

1 BEFORE THE REAL ESTATE COMMISSION
2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

Case No. 2018-161

FILED

MAR 31 2020

REAL ESTATE COMMISSION

BY *Evelyn Pattee*

Petitioner,

7 vs.

8 FREDERICK BRITTON,

9 Respondent.

10 FINDINGS OF FACT,

11 CONCLUSIONS OF LAW AND ORDER

12 This matter came on for hearing before the Real Estate Commission, Department of Business
13 and Industry, State of Nevada (the "Commission"), during a regular agenda on March 10, 2020, at the
14 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101
15 (the "Hearing"). RESPONDENT FREDERICK BRITTON (hereinafter, "RESPONDENT" or
16 "BRITTON") did not appear. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada
17 Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of
18 Business and Industry, State of Nevada (the "Division").

19 Ms. Neff advised the Commission that RESPONDENT had contacted her prior to the Hearing
20 and requested a continuance and was advised to request the continuance from the Division in writing.

21 Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found
22 appropriate service of the notice of the Hearing was made.

23 RESPONDENT did not properly request a continuance of the Hearing from the Division.

24 After hearing testimony presented in this matter and for good cause appearing, the Commission
25 now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as

26 follows:

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1 **FINDINGS OF FACT**

2 The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters
3 a finding of the following facts by default:

4 1. RESPONDENT has been licensed as a salesperson under license number S.0175080
5 since July 3, 2014, said license currently being on inactive status.

6 2. On or around January 30, 2018, Wendell E. Thomas ("Complainant") filed a complaint
7 with the Division alleging that on or around January 22, 2018, RESPONDENT agreed to represent him
8 in the purchase of a residential property.

9 3. RESPONDENT sent Complainant a total of four property listings.

10 4. On or around January 24, 2018, RESPONDENT contacted Complainant and requested
11 that Complainant provide him with a cashier's check in the amount of \$1,250 dollars to be used as an
12 earnest money deposit in the event Complainant desired to purchase any of the properties.

13 5. That same day Complainant met RESPONDENT at a credit union.

14 6. RESPONDENT directed Complainant to have the credit union issue the cashier's checks
15 made payable to GGGH&P LLC, a Nevada limited liability company ("GGGH&P").

16 7. RESPONDENT had the credit union issue one cashier's check in the amount of \$1,000
17 dollars and one in the amount of \$250 dollars (collectively, the "Cashiers Checks"), both payable to
18 GGGH&P.

19 8. RESPONDENT was a manager of GGGH&P.

20 9. On January 25, 2018, Complainant met RESPONDENT at the address of one of the four
21 property listings RESPONDENT provided to him- 1300 Arlington Street, Las Vegas, NV 89104
22 ("Arlington Property").

23 10. Complainant asked RESPONDENT to make an offer on the Arlington Property.

24 11. RESPONDENT informed Complainant that he would prepare the paperwork to submit
25 Complainant's offer on the Arlington Property and would email the offer to Complainant for his
26 signature.

27 12. Later that week Complainant contacted RESPONDENT regarding the status of the offer
28 on the Arlington Property and also asked RESPONDENT if he could view another property.

1 13. RESPONDENT texted Complainant that he had been in a class and would call him back.

2 14. Despite repeated attempts at contacting RESPONDENT, Complainant never heard back
3 from RESPONDENT.

4 15. In the meantime, Complainant informed his loan officer that he had given the Cashiers
5 Checks to RESPONDENT and that RESPONDENT had failed to return his calls regarding whether an
6 offer had been made on the Arlington Property.

7 16. The loan officer advised Complainant to contact the bank to determine if the Cashier's
8 Checks were cashed.

9 17. The bank informed Complainant that the Cashier's Checks made payable to GGGH&P
10 had been cashed and that GGGH&P belonged to RESPONDENT.

11 18. On or around February 2, 2018, the Division properly gave notice to RESPONDENT that
12 it had opened an investigation regarding Complainant's complaint with the Division and requested
13 responses from RESPONDENT and RESPONDENT's broker.

14 19. In response to the Division's letter, RESPONDENT claimed that the Cashier's Checks he
15 cashed and kept from Complainant were not for an earnest money deposit in connection with Claimant's
16 purchase of residential real estate.

17 20. Rather, RESPONDENT claimed that the Cashier's Checks were to pay RESPONDENT
18 for the sale of Vietnamese currency called Dong to Complainant.

19 21. RESPONDENT's broker, Jaime A. Velez ("Velez"), also responded to the Division's
20 February 2, 2018 letter.

21 22. In Velez's response to the Division, Velez claimed that the Division's investigation
22 involved RESPONDENT's prior broker- not Velez.

23 23. In his response to the Division, Velez also stated that on or around January 30, 2018, he
24 received a text from AmeriFirst Financial ("AmeriFirst") depicting the events that had transpired as
25 alleged in Complainant's complaint with the Division.

26 24. Velez advised AmeriFirst that Complainant should file a formal complaint with the
27 Division.

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1 25. In his response to the Division, Velez also stated that because the Greater Las Vegas Real
 2 Estate Association had advised Velez that RESPONDENT had failed to pay his dues (which Velez stated
 3 RESPONDENT always had difficulty doing), and after communicating with AmeriFirst, Velez sent
 4 RESPONDENT's license to the Division.

5 **CONCLUSIONS OF LAW**

6 Based on the foregoing findings of fact by default, the Commission concludes by unanimous
 7 vote that RESPONDENT has committed the following violations of law by default:

8 26. RESPONDENT violated NRS 645.633(1)(i) by engaging in deceitful, fraudulent or
 9 dishonest dealings by misleading Complainant into issuing the Cashier's Checks to RESPONDENT's
 10 personal business entity, claiming that they were to be used as an earnest money deposit in connection
 11 with Complainant's purchase of a residential property. RESPONDENT then kept the money, despite not
 12 making any offer on any residential property on Complainant's behalf or entering into any purchase
 13 agreement on Complainant's behalf.

14 **ORDER**

15 The Commission, being fully apprised in the premises, and good cause appearing to the
 16 Commission, by unanimous vote, ORDERS as follows:

- 17 1. RESPONDENT shall pay the Division's costs in the amount \$1,111.80 ("Amount Due").
 18 The Amount Due shall be payable to the Division within 30 days of the effective date of this Order.
 19 2. RESPONDENT's salesperson license (license number S.0175080) is hereby revoked.
 20 3. The Division may institute debt collection proceedings for failure to timely pay the Amount
 21 Due, including action to reduce this Order to a judgment. Further, if collection goes through the State of
 22 Nevada, then RESPONDENT shall also pay the costs associated with collection.

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

3 5. This Order shall become effective on the 30th day of April 2020.

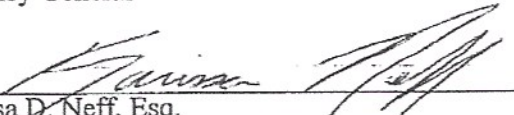
4 DATED this 31st day of March, 2020.

5 REAL ESTATE COMMISSION
6 STATE OF NEVADA

7 By: 
8 President, Nevada Real Estate Commission

9 Submitted by:

10 AARON D. FORD
11 Attorney General

12 By: 
13 Karissa D. Neff, Esq.
14 Deputy Attorney General
15 555 E. Washington Avenue, Suite 3900
16 Las Vegas, Nevada 89101
17 (702) 486-3894
18 Attorneys for Nevada Real Estate Division
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