

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2023-151

Petitioner,

FILED

vs.

APR 11 2024

ROGER BALDWIN,
S.0044327 (Expired),

REAL ESTATE COMMISSION

BY Kelly Valadez

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT ROGER BALDWIN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 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 645.630(1)(c) and (1)(i), and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT, at all relevant times pertinent to the violations in this Complaint, was actively licensed as a Salesperson (S.0044327).¹ RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

¹ Respondent's salesperson license expired on April 30, 2023.

FACTUAL ALLEGATIONS

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2 1. RESPONDENT was a salesperson of record for Knapp Realty. [NRED0002;
3 0004-0005].

4 2. RESPONDENT salesperson's license was first issued in 1999. [NRED0002;
5 0021].

6 3. On March 2, 2023, the Division received a Statement of Fact from Broker for
7 Knapp Realty, Debi A. Handley, alleging that RESPONDENT took a rental application,
8 prepared a lease, and received compensation directly from a client property owner without
9 Handley's knowledge. [NRED0004-0021].

10 4. On March 15, 2023, the Division issued an open investigation letter to
11 RESPONDENT regarding Handley's Complaint and requested his response via affidavit.
12 [NRED0023].

13 5. On March 27, 2023, RESPONDENT submitted an affidavit where he did not
14 deny Handley's allegations but stated that he "had very little experience or training when
15 it comes to leasing," and that he mistakenly thought an agent did not have to involve their
16 broker when dealing directly with an owner and tenant. [NRED0024-0025].

17 6. On September 21, 2023, the Division sent a Notice of Violation letter, via
18 certified mail, to RESPONDENT notifying him that the Division determined that he
19 committed violations of NRS 645.630(1)(c) and (1)(i), that he was required to pay
20 administrative fines of \$500.00 for each violation (totaling \$1,000.00) and advising him of
21 his appeal rights. [NRED0026-0032].

22 7. On September 27, 2023, RESPONDENT received the Division's Notice of
23 Violation letter. [NRED0033-00035].

24 8. RESPONDENT failed to pay the administrative fine by the due date of
25 October 21, 2023, or to appeal the Notice of Violation within the timeframe set forth in the
26 Notice of Violation letter. [NRED0036].

27 9. On November 14, 2023, the Division contacted RESPONDENT by email to
28 recommend that he pay the \$1,000.00 administrative fine to avoid further disciplinary

1 action and costs associated with the same. [NRED0036].

2 10. On November 28, 2023, the Division mailed an NRS 233B letter to
3 RESPONDENT stating the Division's intent to file a complaint with the Commission for
4 violations of NRS 645.630(1)(c) and (1)(i). [NRED0039].

5 11. On December 7, 2023, RESPONDENT received the Division's NRS 233B
6 letter. [NRED0040-0042].

7 12. As of the date of this Complaint, RESPONDENT has not paid the
8 administrative fines.

9 VIOLATIONS OF LAW

10 RESPONDENT has committed the following violations of law:

11 1. RESPONDENT violated NRS 645.630(1)(c) pursuant to NRS 645.280 by
12 accepting compensation for real estate services from any person other than the broker
13 under whom he was licensed at the time of the real estate transaction.

14 2. RESPONDENT violated NRS 645.630(1)(i) pursuant to NRS 645.310(2) by
15 accepting rent and/or deposits on behalf of a property owner and failing to promptly deposit
16 the funds with his broker.

17 3. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.695 by
18 failing to pay the \$500.00 administrative fine levied by the Division for accepting
19 compensation for services directly from a property owner and the \$500.00 administrative
20 fine levied by the Division for accepting rent and/or deposits on behalf of a property owner
21 and failing to deposit the funds with his broker.

22 DISCIPLINE AUTHORIZED

23 Pursuant to NRS 645.630, the Commission is empowered to impose an
24 administrative fine of up to \$10,000 per violation and suspend, revoke, or place conditions
25 on RESPONDENT'S license if warranted.

26 Additionally, under NRS 622.400, the Commission is authorized to impose costs of
27 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if
28 the Commission otherwise imposes discipline on RESPONDENT.

1 in the complaint were true. If you have any questions please call Kelly Valadez,
2 Commission Coordinator (702) 486-4606.

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

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


15 You have the right to request that the Commission issue subpoenas to compel
16 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
17 you may be required to demonstrate the relevance of the witness' testimony and/or
18 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
19 NRS Chapter 233B, and NAC 645.810 through 645.875.

20 The purpose of the hearing is to determine if the Respondent has violated NAC 645
21 and/or NAC 645 and if the allegations contained herein are substantially proven by the
22 evidence presented and to further determine what administrative penalty is to be assessed
23 against the RESPONDENT, if any,
24 pursuant to NRS 645.235, 645.633 and/or 645.630.

25 DATED this 10 day of APRIL, 2024.

26 State of Nevada
27 Department of Business and Industry
28 Real Estate Division

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By: 
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By: /s/ Phil W. Su
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