BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. CHARLES F. BOWSHIER, (S.0036055) Respondent.	Case No. 2023-463

FILED

MAY 29 2024

REAL ESTATE COMMISSION

BY Kelley Valadez

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda set for a three-day stack commencing May 14, 2024 (the "Hearing"). RESPONDENT Charles F. Bowshier ("Respondent") appeared, with his counsel Jocelyne R. Uy (Bar No. 9708) of WUV Law Firm LLC. Christal Park Keegan, Esq., Deputy Attorney General ("DAG Keegan") with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

DAG Keegan informed the Commission that Respondent had stipulated to the Division's factual allegations and violations of law. DAG Keegan informed the Commission that on the eve of the Hearing, May 13, 2024, Respondent submitted a written statement. Accordingly, DAG Keegan proceeded with presenting testimony from its witness Complainant Maria Juana Rangel. Respondent's Attorney Uy addressed the Commission, and Respondent provided testimony.

After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order against RESPONDENT as follows:

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JURISDICTION

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

FINDINGS OF FACT

The Commission, based on the evidence presented during the Hearing, unanimously enters the finding of the following facts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

Whereas the Commission found that the Division proved by a preponderance of the evidence the foregoing findings of fact, and unanimously concludes that the RESPONDENT committed the following violations of law, as presented in the Complaint:

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

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

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

ORDER

The Commission, being fully apprised in the premises, and good cause appearing to the Commission, and by majority vote, ORDERS as follows:

1. Respondent shall pay an administrative fine to the Division in the total amount of $25,579.83 ("Amount Due"), which includes a fine of $20,000 for violations of law and $5,579.83 for the Division's costs and attorney's fees, within one (1) year from the effective date of this Order.

2. All Respondent's licenses shall be revoked on the effective date of this Order.

3. If payment is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT. In the event of default, the unpaid balance of the administrative fine and costs, 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, and the Division may obtain a judgment for the amount owed, including collection fees and costs.

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

5. This Order shall become effective thirty (30) days after the date of this Order.

DATED this 29 day of May, 2024.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Nevada Real Estate Commission

DATED this 17th day of May, 2024.

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