

FILED

APR 22 2018

REAL ESTATE COMMISSION
BY *Ruben*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2017-628

Petitioner,

vs.

BENJAMIN M. DONLON,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, March 20, 2018, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Benjamin D. Donlon ("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 as a Broker under license number B.1001488.CORP, since November 21, 2014, which is currently in suspended status.

2. Respondent has been licensed as a Property Manager under permit number PM.0165092.BKR, since October 20, 2011, which is currently in suspended status.

3. Respondent is associated with Mike Donlon Realty Inc. ("MDR").

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1 4. On or about February 8, 2016, Roselyn Javier ("Javier") and MDR, through Respondent,
2 entered into a Promissory Note for construction completion for real property located at 5016 Morris
3 Street, Las Vegas, Nevada (the "Property").

4 5. Pursuant to the Promissory Note, Javier gave MDR a check for \$5,000.00.

5 6. MDR was to repay Javier in full within 90 days of the dated Promissory Note.

6 7. Respondent failed to remit full repayment to Javier.

7 8. On or about March 21, 2017, Javier filed a Statement of Fact complaining of
8 Respondent's conduct.

9 9. On or about April 12, 2017, Respondent admitted that he owes Javier at least \$3,750.00.

10 10. At the hearing in this matter, Respondent represented he will repay the \$3,750.00 debt
11 within sixty days of the March 20, 2018 hearing.

12 CONCLUSIONS OF LAW

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

15 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and
16 233B and NAC Chapter 645.

17 2. Respondent violated NRS 645.633(1)(h) and/or (i), pursuant to NAC 645.605(1) and/or
18 NAC 645.605(6), by not remitting full payment to Javier within the time period specified in the
19 Promissory Note.

20 ORDER

21 IT IS HEREBY ORDERED, on a four to one vote, that Respondent shall pay to the Division a
22 total fine of \$5,670.03. The total fine reflects a fine of \$5,000.00 for committing the above violation of
23 law, plus \$670.03 for hearing and investigative costs. Respondent shall pay the total fine to the
24 Division within ninety days of the effective date of this Order. Failure to timely pay the total fine and
25 costs shall be construed as an event of default by Respondent. In the event of default, Respondent's
26 real estate license and property manager permit shall be immediately suspended. The suspension of his
27 license and property manager permit shall continue until the total fine and costs are paid in full. The
28 Division may institute debt collection proceedings for failure to timely pay the total fine.

1 IT IS FURTHER ORDERED that Respondent shall attend twelve continuing education hours of
2 ethics within ninety days of the effective date of the Order. The hours must be *live* education and will
3 not count towards Respondent's continuing education requirements. Failure to timely complete the
4 required courses shall be construed as an event of default by Respondent. In the event of default,
5 Respondent's real estate license and property manager permit shall be immediately suspended. The
6 suspension of his license and property manager permit shall continue until the continuing education is
7 completed.

8 The Commission retains jurisdiction for correcting any errors that may have occurred in the
9 drafting and issuance of this Decision.

10 This Order shall become effective on the 23RD day of MAY, 2018.

11 DATED this 12TH day of APRIL, 2018.

12 REAL ESTATE COMMISSION
13 STATE OF NEVADA

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16 By: 

17 President, Nevada Real Estate Commission
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