

FILED

APR 18 2017

REAL ESTATE COMMISSION
BY *Robert Paul*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case Nos. 2015-305 and 2015-1893

Petitioner,

vs.

ROSA KELLER,

Respondent.

**ACTION FOR ORDER CONFIRMING ADMINISTRATIVE FINE
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 ROSA KELLER ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 NAC 645.695 and/or NRS 622.400.

POINTS AND AUTHORITIES

RESPONDENT is licensed as a salesperson, license number S.0071550, which currently in inactive status. On or about July 10, 2015, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of \$500.00 for a violation of NRS 645.635(6) for failing to produce a document, book or record in her possession or under her control, concerning a real estate transaction under investigation by the

...

1 Division. The Notice of Violation with Imposition of Administrative Fine was properly served upon
2 RESPONDENT. Exhibit A.

3 The Notice of Violation and accompanying letter from the Division advised that the fine must
4 be remitted to the Division by August 10, 2015. The Notice of Violation and accompanying letter
5 contained notice to the RESPONDENT advising RESPONDENT of her appeal rights if she disagreed
6 with the finding of violation and/or imposition of the fine. *Id.* RESPONDENT did not appeal and did
7 not request a hearing prior to August 10, 2015. As such, RESPONDENT was required to pay the fine
8 imposed in the amount of \$500.00 by the prescribed date of August 10, 2015.

9 RESPONDENT failed to pay the fine by August 10, 2015. To date, RESPONDENT has failed
10 to pay the administrative fine. The Division requests an order requiring the payment of the properly
11 imposed administrative fine and that RESPONDENT's license be revoked or suspended until paid.

12 NOTICE OF HEARING

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

16 THE HEARING WILL TAKE PLACE on May 23, 2017 commencing at 9:00 a.m., or as
17 soon thereafter as the Commission is able to hear the matter, and each day thereafter
18 commencing at 9:00 a.m. through May 25, 2017, or earlier if the business of the Commission is
19 concluded. The Commission meeting will be held on May 23-25, 2017, at the Nevada State
20 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.

21 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same
22 time as part of a regular meeting of the Commission that is expected to last from May 23-25,
23 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be
24 continued until later in the day or from day to day. It is your responsibility to be present when
25 your case is called. If you are not present when your hearing is called, a default may be entered
26 against you and the Commission may decide the case as if all allegations in the complaint were
27 true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
28 4074.

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

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

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

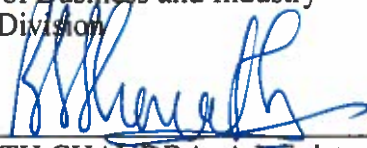
17 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
18 645 and if the allegations contained herein are substantially proven by the evidence

19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 presented and to further determine what administrative penalty is to be assessed against the
2 Respondent, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

3 DATED this 17 day of April, 2017.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

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

12 ADAM PAUL LAXALT
13 Attorney General


14 By: 
15 KEITH E. KIZER (Bar No. 4305)
16 Senior Deputy Attorney General
17 555 East Washington Ave., Ste. 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3326
20 Attorneys for Real Estate Division
21
22
23
24
25
26
27
28

EXHIBIT A

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE H. BRESLOW
Director

JOSEPH (JD) DECKER
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

July 10, 2015

Rosa Keller
2432 Hamonah Dr
Henderson, NV 89044

Certified Mail Receipt No. 7010 1090 0000 1699 1753

RE: NRED vs. KELLER
CASE NO. 2015-1893

Dear Ms. Keller:

Enclosed you will find a Notice of Violation with Imposition of Administrative Fine and you are required to respond to complainant Case No. 2015-305 ATHANACIO vs. KELLER (a copy of the complaint has been enclosed). The Division has found that you have violated NRS 645.635 6 as set out with specificity in Exhibit A attached.

Pursuant to NAC 645.695, you are required to pay an administrative fine in the amount of \$500.00. Additionally, you are required to provide your response to complaint Case No. 2015-305 ATHANACIO vs. KELLER. **Both the fine and your response to Case No. 2015-305 must be remitted to the Division by August 10, 2015.**

PLEASE TAKE NOTICE that you have the appeal this Notice of Violation before the Real Estate Commission. If you wish to appeal this Notice of Violation, you must notify the Division within 30 days of the date of this letter. Please submit such notification to Mr. Jan R. Holle, Chief Compliance/Audit Investigator, at 2501 E. Sahara #300, Las Vegas, Nevada 89104-4137.

Rosa Keller
Page 2
July 10, 2015

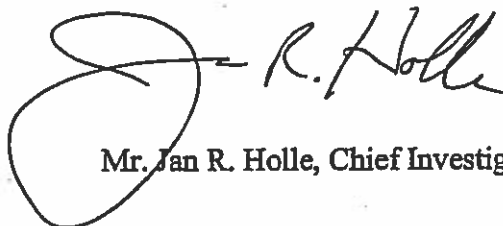
Please remit a check or money order made payable to the order of "Nevada Real Estate Division" for the full amount of the fine and your response to Case No. 2015-305

ASSISTANT OT THE ADMINISTRATOR
Nevada Real Estate Division
2501 E. Sahara Avenue, Suite 303
Las Vegas, NV 89104-4137

There is an extra copy of this letter marked "Remittance Copy" and should be returned with your check and your response to Case No. 2015-305. The purpose of the remittance copy is to assure proper posting of fines to your disciplinary file.

If you have any questions concerning this Notice, you may contact Investigator Daryl McCloskey at (702) 486-2423.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan R. Holle". The signature is stylized with a large, looping initial "J" and a long horizontal stroke extending to the right.

Mr. Jan R. Holle, Chief Investigator

cc: Joseph (JD) Decker, Administrator

1 REAL ESTATE DIVISION
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 STATE OF NEVADA
4

5 ROSA KELLER, Licensee.
6 License No. S.0071550
7

NOTICE OF VIOLATION
WITH
IMPOSITION OF ADMINISTRATIVE FINE
Case No. 2015-1893

8
9 TO:

10
11 ROSA KELLER
12 2432 HAMONAH DR
13 HENDERSON, NV 89044
14

15 PLEASE TAKE NOTICE that as a result of an investigation, the Real Estate Division of the
16 Department of Business and Industry, State of Nevada ("the Division") finds that you have violated
17 NRS 645.635 6 as set out with specificity in Exhibit A attached hereto.
18


19 PLEASE TAKE FURTHER NOTICE that as a result of the above violation(s), you are
20 required to pay an administrative fine pursuant to NAC 645.695 in the amount of \$500.00. You are
21 also required to submit your response to complaint Case No. 2015-305 ATHANACIO vs. KELLER.
22 The fine and response must be remitted to the Division on or before August 10, 2015. This Notice of
23 Violation is considered discipline and will be published and made available to the public upon
24 request.
25
26
27
28

1
2 **PLEASE TAKE FURTHER NOTICE** that you have the right to appeal this Notice of
3 Violation before the Real Estate Commission. If you wish to file an appeal, you must submit a
4 written request within 30 days of the date of this Notice. Such notice may be mailed to:

5
6 Nevada Real Estate Division
7 Mr. Jan R. Holle, Chief Compliance/Audit Investigator
8 2501 E. Sahara Avenue, Suite 300
9 Las Vegas, NV 89104-4137
10

11 DATED this 10TH day of JULY, 2015.
12

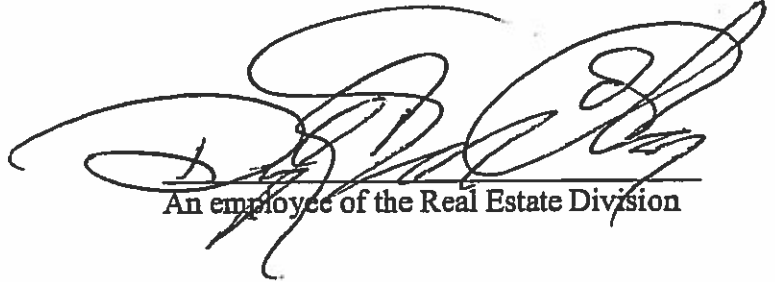
13
14 JOSEPH (JD) DECKER, Administrator
15 REAL ESTATE DIVISION
16 DEPARTMENT OF BUSINESS & INDUSTRY
17 STATE OF NEVADA

18 By: 
19 MR. JAN R. HOLLE, Chief Investigator
20 2501 East Sahara Avenue
21 Las Vegas, Nevada 89104-4137
22 (702) 486-4033
23
24
25
26
27
28

Certificate of Service

I, Daryl McCloskey hereby certify that I am an employee of the Real Estate Division of the Department of Business and Industry, State of Nevada and that on the 10TH day of July, 2015, I served a fully executed copy of the foregoing Notice of Violation and Imposition of Administrative Fine, by depositing a copy of the same with the United State Postal Service, postage prepaid, certified mail, return receipt requested addressed as follows:

ROSA KELLER
2432 HAMONAH DR
HENDERSON, NV 89044



An employee of the Real Estate Division

Certified Mail Receipt No. 7013 1090 0000 1699 1753

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Violation found:

NRS 645.635 Additional grounds for disciplinary action: Unprofessional and improper conduct relating to real estate transactions. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

6. Failure to produce any document, book or record in his or her possession or under his or her control, concerning any real estate transaction under investigation by the Division.

Facts and Rationale for Finding:

Respondent failed to respond to the Nevada Real Estate Division request to Complaint Case No. 2015-305 ATHANACIO vs. KELLER. The Nevada Real Estate Division mailed the first request to respond on February 02, 2015, the second request was sent on April 07, 2015 and then the Real Estate Division mailed a Certified No. 7013 1090 0000 1699 1708 demand letter on June 19, 2015 requiring a response to the complaint on or before July 03, 2015. As of July 10, 2015 the Respondent Ms. Keller has not responded to the Nevada Real Estate Division.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Rosa Keller</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): _____ C. Date of Delivery <i>7/13/15</i></p>
<p>1. Article Addressed to:</p> <p><i>Rosa Keller</i> <i>2432 Hamonah Dr</i> <i>Henderson, NV 89044</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article (Transit) <i>7013 1090 0000 1699 1753</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-11-1540</p>	

7013 1090 0000 1699 1753

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ _____
Certified Fee	_____
Return Receipt Fee (Endorsement Required)	_____
Restricted Delivery Fee (Endorsement Required)	_____
Total Postage & Fees	\$ _____
<p>Sent to <i>Rosa Keller</i></p> <p>Street, Apt. No., or PO Box No. <i>2432 Hamonah Dr</i></p> <p>City, State, ZIP+4 <i>Henderson, NV 89044</i></p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	

Mailed on 7/10/2015 DM