

FILED

FEB 25 2022

REAL ESTATE COMMISSION
BY *Suley Patel*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

TIMOTHY R. CARTER,
(S. 0180125)

Respondent.

Case No. 2020-530

**COMPLAINT AND NOTICE OF
HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA (Division), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Alexander Quagge, Deputy Attorney General, hereby notifies RESPONDENT TIMOTHY R. CARTER ("RESPONDENT") of the instant Complaint and Notice of Hearing. An administrative hearing will be held before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission") to allow the Respondent to present his case. The hearing will be held pursuant to Chapters 233B and 645 of the Nevada Revised Statutes ("NRS") as well as Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty or other discipline authorized by NRS 645.635 and/or NRS 622.400, and/or NAC 645.610, if violations of law are proven.

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.

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FACTUAL ALLEGATIONS

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2 1. At all times relevant, RESPONDENT held a Nevada Salesperson License, S.
3 0180125, issued by the Division on September 12, 2016.

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

6 3. RESPONDENT was associated with Berkshire Hathaway Homeservices
7 Nevada Properties ("BHHS") from December 31, 2019, through June 26, 2020.

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

11 5. The complaint alleged that RESPONDENT wrongfully listed property,
12 located at 802 Robin Way, Boulder City, NV 89005 ("subject property"), for lease without
13 the listing agent's and property owner's permission.

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

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

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

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

25 10. On June 16, 2020, Mr. Matejovsky emailed RESPONDENT's broker at BHHS
26 to 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

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

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

6 13. As of June 18, 2020, RESPONDENT had been affiliated with BHHS for over
7 5 months.

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

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

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

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

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

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

19 **VIOLATIONS OF LAW**

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

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

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

1 **DISCIPLINE AUTHORIZED**

2 23. Pursuant to NRS 645.630 and NRS 645.635, the Commission is empowered to
3 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
4 further to suspend, revoke or place conditions on the license of RESPONDENT. The
5 Commission may impose any combination of those actions.

6 24. Pursuant to NAC 645.695, the Division is authorized to require
7 RESPONDENT to pay an administrative fine in the amount of \$500 for each violation of
8 NAC 645.610.

9 25. Additionally, under NRS 622.400, the Commission is authorized to impose
10 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
11 fees, if the Commission otherwise imposes discipline on Respondent.

12 26. Therefore, the Division requests that the Commission take such disciplinary
13 action as it deems appropriate under the circumstances.

14 **NOTICE OF HEARING**

15 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
16 Administrative Complaint against the above-named RESPONDENT in accordance with
17 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
18 Administrative Code.

19 **THE HEARING WILL TAKE PLACE on March 29, 2022, commencing at 9:00**
20 **a.m., or as soon thereafter as the Commission is able to hear the matter, and each**
21 **day thereafter commencing at 9:00 a.m. through March 31, 2022, or earlier if the**
22 **business of the Commission is concluded. The Commission meeting will be held**
23 **on March 29, 2022, at the Nevada State Business Center, 3300 West Sahara**
24 **Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102. The meeting will**
25 **continue on March 30, 2022, at the Nevada State Business Center, 3300 West**
26 **Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102, commencing**
27 **at 9:00 a.m., and on March 31, 2022, should business not be concluded, starting at**
28

1 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th
2 Floor – Tahoe Room, Las Vegas, Nevada 89102.

3 If the meeting will not be conducted in person, then you will be notified by
4 known email or mail as soon as possible that the Commission will conduct a
5 virtual meeting using Webex.com with the meeting information as follows:

6 DIAL-IN NUMBER: (844) 621-3956 or Webex.com

7
8 TUESDAY, MARCH 29, 2022 - MEETING NUMBER ACCESS CODE: 2492 043 1496
9 MEETING PASSWORD: 38YerzTWmU3 (38937989683 from phones and video
10 systems)

11
12 WEDNESDAY, MARCH 30, 2022 - MEETING NUMBER ACCESS CODE: 2487 420
13 4399

14 MEETING PASSWORD: Kmmix976v52 (56649976852 from phones and video
15 systems)

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17 THURSDAY, MARCH 31, 2022 - MEETING NUMBER ACCESS CODE: 2486 415
18 0596

19 MEETING PASSWORD: MjPpJCFs723 (65775237723 from phones and video
20 systems)

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22 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at
23 the same time as part of a regular meeting of the Commission that is expected to
24 last from March 29, 2022, through March 31, 2022, or earlier if the business of the
25 Commission is concluded. Thus, your hearing may be continued until later in the
26 day or from day to day. It is your responsibility to be present when your case is
27 called. If you are not present when your hearing is called, a default may be
28 entered against you and the Commission may decide the case as if all allegations

1 in the complaint were true. If you have any questions please call Evelyn Pattee,
2 Commission Coordinator (702) 486-4074.

3 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is
4 an open meeting under Nevada’s open meeting law and may be attended by the public.
5 After the evidence and arguments, the commission may conduct a closed meeting to discuss
6 your alleged misconduct or professional competence. A verbatim record will be made by a
7 certified court reporter. You are entitled to a copy of the transcript of the open and closed
8 portions of the meeting, although you must pay for the transcription.

9 As the RESPONDENT you are specifically informed that, you have the right to
10 appear and be heard in your defense, either personally or through your counsel of choice.
11 At the hearing, the Division has the burden of proving the allegations in the complaint and
12 will call witnesses and present evidence against you. You have the right to respond and to
13 present relevant evidence and argument on all issues involved. You have the right to call
14 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
15 matter relevant to the issues involved.

16 You have the right to request that the Commission issue subpoenas to compel
17 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
18 you may be required to demonstrate the relevance of the witness’ testimony and/or
19 evidence. Other important rights you have are listed in NRS 645.680 through 645.990, NRS
20 Chapter 233B, and NAC 645.810 through 645.920.

21 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
22 645 and/or NAC 645 and if the allegations contained herein are substantially proven by

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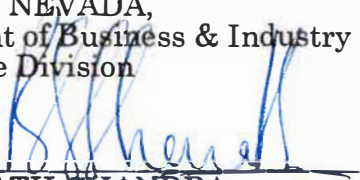
1 the evidence presented and to further determine what administrative penalty, if any, is to
2 be assessed against the RESPONDENT.

3 DATED this 24 day of February, 2022.

DATED this 24th day of February, 2022.

4 STATE OF NEVADA,
5 Department of Business & Industry
6 Real Estate Division

AARON D. FORD
Attorney General

7 By: 
8 SHARATH CHANDRA
9 Administrator
10 3300 W. Sahara Avenue, Ste. 350
11 Las Vegas, Nevada 89102

By: /s/ Alexander E. Quagge
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Attorneys for the Real Estate Division

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