

FILED

JUN 15 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-1775

Petitioner,

vs.

BETH S. GARDNER,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, May 23, 2017, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Beth S. Gardner ("Respondent") appeared and testified under oath at the hearing. Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. Respondent has been licensed as a Salesperson by the Division under license number S.0051771.LLC since March 19, 2002, and is currently in active status.

2. On or about March 31, 2016, Respondent submitted to the Division a Certificate of Attendance Real Estate Continuing Education ("Certificate") for a April 28, 2014 "Fair Housing Law, Situations, Cases" class.

3. Respondent did not attend an April 28, 2014 "Fair Housing Law, Situations, Cases" class.

1 4. On or about March 31, 2016, Respondent submitted to the Division a Certificate for a
2 May 7, 2014 "Contracts: The Big Three" class.

3 5. Respondent did not attend a May 7, 2014 "Contracts: The Big Three" class.

4 6. On or about March 31, 2016, Respondent submitted to the Division a Certificate for a
5 May 5, 2014 "Nevada Legislature 2007" class.

6 7. Respondent did not attend a May 5, 2014 "Nevada Legislature 2007" class.

7 8. On or about March 31, 2016, Respondent submitted to the Division a Certificate for a
8 June 9, 2014 "Agency A-Z" class.

9 9. Respondent did not attend a June 9, 2014 "Agency A-Z" class.

10 10. On or about March 31, 2016, RESPONDENT submitted to the Division a Certificate for
11 a February 27, 2015 "30 Ways to Lose Your License" class.

12 11. Respondent did not attend a February 27, 2015 "30 Ways to Lose Your License" class.

13 12. The continuing education certificates submitted to the Division were forged or altered by
14 Respondent.

15 **CONCLUSIONS OF LAW**

16 The Commission, based upon the preponderance of the evidence, makes the following legal
17 conclusions:

18 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and
19 233B and NAC Chapter 645.

20 2. Respondent violated NRS 645.633(1)(i) on five occasions by submitting false or altered
21 continuing education certificates to the Division.

22 **ORDER**

23 IT IS HEREBY ORDERED that Respondent shall pay a fine in the amount of \$20,000.00 to the
24 Division.

25 IT IS FURTHER ORDERED that Respondent shall pay hearing and investigative costs in the
26 amount of \$692.58 to the Division.

27 ...

28 ...

1 IT IS FURTHER ORDERED that Respondent shall pay to the Division the above-referenced
2 monies, which total \$20,692.58, in monthly installments of \$250.00 beginning 30 days of the effective
3 date of this Order, and continuing until the balance is paid in full. No grace period is permitted. Any
4 payment not actually received by the Division on or before its due date shall be construed as an event
5 of default by Respondent.

6 IT IS FURTHER ORDERED that in the event of default, Respondent's license shall be
7 immediately suspended, the unpaid balance of the administrative fine shall become immediately
8 accelerated, and the unpaid balance, together with any attorney's fees and costs that may have been
9 assessed, shall be due in full to the Division within ten calendar days of the date of default. Debt
10 collection actions for unpaid monetary assessments may be instituted by the Division.

11 IT IS FURTHER ORDERED that Respondent shall attend twelve hours of continuing education
12 in the area of ethics, all of which must be completed within 60 days of the effective date of this Order.
13 The hours must be live education and will not count towards Respondent's continuing education
14 requirements. Respondent's license shall be immediately suspended if she fails to timely attend and
15 complete the above continuing education, and the suspension of her license shall continue until the
16 continuing education is completed.

17 The Commission retains jurisdiction for correcting any errors that may have occurred in the
18 drafting and issuance of this Decision.

19 This Order shall become effective on the 22ND day of July, 2017.

20 DATED this 13TH day of June, 2017.

21
22 REAL ESTATE COMMISSION
23 STATE OF NEVADA

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25 By: 
26 President, Nevada Real Estate Commission
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