BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. ROGER BALDWIN, S.0044327 (Expired), Respondent.	**Case No. 2023-151** FILED MAY 30 2024 REAL ESTATE COMMISSION BY Kelly Valadez

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the REAL ESTATE COMMISSION OF THE STATE OF NEVADA (the "Commission") on Thursday, May 16, 2024 (the "Hearing"). RESPONDENT ROGER BALDWIN ("RESPONDENT") did not appear in person, through counsel, or otherwise. Phil W. Su, Deputy Attorney General, appeared on behalf of Petitioners SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA ("Division").

Mr. Su advised the Commission that the RESPONDENT did not provide an answer to the properly filed Complaint and his license is currently in expired status. Thereafter, the Division proceeded with a default pursuant to NAC 645.810(13). The Division's Section Coordinator, Kelly Valadez, testified that proper service via certified mail was given to the RESPONDENT. After further discussion, the Commission found that the Division issued effective notice of the hearing, the Complaint and notice thereof, the Notice of Documents with documents bates stamped NRED 0001-0042, and took all efforts required by law to inform the RESPONDENT of the matter before the Commission. The Commissioners also admitted the Division's documents NRED 0001-0042 as exhibits to the proceedings.

Therefore, the Commission, having considered the evidence introduced by the Division and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order:

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.

FACTUAL ALLEGATIONS

The Commissioners find that the following factual allegations have been proved by default:

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

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

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

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

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

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

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

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

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

[*NRED0036*].

9. On November 14, 2023, the Division contacted RESPONDENT by email to recommend that he pay the $1,000.00 administrative fine to avoid further disciplinary action and costs associated with the same. [*NRED0036*].

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

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

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

VIOLATIONS OF LAW

The Commissioners find that based upon a preponderance of the evidence, the following violations of law have been proved by default:

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

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

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

ORDER (2023-151)

The Commission, being fully apprised of the premises and good cause appearing, hereby **ORDERS:**

1. Respondent Roger Baldwin's license (License No. S.0044327) is hereby revoked;

2. Respondent shall pay to the Division administrative fines totaling One Thousand Dollars ($1,000.00);

3. Respondent shall pay pre-hearing costs and fees in the amount of Four Thousand Nine Hundred Seventy-Five Dollars and 89/100 cents ($4,975.89), which are actual, reasonable, and necessary;

4. The total amount of Five Thousand Nine Hundred Seventy-Five Dollars and 89/100 cents ($5,975.89), is to be paid in full within thirty (30) days of the effective date of this Order;

5. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent. In the event of default, the unpaid balance of the costs and fees, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten (10) calendar days of the date of default. The Division may institute debt collection proceedings for failure to timely pay the total fine; and

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

DATED this 30 day of May, 2024.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Lee Rix Gurr
Nevada Real Estate Commission

Submitted by:
By: /s/ Phil W. Su
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