

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

SEP 27 2021

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

Case No. 2019-892

REAL ESTATE COMMISSION
BY *Evelyn Fattler*

Petitioner,

vs.

KIM COLLIN,

Respondent.

FINDING 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 set for a three-day stack commencing September 14, 2021 (the "Hearing"). RESPONDENT Kim Collin ("RESPONDENT") appeared on her own behalf. Karissa D. Neff, Esq., Senior 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"). 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 against RESPONDENT as follows:

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint, engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FINDINGS OF FACT

The Commission, based on the evidence presented during the Hearing and the vote that carried, enters the finding of the following facts:

1 1. At all relevant times, RESPONDENT was not licensed by the Division as a Real
2 Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson in the State
3 of Nevada.

4 2. RESPONDENT was employed by The TR Team LLC, a Nevada limited
5 liability company, doing business as TR Realty ("TR Realty") owned by Bradford Roberts
6 ("Roberts") who is licensed with the Division as a broker and property manager.

7 3. On or around August 4, 2019, licensee Alan Taylor ("Complainant") filed a
8 complaint with the Division against Roberts arising from the purchase and sale of real
9 property located at 685 Brandy Hill Pl. in Henderson, Nevada ("Property").

10 4. Complainant (whose broker was Forrest Barbee of BHHS Nevada Properties)
11 represented the seller in the transaction and Roberts represented the buyer.

12 5. Complainant stated in his complaint to the Division that RESPONDENT
13 handled 100 percent of the purchase and sale transaction for the Property.

14 6. RESPONDENT does not hold any licenses from the Division and was a
15 transaction coordinator for TR Realty and/or Roberts.

16 7. Complainant stated that on June 7, 2019, RESPONDENT submitted an offer
17 on the Property- not Roberts.

18 8. NRS 645.254(4) requires a "licensee" to present all offers made to or by the
19 client as soon as practicable.

20 9. Under "Additional Terms" the offer stated that the buyer's agent's commission
21 was to be three percent.

22 10. After receiving the offer from RESPONDENT, Complainant stated that he
23 phoned Roberts to discuss RESPONDENT's improper negotiating a commission on behalf
24 of a licensee and to discuss the improper inclusion of the agent commission in the offer.

25 11. Complainant stated that Roberts told him that he was too busy to write the
26 offer himself, had asked RESPONDENT to do so for him by giving her access to his
27 transaction desk account, and told her to place the commission verbiage in the offer.
28

1 12. Complainant stated that this one phone call and one text message exchange
2 prior to the purchase agreement being executed was the only communication he had with
3 Roberts during the entire purchase and sale transaction, and that all of his communications
4 were with or through RESPONDENT.

5 13. All email correspondence obtained during the Division's investigation from
6 the transaction is between Complainant and RESPONDENT, even when Complainant
7 addressed the correspondence to Roberts.

8 14. On September 9, 2019, Complainant also filed an ethics complaint with the
9 Greater Las Vegas Association of Realtors against Roberts due to his dealings with
10 RESPONDENT and Roberts during the purchase and sale transaction for the Property.

11 15. In response to the ethics complaint, Roberts stated that he had instructed
12 RESPONDENT to prepare the offer on the Property.

13 16. In response to the ethics complaint, Roberts stated that before the offer was
14 sent to Complainant, the buyer instructed RESPONDENT to add the language under
15 "Additional Terms" regarding the buyer's agent's commission.

16 17. In response to the ethics complaint, Roberts stated that he also instructed
17 RESPONDENT to prepare a revised offer.

18 18. On August 22, 2019, the Division properly notified RESPONDENT of its
19 investigation and requested a response from her.

20 19. On September 18, 2019, RESPONDENT's legal counsel responded to the
21 Division's investigation.

22 20. RESPONDENT's counsel stated that because RESPONDENT was not a licensee,
23 the Division lacked jurisdiction to take administrative action against her.

24 21. RESPONDENT's counsel stated that RESPONDENT was performing her duties
25 as a transaction coordinator and denied any wrongdoing by RESPONDENT or Roberts.

26 22. On October 23, 2020, the Division properly notified RESPONDENT it intended to
27 file a complaint for a disciplinary hearing against her.

28 The Commission, based on the evidence presented during the Hearing and the vote

1 that carried, found that the Division failed to prove by preponderance of the evidence
2 factual allegation number 23 in the complaint- that RESPONDENT exceeded her duties as
3 a transaction coordinator and engaged in activity requiring a real estate license from the
4 Division by presenting the offer and counteroffers to the Complainant despite not being a
5 licensee.

6 **CONCLUSIONS OF LAW**

7 Whereas, the Commission found that the Division failed to prove by preponderance
8 of the evidence factual allegation number 23 in the complaint, the Commission, by the vote
9 that carried, found that the RESPONDENT did not commit the violations of law alleged in
10 the complaint.

11 **ORDER**

12 1. The Commission finds that RESPONDENT committed no violations of law
13 alleged in the complaint and as such, no fine shall be imposed on RESPONDENT.

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

16 3. This order shall become effective on the 16th day of September, 2021.

17
18 DATED this 27th day of September, 2021.

19
20 REAL ESTATE COMMISSION
21 STATE OF NEVADA

22 By: 
23 President, Nevada Real Estate Commission

24 Submitted by:
25 AARON D. FORD
26 Attorney General

27 By: Isl Karissa Neff
28 _____