

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

APR 13 2022

REAL ESTATE COMMISSION

BY *Evelyn Patten*

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

Case No. 2018-819

Petitioner,

vs.

ROBERT GOLDSMITH,

Respondent.

FINDING 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 a three-day stack commencing on March 29, 2022 (the "Hearing"). RESPONDENT Robert Goldsmith ("RESPONDENT") appeared at the Hearing, *pro se*, via videoconference. 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").

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 against RESPONDENT as follows:

JURISDICTION

RESPONDENT at all relevant times mentioned in this Complaint was licensed as a broker by the Division 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, based on the evidence presented during the Hearing and the vote that carried, enters the finding of the following facts:

1. RESPONDENT has been licensed by the Division as a Salesperson, S.0075862, since March 2, 2007 and that license is currently in expired status.

1 2. At times relevant to the allegations, the supervising broker was David Tina of Urban Nest
2 Realty LLC, B.0047338.LLC.

3 3. On February 24, 2016, a complaint was filed in the Eighth Judicial District of the State of
4 Nevada against, among others, Robert Goldsmith and Jeff Goldsmith as Case No. A-16-732369-C (the
5 “Case”).

6 4. Robert Goldsmith and Jeff Goldsmith are brothers.

7 5. On February 24, 2016, a lis pendens was filed against 7848 Trophy Run with APN 163-
8 28-721-016 (the “Property”) in the Case.

9 6. On March 1, 2016, the lis pendens was recorded against the Property with the Clark
10 County recorder’s office as Instrument Number 201603010001374.

11 7. On April 11, 2016, Robert Goldsmith answered the complaint and filed a counterclaim in
12 the Case.

13 8. Robert Goldsmith either knew or should have known of the lis pendens filed and recorded
14 against the Property.

15 9. On November 1, 2016, Jeff Goldsmith signed an exclusive brokerage agreement for the
16 sale of the Property with Urban Nest Realty with Robert D Goldsmith signing the agreement.

17 10. On October 23, 2017, Robert Goldsmith received an offer to purchase the Property from
18 Dwight White.

19 11. On October 28, 2017, a counter-offer regarding the Property was transmitted to Dwight
20 White through his agent which was accepted.

21 12. Robert Goldsmith did not disclose his relationship to Jeff Goldsmith to Dwight White or
22 his agent.

23 13. Robert Goldsmith did not disclose the existence of the lis pendens against the Property to
24 either Dwight White or his agent.

25 14. Dwight White cancelled an existing rental agreement and prepared to move on reliance of
26 the purchase of the Property.

27 15. Escrow was opened on the sale of the Property and the lis pendens was discovered by the
28 title company.

1 16. The sale of the Property to Dwight White was eventually cancelled because of the lis
2 pendens.

3 17. On September 24, 2018, the Division issued a Notice of Violations to RESPONDENT
4 regarding the violations detailed below with an administrative fine of \$1,500.00.

5 18. On October 23, 2018, RESPONDENT appealed the Notice of Violations.

6 **VIOLATIONS OF LAW**

7 Based on the foregoing findings of fact, the Commission concludes, by the vote that carried,
8 RESPONDENT has committed the following violations of law:

9 19. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(6) by failing to
10 disclose to Dwight White or his agent the lis pendens recorded against the Property despite
11 RESPONDENT's knowledge of the lis pendens.

12 20. RESPONDENT violated NAC 645.640(1) by failing to disclose in writing that Jeff
13 Goldsmith was his brother.

14 **ORDER**

15 1. RESPONDENT's Real Estate License and all other certificates issued by the Division are
16 hereby revoked.

17 2. RESPONDENT shall pay an administrative fine in this matter in the amount of
18 \$20,000.00. Additionally, RESPONDENT shall pay the Division's costs in this matter in the amount of
19 \$2,054.08, for a total amount of \$22,054.08. The amount due shall be payable to the Division within 90
20 days of the effective date of this Order.

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

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