

FILED

AUG 11 2015

REAL ESTATE COMMISSION
Robert Lujan

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2015-903

Petitioner,

COMPLAINT AND NOTICE OF HEARING

vs.

ROBERT L. LUJAN,

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 Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT ROBERT L. LUJAN ("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 ROBERT L. LUJAN was at all relevant times mentioned in this Complaint licensed by the Division as a real estate salesperson under license number S.0051018, 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 real estate salesperson, license number S.0051018, since January 2, 2002, and is in active status.

1 2. RESPONDENT began working as a real estate salesperson for Frank P. Gatski
2 ("Gatski"), broker for Gatski Commercial Real Estate Services ("Gatski Services") on or about
3 January 2, 2002.

4 3. Jason Simon ("Simon") has been licensed as a real estate salesperson, license
5 number S.0045593, since December 8, 1999.

6 4. Simon began working as a real estate salesperson for Gatski and Gatski
7 Services on or about December 8, 1999.

8 5. On or about April 1, 2011, RESPONDENT and Simon each signed a new
9 Independent Contractor Agreement with Gatski Services.

10 6. On or about October 13, 2014, RESPONDENT emailed his bio and Simon's bio,
11 and information about their industrial portfolio, to Bret Davis ("Davis"), broker for Jones Lang
12 LaSalle Brokerage Inc. ("JLL").

13 7. In that October 13, 2014 email, RESPONDENT informed Davis that
14 RESPONDENT and Simon would "be able to carry over [to JLL] about +/- 2.5MM square feet."

15 8. At or about that time, Harsch Investment Properties ("Harsch") had standard
16 exclusive listing agreements with Gatski Services, covering approximately 2.5M square feet.

17 9. On or about January 12, 2015, RESPONDENT and Simon met with
18 representatives from Harsch.

19 10. Later that day, RESPONDENT and Simon each submitted a letter of resignation
20 to Gatski and Gatski Services.

21 11. On or about January 16, 2015, Harsch gave 15-day notice to Gatski that Harsch
22 was terminating all its listing agreements with Gatski Services.

23 12. Also on or about January 12, 2015, RESPONDENT emailed the principal
24 contact at Dornin Investment Group ("Dornin"), asking that the contact call RESPONDENT so
25 RESPONDENT could "give [him] a heads up on some news."

26 13. Dornin had been a client of Gatski Services for approximately 2 years, and had
27 signed a new exclusive listing agreement on January 7, 2015.

28 ...

1 14. On or about January 16, 2015, Dornin terminated all its listing agreements with
2 Gatski Services, effective January 19, 2015.

3 15. Gatski Services has handled the property management and leasing of Dr. Joel
4 Matta's properties for approximately 20 years, and were parties to exclusive lease and listing
5 agreements.

6 16. On March 12, 2015, Dr. Matta informed Gatski that RESPONDENT had
7 repeatedly called Dr. Matta and attempted to solicit business from him.

8 17. While at Gatski Services, RESPONDENT took and/or made copies of files of
9 Gatski Services clients for use at JLL.

10 18. On or about March 31, 2015, Gatski filed a Statement of Fact with the Division
11 complaining about RESPONDENT's conduct.

12 19. Gatski Services lost approximately \$207,208.07 in leasing commission revenues
13 as a result of the actions of RESPONDENT and Simon.

14 **VIOLATIONS**

15 RESPONDENT has committed the following violations of law:

16 20. RESPONDENT violated NRS 645.635(2) by negotiating a sale, exchange or
17 lease of real estate directly with a client he knew had a brokerage agreement in force in
18 connection with the property granting an exclusive agency without permission in writing from
19 the broker.

20 21. RESPONDENT violated NRS 645.630(1)(l) by inducing a party to a brokerage
21 agreement, property management agreement, agreement of sale or lease to break it in order
22 to substitute a new brokerage agreement, property management agreement, agreement of
23 sale or lease with the same or another party, in order to secure personal gain.

24 **DISCIPLINE AUTHORIZED**

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

28 . . .

1 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
2 4074.

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

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

16 You have the right to request that the Commission issue subpoenas to compel
17 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
18 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
19 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
20 233B, and NAC 645.810 through 645.920.

21 The purpose of the hearing is to determine if the Respondent has violated NRS 645
22 and/or NAC 645 and if the allegations contained herein are substantially proven by the

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 evidence presented and to further determine what administrative penalty, if any, is to be
2 assessed against the Respondent, pursuant to NRS 645.235, 645.633 and/or 645.630.

3 DATED this 11 day of August, 2015.

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

7 By: 
8 JOSEPH R. DECKER, Administrator
9 2501 East Sahara Avenue
10 Las Vegas, Nevada 89104-4137
11 (702) 486-4033

12 ADAM PAUL LAXALT
13 Attorney General

14 By: 
15 KEITH E. KIZER
16 Deputy Attorney General
17 555 East Washington Avenue, Suite 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3326
20 Attorneys for Real Estate Division

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

21
22
23
24
25
26
27
28