee homeowners, homeowners with a vacation property in Las Vegas, or what some call non-tenant-based **property management**, which provides a periodic visual inspection of your home and property in order to discover and report obvious issues that can arise while you are away." (**emphasis added**).

4. RESPONDENTS provide and advertise home watch services described as interior and exterior inspections, scheduling, oversight of property repairs, executive/concierge services, and home arrival/home departure services, for example:

- a. "We have a handyman on staff who is able to do traditional simple repairs but for larger/complex repairs we will assist you in hiring a trusted professional contractor with expertise in the area you need handled... We can let the vendor into your place to make the repairs and then return to lock up. If you prefer, we will stay at your property while the vendor makes the repairs and then apprise you of the status."
- b. "[E]xterior damage or vandalism", "look at screen or porch enclosures for tears or damage", "remove newspapers, flyers, packages and phone books from the front door area", "[e]xamine gutters", "put away trash cans from the curb", "check for damages caused by fallen trees or limbs", "[e]nsure lawn maintenance is performed and pool is debris free", "[m]ake sure there is no leakage from outdoor faucets", "[e]xamine property to ensure all access points are secure", "[r]esearch visible pest infestations", "[e]xamine property for erosion or drainage problems",

1            “[v]erify the breaker panel is set”, “change your irrigation schedule” and  
2            “[o]bserve pool equipment for leakage”.

3            c. “Assure alarm systems are functioning. [sic] alarm response.”; “Investigate  
4            unusual noises or alarms”; “Check that the heating and cooling systems are  
5            functioning properly”, “Monitor humidity levels in your property”, “Examine all  
6            doors, windows and sliders to insure they are locked and secure”; “Verify that the  
7            refrigerator and freezer are functioning properly”; “Operate all faucets and flush  
8            toilets to eliminate stagnate water and fill traps”; “Operate dishwasher, garbage  
9            disposal and washing machine to prevent seals from drying out”; and “Remove  
10            garbage mistakenly left by the homeowner or guests”.

11            d. “Address home warranty, insurance and/or HOA claims for homeowners”;  
12            “Receive delivery of furniture and/or large appliances”; “Start, idle, drive and/or  
13            service autos, SUVs, RVs and pick-up trucks”; “Collect mail from the street  
14            mailbox and forward as requested”; “Shipping and receiving services”;  
15            “Housecleaning services”; and “Admit your contractors/vendors for home repair  
16            projects or use our staff handyman!”; and

17            e. “Almost anything else you desire!”

18            5. Pursuant to RESPONDENTS’ “Service Agreement”, clients agree to charges for the  
19            above services, “any expenses incurred for work provided or part/materials provided by LVHW”,  
20            authorize RESPONDENTS to take such action as RESPONDENTS deem necessary “to temporarily  
21            stabilize the situation at the Client’s expenses”, and limitations on liability and indemnification for the  
22            benefit of RESPONDENTS.

23            6. On October 13, 2016, Chief Investigator Jan R. Holle contacted RESPONDENTS  
24            notifying them that they are offering property management services under NRS Chapter 645 and to cease  
25            conducting the services they offer until they are properly licensed.

26            7. On October 13, 2016, RESPONDENT Gary Hawton agreed as follows: “personally enroll  
27            in classes to get my license and then onward to the property manager’s certification. As you know, this  
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1 will take several weeks so I appreciate your agreement to allow us to continue doing business so long as  
2 I progress and complete these and gain compliance.”

3 8. To date, RESPONDENT Gary Hawton has failed to do so despite his express agreement.

4 9. RESPONDENT Gary Hawton failed to even submit an application for licensure.

5 10. Pursuant to NRS 645.019, RESPONDENTS performed property management services by  
6 the physical, administrative or financial maintenance and management of real property, or the supervision  
7 of such activities for a fee, commission, or other compensation or valuable consideration.

8 11. RESPONDENTS do not hold a Nevada Real Estate license or property management  
9 permit in Nevada.

10 12. Nonetheless, RESPONDENTS are still operating Las Vegas Home Watchers.

### 11 VIOLATIONS

12 RESPONDENT has committed the following violations of law:

13 13. RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of, acting in the  
14 capacity of, advertising or assuming to act as a property manager without first obtaining from the Division  
15 a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and a permit to  
16 engage in property management.

17 14. RESPONDENT violated NRS 645.235(1)(a) by knowingly engaging or offering to  
18 engage in any activity for which a license, permit, certificate or registration or any type of authorization  
19 is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not  
20 hold the required license, permit, certificate or registration or has not been given the required  
21 authorization.

### 22 DISCIPLINE AUTHORIZED

23 15. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative  
24 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from  
25 the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of  
26 NRS 645.230 and/or NRS 645.235.

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

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

## NOTICE OF HEARING

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

**THE HEARING WILL TAKE PLACE on March 26, 2019, commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 28, 2019, or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 26, 2019 and March 27, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. Should the meeting not be concluded, the meeting will continue on March 28, 2019, commencing at 9:00 a.m. at the Nevada Department of Employment, Training and Rehabilitation, 2800 E. St. Louis Avenue, Las Vegas, Nevada, 89104.**

**STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 26 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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

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

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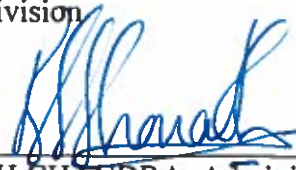
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
2 645 and if the allegations contained herein are substantially proven by the evidence presented and  
3 to further determine what administrative penalty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

5 DATED this 24<sup>th</sup> day of February, 2019.

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

9 By:   
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