

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 BRADFORD ROBERTS,

9 Respondent.

Case No. 2019-893

FILED

DEC 29 2021

REAL ESTATE COMMISSION

BY *Evelyn Patten*

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

11 This matter came on for hearing before the Real Estate Commission, Department of
12 Business and Industry, State of Nevada (the "Commission"), during a regular agenda set
13 for a three-day stack commencing on December 14, 2021 (the "Hearing") held by telephonic
14 and virtual means and at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th
15 Floor, Nevada Room, Las Vegas, Nevada 89102. Karissa D. Neff, Senior Deputy Attorney
16 General with the Nevada Attorney General's Office appeared on behalf of the Division.
17 Neither RESPONDENT, nor his attorney, Gregory L. Wilde, appeared at the Hearing. This
18 matter was initially set for hearing at the Commission's June 2021 meeting but was
19 continued two separate times at RESPONDENT's request.
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21

22 Counsel for the Division informed the Commission that the complaint in this matter
23 was filed on May 14, 2021. After not receiving a response to the complaint, the Division's
24 counsel notified RESPONDENT's counsel that an answer needed to be filed by November
25 19th or a Notice of Default would be filed. A Notice of Default was filed on November 22,
26 2021. RESPONDENT filed an answer on November 30, 2021. The Division's counsel
27 further advised the Commission that she had been in settlement discussions with
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1 RESPONDENT's counsel, that no settlement had been reached, and that on the morning
2 of December 14, 2021, RESPONDENT's counsel advised her that neither he nor
3 RESPONDENT would be appearing at the Hearing.

4 Evelyn Pattee testified regarding notice sent to the RESPONDENT. The
5 Commission found appropriate service of the notice of the Hearing, the complaint, Notice
6 of the Complaint, and Notice of Documents was made, as well as proper service of all re-
7 noticing documents giving notice of the two subsequent Commission meetings after
8 RESPONDENT's requests for continuances were granted.
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11 After hearing testimony presented in this matter and for good cause appearing, the
12 Commission now enters its Findings of Fact, Conclusions of Law, and Order by default
13 against RESPONDENT as follows:

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15 RESPONDENT was at all relevant times mentioned in this Complaint, licensed as
16 a broker with the Division and also holds a property management permit and is therefore
17 subject to the jurisdiction of the Division and the Commission, and the provisions of NRS
18 chapter 645 and NAC chapter 645.
19

20 **FINDINGS OF FACT**

21 The Commission, by unanimous vote, enters a finding of the following facts by
22 default:

23
24 1. RESPONDENT is licensed by the Division as a broker with the Division under
25 licenses B.0143293.LLC and B.1000704.INDV (said licenses being issued in September of
26 2010) and also holds a property management permit from the Division under
27 PM.0164974.BKR (issued in July of 2011), all of which are in "active" status.
28

1 2. At all relevant times, RESPONDENT operated a brokerage as The TR Team
2 LLC, a Nevada limited liability company, doing business as TR Realty (“TR Realty”).

3 3. RESPONDENT is the managing member of TR Realty.

4 4. On or around August 4, 2019, licensee Alan Taylor (“Complainant”) filed a
5 complaint with the Division against RESPONDENT arising from the purchase and sale of
6 real property located at 685 Brandy Hill Pl. in Henderson, Nevada (“Property”).

7 5. Complainant (whose broker was Forrest Barbee of BHHS Nevada Properties)
8 represented the seller in the transaction and RESPONDENT represented the buyer.

9 6. Complainant stated in his complaint to the Division that RESPONDENT’s
10 assistant, Kim Collin (“Collin”), handled 100 percent of the purchase and sale transaction
11 for the Property.

12 7. Collin does not hold any licenses from the Division and was RESPONDENT’s
13 and/or TR Realty’s transaction coordinator.

14 8. Complainant stated that on June 7, 2019, Collin emailed him an offer on the
15 Property.

16 9. NRS 645.254(4) requires a “*licensee*” to present all offers made to or by the
17 client as soon as practicable.

18 10. Collin, not RESPONDENT, presented the offer and subsequent counter offers
19 to the Complainant.

20 11. Under “Additional Terms” the offer stated that the buyer’s agent’s commission
21 was to be three percent.

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

25 13. Complainant stated that RESPONDENT told him that he was too busy to
26 write the offer himself, had asked Collin 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 14. 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 RESPONDENT during the entire purchase and sale transaction, and that all of his
4 communications were with or through Collin.

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

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

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

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

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

18 20. August 22, 2019, the Division properly notified RESPONDENT of its
19 investigation and requested a response and a copy of the documents in the broker's file.

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

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

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

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

28 25. RESPONDENT assisted Collin in engaging in unlicensed activity by directing

1 her to prepare the initial and subsequent offers and by having her present them to
2 Complainant despite her not being a licensee.

3 **VIOLATIONS OF LAW**

4 Based on the foregoing findings of facts by default, the Commission concludes by
5 unanimous vote that RESPONDENT has committed the following violations of law by
6 default:

7 26. RESPONDENT violated NRS 645.235(1)(b) by assisting Collin in engaging in
8 unlicensed activity.

9 **ORDER**

10 1. RESPONDENT shall pay an administrative fine to the Division in amount of
11 \$5,000.00 along with the Division's costs in the amount \$2,357.32 for a total amount of
12 \$7,357.32 ("Amount Due"). The Amount Due shall be payable to the Division within 30
13 days of the effective date of this Order.

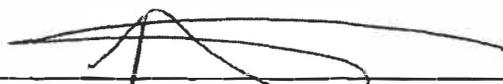
14 2. If payment is not actually received by the Division on or before its due date, it
15 shall be a default by RESPONDENT. In the event of default, RESPONDENT's license
16 shall be immediately suspended, and the unpaid balance of the administrative fine and
17 costs, together with any attorney's fees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

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

22 4. This Order shall become effective on the 28th day of January 2022.

23 DATED this 29th day of December, 2021

24
25 **REAL ESTATE COMMISSION**
26 **STATE OF NEVADA**

27 By: 
28 Vice - President, Nevada Real Estate Commission

1 Submitted by:

2 AARON D. FORD
3 Attorney General

4 By: /s/ *Karissa Neff*

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