1	+	FILED			
2	BEFORE THE REAL ESTATE COMMISSION MAR 1 9 2021				
3	STATE OF NEVADA REAL ESTATE COMMISSION BY Soulin Table				
4	SHARATH CHANDRA, Administrator,	C N 2010 925			
5	REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA,	Case No. 2019-825			
6	Petitioner,				
7	vs.				
8	Shaun McDonald,				
9	Respondent.				
10					
11	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER				
12	JURISDICTION				
13	This matter came on for hearing before the Real Estate Commission, Department of Business and				
14	Industry, State of Nevada (the "Commission"), during a regular agenda, set for three days, beginning on				
15	March 2, 2021 via Webex (with telephone access) with no physical public location (as permitted by the				
16	Governor's Declaration of Emergency as amended) (the "Hearing"). RESPONDENT Shaun McDonald				
17	(hereinafter, "RESPONDENT") did not appear in person, through counsel, or otherwise. Karissa D.				
18	Neff, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on				
19	behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the				
20	"Division").				
21	Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found				
22	appropriate service of the notice of the Hearing, the complaint, Notice of the Complaint, and Notice of				
23	Documents was made.				
24	After hearing testimony presented in this matter and for good cause appearing, the Commission				
25	now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as				
26	follows:				
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RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which a license or permit is required by NRS Chapter 645 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, by unanimous vote, based upon evidence presented during the Hearing, enters a finding of the following facts by default:

7 1. RESPONDENT was licensed by the Division as a salesperson under license number S.0180664, 8 issued on December 5, 2016, said license being in "inactive" status at the time of filing this Complaint. 9 2. On July 19, 2019, the Division received a complaint from Esrin Caad ("Complainant") stating 10 that his adult daughter, Brenda Allen-Caad (also referred to as Brenda Caad-Allen) (hereinafter "Caad-11 Allen"), had entered into a purchase agreement to sell his residential property, Clark County Assessor's 12 Parcel No. 139-16-410-092, commonly known as 2519 West Street, North Las Vegas, NV 89032 13 ("Property"), without his knowledge or consent for a fraction of its value.

14 3. Complainant stated in his complaint that he was elderly, left his Property to receive medical
15 treatment, and had been paying Caad-Allen to upkeep the Property.

16 4. Complainant stated that Caad-Allen had no legal right to the Property.

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During its investigation the Division obtained an Exclusive Authorization and Right to Sell,
Exchange or Lease Brokerage Listing Agreement ("Listing Agreement") commencing on April 22, 2019
granting Forever Home Realty (the broker) the right to sell the Property for a listing price of \$60,000.00,
entered into between Caad-Allen as seller and Forever Home Realty as broker.

21 6. The Listing Agreement was signed by Nick Devitte ("Devitte") on behalf of Forever Home
22 Realty, LLC brokerage and by his real estate agent- the RESPONDENT.

7. The purchase price of \$60,000.00 set forth in the Listing Agreement was below value according
to estimates which valued the Property between \$128,793.00 and \$186.576.00.

25 8. On April 22, 2019, Caad-Allen entered into a purchase agreement to sell the Property to Cap
26 Solutions, LLC for \$60,000.00 that had a closing date of May 24, 2019.

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9. An MLS sheet provided by the Complainant dated June 20, 2019 listed the Property as under
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28 contract/no showings and contingent/pending/sold with an acceptance date of May 22, 2019.

After receiving, Complainant's complaint with the Division, the Division opened an investigation
 and properly notified RESPONDENT of it on July 24, 2019.

RESPONDENT responded to the Division's investigation and stated in part, Complainant
instructed him to speak to Caad-Allen who had power of attorney over the Property, that he did so, and
set up a meeting with Caad-Allen on April 20, 2019, where Caad-Allen provided him proof she had
power of attorney.

RESPONDENT further stated in his response to the Division that he then proceeded to create a
listing agreement for the Property, determined the Property needed to proceed as a short sale, that he
found a buyer for the property, and proceeded to open escrow and a short sale file.

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13. The power of attorney obtained by the Division during its investigation was signed by
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Complainant on March 22, 2018 and gave power of attorney to Caad-Allen over certain matters of
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Complainant's but did not give Caad-Allen power of attorney over real property.

13 14. A subsequent power of attorney was obtained by the Division during its investigation signed by
14 Complainant and was dated May 24, 2019 with an effective date of May 24, 2019, that purported to give
15 Caad-Allen power of attorney for all matters specified in the power of attorney document, including
16 power of attorney over real property.

17 15. At the time RESPONDENT entered into the Listing Agreement with Caad-Allen and accepted an
offer on the Property, RESPONDENT had no power of attorney that authorized him to proceed with the
transaction to sell the Property on the owner's (Complainant's) behalf through Caad-Allen.

20 16. Complainant stated in his complaint to the Division that on May 24, 2019, Caad-Allen and "some
21 real estate people" came to his bedside and may have had him sign something but could not recall what
22 it was.

23 17. Complainant stated that on or around June 13, 2019, he first learned from his attorney that the
24 Property was sold, pending approval of the short sale.

25 18. On June 26, 2019, Complainant, through his attorney, filed a complaint in the Eighth Judicial
26 District Court to stop the sale of the Property.

27 || 19. The sale of the Property did not close.

28 20. RESPONDENT stated in his response to the Division's investigation, that after he received a

letter from Complainant's attorney, he discontinued the process of selling the Property and removed the listing.

21. RESPONDENT's broker, Devitte, also responded to the Division's investigation.

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4 22. Devitte stated that Complainant was in hospice and had given power of attorney to Caad-Allen, 5 that the Property was in default and had no equity, and Caad-Allen had executed a purchase contract with buyer Tyson Delacruz to begin the short sale process with the bank.

7 23. Devitte further stated that the Property had not been sold and that he would withdraw the listing. 8 24. The Division properly notified RESPONDENT on November 14, 2019 that it intended to 9 commence disciplinary action against him by filing a complaint for hearing before the Nevada Real Estate Commission. 10

CONCLUSIONS OF LAW

12 Based on the foregoing findings of facts by default, the Commission concludes by unanimous 13 vote that RESPONDENT has committed the following violations of law by default:

14 25. RESPONDENT violated NRS 645.252(1)(a) by failing to disclose to the parties to the transaction 15 that Caad-Allen had no authority to list and sell the Property because Complainant had not given her power of attorney to do so, which RESPONDENT knew, or should have known, through the exercise of 16 17 reasonable care and diligence.

18 26. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605 (1), and (2) by engaging 19 in dishonest, deceitful, or fraudulent conduct by failing to protect the public against fraud, 20 misrepresentation or unethical practices, and by failing to ascertain all pertinent facts by listing the 21 Property for sale below market value when he knew, or should have known, the transaction was being 22 done without the owner's knowledge or consent.

23 27. RESPONDENT violated NRS 645.635(1) by offering the Property for sale without the knowledge 24 and authorization of the owner.

ORDER

26 1. RESPONDENT shall pay \$31,021.80 to the Division ("Amount Due"), consisting of an 27 administrative fine in the amount of \$30,000.00 and the Division's attorneys' fees and costs in the amount 28 of \$1,021.80, within 90 days of the effective date of this Order.

1 2. The Division further revokes all real estate licenses held by RESPONDE

The Division may institute debt collection proceedings for failure to timely pay the Amount Due,
 including an action to reduce this Order to a judgment. Further, if collection goes through the State of
 Nevada, then RESPONDENT shall also pay the costs associated with collection.

5 4. The Commission retains jurisdiction for correcting any errors that may have occurred in the
6 drafting and issuance of this document.

7 5. This Order shall become effective on the 18^{+1} day of April, 2021.

DATED this 19^{+h} day of March, 2021.

REAL ESTATE COMMISSION STATE OF NEVADA

C 2 Bv:

President, Nevada Real Estate Commission

Submitted by:

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AARON FORD, Attorney General

By: Karissa Neff

Karissa D. Neff Senior Deputy Attorney General 555 E. Washington Ave. Ste 3900 Las Vegas, Nevada 89101 Attorneys for Real Estate Division

STEVE SISOLAK Governor Terry Reynolds Director	STATE OF NEVADA REAL ESTATE COMMISSION	DEVIN REISS President DARRELL PLUMMER Vice-President LEE GURR Secretary			
DATE: 3/19/2021]				
RESPONDENT: Shaun McDonal d CASE#: 2019-825					
HEARING DATE: 2-Mar-21					
STATEMENT OF HEARING FEES AND COSTS PURSUANT TO NRS 622.400(2)					
Administrative Costs:	\$ 100.00				
Investigative Costs:	\$ 150.00				
Commission Costs:	\$ -				
Attorney Fees:	\$ 771.80				
Witness Costs:	\$ -				
Court Reporter Costs:	\$ -				
Other Services (Describe service below):	\$ -				
TOTAL AMOUNT DUE:	\$ 1,021.80 *This does not include any fines or restitution ordered by the	ne Commission			