

1 BEFORE THE REAL ESTATE COMMISSION
2 STATE OF NEVADA

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

Petitioner,

7 vs.

8 FREDERICK BRITTON,

9 Respondent.

Case No. 2017-2125

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY *Emily Patten*

10 **OPPOSITION TO RESPONDENT'S REQUEST FOR REHEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
13 Attorney General, and Karissa D. Neff, Deputy Attorney General, brings this Opposition to
14 Respondent's Request for Rehearing.

15 Dated this 12th day of May, 2020.

17 AARON D. FORD
18 Attorney General

19 By: *Karissa D. Neff*
20 KARISSA D. NEFF (Bar. No. 9133)
21 Deputy Attorney General
22 555 E. Washington Avenue, Suite 3900
23 Las Vegas, Nevada 89101
24 (702) 486-3894
25 Attorneys for Real Estate Division
26
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2 **I. Background**

3 The complaint against Mr. Britton was filed with the Division on February 7, 2020, and was set
4 to be heard by the Commission at its meeting beginning on March 12, 2020. On February 24, 2020,
5 Frederick Britton (“RESPONDENT”) contacted the Real Estate Commission Coordinator for the
6 Division and stated that he needed time to consult an attorney. The Real Estate Commission
7 Coordinator informed Mr. Britton that he needed to send an email requesting the continuance and
8 reference the case numbers he was seeking to continue, and also needed to state the reason for the
9 continuances. The Commission Coordinator informed Mr. Britton that once she received his formal
10 request for a continuance, she would forward it to the Secretary of the Commission for his decision.
11 Mr. Britton never sent the Commission Coordinator a formal request. Hence, the Secretary of the
12 Commission never approved the continuance of this case. After speaking to the Real Estate
13 Commission Coordinator on February 24th, RESPONDENT made no further efforts to contact the
14 Division or its counsel to confirm that this case had been continued.

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17 Mr. Britton did not appear at the March 12, 2020 Commission hearing, and on March 31, 2020
18 a default judgment was entered against him. *See Exhibit “1.”*

19
20 On April 14, 2020, Mr. Britton sent the attached email to the Commission Coordinator. *Exhibit*
21 *“2.”* On May 4, 2020, Mr. Britton sent the attached email to Division Investigator, Daryl McCloskey,
22 and to the Division’s attorney, Karissa D. Neff, requesting “another venue and or person for my
23 appeal” and requesting a rehearing. *Exhibit “3.”*

24
25 The Division opposes RESPONDENT’s request for a rehearing for the reasons set forth below.
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1 **II. Legal Argument**

2 NAC 645.820 sets forth the procedures for a rehearing and provides that the following
3 procedures are to be used for a rehearing in a case where a ruling or decision of the Commission is
4 against the licensee. It provides as follows:
5

- 6 1. The licensee may **within 10 days after his or her receipt of the decision** petition the
7 Commission for a rehearing.
- 8 2. The petition does not stay any decision of the Commission unless the Commission so
9 orders.
- 10 3. The petition must state with particularity the point of law or fact which in the opinion of
11 the licensee the Commission has overlooked or misconstrued and must contain every
12 argument in support of the application that the licensee desires to present.
- 13 4. Oral argument in support of the petition is not permitted.
- 14 5. The Division may file and serve an answer to a petition for a rehearing within 10 days
15 after it has received service of the petition.
- 16 6. If a petition for rehearing is filed and the Commission is not scheduled to meet before
17 the effective date of the penalty, the Division may stay enforcement of the decision appealed
18 from. When determining whether a stay is to be granted, the Division shall determine
19 whether the petition was timely filed and whether it alleges a cause or ground which may
20 entitle the licensee to a rehearing.
- 21 7. A rehearing may be granted by the Commission for any of the following causes or
22 grounds:
 - 23 (a) Irregularity in the proceedings in the original hearing;
 - 24 (b) Accident or surprise which ordinary prudence could not have guarded against;
 - 25 (c) Newly discovered evidence of a material nature which the applicant could not with
26 reasonable diligence have discovered and produced at the original hearing; or
 - 27 (d) Error in law occurring at the hearing and objected to by the applicant during the earlier
28 hearing.
- 29 8. A petition for a rehearing may not exceed 10 pages of standard printing.
- 30 9. The filing of a petition for rehearing, or the decision therefrom, does not stop the
31 running of the 30-day period of appeal to the district court from the date of the decision of the
32 Commission for the purpose of subsection 2 of NRS 645.760.

33 **A. The Division opposes RESPONDENT's request for rehearing because it is untimely.**

1 The Division opposes RESPONDENT's request for a rehearing because it is untimely.
2 Pursuant to NAC 645.820, RESPONDENT's petition to request a rehearing was due to the Division on
3 April 14, 2020. RESPONDENT's Order in this case was mailed to him on March 31, 2020 and he
4 received it by certified mail on April 4, 2020. RESPONDENT did not submit his request for a
5 rehearing until May 4, 2020. *See Exhibit "3."* Accordingly, the Commission should deny
6 RESPONDENT's request for a rehearing because it is untimely.

7
8 **B. The Division opposes RESPONDENT's request for a rehearing because**
9 **RESPONDENT has failed to state with particularity the reasons why he should be granted a**
10 **rehearing.**

11
12 NAC 645.820 requires that a RESPONDENT's petition for a rehearing "state with particularity
13 the point of law or fact which in the opinion of the licensee the Commission has overlooked or
14 misconstrued and must contain every argument in support of the application that the licensee desires to
15 present."

16
17 Here, RESPONDENT's email is insufficient and fails to articulate any such law or fact to
18 support his request for a rehearing. *See Exhibit "3."* Instead, RESPONDENT merely blames the
19 Commission Coordinator for his own failure to follow instructions to properly obtain a continuance
20 from the Commission. Because RESPONDENT did not properly seek a formal continuance of this
21 case, the Commission did not grant its continuance. RESPONDENT made no further efforts after
22 February 24, 2020, when he first contacted the Commission Coordinator, to confirm with the Division
23 or its counsel that the Commission had continued his case.

24
25 RESPONDENT has also requested a "change of venue" for his case, insinuating that the
26 Commission Coordinator is somehow responsible for the default judgment being entered against him.
27 *See Exhibit "3."* The Division opposes this request because it is improper and the statutes and
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1 regulations do not allow for RESPONDENT's case to be heard before a different venue. Also, the
2 Commission Coordinator is not a Commission member who votes on RESPONDENT's disciplinary
3 action so no conflict of interest exists as RESPONDENT alleges.

4 RESPONDENT has also referenced in his email that he would like someone else other than the
5 Commission Coordinator to "handle his appeal." *See Exhibit "3."* RESPONDENT conflates an appeal
6 and a request for a rehearing as one in the same. To the extent that RESPONDENT desires to file an
7 appeal, his request to the Commission is procedurally improper and must be denied. Should
8 RESPONDENT desire to appeal the Commission's decision, he is required to follow the procedure set
9 forth in NRS 233B. Under no circumstance is the Division responsible for bringing RESPONDENT's
10 appeal.
11

12
13 **C. RESPONDENT has failed to articulate a reason set forth in NAC 645.820(7) regarding**
14 **why the Commission should grant his request for a rehearing.**

15 Last, RESPONDENT has failed to articulate one reason why the Commission should grant his
16 request for a rehearing. NAC 645.820(7) sets forth the reasons when the Commission may grant a
17 respondent a rehearing and provides a rehearing may be granted due to:
18

- 19 (a) Irregularity in the proceedings in the original hearing;
20 (b) Accident or surprise which ordinary prudence could not have guarded against;
21 (c) Newly discovered evidence of a material nature which the applicant could not with
22 reasonable diligence have discovered and produced at the original hearing; or
23 (d) Error in law occurring at the hearing and objected to by the applicant during the earlier
24 hearing.

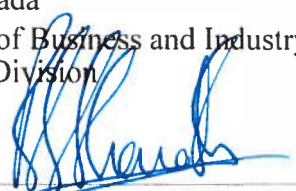
25 RESPONDENT has failed to set forth any reason that would permit the Commission to grant
26 him a rehearing under NAC 645.820(7). In actuality, RESPONDENT failed to take the appropriate
27 steps to obtain a continuance from the Commission, attempts to now blame the Commission
28 Coordinator for his own failure, and didn't bother taking any additional steps after February 24th to

1 confirm that the Commission had granted him a continuance for this case. The fact that
2 RESPONDENT's case proceeded as a default proceeding is due to RESPONDENT's refusal to submit
3 a formal request for the continuance to the Division for the Commission's approval. The default
4 proceeding was not a result of RESPONDENT not having proper notice of the proceeding or based on
5 the Commission or the Division falsely assuring him that the case had been continued. Rather, the case
6 proceeded as a default based on RESPONDENT's own neglect in failing to make a formal request for a
7 continuance and his failing to confirm that his request was granted.
8

9 Based on the foregoing, the Division respectfully requests that the Commission deny
10 RESPONDENT's request for a rehearing.

11 DATED this 12th day of May, 2020.

12
13 State of Nevada
14 Department of Business and Industry
15 Real Estate Division

16 By: 
17 SHARATH CHANDRA, Administrator
18 3300 West Sahara Avenue, Suite 350
19 Las Vegas, Nevada 89102

20 AARON D. FORD
21 Attorney General

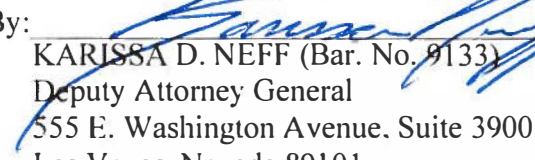
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24 Deputy Attorney General
25 555 E. Washington Avenue, Suite 3900
26 Las Vegas, Nevada 89101
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EXHIBIT "1"

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

Case No. 2017-2125

FILED

MAR 31 2020

REAL ESTATE COMMISSION

BY *Evelyn Pattee*

Pctitioner,

vs.

FREDERICK BRITTON,

Respondent.

FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on March 10, 2020, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101 (the "Hearing"). RESPONDENT FREDERICK BRITTON (hereinafter, "RESPONDENT" or "BRITTON") did not appear. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Ms. Neff advised the Commission that RESPONDENT had contacted her prior to the Hearing and requested a continuance and was advised to request the continuance from the Division in writing.

Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found appropriate service of the notice of the Hearing was made.

RESPONDENT did not properly request a continuance of the Hearing from the Division.

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

FINDINGS OF FACT

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

1 1. RESPONDENT has been licensed as a salesperson under license number S.0175080 since
2 July 3, 2014, said license currently being on inactive status.

3 2. On or around April 10, 2017, Mozeak Manzy (“Manzy”) entered into a purchase and sale
4 agreement (“Purchase Agreement”) to purchase Clark County Assessor’s Parcel No. 161-30-413-039,
5 commonly known as 3711 Crellin Circle, Las Vegas, NV, 89120 (the “Property”).

6 3. The Property was purchased as an investment property to fix up and flip by Manzy and
7 his business partner, Ronald Manning, Sr. (“Manning”) (collectively, the “Project”).

8 4. RESPONDENT was the real estate agent who represented Manzy in the transaction.

9 5. Janet Carpenter (“Carpenter”) of Signature Real Estate Group was RESPONDENT’s
10 broker at the time of the purchase of the Property.

11 6. On or around April 15, 2017, Manzy signed an addendum to the Purchase Agreement
12 stating that RESPONDENT would credit \$6,000 dollars towards Manzy’s closing costs in exchange for
13 a 33 and 1/3 interest in the Property and a 1/3 interest in the entity GGGH&P LLC, a Nevada limited
14 liability company (“GGGH&P), Manzy’s and Manning’s business entity.

15 7. On or around April 12, 2017, RESPONDENT prepared an Exclusive Agency Listing
16 Agreement for the Property, effective April 12, 2017 and expiring April 12, 2019, despite the purchase
17 agreement having not yet closed on the Property and titled being vested in the prior owners.

18 8. Manzy’s purchase of the Property closed and the Grant, Bargain, Sale deed was recorded
19 on May 3, 2017, vesting title solely in Manzy’s name.

20 9. Following the closing of the transaction, title to the Property was never transferred to any
21 other individual and/or business entity and presently remains solely in Manzy’s name.

22 10. On May 9, 2017, RESPONDENT received a loan from Manning in the amount of \$900
23 dollars for his wife’s vacation.

24 11. On July 27, 2017, RESPONDENT signed a release (the “Release”), agreeing to give up
25 any interest in the Property and in GGGH&P in exchange for the return of the balance of his investment
26 of \$6,000 dollars.

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1 12. Manning paid RESPONDENT the remaining balance of his investment in the amount of
2 \$5,000 in the form of a cashier's check dated July 27, 2017 that stated, "Payment in Full For Investment
3 Property."

4 13. On July 30, 2017, RESPONDENT texted Manning regarding the Property and stated, "I'll
5 take the rest of my stuff out tomorrow."

6 14. Despite signing the Release, RESPONDENT continued to purport to be the owner and/or
7 a tenant in the Property and falsely made statements to that effect.

8 15. Despite signing the Release relinquishing any interest he had in the Property, on or around
9 August 4, 2017, RESPONDENT began texting Manning stating that according to the law, he was a tenant
10 in the Property, any personal property in it was his, and threatened to bring charges for theft, breaking
11 and entering, and burglary against Manning.

12 16. In subsequent text messages, RESPONDENT then claimed to own the Property.

13 17. On or around August 28, 2017, Manning changed the locks on the Property.

14 18. On August 27, 2017, RESPONDENT filed a consumer complaint with the Nevada
15 State Contractor's Board against Manning and/or American Fire & Electric, alleging that Manning had
16 abandoned the Project and left an electrical panel unfinished.

17 19. In that complaint, RESPONDENT listed himself as owner of the Property, despite
18 knowing that he had relinquished any interest in the Property by signing the Release.

19 20. The Nevada State Contractor's Board dismissed RESPONDENT's complaint.

20 21. On August 28, 2017, RESPONDENT sent a demand letter to Manning requesting
21 payment of \$10,000 and threatening litigation for breach of contract, deceit, misrepresentation, theft,
22 money laundering, bank fraud, mail theft, extortion, and wire fraud.

23 22. On September 12, 2017, RESPONDENT filed an action against Manning in Small Claims
24 Court alleging breach of contract, money laundering, bank fraud, misrepresentation, deceit, burglary,
25 theft, mail theft, extortion, and wire fraud.

26 23. The court dismissed RESPONDENT's case.

27 24. On September 1, 2017, RESPONDENT filed a Verified Complaint for Expedited Relief
28 for the Unlawful Removal or Exclusion of the Tenant or Interruption of Essential Items or Services in

1 Justice Court of Las Vegas, alleging that Manzy and Manning had improperly locked him out of the
2 Property.

3 25. On October 13, 2017, the court denied RESPONDENT's attempt to regain access to the
4 Property.

5 26. On or around September 13, 2017, Manning applied for a protective order against
6 RESPONDENT, claiming that RESPONDENT came to his job site looking for him.

7 27. A protective order was issued and was in effect against RESPONDENT from September
8 13, 2017 to March 13, 2018.

9 28. Around the same time, RESPONDENT also obtained a protective order against Manning.

10 29. On September 21, 2017, RESPONDENT filed an action in Las Vegas Justice Court
11 against American Fire & Electric alleging that Manning illegally entered his residence on August 5,
12 2017 and stole \$5,000 and food and household items, sent him threatening texts, attempted to give him
13 laundered money and paid a debt through personal and business accounts, and attempted to extort him
14 out of \$1,000 dollars.

15 30. RESPONDENT's lawsuit against American Fire & Electric was also dismissed.

16 31. On September 28, 2017, Manning filed a complaint with the Division, alleging that
17 RESPONDENT had threatened him, was trying to extort money from him, and would not give back the
18 keys and remote to the Property.

19 32. On October 2 of 2017, Manzy filed a complaint with the Division against RESPONDENT,
20 alleging that RESPONDENT failed to surrender the keys and garage door opener to the Property after
21 signing the Release relinquishing his interest, repeatedly made claims purporting to own the Property,
22 and made demands and filed suits in Las Vegas Justice Court to wrongfully obtain money related to the
23 Property.

24 33. On or around October 3, 2017, the Division properly notified RESPONDENT of its
25 investigation of the complaints filed with the Division.

26 34. In response to the Division, RESPONDENT's former broker -Carpenter- stated that with
27 respect to the Property, RESPONDENT refused to return the remote and keys to Manzi and/or Manning,
28 and stated to her that he owned the Property and was living there.

1 35. Carpenter stated that shortly after these events, she terminated RESPONDENT and sent
2 his license to the Division.

3 36. On October 22, 2017, Michael Livingston, NCARB AIA MIA, of AeCP Architecture Inc.
4 also gave a statement to the Division regarding his dealings with RESPONDENT.

5 37. Livingston stated that RESPONDENT had emailed him and attempted to interfere with
6 his business dealings with Manning.

7 38. He further stated that from 2016 to 2017 Manning was working on a Republic Services
8 remodel at 33 W Gowan where Livingston was the architect and had introduced Manning's group to the
9 project for American Fire and Electrical sub-contracting.

10 39. On September 27, 2017, Livingston stated that RESPONDENT entered the site and
11 approached his client Cambridge Construction to interfere with his business dealings.

12 40. On October 8, 2017, RESPONDENT responded to the Divisions' investigation stating
13 that Manning had been hired as a licensed electrician and was the owner of American Fire & Electric
14 Co. to supervise, procure financing, and hire sub-contractors for the Property of which he is a 1/3 owner.

15 41. In his response to the Division, RESPONDENT also stated the following:

16
17 1) Manning fraudulently represented himself as a licensed electrician and
18 part owner of American Fire & Electric, (2) Manning fraudulently obtained
19 \$2,000 dollars of his money under false pretenses as a licensed professional, (3)
20 Manning fraudulently represented & manufactured information on the a loan
21 application to defraud RESPONDENT and the government, (4) the loan was to
22 be through Evergreen Home Loans, (5) the text he sent to Manning was not a
23 physical threat but was to inform him of his intention to file a lawsuit, (6) he
24 had been to Republic Services but only to pick up drawings and to drop off
25 money but never to threaten or intimidate and that Manning was an employee
26 of American Fire & Electric at Republic Services where he met Livingston, (7)
27 that the money he received from Manning after signing the Release was given
28 to him through extortion, wire and bank fraud, and that he has an on-going
criminal investigation, (8) that Manning committed perjury in open court and
that he plans to bring criminal charges, and (9) that he never forged Carpenter's
signature on any document, and (10) that Manning had a contract to purchase
2316 Evelyn Lake but did not follow through.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact by default, the Commission concludes by unanimous

1 vote that RESPONDENT has committed the following violations of law by default:

2 42. RESPONDENT violated NRS 645.630(1)(a) by making misrepresentations and
3 violated NRS 645.633(1)(i) by engaging in conduct that was deceitful, fraudulent, or dishonest on several
4 occasions by holding himself out as the owner of the Property when he was not.

5 43. RESPONDENT violated NRS 645.630(1)(a) by making misrepresentations and
6 violated NRS 645.633(1)(i) by engaging in conduct that was deceitful, fraudulent, or dishonest on several
7 occasions by wrongfully holding himself out as a tenant of the Property.

8 44. RESPONDENT violated NRS 645.635(1) by preparing a listing agreement for the
9 Property dated April 12, 2017 when Manzi had not yet closed on the Property and did not own it.

10 **ORDER**

11 The Commission, being fully apprised in the premises, and good cause appearing to the
12 Commission, by unanimous vote, ORDERS as follows:

13 1. RESPONDENT shall pay an administrative fine to the Division in amount of \$15,000.00,
14 along with the Division's costs in the amount \$2,192.32, for a total amount of \$17,192.32 due to the
15 Division ("Amount Due"). The Amount Due shall be payable to the Division within 30 days of the
16 effective date of this Order.


17 2. The Division may institute debt collection proceedings for failure to timely pay the Amount
18 Due, including action to reduce this Order to a judgment. Further, if collection goes through the State of
19 Nevada, then RESPONDENT shall also pay the costs associated with collection.

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

22 4. This Order shall become effective on the 30th day of April 2020.

23 DATED this 31st day of March, 2020.

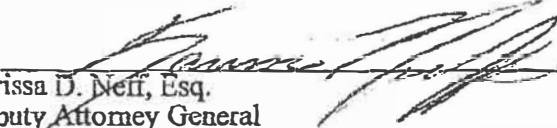
24 REAL ESTATE COMMISSION
25 STATE OF NEVADA

26 By: 
27 President, Nevada Real Estate Commission
28

Submitted by:

AARON D. FORD
Attorney General

By:


Karissa D. Neff, Esq.
Deputy Attorney General
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Frederick Britton



5500 W. Sahara Avenue, Suite 550

Las Vegas, NV 89102

702-486-4074

epattee@red.nv.gov

<http://red.nv.gov/>

From: F Britton <fdbrit50@gmail.com>

Sent: Tuesday, April 14, 2020 3:12 PM

To: Evelyn Pattee <EPattee@red.nv.gov>

Subject: Frederick Britton

Hi Evelyn: I Just received my mail from the mailing facility and I am stunned to see a judgement from the Real Estate Division. We had a deal to continue my case until June.

You fined me over 17,000.00 & Revoked my license without giving me a day in court this has got to be the most bias, racist, evil thing you could have done. You didn't bother to see whether i was alive or dead.

I demand the you make me whole like i was before this Judgement and give me my day in court like we agreed.

I am a Man of God (sowing & reaping) if i'm not made I will ask God to Revoke your license & give you a ridiculous fine. And if you don't believe i have that kind of relation with God. TRY ME !!!!!

Give me my day in COURT !!!!!

Thanks Fred



EXHIBIT "3"

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From: Karissa D. Neff KNeff@ag.nv.gov
Subject: FW: Rehearing Appeal CS#'s 2018-161 & 2017-2125
Date: May 8, 2020 at 10:58:51 AM
To: karissadneff@gmail.com

From: F Britton [<fdbrit50@gmail.com>](mailto:fdbrit50@gmail.com)
Sent: Monday, May 4, 2020 1:39 PM
To: Daryl McCloskey [<dmccloskey@red.nv.gov>](mailto:dmccloskey@red.nv.gov); Karissa D. Neff [<KNeff@ag.nv.gov>](mailto:KNeff@ag.nv.gov)
Subject: Rehearing Appeal CS#'s 2018-161 & 2017-2125

Dear Sir/Madam: I requesting another venue and or person for my appeal because the person whose negligence cause my revocation is handling my appeal. THIS IS A CLEAR CONFLICT OF INTEREST.

Please see attached & forward new venue or person too handle my appeal.

Thanks Fred



Frederick Britton

**Case# 2018-161 & Case# 2017-2125
3053 W Craig Rd Bldg E # 258
N. Las Vegas, NV 89032**

4/30/2020

**Evelyn Pattee
Real Estate Commission Coordinator
Nevada Real Estate Division
3300 W Sahara Ave Suite 350
Las Vegas, NV 89102**

Dear Sir/Madam: I formally request a rehearing and to be made whole prior to this mishap.

- 1. I called Daryl McCloskey to ask him for a continuation because the mailbox where I received my mail signed for the certified mail before I actually had possession. While on the phone with Daryl he emailed Eveyln Pattee & myself of my intentions.
February 24 2020 2:16 pm ref email From Frederick Britton to Daryl McCloskey to Eveyln Pattee & Frederick Britton**
- 2. February 24 2020 2:26 pm I called Evelyn explaining the situation regarding the mail. While on the phone before the call was made to Karrissa Neff with (me on hold) We had a deal. The email was sent to her while on the phone requesting a continuance Feb 24, 2020 3:19 pm.**

- 3. There was no active ill will on my part .**
- 4. I made the formal request. I should be reheard.**
- 5. I may have forgotten to include the case #'s by accident but the request was made and i should have gotten a phone call or correspondence something the same day or the next day alerting of the error.**

Thanks Frederick Birtton