

FILED

JAN 24 2018

REAL ESTATE COMMISSION
Rebecca Hyde

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2017-714

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. RESPONDENT and Superior Realty had a property management agreement with
2 Herman Tachera for the management of his real properties at (a) 67 St. Johns Wood Avenue,
3 Henderson, (b) 5052 Big Island Court, North Las Vegas, and (c) 1483 Rancho Ridge Drive, Henderson,
4 Nevada.

5 5. The tenants of the St. Johns Wood property vacated that property on or about December
6 31, 2016.

7 6. On or about February 22, 2017, Tachera instructed RESPONDENT to forward to
8 Tachera the balance of the security deposit (\$1,397.50) for that property.

9 7. The tenants of the Big Island Court property vacated that property on or about March 2,
10 2017.

11 8. Thereafter, Tachera instructed RESPONDENT to forward to Tachera the balance of the
12 security deposit (\$1,300.00) and move-out report for that property, as well as the \$1,397.50 security
13 deposit balance for the St. Johns Wood property.

14 9. Around that time, Tachera terminated his property management agreement with
15 RESPONDENT for the Rancho Ridge Drive property.

16 10. Tachera instructed RESPONDENT to forward to Tachera the balance of the security
17 deposit and owner reserve (\$1,300.00) for the Rancho Ridge Drive property.

18 11. RESPONDENT failed to remit approximately \$3,997.50 in monies owed to Tachera
19 within a reasonable time.

20 12. On or about March 27, 2017, Tachera filed a Statement of Fact with the Division
21 complaining about RESPONDENT's conduct.

22 13. By way of letter dated April 3, 2017, the Division required RESPONDENT to respond
23 to the complaint by Tachera.

24 14. RESPONDENT failed to supply a complete response to the Division's April 3, 2017
25 letter.

26 15. By way of letter dated June 5, 2017, the Division required RESPONDENT to respond to
27 the complaint by Tachera.

28 16. RESPONDENT failed to supply a response to the Division's June 5, 2017 letter.

1 **CONCLUSIONS OF LAW**

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

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

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

8 3. RESPONDENT violated NRS 645.630(1)(f) *on three occasions* by failing, within a
9 reasonable time, to account for or to remit any money which came into her possession and which
10 belongs to others.

11 4. RESPONDENT violated NAC 645.605(11)(a) and/or (b) by failing to disclose all facts
12 and documents pertinent to an investigation to members of the Division's staff conducting the
13 investigation.

14 **ORDER**

15 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total fine of
16 \$40,499.12. The total fine reflects a fine of \$40,000 for committing each of the above violations of
17 law, plus \$499.12 for hearing and investigative costs. Respondent shall pay the total fine to the
18 Division within ninety (90) days of the effective date of this Order. The Division may institute debt
19 collection proceedings for failure to timely pay the total fine.

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

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

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

25 Dated this 23 day of JANUARY, 2018.

26 REAL ESTATE COMMISSION
27 STATE OF NEVADA

28 By: 
President, Nevada Real Estate Commission