

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

GARY HAWTON, LISA HAWTON,

Respondent.

Case No. 2016-3740, 2016-3741

FILED

APR 04 2019

REAL ESTATE COMMISSION
 Evelyn Patten

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada (“Commission”) on Tuesday, March 26, 2019, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondents Gary Hawton and Lisa Hawton (“RESPONDENTS”) did not appear and failed to request a continuance. 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. On or about September 28, 2016, Stephanie White, Esq. filed a complaint against RESPONDENTS for conducting real estate and property management activities without first obtaining licenses from the Nevada Real Estate Division to perform such activities.

2. As principals of Las Vegas Home Watchers (<http://www.lasvegashomewatchers.com/>), RESPONDENTS enter into “flexible term arrangements” and “Service Agreement[s]” with property owners for compensation.

1 3. RESPONDENTS summarize their services as follows: "Home watch is a service for
2 absentee homeowners, homeowners with a vacation property in Las Vegas, or what some call non-tenant-
3 based **property management**, which provides a periodic visual inspection of your home and property
4 in order to discover and report obvious issues that can arise while you are away." (**emphasis added**).

5 4. RESPONDENTS provide and advertise home watch services described as interior and
6 exterior inspections, scheduling, oversight of property repairs, executive/concierge services, and home
7 arrival/home departure services, for example:

8 a. "We have a handyman on staff who is able to do traditional simple repairs but for
9 larger/complex repairs we will assist you in hiring a trusted professional contractor
10 with expertise in the area you need handled... We can let the vendor into your
11 place to make the repairs and then return to lock up. If you prefer, we will stay at
12 your property while the vendor makes the repairs and then apprise you of the
13 status."

14 b. "[E]xterior damage or vandalism", "look at screen or porch enclosures for tears or
15 damage", "remove newspapers, flyers, packages and phone books from the front
16 door area", "[e]xamine gutters", "put away trash cans from the curb", "check for
17 damages caused by fallen trees or limbs", "[e]nsure lawn maintenance is
18 performed and pool is debris free", "[m]ake sure there is no leakage from outdoor
19 faucets", "[e]xamine property to ensure all access points are secure", "[r]esearch
20 visible pest infestations", "[e]xamine property for erosion or drainage problems",
21 "[v]erify the breaker panel is set", "change your irrigation schedule" and
22 "[o]bserve pool equipment for leakage".

23 c. "Assure alarm systems are functioning. [sic] alarm response."; "Investigate
24 unusual noises or alarms"; "Check that the heating and cooling systems are
25 functioning properly", "Monitor humidity levels in your property", "Examine all
26 doors, windows and sliders to insure they are locked and secure"; "Verify that the
27 refrigerator and freezer are functioning properly"; "Operate all faucets and flush
28 toilets to eliminate stagnate water and fill traps"; "Operate dishwasher, garbage

1 disposal and washing machine to prevent seals from drying out”; and “Remove
2 garbage mistakenly left by the homeowner or guests”.

3 d. “Address home warranty, insurance and/or HOA claims for homeowners”;
4 “Receive delivery of furniture and/or large appliances”; “Start, idle, drive and/or
5 service autos, SUVs, RVs and pick-up trucks”; “Collect mail from the street
6 mailbox and forward as requested”; “Shipping and receiving services”;
7 “Housecleaning services”; and “Admit your contractors/vendors for home repair
8 projects or use our staff handyman!”; and

9 e. “Almost anything else you desire!”

10 5. Pursuant to RESPONDENTS’ “Service Agreement”, clients agree to charges for the
11 above services, “any expenses incurred for work provided or part/materials provided by LVHW”,
12 authorize RESPONDENTS to take such action as RESPONDENTS deem necessary “to temporarily
13 stabilize the situation at the Client’s expenses”, and limitations on liability and indemnification for the
14 benefit of RESPONDENTS.

15 6. On October 13, 2016, Chief Investigator Jan R. Holle contacted RESPONDENTS
16 notifying them that they are offering property management services under NRS Chapter 645 and to cease
17 conducting the services they offer until they are properly licensed.

18 7. On October 13, 2016, RESPONDENT Gary Hawton agreed as follows: “personally enroll
19 in classes to get my license and then onward to the property manager’s certification. As you know, this
20 will take several weeks so I appreciate your agreement to allow us to continue doing business so long as
21 I progress and complete these and gain compliance.”

22 8. To date, RESPONDENT Gary Hawton has failed to do so despite his express agreement.

23 9. RESPONDENT Gary Hawton failed to even submit an application for licensure.

24 10. RESPONDENTS do not hold a Nevada Real Estate license or property management
25 permit in Nevada.

26 11. Nonetheless, RESPONDENTS are still operating Las Vegas Home Watchers.

27 12. RESPONDENTS failed to request a continuance of the hearing and did not appear.

28 ...

1 **CONCLUSIONS OF LAW**

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

4 1. RESPONDENTS received proper notice of the hearing pursuant to NRS Chapters 645 and
5 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. Pursuant to NRS 645.019, RESPONDENTS performed property management services by
9 the physical, administrative or financial maintenance and management of real property, or the supervision
10 of such activities for a fee, commission, or other compensation or valuable consideration.

11 4. RESPONDENTS violated NRS 645.230(1)(b) by engaging in the business of, acting in
12 the capacity of, advertising or assuming to act as a property manager without first obtaining from the
13 Division a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and a
14 permit to engage in property management.

15 5. RESPONDENTS violated NRS 645.235(1)(a) by knowingly engaging or offering to
16 engage in any activity for which a license, permit, certificate or registration or any type of authorization
17 is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not
18 hold the required license, permit, certificate or registration or has not been given the required
19 authorization.

20 **ORDER**

21 IT IS HEREBY ORDERED that RESPONDENTS shall pay to the Division a total fine of
22 \$11,271.84 jointly and severally. The total fine reflects a fine of \$10,000 for committing each of the
23 above violations of law, plus \$1,271.84 for hearing and investigative costs. RESPONDENTS shall pay
24 the total fine to the Division within ninety (90) days of the effective date of this Order. The Division
25 may institute debt collection proceedings for failure to timely pay the total fine.

26 IT IS FURTHER ORDERED that RESPONDENTS are hereby to CEASE AND DESIST from
27 committing the above mentioned violations of law and continuing may result in further violations
28

1 including additional fines, costs, and fees associated therewith.

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

4 This Order shall become effective on the 4th day of May, 2019.

5 Dated this 4th day of April, 2019.

6 REAL ESTATE COMMISSION
7 STATE OF NEVADA

8 By: 
9 President, Nevada Real Estate Commission

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28