

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,

7 Petitioner,

8 vs.

9 BRADFORD ROBERTS,

10 Respondent.

Case No. 2019-893

FILED

MAY 14 2021

REAL ESTATE COMMISSION
BY Emily Smith

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division") hereby notifies BRADFORD ROBERTS ("ROBERTS"
14 AND/OR "RESPONDENT"), of an administrative hearing before the STATE OF NEVADA REAL
15 ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and
16 Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative
17 Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine
18 if RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and NRS
19 622.400, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

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

24 **FACTUAL ALLEGATIONS**

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

1 2. At all relevant times, RESPONDENT operated a brokerage as The TR Team LLC, a Nevada
2 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 complaint with
5 the Division against RESPONDENT arising from the purchase and sale of real property located at 685
6 Brandy Hill Pl. in Henderson, Nevada (“Property”).

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

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

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

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

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

16 10. Collin, not RESPONDENT, presented the offer and subsequent counter offers to the
17 Complainant.

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

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

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

26 14. Complainant stated that this one phone call and one text message exchange prior to the
27 purchase agreement being executed was the only communication he had with RESPONDENT during the
28 entire purchase and sale transaction, and that all of his communications were with or through Collin.

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

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

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

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

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

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

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

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

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

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

24 25. RESPONDENT assisted Collin in engaging in unlicensed activity by directing her to prepare
25 the initial and subsequent offers and by having her present them to Complainant despite her not being a
26 licensee.

27 VIOLATIONS

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

1 activity.

2 DISCIPLINE AUTHORIZED

3 27. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine
4 not to exceed the amount of any gain or economic benefit that the person derived from the violation or
5 \$5,000, whichever amount is greater, against RESPONDENT.

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

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

11 NOTICE OF HEARING

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

15 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for June 15-17,
16 2021, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes
17 its business.

18 If the Governor's Emergency Directive 006 - suspending physical location requirements - is
19 extended through the date of the meeting, then the hearing will be held via teleconference and
20 videoconference. The Commission uses WebEx for its meetings. To join the hearing go to the website
21 Webex.com and put in the Meeting ID and Password:

22 **TUESDAY, JUNE 15, 2021** Meeting number (Access code): 146 781 4940

23 Password (Attendee ID): MviU7hMsn35 (68487467635 from phones and video systems)

24 **WEDNESDAY, JUNE 16, 2021** Meeting number (Access code): 146 558 3491

25 Password (Attendee ID): EQvcxcSw628 (37829279628 from phones and video systems)

26 **THURSDAY, JUNE 17, 2021** Meeting number (Access code): 146 559 3429

27 Password (Attendee ID): BxHjvY3b33J (29458932335 from phones and video systems)

28 If you do not have internet access, you may attend by phone at 1-844-621-3956 using the meeting

1 numbers and passwords listed above. Some mobile devices may ask attendees to enter a numeric meeting
2 password provided above. If Emergency Directive 006 is not extended and the meeting is held in person,
3 then the meeting will be located at the following locations:

4 Nevada State Business Center
5 Real Estate Division
6 3300 West Sahara Avenue, 4th Floor Nevada Room
7 Las Vegas, NV 89102

8 If you would like an email containing this information, before the hearing, please contact Evelyn
9 Pattee, Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

10 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same time
11 as part of a regular meeting of the Commission that is expected to last from June 15, 2021, through June
12 17, 2021, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued
13 until later in the day or from day to day. It is your responsibility to be present when your case is called.
14 If you are not present when your hearing is called, a default may be entered against you and the
15 Commission may decide the case as if all allegations in the complaint were true. If you have any
16 questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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

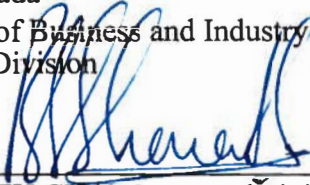
28 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate

1 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
2 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

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

7 DATED this 11th day of May, 2021.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
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15 AARON D. FORD
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17 By: /s/ *Karissa Neff*

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