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FILED

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REAL ESTATE COMMISSION

BY *Evelyn Pattee*

March 26, 2021

Evelyn Pattee, Commission coordinator
Department of Business and Industry
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

Re: Case No: 2019-825

Dear Ms. Pattee:

Thank you for your letter, dated March 19, 2021, informing me of the hearing on March 2-4, 2021, which I was not aware of, and the Nevada Real Estate Commission decision regarding this case.

This letter serves to request a rehearing in response to the Case No. 2019-825, determination filed on March 19, 2021, and to respond to the "FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER".

JURISDICTION:

Page 1 of 5, Line 21-23: The letter regarding the hearing date of March 2-4, 2021, was mailed to my former address at 8108 Bronze Treasure Court, Las Vegas, NV 89143, and I was never made aware of this hearing on March 2-4, 2021, because I did not receive the letter, and would have definitely attended to respond and add facts and details to this case.

FINDINGS OF FACT:

Page 2 of 5, Line 7-8: This statement is inaccurate. According to this case, the "Division" received the complaint from Mr. Esrin Caad ("Complainant") on July 19, 2019, (Line 9) and my Real Estate license with the Nevada Real Estate Division was active during that time period.

Page 2 of 5, Line 9-13: This statement is also inaccurate, because the first person that I had spoken to about the home being in foreclosure was Mr. Esrin Caad ("Complainant"). When I had called and spoken with Mr. Esrin Caad, he told me on two (2) occasions to contact his daughter, Ms. Brenda Caad-Allen, whom he said had the Power of Attorney (POA) to handle all his financial affairs, and he proceeded to give me Caad-Allen's phone number. If Mr. Caad's daughter, Caad-Allen, had no legal rights to handle his property, why did Mr. Caad direct me to contact his daughter, and mentioned that she had a POA to handle all his financial affairs?

Page 2 of 5, Line 23-26: Mr. Caad's house was in a very deplorable, vandalized, abandoned, distressed, and severely damaged condition (uninhabitable), and would definitely not support a value of \$128,793 if it was appraised. The homes that were sold for \$128,793 and above were homes that were in reasonably decent condition, and were appraised as such. In addition, Mr. Caad's attorney, Andrew Wasielewski, Case No. A-19-797482-C, Page 5, Line 3-6, indicated that

Champion Mortgage, Mr. Caad's Mortgage Company had sent a document indicating that Mr. Caad's mortgage was in default and had a balance of \$168,177.67 as loan balance and advances (Page 16, Line 1-4).

Since Champion Mortgage, Mr. Caad's Mortgage Company, had indicated that Mr. Caad owes \$168,177.67, which is far more than his home is worth, I believe it is prudent and acting in the client's (Mr. Caad's) best interest to recommend a short-sale over a foreclosure. Again, the property would not support the higher comparable value due the deplorable condition of the home. I informed Caad-Allen that Champion Mortgage would need to approve the short-sale, and if they determined that the home is worth more than \$60,000, they would not approve the short-sale, or negotiated for a higher amount.

Page 3 of 5, Line 10-16: When Mr. Caad directed me to talk with his daughter (Caad-Allen), he indicated that his daughter handles all his financial affairs. If his intent was for Caad-Allen not to handle all his financial affairs, including his real estate property, why then on May 24, 2019, he signed another POA to give her that access to handle real estate property?

Page 3 of 5, Line 20-22: I have never met Mr. Caad in person and was not at his bedside on May 24, 2019. Mr. Caad and I had spoken over the phone on two (2) occasions, and he directed me to talk with his daughter (Caad-Allen).

Page 3 of 5, Line 23-24: As the MLS and County Recorder's Office will show, Mr. Caad's property at 2519 West Street, North Las Vegas, NV 89032, address was never sold.

CONCLUSIONS OF LAW:

Page 4 of 5, Line 14-17 (NRS 645.252): Party to the transaction, Mr. Tyson Delacruz (the Buyer), was present, and he reviewed the POA for Finance that Caad-Allen presented to us. Through reasonable care and diligence, I called Mr. Esrin Caad the owner of the property to inform him that his house was in a foreclosure status. In our conversation he told me not to talk to him about this matter, and to reach out to his daughter Brenda Caad-Allen, who is in charge of his estate and handles all his financial matters. He proceeded to give me Ms. Caad-Allen's telephone number, so I contacted Ms. Caad-Allen, and she presented me with a Financial Power of Attorney.

Page 4 of 5, Line 18-22 (NRS 645.633): My intentions in this transaction was not to be dishonest or to do anything deceitful. The property was upside down (owes more than it is worth) with Champions Mortgage. The balance and advances owed to Champion Mortgage was \$168,177.67. The property was in a very deplorable, vandalized, abandoned, distressed, and severely damaged condition (uninhabitable), and would not support a value of \$128,793 or above, if an appraisal was done on this property. My goal was to help Mr. Caad not to get his home foreclosed, and to do a short sale so that Mr. Caad could get something out of this home, instead of just surrendering the property to the bank. Mr. Caad was not in a position to make decisions for himself (he was in hospice), so he directed me to his daughter who had POA for Finance to make that decision.

Page 4 of 5, Line 23-24 (NRS 645.635): I directly spoke with the owner, Mr. Caad. I informed him that his home was in foreclosure, and that it would be best to sell the home, and not let the mortgage company foreclose it, so he had knowledge, and he directed me to speak with his daughter, Caad-Allen, about selling his property, and indicating that his daughter has a POA for Finance to handle all his financial affairs.

I always put the best interest of my clients first. In the four years that I was a Real Estate Agent in Las Vegas, I have never had a dissatisfied client.

In this case, I thought I was performing my fiduciary duties to my client of putting their best interest first, and I was totally devastated when this claim was filed. As a result of this claim, I fell into a depression and was not able to support my family (wife and 3-year old son). Coupled with this horrible state that I fell into, the Covid-19 pandemic started, so we had to move into my parents' home in California. With no money to take care of my family and the pandemic, I fell into an even deeper depression, and was not functional. I am still depending on my parents for support as I have incurred numerous debts due to not working and this lawsuit.

If you read Mr. Caad's attorney, Andrew Wasielewski, Eqs., Case No. A-19-797482-C, you will understand that there are

substantial division, distrust, anger, rifts, and arguments amongst Mr. Caad's family members, and I believe I was the unfortunate victim of this family's division of mistrust.

I by no means is indicating that I have no fault. Like most people, I will accept that I am not perfect, and my main regret is how trusting I was of his daughter, Ms. Caad-Allen, not being more meticulous in examining the POA for financial, which indicated that, Mr. Caad's daughter (Caad-Allen) have POA for numerous financial matters. However, when I called and spoke with Mr. Caad, he told me to contact his daughter, who he said had the POA to handle all his financial affairs.

Over the years as a Real Estate professional, I have worked very hard for my clients, and this incident has torn mine and my family's life to shreds. If you look at my clients' reviews you will understand that I always pursue my clients' best interest. In this case, I believe I acted in Good Faith, and in the best interest of my client.

Therefore, I humbly ask the Real Estate Division to remove the violations and restore my ability to continue in the Real Estate profession, which is my passion. I really enjoy meeting and assisting people with their dream of home ownership. (I also want you to know that I will be more careful and selective in who I choose to work with as a client, and to be more meticulous in examining documents.)

Please let me know if you need any other information.

Sincerely,

Shaun McDonald