

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

FREDERICK BRITTON,

Respondent.

Case No. 2017-2125

FILED

FEB 07 2020

REAL ESTATE COMMISSION
BY Emily Patten

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies FREDERICK BRITTON ("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 salesperson 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 salesperson under license number S.0175080 since July 3, 2014, said license currently being on inactive status.

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

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

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

4 5. Janet Carpenter ("Carpenter") of Signature Real Estate Group was RESPONDENT's
5 broker at the time of the purchase of the Property.

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

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

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

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

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

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

22 12. Manning paid RESPONDENT the remaining balance of his investment in the amount of
23 \$5,000 in the form of a cashier's check dated July 27, 2017 that stated, "Payment in Full For Investment
24 Property."

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

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

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

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

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

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

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

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

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

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

19 23. The court dismissed RESPONDENT's case.

20 24. On September 1, 2017, RESPONDENT filed a Verified Complaint for Expedited Relief
21 for the Unlawful Removal or Exclusion of the Tenant or Interruption of Essential Items or Services in
22 Justice Court of Las Vegas, alleging that Manzy and Manning had improperly locked him out of the
23 Property.

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

26 26. On or around September 13, 2017, Manning applied for a protective order against
27 RESPONDENT, claiming that RESPONDENT came to his job site looking for him.
28

1 27. A protective order was issued and was in effect against RESPONDENT from September
2 13, 2017 to March 13, 2018.

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

4 29. On September 21, 2017, RESPONDENT filed an action in Las Vegas Justice Court
5 against American Fire & Electric alleging that Manning illegally entered his residence on August 5,
6 2017 and stole \$5,0000 and food and household items, sent him threatening texts, attempted to give him
7 laundered money and paid a debt through personal and business accounts, and attempted to extort him
8 out of \$1,000 dollars.

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

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

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

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

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

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

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

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

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

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

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

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

1) Manning fraudulently represented himself as a licensed electrician and part owner of American Fire & Electric, (2) Manning fraudulently obtained \$2,000 dollars of his money under false pretenses as a licensed professional, (3) Manning fraudulently represented & manufactured information on the a loan application to defraud RESPONDENT and the government, (4) the loan was to be through Evergren Home Loans, (5) the text he sent to Manning was not a physical threat but was to inform him of his intention to file a lawsuit, (6) he had been to Republic Services but only to pick up drawings and to drop off money but never to threaten or intimidate and that Manning was an employee of American Fire & Electric at Republic Services where he met Livingston, (7) that the money he received from Manning after signing the Release was given 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.

VIOLATIONS

RESPONDENT has committed the following violations of law:

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

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

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

DISCIPLINE AUTHORIZED

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

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

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on March 10, 2020 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 12, 2020 or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 10, 2020, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on March 11, 2020 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on March 12, 2020, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 10, 2020 through March 12, 2020, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be

1 present when your case is called. If you are not present when your hearing is called, a default may
2 be entered against you and the Commission may decide the case as if all allegations in the complaint
3 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator at (702)
4 486-4074.

5 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
6 meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and
7 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
8 professional competence. You are entitled to a copy of the transcript of the open and closed portions of
9 the meeting, although you must pay for the transcription.

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

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

20 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
21 645 and if the allegations contained herein are substantially proven by the evidence presented and
22 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
23 pursuant to NRS 645.235, 645.633 and or 645.630.

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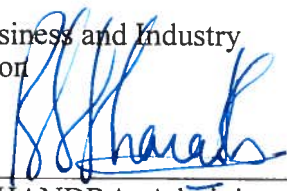
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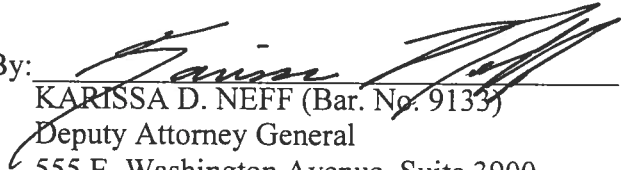
1 On October 3, 2017 the Division properly sent notice to RESPONDENT that it was investigating
2 a second complaint brought against him and requested a response to the complaint.

3 DATED this 5th day of February, 2020.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

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