

FILED

AUG 11 2015

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2015-904

Petitioner,

COMPLAINT AND NOTICE OF HEARING

vs.

JASON SIMON,

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 JASON SIMON ("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 JASON SIMON was at all relevant times mentioned in this Complaint licensed by the Division as a real estate salesperson under license number S.0045593, 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.0045593, since December 8, 1999, 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 December 8, 1999.

4 3. Robert L. Lujan ("Lujan") has been licensed as a real estate salesperson, license
5 number S.0051018, since January 2, 2002.

6 4. Lujan began working as a real estate salesperson for Gatski and Gatski
7 Services on or about January 2, 2002.

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

10 6. On or about October 13, 2014, Lujan emailed his bio and RESPONDENT'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, Lujan informed Davis that RESPONDENT and
14 Lujan 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 Lujan met with
18 representatives from Harsch.

19 10. Later that day, RESPONDENT and Lujan 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, Lujan emailed the principal contact at Dornin
24 Investment Group ("Dornin"), asking that the contact call Lujan so Lujan could "give [him] a
25 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.

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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 Lujan had repeatedly called
7 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 Lujan.

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 DISCIPLINE AUTHORIZED

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

24 22. Additionally, under NRS Chapter 622, the Commission is authorized to impose
25 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
26 fees, if the Commission otherwise imposes discipline on RESPONDENT.

27 23. Therefore, the Division requests that the Commission take such disciplinary
28 action as it deems appropriate under the circumstances.

NOTICE OF HEARING

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2 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the
3 Administrative Complaint against the above-named Respondent in accordance with Chapters
4 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
5 Code.

6 THE HEARING WILL TAKE PLACE on September 15, 2015 commencing at 9:00
7 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day
8 thereafter commencing at 9:00 a.m. through September 17, 2015, or earlier if the
9 business of the Commission is concluded. The Commission meeting will be held on
10 September 15, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East
11 Washington Avenue, Room 2450, Las Vegas, Nevada 89101. The meeting will continue
12 on September 16, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East
13 Washington Avenue, Room 2450, Las Vegas, Nevada 89101, commencing at 9:00 a.m.,
14 and on September 17, 2015, should business not be concluded, starting at 9:00 a.m. at
15 the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas,
16 Nevada 89101.

17 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the
18 same time as part of a regular meeting of the Commission that is expected to last from
19 September 15 through September 17, 2015, or earlier if the business of the Commission
20 is concluded. Thus, your hearing may be continued until later in the day or from day to
21 day. It is your responsibility to be present when your case is called. If you are not
22 present when your hearing is called, a default may be entered against you and the
23 Commission may decide the case as if all allegations in the complaint were true. If you
24 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
25 4074.

26 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
27 open meeting under Nevada's open meeting law, and may be attended by the public. After
28 the evidence and arguments, the commission may conduct a closed meeting to discuss your

1 alleged misconduct or professional competence. A verbatim record will be made by a certified
2 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
3 the meeting, although you must pay for the transcription.

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

11 You have the right to request that the Commission issue subpoenas to compel
12 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
13 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
14 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
15 233B, and NAC 645.810 through 645.920.

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

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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: 
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