

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 KIM COLLIN,

10 Respondent.

Case No. 2019-892

FILED

MAY 14 2021

REAL ESTATE COMMISSION

BY *Evelyn Patten*

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

20 **JURISDICTION**

21 RESPONDENT was at all relevant times mentioned in this Complaint, engaged in activities
22 which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson,
23 issued by the Division, and is therefore subject to the jurisdiction of the Division and the Commission,
24 and the provisions of NRS chapter 645 and NAC chapter 645.

25 **FACTUAL ALLEGATIONS**

26 1. At all relevant times, RESPONDENT was not licensed by the Division as a Real Estate
27 Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson in the State of Nevada.
28

1 2. RESPONDENT was employed by The TR Team LLC, a Nevada limited liability company,
2 doing business as TR Realty (“TR Realty”) owned by Bradford Roberts (“Roberts”) who is licensed with
3 the Division as a broker and property manager.

4 3. On or around August 4, 2019, licensee Alan Taylor (“Complainant”) filed a complaint with
5 the Division against Roberts arising from the purchase and sale of real property located at 685 Brandy
6 Hill Pl. in Henderson, Nevada (“Property”).

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

9 5. Complainant stated in his complaint to the Division that RESPONDENT handled 100 percent
10 of the purchase and sale transaction for the Property.

11 6. RESPONDENT does not hold any licenses from the Division and was a transaction coordinator
12 for TR Realty and/or Roberts.

13 7. Complainant stated that on June 7, 2019, RESPONDENT submitted an offer on the Property-
14 not Roberts.

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

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

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

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

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

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

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

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

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

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

14 18. On August 22, 2019, the Division properly notified RESPONDENT of its investigation
15 and requested a response from her.

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

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

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

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

24 23. RESPONDENT exceeded her duties as a transaction coordinator and engaged in activity
25 requiring a real estate license from the Division by presenting the offer and counteroffers to the
26 Complainant despite not being a licensee.

27 VIOLATIONS

28 24. RESPONDENT violated NRS 645.230(1)(a) by engaging in activity for which a license is

1 required as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson.

2 **DISCIPLINE AUTHORIZED**

3 24. 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 25. 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 26. 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.

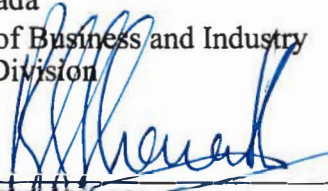
28 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate

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: 
12 SHARITH CHANDRA, Administrator
13 3300 West Sahara Avenue, Suite 350
14 Las Vegas, Nevada 89102

15 AARON D. FORD
16 Attorney General

17 By: /s/ *Karissa Neff*

18 KARISSA D. NEFF (Bar. No. 9133)
19 Senior Deputy Attorney General
20 555 E. Washington Avenue, Suite 3900
21 Las Vegas, Nevada 89101
22 (702) 486-3894
23 Attorneys for Real Estate Division
24
25
26
27
28