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2 BEFORE THE REAL ESTATE COMMISSION
3 STATE OF NEVADA

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

8 Petitioner,

9 vs.

10 ROBERT JOEL KUSHNER,
11 (B.1002978.INDV)

12 Respondent.

Case No. 2024-1074

FILED

MAY 14 2026

REAL ESTATE COMMISSION

BY 

13 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

14 This matter came on for hearing before the REAL ESTATE DIVISION OF THE
15 DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA
16 (“Division”) during a regular agenda on Tuesday, May 5, 2026, (the “Hearing”).
17 RESPONDENT ROBERT JOEL KUSHNER (hereinafter, “RESPONDENT”) appeared in-
18 person in the Carson City broadcast room on his own behalf. Phil W. Su, Esq., Senior
19 Deputy Attorney General with the Nevada Attorney General’s Office, appeared on behalf
20 of the Real Estate Division of the Department of Business and Industry, State of Nevada
21 (the “Division”).

22 NRED Investigator Sonia Garcia-Solorio testified on behalf of the Division regarding
23 its investigation of this matter, regarding real estate activities that RESPONDENT
24 allegedly performed in connection with a property at 2580 Scotch Pine, Carson City, while
25 his broker license was expired. The Commission admitted the Division’s documents,
26 NRED0001-0082 into evidence. RESPONDENT testified on his own behalf. SDAG Su
27 noted, following RESPONDENT’S testimony, that RESPONDENT had provided SDAG Su
28 with copy of closing documents for the Scotch Pine property, but that RESPONDENT never
directly filed them with the Division. SDAG Su recommended that the Commission

1 consider accepting those documents into evidence to ensure that RESPONDENT received
2 due process in these proceedings, to which the Commission agreed.

3 After hearing testimony and reviewing the documents presented in this matter and
4 for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of
5 Law, and Order as follows:

6 FINDINGS OF FACT

7 The Commission, based upon evidence presented during the Hearing, enters a
8 finding of the following facts:

9 1. At all times relevant to this Complaint, RESPONDENT ROBERT JOEL
10 KUSHNER ("RESPONDENT" or "KUSHNER") engaged in the business of real estate
11 brokerage actions without a license, or, at other relevant times, held a real estate broker
12 license, B.1002978.INDV ("Broker License"), issued by the Nevada Real Estate Division
13 ("NRED" or the "Division").

14 2. On or about June 30, 2024, RESPONDENT's Broker License lapsed.

15 3. On or about November 17, 2024, while RESPONDENT'S Broker License
16 remained lapsed, RESPONDENT entered into a listing agreement for real property in
17 Carson City, Nevada. Shortly thereafter, COMPLAINANT Katherine Vaughan, without
18 aid of a separate real estate broker, tendered an offer for the property, located at 2580
19 Scotch Pine, in Carson City, Nevada ("Scotch Pine Property").

20 4. On November 23, 2024, the Division received a Statement of Fact from
21 COMPLAINANT regarding the conduct of RESPONDENT, who represented the sellers of
22 the Scotch Pine Property, ("SELLERS"), and, after convincing her to be dually represented
23 by him, Ms. Vaughan as buyer.

24 5. COMPLAINANT contends, among other allegations, that RESPONDENT did
25 not send the Purchase Agreement to the SELLERS, even after representing to her that the
26 SELLERS had agreed to the terms of her offer; misspelled her name on purchase
27 documents and would not correct the error upon her request; did not accept her stated
28 wishes to represent herself in the real estate transaction; and, most significantly, failed to

1 clearly and adequately explain to COMPLAINANT the nature of the dual representation
2 relationship he was entering into with her.

3 6. On information and belief, RESPONDENT sent to COMPLAINANT a two-
4 page "Consent to Act" form, signed and dated December 6, 2024, by the SELLERS, but for
5 which copy signed by COMPLAINANT exists within RESPONDENT'S transaction file or
6 documents provided to the Division.

7 7. Based on the transaction file provided by RESPONDENT, he never furnished
8 a "Duties Owed By A Nevada Real Estate Licensee" document to COMPLAINANT.

9 8. On December 2, 2024, the Division issued an open investigation letter to
10 RESPONDENT regarding the COMPLAINANT'S Statement of Fact and requesting his
11 response, supporting materials, and transaction file via affidavit by December 16, 2024.

12 9. On December 2, 2024, RESPONDENT sent the Division his response via the
13 affidavit form, initially, unsworn, as well as his transaction file for the Scotch Pine
14 Property.

15 10. In his response, RESPONDENT contended that COMPLAINANT suffered no
16 damages and, therefore, has no recourse; that, because of the recent global NAR lawsuit,
17 COMPLAINANT was confused and believed she would have to pay a buyer's agent
18 commission in addition to the amount of her offer when, in fact, the seller would pay all
19 commissions owed to RESPONDENT for his dual representation.

20 11. In an email exchange on December 3, 2024, with Investigator Shaun McLean,
21 RESPONDENT admitted that he was unaware that his Nevada broker's license had
22 expired and stated that he would "not do any more real estate activity in Nevada until" he
23 renewed his license. At this point, RESPONDENT'S Nevada broker's license had been
24 expired for over five months, and RESPONDENT had now, at minimum, engaged in the
25 transaction involving the Scotch Pine Property, including the listing of that property, and
26 the negotiation of COMPLAINANT'S purchase offer with the SELLERS, the opening of
27 escrow and, various amendments to the original purchase agreement.

28 12. In the "Exclusive Right to Sell Agreement" RESPONDENT and SELLERS

1 agreed to list the property for \$599,900.00, with compensation to listing broker to be 5% of
2 the purchase price, and compensation to selling broker to be 2.5% of the purchase price.

3 13. The property ultimately sold for \$574,900.00, of which RESPONDENT
4 received \$28,745.00 in commissions.

5 14. On December 15, 2024, Division Investigator McLean submitted a Cease-and-
6 Desist Order Form, requesting the Division to order RESPONDENT to cease conducting
7 all real estate broker activity as defined under NRS 645.030 and property management as
8 defined under NRS 645.6054 due to the expiration of his license.

9 15. On December 18, 2024, while unlicensed, RESPONDENT prepared and sent
10 an addendum postponing closing until December 20, 2024.

11 16. On December 20, 2024, RESPONDENT'S real estate license was reinstated.

12 17. On December 21, 2024, the Division mailed an NRS 233B letter via certified
13 mail to RESPONDENT, stating the Division's intent to file a complaint with the
14 Commission for violations of NRS 645.230.1.

15 CONCLUSIONS OF LAW

16 Based on the foregoing findings of fact, the Commission unanimously concludes that
17 RESPONDENT has committed the following violations of law:

18 1. RESPONDENT violated NRS 645.230(1)(a) by willfully and/or knowingly
19 acting in the capacity of a real estate broker when he performed activities requiring an
20 active real estate license, when his license was expired, in a transaction where he received
21 \$28,745.00 in commissions.

22 ORDER (Case No. 2024-1074)

23 Based on the foregoing findings of facts and conclusions of law, the Commission
24 hereby orders, by unanimous vote, the following:

25 1. RESPONDENT shall pay the Division a total of \$34,196.11 ("Amount
26 Due"), consisting of \$28,745.00 in administrative fines constituting the total amount of
27 economic gain for his unlicensed activity pursuant to NRS 645.235(2), plus the Division's
28

1 costs and pre-hearing attorney's fees in the amount of \$5,451.11. The Amount Due shall
2 be paid to the Division within 90 days of the effective date of this Order.

3 2. If the Amount Due is not actually received by the Division on or before its
4 due date, it shall constitute a default by RESPONDENT. In the event of default,
5 RESPONDENT's licenses, permits, and certificates issued by the Division shall be
6 immediately suspended and the unpaid balance of the administrative fine and costs,
7 together with any attorney's fees and costs that may have been assessed, shall be due in
8 full to the Division within ten calendar days of the date of default, and the Division may
9 obtain a judgment for the amount owed, including collection fees and costs.

10 3. Both of RESPONDENT's broker's licenses issued by the Division
11 (B.1002978.INDV and B.1003183.CORP) shall hereby be downgraded to salesperson
12 licenses, as of the effective date of this order.

13 4. The Commission retains jurisdiction for correcting any errors that may
14 have occurred in the drafting and issuance of this document.

15 5. This order shall become effective on the 15th day of June, 2026.

16 DATED this 15th day of May, 2026.

17 REAL ESTATE COMMISSION
18 STATE OF NEVADA

19 By: Donna A. Ruthe
20 President Donna A. Ruthe

21 Submitted by:
22 AARON D. FORD
23 Attorney General

24 By: /s/ Phil W. Su
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