BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

FREDERICK BRITTON,

Respondent.

Case No. 2018-161

FILED

FEB 07 2020

REAL ESTATE COMMISSION

BY

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies FREDERICK BRITTON ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a salesperson 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 as a salesperson under license number S.0175080 since July 3, 2014, said license currently being on inactive status.

2. On or around January 30, 2018, Wendell E. Thomas ("Complainant") filed a complaint with the Division alleging that on or around January 22, 2018, RESPONDENT agreed to represent him in the purchase of a residential property.

3. RESPONDENT sent Complainant a total of four property listings.

4. On or around January 24, 2018, RESPONDENT contacted Complainant and requested that Complainant provide him with a cashier's check in the amount of $1,250 dollars to be used as an earnest money deposit in the event Complainant desired to purchase any of the properties.

5. That same day Complainant met RESPONDENT at a credit union.

6. RESPONDENT directed Complainant to have the credit union issue the cashier's checks made payable to GGGH&P LLC, a Nevada limited liability company ("GGGH&P).

7. RESPONDENT had the credit union issue one cashier's check in the amount of $1,000 dollars and one in the amount of $250 dollars (collectively, the "Cashiers Checks"), both payable to GGGH&P.

8. RESPONDENT was a manager of GGGH&P.

9. On January 25, 2018, Complainant met RESPONDENT at the address of one of the four property listings RESPONDENT provided to him- 1300 Arlington Street, Las Vegas, NV 89104 ("Arlington Property").

10. Complainant asked RESPONDENT to make an offer on the Arlington Property.

11. RESPONDENT informed Complainant that he would prepare the paperwork to submit Complainants's offer on the Arlington Property and would email the offer to Complainant for his signature.

12. Later that week Complainant contacted RESPONDENT regarding the status of the offer on the Arlington Property and also asked RESPONDENT if he could view another property.

13. RESPONDENT texted Complainant that he had been in a class and would call him back.

14. Despite repeated attempts at contacting RESPONDENT, Complainant never heard back from RESPONDENT.

15. In the meantime, Complainant informed his loan officer that he had given the Cashiers Checks to RESPONDENT and that RESPONDENT had failed to return his calls regarding whether an offer had been made on the Arlington Property.

16. The loan officer advised Complainant to contact the bank to determine if the Cashier's Checks were cashed.

17. The bank informed Complainant that the Cashier's Checks made payable to GGGH&P had been cashed and that GGGH&P belonged to RESPONDENT.

18. On or around February 2, 2018, the Division properly gave notice to RESPONDENT that it had opened an investigation regarding Complainant's complaint with the Division and requested responses from RESPONDENT and RESPONDENT's broker.

19. In response to the Division's letter, RESPONDENT claimed that the Cashier's Checks he cashed and kept from Complainant were not for an earnest money deposit in connection with Claimant's purchase of residential real estate.

20. Rather, RESPONDENT claimed that the Cashier's Checks were to pay RESPONDENT for the sale of Vietnamese currency called Dong to Complainant.

21. RESPONDENT's broker, Jaime A. Velez ("Velez"), also responded to the Division's February 2, 2018 letter.

22. In Velez's response to the Division, Velez claimed that the Division's investigation involved RESPONDENT's prior broker- not Velez.

23. In his response to the Division, Velez also stated that on or around January 30, 2018, he received a text from AmeriFirst Financial ("AmeriFirst") depicting the events that had transpired as alleged in Complainant's complaint with the Division.

24. Velez advised AmeriFirst that Complainant should file a formal complaint with the Division.

25. In his response to the Division, Velez also stated that because the Greater Las Vegas Real Estate Association had advised Velez that RESPONDENT had failed to pay his dues (which Velez stated RESPONDENT always had difficulty doing), and after communicating with AmeriFirst, Velez sent RESPONDENT's license to the Division.

VIOLATIONS

RESPONDENT has committed the following violations of law:

26. RESPONDENT violated NRS 645.633(1)(i) by engaging in deceitful, fraudulent or dishonest dealings by misleading Complainant into issuing the Cashier's Checks to RESPONDENT's personal business entity, claiming that they were to be used as an earnest money deposit in connection

with Complainant's purchase of a residential property. RESPONDENT then kept the money, despite not making any offer on any residential property on Complainant's behalf or entering into any purchase agreement on Complainant's behalf.

DISCIPLINE AUTHORIZED

27. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to $10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

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

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on March 10, 2020 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 12, 2020 or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 10, 2020, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on March 11, 2020 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on March 12, 2020, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 10, 2020 through March 12, 2020, or earlier if the business of the Commission is concluded. Thus, your

hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator at (702) 486-4074.

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

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

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

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

DATED this 5th day of February, 2020.

State of Nevada
Department of Business and Industry
Real Estate Division

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