

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

JUL 31 2020

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

Case No. 2018-819

REAL ESTATE COMMISSION
BY *Evelyn Patten*

Petitioner,

vs.

ROBERT GOLDSMITH,

Respondent.

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 Robert E. Werbicky, Deputy Attorney General, hereby notifies RESPONDENT ROBERT GOLDSMITH ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and 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 as set forth in NRS 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

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.

FACTUAL ALLEGATIONS

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.

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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 County
10 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**

7 RESPONDENT has committed the following violations of law:

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

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

13 **DISCIPLINE AUTHORIZED**

14 21. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
15 an administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to
16 suspend, revoke or place conditions on the license of RESPONDENT.

17 22. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs
18 of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
19 Commission otherwise imposes discipline on RESPONDENT.

20 23. Therefore, the Division requests that the Commission take such disciplinary action as
21 it deems appropriate under the circumstances.

22 **NOTICE OF HEARING**

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

26 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for September
27 1-3, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission
28 concludes its business.

1 If the Governor's Emergency Directive 006 - suspending physical location requirements - is
2 extended through the date of the meeting, then the hearing will be held via virtual meeting. The
3 Commission uses WebEx for its meetings. To join the hearing go to the Webex.com website and put in
4 the Access code and Attendee ID:

5 **TUESDAY, SEPTEMBER 1, 2020** Meeting number (Access code): 146 276 8028 Password
6 (Attendee ID): MgCrCbJq662 (64272257662 from phones and video systems)

7 **WEDNESDAY, SEPTEMBER 2, 2020** Meeting number (Access code): 146 650 1911 Password
8 (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

9 **THURSDAY, SEPTEMBER 3, 2020** Meeting number (Access code): 146 520 3582 Password
10 (Attendee ID): umV3mJJ2gP2 (86836552472 from phones and video systems)

11 If you do not have internet access, you may attend by phone at 1-844-621-3956 using the access
12 codes and attendee IDs listed above. Some mobile devices may ask attendees to enter a numeric attendee
13 ID provided above. If Emergency Directive 006 is not extended and the meeting is held in person, then
14 the meeting will be located at the following locations:

15 Nevada State Business Center
16 Real Estate Division
17 3300 West Sahara Avenue, Suite 350
Las Vegas, NV 89102

18 If you would like an email containing this information, before the hearing, please contact Evelyn Pattee,
19 Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

20 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
21 **time as part of a regular meeting of the Commission that is expected to last from September 1,**
22 **2020, through September 3, 2020, but may end earlier if the business of the Commission is**
23 **concluded. Thus, your hearing may be continued until later in the day or from day to day. It is**
24 **your responsibility to be present when your case is called. If you are not present when your hearing**
25 **is called, a default may be entered against you and the Commission may decide the case as if all**
26 **allegations in the complaint were true. If you have any questions please call Evelyn Pattee,**
27 **Commission Coordinator (702) 486-4074.**

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1 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting
2 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,
3 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
4 competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting,
5 although you must pay for the transcription.

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

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

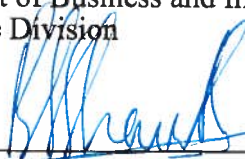
16 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
17 and if the allegations contained herein are substantially proven by the evidence presented and to further

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1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
2 645.235 or NRS 645.230.

3 DATED this 29 day of July, 2020.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 SHARATH CHANDRA, Administrator
9 3300 West Sahara Avenue, Suite 350
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11 AARON D. FORD
12 Attorney General

13 By: / s / Robert E. Werbicky
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