

FILED

DEC 01 2014

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2014-3324

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

JASON ALLEN LOCOCO,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT JASON ALLEN LOCOCO ("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 JASON ALLEN LOCOCO was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0170529, and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

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

FACTUAL ALLEGATIONS

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2 1. RESPONDENT, at the relevant times mentioned in this Complaint, has been
3 licensed as a real estate salesperson, license number S.0170529, since May 13, 2011, and is
4 currently in active status and subject to the jurisdiction of the Division and the provisions of
5 NRS chapter 645 and NAC chapter 645.

6 2. Steven P. O'Brien ("O'Brien") has been licensed as a real estate broker, license
7 number B.1000912.LLC since November 16, 2011, and was a broker for Harcourts NV1 at the
8 relevant times mentioned in this Complaint.

9 3. RESPONDENT was associated with O'Brien and Harcourts NV1 at the relevant
10 times mentioned in this Complaint.

11 4. With respect to a property RESPONDENT was contracted to sell,
12 RESPONDENT facilitated a potential buyer in return for the buyer using Harcourts NV1 in its
13 attempt to buy and resell the property.

14 5. RESPONDENT's actions resulted in a triple agency for Harcourts NV1.

15 6. On or about February 4, 2013, Paula and Steven Brummer (the "Brummers")
16 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and
17 sell real property located at 11 Woodstock Circle, Carson City, Nevada (the "Woodstock Circle
18 Property").

19 7. RESPONDENT had the Brummers sign a Multiple Listing Service ("MLS")
20 waiver.

21 8. On or about March 8, 2013, Northern Nevada Capital, LLC ("NNCL") offered to
22 buy the Woodstock Circle Property, and the Brummers accepted the offer.

23 9. O'Brien acted as the agent for NNCL.

24 10. RESPONDENT did not input the Woodstock Circle Property into the MLS until
25 March 11, 2013, when he listed the property as SOLD.

26 11. On or about May 10, 2013, the sale on the Woodstock Circle Property closed
27 with a final purchase price of \$300,000, resulting in Harcourts NV1, via RESPONDENT and
28 O'Brien, receiving both sides of the sales commission.

1 12. On or about September 6, 2013, NNCL resold the Woodstock Circle Property for
2 \$355,000, approximately \$55,500 more than its purchase price.

3 13. For that sale, O'Brien was NNCL's agent, so Harcourts NV1 received the seller's
4 commission on that sale.

5 **VIOLATIONS**

6 RESPONDENT has committed the following violations of law:

7 14. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or
8 NRS 645.252(2), by not dealing fairly with the Brummers.

9 15. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(6) and/or
10 NRS 645.252(2), by not representing the Brummers with absolute fidelity.

11 16. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or
12 NRS 645.252(2), by not dealing fairly with the Brummers' mortgage lender.

13 **DISCIPLINE AUTHORIZED**

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

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

20 19. Therefore, the Division requests that the Commission take such disciplinary
21 action as it deems appropriate under the circumstances.

22 **NOTICE OF HEARING**

23 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
24 Administrative Complaint against the above-named Respondent in accordance with Chapters
25 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
26 Code.

27 **THE HEARING WILL TAKE PLACE** on January 7, 2015 commencing at 9:00 a.m.,
28 **or as soon thereafter as the Commission is able to hear the matter, and each day**

1 thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business
2 of the Commission is concluded. The Commission meeting will be held on January 7,
3 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water
4 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the
5 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,
6 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should
7 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East
8 Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104.

9 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
10 same time as part of a regular meeting of the Commission that is expected to last from
11 January 7 through January 9, 2015, or earlier if the business of the Commission is
12 concluded. Thus, your hearing may be continued until later in the day or from day to
13 day. It is your responsibility to be present when your case is called. If you are not
14 present when your hearing is called, a default may be entered against you and the
15 Commission may decide the case as if all allegations in the complaint were true. If you
16 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
17 4074.

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

24 As the Respondent, you are specifically informed that you have the right to appear and
25 be heard in your defense, either personally or through your counsel of choice. At the hearing,
26 the Division has the burden of proving the allegations in the complaint and will call witnesses
27 and present evidence against you. You have the right to respond and to present relevant
28 evidence and argument on all issues involved. You have the right to call and examine

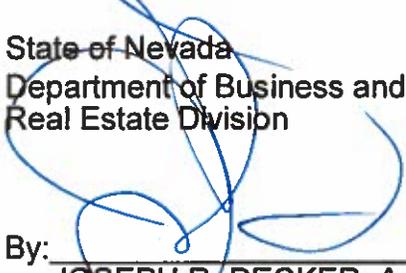
1 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
2 to the issues involved.

3 You have the right to request that the Commission issue subpoenas to compel
4 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
5 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
6 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
7 233B, and NAC 645.810 through 645.920.

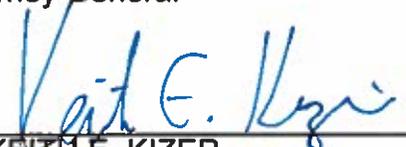
8 The purpose of the hearing is to determine if the Respondent has violated NRS 645
9 and/or NAC 645 and if the allegations contained herein are substantially proven by the
10 evidence presented and to further determine what administrative penalty, if any, is to be
11 assessed against the Respondent, pursuant to NRS 645.235, 645.633 and/or 645.630.

12 DATED this 15th day of December, 2014.

13 State of Nevada
14 Department of Business and Industry
15 Real Estate Division

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