

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS AND INDUSTRY,
6 STATE OF NEVADA,

Case No. 2023-463

Petitioner,

7 vs.

8 CHARLES F BOWSHIER,
(S.0036055)

9 RESPONDENT.

FILED

MAR 13 2024

REAL ESTATE COMMISSION

BY Kelley Valadey

10
11 **FIRST AMENDED COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT CHARLES F.
14 BOWSHIER ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL
15 ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and
16 Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative
17 Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine
18 if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or
19 NRS 622.400, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

21 RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as a
22 salesperson under license number S.0036055. RESPONDENT is, therefore, subject to the jurisdiction
23 of the Division and the Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645. As
24 of the date of this Complaint, RESPONDENT'S license is in active status.

25 **FACTUAL ALLEGATIONS.**

26 1. At all times relevant to the Complaint, the Complainant in this case did not speak English
27 and trusted the RESPONDENT to help her with the transaction documents to sell her home.
28 NRED 000032.

1 2. On or about September 22, 2022, RESPONDENT provided his client, the Complainant,
2 with his Duties Owed, which stated, amongst other duties, that the RESPONDENT shall not deal with
3 any party to a real estate transaction in a manner which is deceitful, fraudulent or dishonest.
4 *NRED 000185.*

5 3. On or about September 22, 2022, RESPONDENT commenced as the listing agent for
6 Complainant's real property located at 3264 Bridge House Street, North Las Vegas, 89032 (the
7 "Property"). *NRED 000174 – NRED 000183.*

8 4. The Terms of the Sale indicated the listing price shall be \$375,000. *NRED 000174.*

9 5. Between about October of 2022 through February of 2023, RESPONDENT'S brokerage
10 Century 21's Compliance Coordinator sent the RESPONDENT numerous requests for missing
11 documents and corrections regarding the Property's transaction. *NRED 000086 – NRED 000112.*

12 6. On or about January 23, 2023, a purchase agreement for the Property was executed for the
13 price of \$335,000. *NRED 000190 – NRED 000201.*

14 7. On or about March 4, 2023, notice of cancellation for the purchase agreement only
15 included the buyer's signatures. *NRED 000169.*

16 8. Thereafter, the Property went into contract numerous times and subsequently was
17 cancelled. *NRED 000077, NRED 000156 – NRED 000166.*

18 9. Until, on or about May 24, 2023, a purchase agreement for the Property was signed
19 electronically at 11:38 PM by the RESPONDENT without the knowledge of his client, the Complainant,
20 for the price of \$242,000. *NRED 000114 - NRED 000129.*

21 10. On or about June 9, 2023, the Property escrow closed for the sales price \$242,000.
22 *NRED 000125, and NRED 000126.*

23 11. RESPONDENT, in a letter written, admitted he "made the mistake of signing for
24 [Complainant] accepting an offer of \$242,000 when in fact the price should have been \$332,000."
25 *NRED 000028.*

26 12. RESPONDENT admitted he "accept[s] full responsibility and consequences of this act."
27 *NRED 000028.*

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1 13. RESPONDENT stated that he will commit to paying Complainant the amount of \$90,000
2 on or before December 31, 2023. *NRED 000028.*

3 14. As of October 30, 2023, RESPONDENT had not made any payments to the Complainant.
4 *NRED 000050 – NRED 000054.*

5 VIOLATIONS OF LAW

6 RESPONDENT committed the following violations of law:

7 1. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(1) for committing
8 deceitful, fraudulent and/or dishonest dealings by failing to do his utmost to protect the public against
9 fraud, misrepresentation and/or unethical real estate practices when he knowingly signed his client's
10 name electronically on the purchase agreement dated May 24, 2023.

11 2. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) for committing
12 grossly negligent and/or incompetent acts when he breached his obligation of absolute fidelity to his
13 client's interest, when, without her knowledge, he electronically signed his client's name on the purchase
14 agreement dated May 24, 2023 at a lowered price of \$242,000.

15 3. RESPONDENT violated NAC 645.650(2) for failing to provide paperwork timely or not
16 at all to his broker despite repeated requests to do so.

17 4. **RESPONDENT violated NRS 645.254(4) for failing his duty to present all offers**
18 **made to his client.**

19 DISCIPLINE AUTHORIZED

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

23 6. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
24 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
25 otherwise imposes discipline on RESPONDENT; and

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

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1 **NOTICE OF HEARING**

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

5 **THE HEARING WILL TAKE PLACE on May 14, 2024, commencing at 9:00 a.m., or as**
6 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
7 **at 9:00 a.m. through May 16, 2024, or earlier if the business of the Commission is concluded at the**
8 **Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,**
9 **Nevada 89102 with video conferencing to Nevada Division of Insurance, 1818 E. College Parkway,**
10 **Suite 103, Carson City, Nevada 89706.**

11 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
12 **time as part of a regular meeting of the Commission that is expected to last from May 14, 2024**
13 **through May 16, 2024, or earlier if the business of the Commission is concluded. Thus, your**
14 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
15 **present when your case is called. If you are not present when your hearing is called, a default may**
16 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
17 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at**
18 **(702) 486-4606.**

19 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
20 under Nevada’s open meeting law, and may be attended by the public. After the evidence and arguments,
21 the Commission may conduct a closed meeting to discuss your alleged misconduct or professional
22 competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting,
23 although you must pay for the transcription.

24 As the RESPONDENT, you are specifically informed that you have the right to appear and be
25 heard in your defense, either personally or through your counsel of choice. At the hearing, the Division
26 has the burden of proving the allegations in the complaint and will call witnesses and present evidence
27 against you. You have the right to respond and to present relevant evidence and argument on all issues

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1 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
2 opposing witnesses on any matter relevant to the issues involved.

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

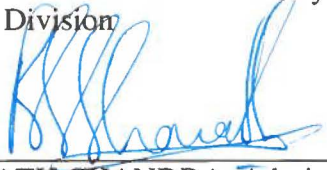
7 The purpose of the hearing is to determine if the RESPONDENT has violated NRS 645 and/or
8 NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and
9 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
10 pursuant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

11 DATED this 13 day of March 2024.

DATED this 13th day of March 2024.

12
13 STATE OF NEVADA
14 Department of Business and Industry
15 Real Estate Division

AARON D. FORD
Attorney General

16 By: 
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18 CHARVEZ FOGER, Deputy Administrator
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