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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**

NOV 06 2020

REAL ESTATE COMMISSION

BY *Evelyn Patten*

12 **COMPLAINT AND NOTICE OF HEARING**

13 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY  
14 OF THE STATE OF NEVADA ("Division") hereby notifies ERNEST T. HERNANDEZ  
15 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE  
16 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645  
17 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").  
18 The purpose of the hearing is to consider the allegations stated below and to determine if the  
19 RESPONDENT should be subject to an administrative penalty as set forth in NAC 645.695, and the  
20 discipline to be imposed, if violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT, at all relevant times mentioned in this Complaint, was licensed by the Division  
23 as a broker and holds a property management permit from the Division. He is therefore subject to the  
24 jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter  
25 645.

26 **FACTUAL ALLEGATIONS**

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

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

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

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

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

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

#### 15 VIOLATIONS

16 7. RESPONDENT violated NAC 645.806(3), by failing to submit his Affidavit In Lieu of Form  
17 546A to the Division.

#### 18 DISCIPLINE AUTHORIZED

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

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

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

1 **NOTICE OF HEARING**

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

5 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for December  
6 7-9, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission  
7 concludes its business.

8 If the Governor’s Emergency Directive 006 - suspending physical location requirements - is  
9 extended through the date of the meeting, then the hearing will be held via virtual meeting. The  
10 Commission uses WebEx for its meetings. To join the hearing go to the Webex.com website and put in  
11 the Access code and Attendee ID:

12 **MONDAY, DECEMBER 7, 2020 Meeting number (Access code): 146 916 9796**

13 Password (Attendee ID): WyHprMwH856 (99477694856 from phones and video systems)

14 **TUESDAY, DECEMBER 8, 2020 Meeting number (Access code): 146 591 3821**

15 Password (Attendee ID): 22PeReJYYD2 (22737359932 from phones and video systems)

16 **WEDNESDAY, DECEMBER 9, 2020 Meeting number (Access code): 146 716 3477**

17 Password (Attendee ID): j4PSmxc3br7 (54776923277 from phones and video systems)

18 If you do not have internet access, you may attend by phone at 1-844-621-3956 using the access  
19 codes and attendee IDs listed above. Some mobile devices may ask attendees to enter a numeric attendee  
20 ID provided above. If Emergency Directive 006 is not extended and the meeting is held in person, then  
21 the meeting will be located at the following locations:

22 Nevada State Business Center  
23 Real Estate Division  
24 3300 West Sahara Avenue, Suite 350  
25 Las Vegas, NV 89102

26 If you would like an email containing this information, before the hearing, please contact Evelyn  
27 Pattee, Commission Coordinator, at (702) 486-4074 or [epattec@red.nv.gov](mailto:epattec@red.nv.gov).

28 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open  
meeting under Nevada’s open meeting law, and may be attended by the public. After the evidence and

1 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or  
2 professional competence. You are entitled to a copy of the transcript of the open and closed portions of  
3 the meeting, although you must pay for the transcription.

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

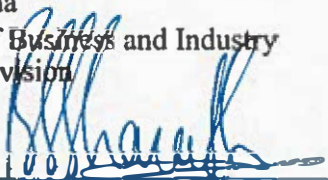
10 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
11 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
12 the relevance of the witness' testimony and/or evidence. Other important rights you have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

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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
2 645 and if the allegations contained herein are substantially proven by the evidence presented and  
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
4 pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 3rd day of November, 2020.

6 State of Nevada  
7 Department of Business and Industry  
8 Real Estate Division

9 By:   
10 SHARATH CHANDRA, Administrator  
11 3300 West Sahara Avenue, Suite 350  
12 Las Vegas, Nevada 89102

13 AARON D. FORD  
14 Attorney General

15 By: */s/ Karissa Neff*

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17 Deputy Attorney General  
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21 Attorneys for Real Estate Division  
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