

JUN 17 2022

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

REAL ESTATE COMMISSION
Case No. 2020-530 BY *Evelyn Pattee*

Petitioner,

vs.

TIMOTHY R. CARTER (S.0180125),

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda, set for three days, beginning on June 7, 2022 (the "Hearing"). RESPONDENT Timothy R. Carter (hereinafter, "RESPONDENT") did not appear in person, through counsel, or otherwise, nor did he answer the complaint. Matthew Feeley, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found appropriate service of the notice of the Hearing, the initial complaint, Notice of the Complaint, and Notice of Documents, and all re-noticing documents.

After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as follows:

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 provisions of NRS and NAC 645.

...

1 **FINDINGS OF FACT**

2 The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters
3 a finding of the following facts by default:

4 1. At all times relevant, RESPONDENT held a Nevada Salesperson License, S. 0180125,
5 issued by the Division on September 12, 2016.

6 2. RESPONDENT was associated with Signature Real Estate Group, LLC, from
7 November 4, 2019 through December 31, 2019.

8 3. RESPONDENT was associated with Berkshire Hathaway Homeservices Nevada
9 Properties (“BHHS”) from December 31, 2019, through June 26, 2020.

10 4. On or about June 18, 2020, the Division received a complaint/statement of fact from
11 Vandana Chima Bhalla (Complainant), broker of Signature Real Estate Group, LLC, License No.
12 B.0058386.LLC.

13 5. The complaint alleged that RESPONDENT wrongfully listed property, located at 802
14 Robin Way, Boulder City, NV 89005 (“subject property”), for lease without the listing agent’s and
15 property owner’s permission.

16 6. On or about June 16, 2020, the owner and listing agent of the subject property, Stuart
17 Matejovsky (S.0174207), noticed the subject property listed for rent by RESPONDENT.

18 7. Mr. Matejovsky intended to sell the subject property rather than list it for rent.

19 8. On or about June 16, 2020, Mr. Matejovsky called RESPONDENT to request that he
20 remove the listing.

21 9. On or about June 16, 2020, in response to Mr. Matejovsky’s request, RESPONDENT
22 told Mr. Matejovsky that he “must be happy to be calling and harassing [RESPONDENT],
23 [RESPONDENT] did nothing wrong, and [Mr. Matejovsky] could kiss [RESPONDENT’s] ass,” or
24 words to that effect.

25 10. On June 16, 2020, Mr. Matejovsky emailed RESPONDENT’s broker at BHHS to
26 inform him about the call with RESPONDENT.

27 11. On June 17, 2020, RESPONDENT’s broker emailed Mr. Matejovsky back and
28 informed him that he addressed the issue with RESPONDENT and affirmed that RESPONDENT’s

1 listing of the subject property was out of compliance. RESPONDENT's broker noted that he hoped
2 RESPONDENT's listing would be removed.

3 12. As of June 18, 2020, RESPONDENT continued to list the subject property for rent on
4 Facebook Marketplace. The listing indicated that RESPONDENT was affiliated with Signature Real
5 Estate Group, LLC.

6 13. As of June 18, 2020, RESPONDENT had been affiliated with BHHS for over 5 months.

7 14. RESPONDENT did not obtain permission to list the subject property for rent from the
8 listing agent and owner.

9 15. The subject property was under an exclusive listing agreement with the Signature Real
10 Estate Group brokerage.

11 16. RESPONDENT did not obtain permission to list the subject property for rent from any
12 brokerage.

13 17. On June 26, 2020, the Division sent RESPONDENT a Notice of Violation with
14 Imposition of Administrative Fine.

15 18. The Division imposed a \$1,000 fine on RESPONDENT.

16 19. On July 21, 2020, RESPONDENT appealed the Division's Notice of Violation with
17 Imposition of Administrative Fine.

18 **CONCLUSIONS OF LAW**

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

21 20. RESPONDENT violated NRS 645.635(1) by offering real estate for sale or lease
22 without the knowledge and consent of the owner.

23 21. RESPONDENT violated NAC 645.610(1)(a) by misrepresenting that he was
24 associated with the brokerage of Signature Real Estate Group, LLC, when RESPONDENT's license was
25 associated with the brokerage BHHS.

26 22. RESPONDENT violated NAC 645.610(1)(d) by advertising the subject property on
27 Facebook Marketplace, despite the subject property's exclusive listing agreement with the Signature Real
28 Estate Group brokerage and without the property owner's knowledge.

1 **ORDER**

2 23. RESPONDENT shall pay the Division a total of \$7,325.27 ("Amount Due"), consisting
3 of a \$5,000.00 fine plus the Division's attorney's fees and costs in the amount of \$2,325.27. The Amount
4 Due shall be paid to the Division within 30 days of the effective date of this Order.

5 24. All licenses and permits issued to RESPONDENT by the Division are hereby
6 REVOKED.

7 25. If the Amount Due is not actually received by the Division on or before its due date, it
8 shall be a default by RESPONDENT. In the event of default, the unpaid balance of the administrative
9 fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in
10 full to the Division within ten calendar days of the date of default, and the Division may obtain a judgment
11 for the amount owed, including collection fees and costs.

12 26. The Commission retains jurisdiction for correcting any errors that may have occurred
13 in the drafting and issuance of this document.

14 27. This order shall become effective on the 17th day of July, 2022.
15 DATED this 17th day of June, 2022.

16
17 REAL ESTATE COMMISSION
18 STATE OF NEVADA

19 By: 
20 President, Nevada Real Estate Commission

21 Submitted by:
22 AARON D. FORD
23 Attorney General

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