

FILED

JAN 24 2018

REAL ESTATE COMMISSION
BY *Rose*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2017-31

Petitioner,

vs.

MARTHA J. ROGERS,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, December 5, 2017, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Martha J. Rogers ("RESPONDENT") did not appear. Donald J. Bordelove, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business and 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.0025313.CORP, since December 21, 2000, and is currently in active status.
2. RESPONDENT has been licensed as a Property Manager under permit number PM.0125313.BKR, since June 24, 2001, and is currently in active status.
3. RESPONDENT, at the relevant times mentioned in this Complaint, was the broker and property manager for Superior Realty.

1 4. On or about September 12, 2012, RESPONDENT and Superior Realty entered into a
2 Property Management Agreement (the "Williams Agreement") with Bruce M. Williams for his real
3 property at 8200 Amersham Avenue, Las Vegas, Nevada (the "Property").

4 5. The terms of the Williams Agreement required RESPONDENT to "mail statement,
5 disbursements and charges no later than the 15th day of each month" to Williams.

6 6. RESPONDENT failed to remit those statement, disbursements and charges to Williams
7 within a reasonable time for each of the twelve months in 2016, and for June, July and August 2017.

8 7. On or about January 6, 2017, Williams filed a Statement of Fact with the Division
9 complaining about RESPONDENT's conduct.

10 8. On or about September 14, 2017, Williams filed a supplemental email to his Statement
11 of Fact with the Division complaining about RESPONDENT's conduct.

12 9. RESPONDENT and Superior Realty entered into six other property management
13 agreements that failed to list beginning and/or ending dates for those agreements, and were not signed
14 by RESPONDENT.

15 10. RESPONDENT and Superior Realty entered into seventeen other property management
16 agreements that were not signed by RESPONDENT.

17 11. RESPONDENT had a Superior Realty Trust Account, XXXXXX0581.

18 12. RESPONDENT used a rubber stamp to sign over 100 checks from that account.

19 13. RESPONDENT had a Superior Realty Operations Account, XXXXXX0599.

20 14. RESPONDENT had a Superior Realty Maintenance Account, XXXXXX0003.

21 15. A Division audit determined that RESPONDENT should have been paid approximately
22 \$6,550.00 a month in property management fees.

23 16. For the month of July 2016, RESPONDENT paid herself \$33,900.00 in property
24 management fees by transferring those monies from the Trust Account into the Operations Account and
25 Maintenance Account.

26 17. For the month of August 2016, RESPONDENT paid herself \$34,250.00 in property
27 management fees by transferring those monies from the Trust Account into the Operations Account and
28 Maintenance Account.

1 18. For the month of September 2016, RESPONDENT paid herself \$26,900.00 in property
2 management fees by transferring those monies from the Trust Account into the Operations Account and
3 Maintenance Account.

4 19. For the month of October 2016, RESPONDENT paid herself \$22,900.00 in property
5 management fees by transferring those monies from the Trust Account into the Operations Account and
6 Maintenance Account.

7 20. For the month of November 2016, RESPONDENT paid herself \$28,400.00 in property
8 management fees by transferring those monies from the Trust Account into the Operations Account and
9 Maintenance Account.

10 21. For the month of December 2016, RESPONDENT paid herself \$23,450.00 in property
11 management fees by transferring those monies from the Trust Account into the Operations Account and
12 Maintenance Account.

13 22. By way of letter dated February 6, 2017, the Division required RESPONDENT to
14 provide additional information and documents regarding the investigation into the complaint by
15 Williams.

16 23. Despite being given an extension of time to respond, RESPONDENT failed to supply a
17 written response, including supporting documentation, to the Division's February 6, 2017 letter.

18 CONCLUSIONS OF LAW

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

21 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters 645
22 and 223B and NAC Chapter 645.

23 2. Pursuant to NAC 645.860, the Commission finds that the following charges specified in
24 the Complaint are true and supported by substantial evidence.

25 3. RESPONDENT violated NRS 645.630(1)(f) *on twelve (12) occasions* by failing, within
26 a reasonable time, to account for or to remit any money which came into her possession and which
27 belongs to others.

28 4. RESPONDENT violated NRS 645.630(1)(h), pursuant to NRS 645.6056(2)(a), on *six*

1 (6) occasions by failing to list beginning and/or ending dates on six property management agreements.

2 5. RESPONDENT violated NRS 645.630(1)(h), pursuant to NRS 645.6056(1), on
3 seventeen (17) occasions by failing to sign seventeen property management agreements.

4 6. RESPONDENT violated NAC 645.655(5) by maintaining a custodial or trust account
5 from which money could be withdrawn without her signature.

6 7. RESPONDENT violated NRS 645.633(1)(h) and/or (i), pursuant to NAC 645.605(1), on
7 six (6) occasions by paying herself more in property management fees than to which she was entitled.

8 8. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(11)(a) and/or
9 (b), by failing to comply or delaying her compliance with a request by the Division to provide
10 documents, and/or failing to supply a written response, including supporting documentation.

11 **ORDER**

12 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total fine of
13 \$431,248.50. The total fine reflects a fine of \$430,000 for committing each of the above violations of
14 law, plus \$1,248.50 for hearing and investigative costs. Respondent shall pay the total fine to the
15 Division within ninety (90) days of the effective date of this Order. The Division may institute debt
16 collection proceedings for failure to timely pay the total fine.

17 IT IS FURTHER ORDERED that RESPONDENT's real estate license and property
18 management permit are hereby REVOKED.

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

21 This Order shall become effective on the 1ST day of MARCH, 2018.

22 Dated this 21 day of January, 2018.

23 REAL ESTATE COMMISSION
24 STATE OF NEVADA

25 By: 
26 President, Nevada Real Estate Commission