

FILED

APR 12 2018

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-3479

Petitioner,

vs.

JAY ROSEN,

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 Jay Rosen ("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.0049406.LLC, since March 21, 2003, which is currently in active status.
2. Respondent has been licensed as a broker under license number B.0166201.INDV, since October 7, 2008, which is currently in active status.
3. Respondent has been licensed as a property manager under permit number PM.0163348.BKR, since February 12, 2007, which is currently in active status.

- 1 4. Respondent was the broker for Since 1917 Realty.
- 2 5. On or about June 4, 2016, broker Judith Sullivan sent a \$300.00 commission check to
- 3 Respondent.
- 4 6. Sullivan sent that check to Respondent in error.
- 5 7. On or about July 11, 2016, Sullivan emailed Respondent and informed him that she had
- 6 sent him the check in error.
- 7 8. On or about July 11, 2016, Respondent replied to Sullivan that he was aware the check
- 8 was sent to him in error, but he would be keeping the \$300.00.
- 9 9. On or about July 29, 2016, Sullivan filed a Statement of Fact with the Division
- 10 complaining about Respondent's conduct.
- 11 10. On or about August 9, 2016, Sullivan informed the Division that Respondent still had
- 12 not returned the \$300.00 to her.
- 13 11. On or about August 10, 2016, the Division contacted Respondent about him not
- 14 returning the \$300.00 to Sullivan.
- 15 12. On or about August 10, 2016, Respondent informed the Division that he would not
- 16 return the \$300.00 to Sullivan.
- 17 13. On or about August 15, 2016, as a result of further communication with the Division,
- 18 Respondent informed Sullivan that he would return the \$300.00 to her.
- 19 14. However, Respondent told Sullivan that he would return the \$300.00 to her only if she
- 20 personally came to his home office.
- 21 15. Sullivan informed Respondent that she would be out of town on the sole date and time
- 22 Respondent told her she had to come to his home office.
- 23 16. Sullivan told Respondent she would send her assistant to collect the \$300.00.
- 24 17. Respondent refused to agree to give the money to Sullivan's assistant.
- 25 18. On or about August 25, 2016, in response to Respondent's email that he would send the
- 26 \$300.00 to the Division, the Division asked Respondent to mail the money to Sullivan.
- 27 19. On or about September 9, 2016, Sullivan informed the Division that Respondent still
- 28 had not returned the \$300.00 to her.

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

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

4 DATED this 12TH day of APRIL, 2018.

5 REAL ESTATE COMMISSION
6 STATE OF NEVADA

7
8 By: 
9 President, Nevada Real Estate Commission