

FILED

OCT 30 2017

REAL ESTATE COMMISSION
BY *Ruben [Signature]*

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.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT BENJAMIN M. DONLON ("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 NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.1001488.CORP, and as a Property Manager under permit number PM.0165092.BKR, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

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 was licensed as a Property Manager under permit number PM.0165092.BKR, on October 20, 2011, which is currently in suspended status.

1 3. At all times relevant to the Complaint, RESPONDENT was associated with Mike
2 Donlon Realty Inc. (“MDR”).

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

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

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

8 7. RESPONDENT failed to remit full repayment to Javier.

9 8. On or about March 21, 2017, Javier filed a Statement of Fact complaining of
10 RESPONDENT’S conduct.

11 9. On or about April 12, 2017, RESPONDENT admitted that he owes Javier at least
12 \$3,500.00.

13 **VIOLATION**

14 RESPONDENT has committed the following violation of law:

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

18 **DISCIPLINE AUTHORIZED**

19 11. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
20 an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend,
21 revoke or place conditions on the license of RESPONDENT.

22 12. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
23 the proceeding upon RESPONDENT, including investigative costs and attorney’s fees, if the
24 Commission otherwise imposes discipline on RESPONDENT.

25 13. Therefore, the Division requests that the Commission take such disciplinary action as it
26 deems appropriate under the circumstances.

27 ...

28 ...

1 **NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
3 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
4 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

5 **THE HEARING WILL TAKE PLACE** on December 5, 2017, commencing at 9:00 a.m., or
6 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
7 commencing at 9:00 a.m. through December 7, 2017, or earlier if the business of the Commission
8 is concluded. The Commission meeting will be held on December 5, 2017, at the Nevada State
9 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
10 89102. The meeting will continue on December 6, 2017 at the Nevada State Business Center, 3300
11 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at
12 9:00 a.m., and on December 7, 2017, should business not be concluded, starting at 9:00 a.m. at the
13 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
14 Nevada 89102.

15 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
16 time as part of a regular meeting of the Commission that is expected to last from December 5
17 through December 7, 2017, or earlier if the business of the Commission is concluded. Thus, your
18 hearing may be continued until later in the day or from day to day. It is your responsibility to be
19 present when your case is called. If you are not present when your hearing is called, a default
20 may be entered against you and the Commission may decide the case as if all allegations in the
21 complaint were true. If you have any questions please call Rebecca Hardin, Commission
22 Coordinator (702) 486-4074.

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


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

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

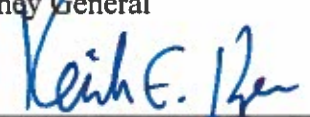
11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
12 NAC 645 and if the allegations contained herein are substantially proven by the evidence
13 presented and to further determine what administrative penalty is to be assessed against the
14 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

15 DATED this 30 day of October, 2017.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

19 By: 
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22 Las Vegas, Nevada 89102

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