BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

ERIK E. PETERSON,

Respondent.

Case No. 2018-208

FILED

JAN 07 2020

REAL ESTATE COMMISSION

BY Evelyn Patten

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 Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT ERIK E. PETERSON ("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 was at all relevant times mentioned in this Complaint licensed by the Division as a sales person under license number S.0030396, 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 sales person under license number S.0030396, which license expired September 30, 2017. His broker at all relevant times mentioned in this Complaint was Paula Glidden ("Glidden"), license no. B.0038868.LLC.

2. On or about May 28, 2016, David Bender ("Bender"), who had been a client of RESPONDENT, forwarded a $30,000 check to RESPONDENT, made payable to Land Office II, LLC, a Nevada Limited Liability Company, which was then a Real Estate Branch Office.

3. RESPONDENT did not pay over the $30,000 to his broker, Glidden.

4. The words "2 Lots Auction" is written in the memo field of the check.

5. Bender's check was endorsed by "The Land Office," with the notation "Deposit only," and by RESPONDENT, who received the $30,000.

6. Bender and RESPONDENT agreed RESPONDENT would use the $30,000 to bid on real property in Nye County to be purchased by or for Bender.

7. Pursuant to prior transactions between RESPONDENT and Bender, RESPONDENT was to return unused funds to Bender.

8. After sending the check, Bender instructed RESPONDENT not to bid on any properties.

9. Bender requested RESPONDENT to return the $30,000 to him.

10. RESPONDENT did not repay Bender the $30,000, saying he lacked the funds to do so.

11. On or about June 21, 2017, RESPONDENT paid Bender $1,459 as an interest payment on the debt.

12. Bender made a complaint to the Division about RESPONDENT's failure to pay him.

13. Glidden indicated there was no brokerage file on RESPONDENT's transaction with Bender.

14. RESPONDENT, communicating through his broker, Glidden, to the Division's investigator, said that the $30,000 check to Land Office II was for money Bender owed RESPONDENT.

15. RESPONDENT told the Division's investigator that the complaint "has nothing to do with real estate."

VIOLATIONS

RESPONDENT has committed the following violations of law:

16. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(c), by falsely telling the Division, through Glidden, that check was for money Bender owed him.

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17. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(c), by falsely telling the Division that Bender's complaint had nothing to do with real estate.

18. RESPONDENT violated NRS 645.310(2) by failing to pay over to the broker, Glidden, funds RESPONDENT received in the name of the brokerage.

19. RESPONDENT violated NRS 645.630(1)(f), by failing, within a reasonable time, to remit to Bender the refund owed him.

DISCIPLINE AUTHORIZED

20. 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.

21. 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.

22. 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 (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 645.920.

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

DATED this 6 day of January, 2020.

State of Nevada
Department of Business and Industry
Real Estate Division

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