

STEVE SISOLAK
Governor

STATE OF NEVADA



TERRY REYNOLDS
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

March 18, 2021

Certified Mail #: 7020 2450 0001 4513 3487

Linda S. Hartman
c/o Bret Whipple, Esq.
Justice Law Center
1100 S. 10th Street
Las Vegas, NV 89104

RE: NRED v Linda S. Hartman
Case No: 2019-640

Ms. Hartman:

Enclosed you will find the Findings of Fact, Conclusions of Law and Order entered by the Nevada Real Estate Commission at the meeting held March 2-4, 2021. This is the fully executed copy for your records.

The Commission has ordered the following:

- Respondent pay a total of \$15,285.71 to the Division. The total fine reflects a fine of \$12,000.00 plus hearing and investigative costs of \$3,285.71.
- Respondent must complete six (6) hours of continuing education in agency, six (6) hours of continuing education in ethics and six (6) hours of continuing education in contracts.

Effective Date of Order: **April 17, 2021**
Payment Due Date: **October 17, 2021**
Education Due Date: **October 17, 2021**

NOTE: Your fine and/or cost of hearing totals \$10,000.00 or more. Please be aware that pursuant to NRS 353.1467 your payment must now be made electronically. For details on how to submit your electronic payment, please see Informational Bulletin #016 (included) or contact the Department of Business and Industry's Management Analyst Grace Hilgar-Devito at 702-486-5134 or email at ghilgar@business.nv.gov.

Please note that the Division staff does not have the authority to extend the due date for your fine which was ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which Respondent will be allowed to request an extension from the Commission. This request should be made several months prior.

Sincerely,



Evelyn Pattee
Commission Coordinator
Telephone: (702) 486-4074
Email: epattee@red.nv.gov

Enclosures as indicated

cc: Sharath Chandra, Administrator
Peter Keegan, Deputy Attorney General
Compliance Section
Licensing Section
Education Section
Fiscal

REAL ESTATE DIVISIONrealest@red.nv.gov<http://red.nv.gov/>**REQUIREMENTS FOR ELECTRONIC
PAYMENTS IN EXCESS OF \$10,000**

Per Nevada Revised Statutes (NRS) 353.1467, all payments of **\$10,000 or more** remitted to the Nevada Real Estate Division (NRED) must be made electronically via wire transfer (Fedwire) or Automatic Clearing House (ACH). This requirement does not apply to payments under \$10,000. Payments less than \$10,000 may still be made via check, money order or cash (exact change).

Prior to the initiation of **EACH** electronic payment to NRED, please complete the Incoming Funds Deposit Form, and contact Grace Hilgar-Devito, Management Analyst, at (702) 486-5134 or by email at ghilgar@business.nv.gov for bank routing details and further instructions. This is necessary to ensure that your payment is applied to the appropriate account. All electronic payments to NRED are received by the Office of the State Treasurer, so notification is required each time a payment is made to make certain that the payment is received by NRED. Additionally, all electronic payments to NRED should include the following: Name of Organization/Remitter; NRED's 3 digit Agency Number: **"748"**; the program or purpose of the remittance; and any additional relevant descriptions (i.e. license or registration number, association name, commission order, etc.) that helps to properly identify the payment.

For all homeowners associations that meet the \$10,000 or more threshold, the association is required to perform the following steps to complete this process:

- E-mail the Annual Registration Form on the same day as the electronic transfer to: HOARRegistrations@red.nv.gov (This email address is for registrations exceeding \$10,000 ONLY. Any other registration forms received at this email address will NOT be accepted.)
- Submit a hard copy of the registration form with signature for our files.
- If you are a master association, you must also submit emailed and hard copies of the Master Roster.

Finally, as a matter of law, any payment received by NRED that is in violation of NRS 353.1467 will be returned to the constituent and will not be considered as received by NRED. As such, the constituent could potentially be subject to late fees and/or penalties.

Revised: 2/23/2018

FILED

MAR 18 2021

REAL ESTATE COMMISSION

Case No. ~~2019-640~~ *Equity Falls*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

LINDA S. HARTMAN,

Respondent.

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

This matter came before the Nevada Real Estate Commission (Commission) for hearing on Wednesday, March 3, 2021, via virtual telephone and video conference. Respondent LINDA S. HARTMAN (Respondent) appeared and was represented by counsel, Brett J. Whipple, Esq. Deputy Attorney General, Peter K. Keegan, 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:

I. JURISDICTION

Respondent engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and/or a permit to engage in property management, issued by the Division, and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

II. PROCEDURAL HISTORY

1. On or about June 3, 2019, the Division received a decision of the Board of Directors for the Reno/Sparks Association of Realtors, Inc. (RSAR) which affirmed the Decision of the of Ethics Panel of the Professional Standards Committee from the RSAR, finding that Respondent and her broker, Kathryn Miner, B.0001157.LLC, violated the RSAR Code of Ethics.

1 2. On or about June 17, 2019, the Division sent an investigation-opening letter
2 to Respondent which required Respondent to provide a sworn statement addressing the
3 RSAR Decision.

4 3. On or about June 17, 2019, an investigation-opening letter was also sent to
5 the Respondent's broker of record, Kathryn Miner, B.0001157.LLC., of Miner Realty of
6 Nevada, LLC, requiring her to provide a sworn statement addressing the RSAR Decision,
7 along with a complete copy of the broker's transaction file for the property in question.

8 4. On or about July 2, 2019, the Division received Kathryn Miner's sworn
9 affidavit and broker's transaction file.

10 5. On or about July 3, 2019, the Division received the Respondent's sworn
11 affidavit.

12 6. On or about October 16, 2019, the Division sent Respondent an NRS 233B
13 letter indicating that the Division's investigation had obtained sufficient evidence to
14 commence disciplinary action by filing a complaint with the Commission.

15 **III. FINDINGS OF FACT**

16 The Commission finds that there is substantial evidence in the record to establish
17 each of the following:

18 1. At all times relevant, Respondent held a real estate broker-salesperson
19 license, BS.0017739.

20 2. Respondent has been a licensee since 1998.

21 3. On or about April 24, 2018, the sellers of the property located at 2531 and
22 2533 Orovada St., Reno, NV 89512 (the Property), signed an Exclusive Right to Sell
23 Contract for the Property granting Trans-Action Realty 500 as the broker of record.

24 4. The Property was input into the Northern Nevada Regional Multiple Listing
25 Service (MLS) on April 24, 2018.

26 5. The sellers of the Property signed a Residential Offer and Acceptance
27 Agreement presented by their broker of record, Trans-Action Realty 500, in the amount of
28 \$80,000.00 on April 25, 2018.

1 6. The day of input, on April 24, 2018, the MLS status showed the Property as
2 "Pending-no show."

3 7. In Respondent's sworn affidavit response to the Division, she attested that
4 she "did not put an expiration date on the contract."

5 8. In Respondent's sworn affidavit response to the Division, she attested that
6 she pulled the Property up on the MLS and told her client that the client's offer would need
7 to be a backup offer.

8 9. The Residential Offer and Acceptance Agreement dated May 3, 2018, does not
9 state that it is a backup offer.

10 10. As part of the Respondent's sworn affidavit response to the Division, the
11 Respondent's client attested, in an undated statement, that "[w]e were not aware the
12 property was listed until I met with [the sellers] that night to give them the offer."

13 11. Respondent's buyer client obtained two mortgages, both on June 5, 2018,
14 secured by the Property, for the purchase of the Property.

15 12. Respondent did not prepare an addendum to the May 3, 2018 purchase
16 agreement reflecting the correct financing terms.

17 13. Respondent's client was informed by the seller of the Property in question that
18 he had already accepted an offer to purchase the Property when Respondent's client
19 personally presented the seller with the Residential Offer and Acceptance Agreement
20 prepared by Respondent.

21 14. On or about May 2, 2018, the sellers contacted their listing agent and
22 explained that they wanted to rescind their acceptance of the April 24, 2018 Offer and
23 Acceptance Agreement because "[o]n Monday the 30th of April a friend of ours (John
24 Stempeck) presented us with an offer on the Orovada duplex for \$139,000.00."

25 15. On May 3, 2018, the sellers accepted the offer prepared by the Respondent.

26 16. The May 3, 2018, purchase agreement listed the earnest money deposit was
27 to be made payable to Western Title Company.

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1 17. On May 11, 2018, Respondent generated and submitted Escrow Cancellation
2 Instructions and Addendum to Western Title Company for the first offer.

3 18. The Escrow Cancellation Instructions and Addendum became effective on
4 June 13, 2018, the date of the final party's signature.

5 19. The May 3, 2018 purchase agreement was never amended to reflect the new
6 title company information.

7 20. The June 3, 2019 RSAR Decision reflects that Respondent testified before the
8 RSAR Ethics Hearing Panel of the Professional Standards Committee that she did not
9 contact the listing agent for the Property prior to writing the Residential Offer and
10 Acceptance Agreement, despite knowing the property was in escrow.

11 21. In Respondent's sworn affidavit to the Division, she attested that she spoke
12 to the listing agent on the phone during the transaction.

13 22. The RSAR Ethics Hearing Panel of the Professional Standards Committee
14 found "clear, strong and convincing evidence" Respondent "communicated directly" with
15 the seller of the Property during the transaction.

16 23. The RSAR Ethics Hearing Panel decision was affirmed by the RSAR Board of
17 Directors on June 3, 2019, and Respondent was suspended for six (6) months and fined
18 \$15,000.00.

19 24. As part of the RSAR Board of Director's decision, the decision of the Ethic's
20 Panel was submitted to the Division.

21 25. Respondent failed to notify the Division that she was acting as the managing
22 broker for Miner Realty.

23 26. Respondent advertised that she is the managing broker for Miner Realty.

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1 **IV. CONCLUSIONS OF LAW**

2 The Commission, based upon the preponderance of the evidence, makes the following
3 legal conclusions:

4 1. Respondent violated NAC 645.610(1)(a) and/or NRS 645.605(1) for advertising
5 herself as the managing broker of Miner Realty while she holds a broker-salesperson
6 license.

7 2. Respondent violated NRS 645.633(1)(i) pursuant to NAC 645.605(1) by failing
8 to protect her client and the public against unethical practices when she knowingly opened
9 a second escrow on the Property while it was already under contract.

10 3. Respondent is in violation of NRS 645.633(1)(i) pursuant to NAC 645.605(6)
11 for not dealing fairly with the listing agent for the property in question by failing to
12 communicate her client's intent to submit an offer to purchase the Property while the
13 Property was listed as "Pending-no show" in the MLS.

14 **V. ORDER**

15 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total penalty
16 of \$15,285.71. The total penalty reflects a fine of \$12,000.00, comprised of \$4,000.00 for
17 violating NAC 645.610(1)(a) and/or NRS 645.605(1); as well as \$4,000.00 for violating NRS
18 645.633(1)(i) pursuant to NAC 645.605(1); as well as \$4,000.00 for violating NRS
19 645.633(1)(i) pursuant to NAC 645.605(6). The total penalty also reflects \$3,285.71 for
20 hearing and investigative costs. Respondent shall pay the total fine to the Division within
21 six (6) months of the effective date of this Order.

22 IT IS FUTHER ORDERED that Respondent shall complete a total of eighteen (18)
23 hours of live continuing education comprised of six (6) hours of agency, six (6) hours of
24 ethics, and six (6) hours of contracts. The eighteen (18) hours shall not be counted towards
25 the Respondent's continuing education requirements and must be completed within six (6)
26 months of the effective date of this Order.

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1 If the payment or proof of completion of the continuing education is not actually
2 received by the Division on or before its due date, it shall be construed as an event of default
3 by Respondent. In the event of default, Respondent's licenses and permit shall be
4 immediately suspended, and the unpaid balance of the administrative fine and costs,
5 together with any attorney's fees and costs that may have been assessed, shall be due in
6 full to the Division within ten (10) calendar days of the date of default. The Division may
7 institute debt collection proceedings for failure to timely pay the total fine.

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

10 This Order shall become effective on the 17th day of April, 2021.

11 DATED this 18th day of March, 2021.

12 REAL ESTATE COMMISSION
13 STATE OF NEVADA

14 By: 
15 President, Nevada Real Estate Commission

STEVE SISOLAK
Governor

STATE OF NEVADA
REAL ESTATE COMMISSION

DEVIN REISS
President
DARRELL PLUMMER
Vice-President
LEE GURR
Secretary

Terry Reynolds
Director



DATE: 3/18/2021

RESPONDENT: Linda S. Hartman

CASE#: 2019-640

HEARING DATE: 3-Mar-21

STATEMENT OF HEARING FEES AND COSTS PURSUANT TO NRS 622.400(2)

Administrative Costs: \$ 100.00

Investigative Costs: \$ 465.00

Commission Costs: \$ 328.13

Attorney Fees: \$ 2,392.58

Witness Costs: \$ -

Court Reporter Costs: \$ -

Other Services (Describe service below): \$ -

TOTAL AMOUNT DUE: \$ 3,285.71 *This does not include any fines or restitution ordered by the Commission

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | | | | | | | | | | | | |
|--|---|--|---|--|---|--|--|---|---|--|--|--|---|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input checked="" type="checkbox"/> C-19 01  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> | | | | | | | | | | | | |
| <p>1. Article Addressed to: Linda S. Hartman c/o Bret Whipple, Esq. Justice Law Center 1100 S. 10th Street Las Vegas, NV 89104</p> | <p>B. Received by (Printed Name) L. Hartman</p> <p>C. Date of Delivery 3-20-21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> | | | | | | | | | | | | |
| <p>2. Article Number (Transfer from service label) 7020 2450 0001 4513 3487</p> | <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table> | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
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| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | | | | | | | | | | | | |

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| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage \$

Total \$

Sent \$

Street

City

Linda S. Hartman
c/o Bret Whipple, Esq.
Justice Law Center
1100 S. 10th Street
Las Vegas, NV 89104

MAR 18 2021
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