

MAR 20 2015

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *[Signature]*

STATE OF NEVADA

JOSEPH R. DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2015-365

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

OVIDIU ENE,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT OVIDIU ENE ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which 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 OVIDIU ENE was at all relevant times mentioned in this Complaint licensed as a Salesperson by the Division under license number S.0049918 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed as a Salesperson, license number S.0049918 from August 15, 2001 to present, and is

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

1 currently in active status and subject to the jurisdiction of the Division and the provisions of  
2 NRS chapter 645 and NAC chapter 645.

3 2. On January 9, 2014, Respondent plead guilty to two counts of mail fraud in  
4 violation of 18 USC §1341, felonies, United States District Court, District of Nevada, in the  
5 matter of United States of America v. Ovidiu Ene, Case No.: 2:11-cr-444-PMP-PAL.

6 3. Respondent plead guilty because Respondent is guilty of the charged offenses.

7 4. In the Plea Agreement, Respondent specifically admits and declares under  
8 penalty of perjury that the facts set forth below are true and correct.

9 5. Beginning December 2006 and continuing through February 2007, Respondent  
10 devised and intended to devise a scheme to defraud to obtain money through false and  
11 fraudulent pretenses, representations and promises.

12 6. Respondent sold two condos owned by Respondent to co-schemer Marcello  
13 Kazan knowing that Kazan would purchase using fraudulently obtained mortgages.

14 7. At the time, Respondent had mortgages on both properties.

15 8. Respondent arranged for Kazan to use false and fraudulent letters in support of  
16 Kazan's mortgage loan application stating that he had significant income when, in truth, Kazan  
17 was unemployed.

18 9. As part of the sales from Respondent to Kazan, the escrow officers sent checks  
19 by Federal Express from California to Texas to pay off Respondents existing mortgages.

20 10. Respondent is required to pay restitution in the amount of \$299,000.

21 11. Respondent did not notify the Division of the above referenced plea until  
22 February 9, 2015.

### 23 VIOLATIONS

24 RESPONDENT has committed the following violations of law:

25 12. RESPONDENT committed two violations NRS 645.633(1)(d)(1 and 2) by  
26 pleading guilty to a felony relating to the practice of the licensee which also involves fraud.

27 13. RESPONDENT violated NRS 645.995 by failing to report the plea to the Division  
28 within 10 days of entering into the plea.

1 **DISCIPLINE AUTHORIZED**

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

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

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

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
12 Administrative Complaint against the above-named Respondent in accordance with Chapters  
13 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
14 Code.

15 **THE HEARING WILL TAKE PLACE** on April 21, 2015 commencing at 9:00 a.m., or  
16 as soon thereafter as the Commission is able to hear the matter, and each day  
17 thereafter commencing at 9:00 a.m. through April 23, 2015, or earlier if the business of  
18 the Commission is concluded. The Commission meeting will be held on April 21, 2015,  
19 at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue,  
20 Room 2450, Las Vegas, Nevada 89101. The meeting will continue on April 22, 2015, at  
21 the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room  
22 2450, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on April 23, 2015,  
23 should business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501  
24 East Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

25 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
26 same time as part of a regular meeting of the Commission that is expected to last from  
27 April 21 through April 23, 2015, or earlier if the business of the Commission is  
28 concluded. Thus, your hearing may be continued until later in the day or from day to

1 day. It is your responsibility to be present when your case is called. If you are not  
2 present when your hearing is called, a default may be entered against you and the  
3 Commission may decide the case as if all allegations in the complaint were true. If you  
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
5 4074.

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

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

19 You have the right to request that the Commission issue subpoenas to compel  
20 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
21 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
22 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
23 233B, and NAC 645.810 through 645.875.

24 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
25 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
26 evidence presented and to further determine what administrative penalty is to be assessed

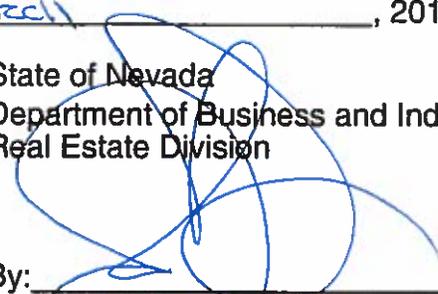
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1 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

2 DATED this 20<sup>TH</sup> day of MARCH, 2014.

3 State of Nevada  
4 Department of Business and Industry  
5 Real Estate Division

6 By:   
7 Joseph R. Decker, Administrator  
8 2501 East Sahara Avenue  
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11 ADAM PAUL LAXALAT  
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