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2 BEFORE THE REAL ESTATE COMMISSION  
3 STATE OF NEVADA

4 SHARATH CHANDRA, Administrator,  
5 REAL ESTATE DIVISION, DEPARTMENT  
6 OF BUSINESS & INDUSTRY,  
7 STATE OF NEVADA,

8 Petitioner,

9 vs.

10 ERNEST T. HERNANDEZ,

11 Respondent.

Case No. 2018-1475

**FILED**

JAN 07 2021

REAL ESTATE COMMISSION  
BY *Evelyn Pattee*

12 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

13 This matter came on for hearing before the Real Estate Commission, Department of Business and  
14 Industry, State of Nevada (the "Commission"), during a regular agenda, set for three days, beginning on  
15 December 7, 2020 via Webex (with telephone access) with no physical public location (as permitted by  
16 the Governor's Declaration of Emergency as amended) (the "Hearing"). RESPONDENT ERNEST T.  
17 HERNANDEZ (hereinafter, "RESPONDENT" or "HERNANDEZ") did not appear in person, through  
18 counsel, or otherwise. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney  
19 General's Office, appeared on behalf of the Real Estate Division of the Department of Business and  
20 Industry, State of Nevada (the "Division").

21 Ms. Neff advised the Commission that RESPONDENT had not filed an answer or otherwise  
22 appeared and had not been in contact with her prior to the Hearing.

23 Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found  
24 appropriate service of the notice of the Hearing, the complaint, Notice of the Complaint, and Notice of  
25 Documents was made.

26 After hearing testimony presented in this matter and for good cause appearing, the Commission  
27 now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as  
28 follows:

RESPONDENT, at all relevant times mentioned in this Complaint, was licensed by the Division

1 as a broker and holds a property management permit from the Division. He is therefore subject to the  
2 jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter  
3 645.

#### 4 **FINDINGS OF FACT**

5 The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters  
6 a finding of the following facts by default:

7 1. RESPONDENT was licensed by the Division as a broker under license number  
8 B.0020815.INDV, issued on September 6, 2006, said license being in “active” status at the time of filing  
9 this Complaint.

10 2. RESPONDENT also holds a property management permit from the Division under  
11 PM.0164601.BKR, issued on July 15, 2010, said permit being in “active” status at the time of filing this  
12 Complaint.

13 3. On October 23, 2018, the Division sent RESPONDENT a letter stating that RESPONDENT had  
14 failed to submit his Affidavit In Lieu of Form 546A (as required by NAC 645.806(3)) (hereinafter the  
15 “Affidavit”) and fined RESPONDENT in the amount of \$250.00 (the “Fine”) for failing to do so, and  
16 requested that the Fine and Affidavit be submitted to the Division by November 26, 2018.

17 4. RESPONDENT never appealed the Division’s issuance of the Fine.

18 5. On December 27, 2018, the chief compliance/audit investigator for the Division emailed  
19 RESPONDENT stating the Division had not received the Fine nor RESPONDENT’s Affidavit, and that  
20 if the Division did not receive them, it would be filing a Complaint for a hearing before the Nevada Real  
21 Estate Commission.

22 6. The Division never received RESPONDENT’s Affidavit, the Fine, nor received any response  
23 from RESPONDENT.

#### 24 **CONCLUSIONS OF LAW**

25 Based on the foregoing findings of facts by default, the Commission concludes by unanimous  
26 Vote, that RESPONDENT has committed the following violations of law by default:

27 7. RESPONDENT violated NAC 645.806(3), by failing to submit his Affidavit In Lieu of Form  
28 546A to the Division.

1 **ORDER**

2 8. RESPONDENT shall pay an administrative fine to the Division in amount of \$250.00 along with  
3 the Division's costs in the amount \$528.72, for a total amount of \$778.72 due to the Division ("Amount  
4 Due"). The Amount Due shall be payable to the Division within 30 days of the effective date of this  
5 Order.

6 9. If payment is not actually received by the Division on or before its due date, it shall be a  
7 default by RESPONDENT. In the event of default, RESPONDENT's license shall be immediately  
8 suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's fees  
9 and costs that may have been assessed, shall be due in full to the Division within ten calendar days of the  
10 date of default, and the Division may obtain a judgment for the amount owed, including collection fees  
11 and costs.

12 10. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting  
13 and issuance of this document.

14 11. This Order shall become effective on the 6<sup>th</sup> day of February, 2021.

15 DATED this 7<sup>th</sup> day of January, ~~December~~, 2020. 2021

16 REAL ESTATE COMMISSION  
17 STATE OF NEVADA

18 By:   
19 President, Nevada Real Estate Commission

20 Submitted by:

21 AARON D. FORD  
22 Attorney General

23 By: /s/ *Karissa Neff*

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