

BEFORE THE REAL ESTATE COMMISSION

**FILED**

STATE OF NEVADA

JUL 10 2017

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

Case No. 2015-3859

REAL ESTATE COMMISSION  
BY *R. Laxalt*

Petitioner,

vs.

ROBERT DAVID COLEMAN,

Respondent.

**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, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Senior Deputy Attorney General, hereby notifies RESPONDENT ROBERT DAVID COLEMAN ("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 by the Division as a salesperson under license number S.0174421, and as a property manager under permit number PM.0166577, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

...

...

...

1 **FACTUAL ALLEGATIONS**

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT was licensed as a salesperson under license number S.0174421 and as a  
4 property manager under permit number PM.0166577, until March 31, 2016.

5 2. RESPONDENT's above-referenced license and permit are currently in expired status.

6 3. RESPONDENT, at the relevant times mentioned in this Complaint, was affiliated with  
7 Covenant Management Corporation ("Covenant").

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

11 **LAN (LINDA) SU**

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

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

17 7. RESPONDENT failed to remit approximately \$7,545.13 in monies owed to Su within a  
18 reasonable time.

19 8. On or about December 28, 2015, Su filed a Statement of Fact with the Division  
20 complaining about RESPONDENT's conduct.

21 9. By way of letter dated December 29, 2015, the Division required RESPONDENT to  
22 respond to the complaint by Su.

23 10. RESPONDENT failed to supply a response to the Division's December 29, 2015 letter  
24 regarding the complaint by Su.

25 **SABRINA VOLLAND**

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

28 ...

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

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

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

7 15. RESPONDENT failed to remit those monies, which totaled \$1,240.00, to Volland  
8 within a reasonable time.

9 16. On or about February 16, 2016, Volland filed a Statement of Fact with the Division  
10 complaining about RESPONDENT's conduct.

11 **ROCKY LONE**

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

14 18. Lone attempted to communicate with RESPONDENT about the property management  
15 transfer from Covenant to Elite, but RESPONDENT did not contact Lone.

16 19. On or about March 2, 2016, Lone filed a Statement of Fact with the Division  
17 complaining about RESPONDENT's conduct.

18 20. By way of letter dated March 10, 2016, the Division required RESPONDENT to  
19 respond to the complaint by Lone.

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

22 **VIOLATIONS**

23 RESPONDENT has committed the following violations of law:

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

27 ...

28 ...

1 23. RESPONDENT violated NAC 645.605(11)(a) and/or (b) on *two occasions* by failing to  
2 disclose all facts and documents pertinent to an investigation to members of the Division's staff  
3 conducting the investigation.

4 **DISCIPLINE AUTHORIZED**

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

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

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

13 **NOTICE OF HEARING**

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

17 **THE HEARING WILL TAKE PLACE on August 15, 2017 commencing at 9:00 a.m., or as**  
18 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**  
19 **at 9:00 a.m. through August 17, 2017, or earlier if the business of the Commission is concluded.**  
20 **The Commission meeting will be held on August 15, 2017, at the Grant Sawyer Building, 555 East**  
21 **Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on August**  
22 **16, 2017 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas,**  
23 **Nevada 89101 commencing at 9:00 a.m., and on August 17, 2017, should business not be concluded,**  
24 **starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las**  
25 **Vegas, Nevada 89101.**

26 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**  
27 **time as part of a regular meeting of the Commission that is expected to last from August 15 through**  
28 **August 17, 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may**

1 **be continued until later in the day or from day to day. It is your responsibility to be present when**  
2 **your case is called. If you are not present when your hearing is called, a default may be entered**  
3 **against you and the Commission may decide the case as if all allegations in the complaint were true.**  
4 **If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-4074.**

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

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

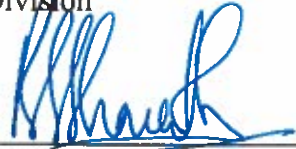
16 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
17 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
18 the relevance of the witness' testimony and/or evidence. Other important rights you have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

20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...  
27 ...  
28 ...

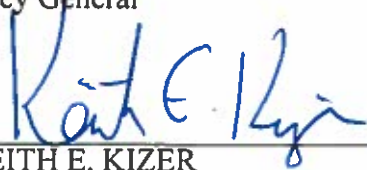
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
2 645 and if the allegations contained herein are substantially proven by the evidence presented and  
3 to further determine what administrative penalty, if any, is to be assessed against the Respondent,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

5 DATED this 5<sup>th</sup> day of July, 2017.

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

9 By:   
10 SHARATH CHANDRA, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 ADAM PAUL LAXALT  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Senior Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
23  
24  
25  
26  
27  
28