## JUN 15 2017

## BEFORE THE REAL ESTATE COMMISSION STATE OF NEVADA

JUN 15 2017
REAL STATE COMMISSION

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

Case No. 2015-2785

Petitioner,

vs.

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GREGORY D. SMITH,

Respondent.

**DECISION** 

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, May 23, 2017, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Gregory D. Smith ("Respondent") appeared and testified under oath. Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

## FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following Findings of Fact:

- 1. Respondent has been licensed by the Division as a Salesperson under license number S.0169698, since July 14, 2010.
- 2. Respondent was licensed by the Division as a Property Manager under permit number PM.0165270, on March 2, 2012, which is now in expired status.
- 3. Respondent was associated with broker Paul May at Keller Williams Realty Southwest ("Southwest").

- 4. On or about July 20, 2012, Wong Yuk ("Wong") and Southwest, through Respondent, entered into a Residential Property Management Agreement for real property located at 413 Horse Pointe, North Las Vegas, Nevada (the "413 Property").
- 5. In or about November 2012, Wong and Southwest, through Respondent, entered into a Residential Property Management Agreement for real property located at 422 Horse Pointe, North Las Vegas, Nevada (the "422 Property").
- 6. Pursuant to the Residential Property Management Agreements, Respondent was to remit monthly rent payments to Wong.
- 7. In or about January 2013, May informed Respondent that all Southwest property management accounts would be turned over to Southwest's in-house property management department.
- 8. Despite May's directive, Respondent continued to act as the property manager of the 413 Property and the 422 Property.
- 9. On or about August 8, 2014, Respondent's property management permit went into inactive status.
- 10. Respondent continued to manage the 413 Property and the 422 Property after the inactivation of his property management permit.
  - 11. Respondent failed to remit approximately \$32,000.00 to Wong.
- 12. On or about November 7, 2014, Respondent admitted that he owed Wong \$32,000.00 and that Respondent would begin paying that money to Wong at a rate of \$5,000 per month starting on January 15, 2015.
  - 13. Respondent failed to make any such payments to Wong.
- 14. On or about September 29, 2015, Wong filed a Statement of Fact complaining of Respondent's conduct.
- 15. After receiving Wong's Statement of Fact, Respondent claimed he was entitled to the \$32,000.00 in compensation.

## **CONCLUSIONS OF LAW**

The Commission, based upon the preponderance of the evidence, makes the following legal conclusions:

	1. F	espondent received proper notice of the hearing pursuant to NRS Chapters 645 and
233B and NAC Chapter 645.		
	2. 1	he Commission finds that the following charges specified in the Complaint are true and
suppor	ted by su	ostantial evidence.
	3. F	espondent violated NRS 645.630(1)(h) by converting the money of Wong to
Respondent's own personal use.		
	4. F	espondent violated NRS 645.633(1)(i), pursuant to NAC 645.605(1) and NAC
645.60	5(6), by 6	ngaging in conduct which constitutes deceitful, fraudulent or dishonest dealing.
	5. F	espondent violated NRS 645.230(1)(b) by engaging in the business of, acting in the
capacit	y of, or a	dvertising or assuming to act as a property manager without holding an active property
management permit issued by the Division.		
		ORDER
	IT IS F	EREBY ORDERED that Respondent shall pay to the Division a total fine of
\$16,51	1.72. Th	e total fine reflects a fine of \$5,000.00 for committing each of the above violations of
law, pl	lus \$1,51	1.72 for hearing and investigative costs. Respondent shall pay the total fine to the
Divisio	n within	180 days of the effective date of this Order. The Division may institute debt collection
proceedings for failure to timely pay the total fine.		
	IT IS F	JRTHER ORDERED that Respondent's real estate license and permit are hereby
REVO:	KED.	
	The Con	nmission retains jurisdiction for correcting any errors that may have occurred in the
	_	ance of this Decision.
	This Ord	er shall become effective on the 23 rd day of July, 2017.
	DATED	this $\sqrt{3}$ day of $\sqrt{3}$ day
		REAL ESTATE COMMISSION STATE OF NEVADA
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