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REAL ESTATE COMMISSION

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BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

JOSEPH R. DECKER, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. MARSHALL CARRASCO, Respondent.	**Case No. REN 14-05-04-044** **COMPLAINT AND NOTICE OF HEARING**

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 MARSHALL CARRASCO ("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 MARSHALL CARRASCO was at all relevant times mentioned in this Complaint licensed as a real estate broker under license number B.1000579.INDV, 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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555 E. Washington, Suite 3900
Las Vegas, NV 89101

FACTUAL ALLEGATIONS

GENERAL FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, has been licensed as a real estate broker, license number B.1000579.INDV, since January 27, 2010, and is currently in active status and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. RESPONDENT has been the broker for Marshall Realty since January 27, 2010.

3. Joshua Fontenot ("Fontenot") has been licensed as a real estate broker-salesperson, license number BS.0144089.MGR, since April 18, 2013, was licensed as a real estate salesperson, license number S.0076390, from March 29, 2010 to April 18, 2013, and was associated with Marshall Realty at the relevant times mentioned in this Complaint.

4. Katrina Karasawa ("Karasawa") has been licensed as a real estate salesperson, license number S.0171551, since March 30, 2012, and was associated with Marshall Realty at the relevant times mentioned in this Complaint.

5. With respect to properties he was contracted to sell, RESPONDENT facilitated potential buyers in return for the buyers using Marshall Realty in their attempts to buy those properties.

6. RESPONDENT's actions resulted in many dual agencies for Marshall Realty.

RESERVOIR STREET

7. On or about January 4, 2013, Kenneth Bell ("Bell") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 8720 Reservoir Street, Reno, Nevada (the "Reservoir Street Property") for a list price of $62,500.

8. RESPONDENT had Bell sign a Multiple Listing Service ("MLS") waiver.

9. On or about March 4, 2013, Chris McClintock ("McClintock") offered to buy the Reservoir Street Property for $62,500, and Bell accepted the offer.

10. Karasawa was McClintock's agent.

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11. RESPONDENT did not input the Reservoir Street Property into the MLS until March 4, 2013, when he listed the property as sold.

12. On or about May 30, 2013, the sale on the Reservoir Street Property closed, resulting in Marshall Realty, via RESPONDENT and Karasawa, receiving both sides of the sales commission.

13. On or about July 3, 2013, McClintock entered into an Exclusive Right to Sell Contract, which engaged Marshall Realty to list and sell the Reservoir Street Property for a list price of $130,000.

14. On or about September 25, 2013, McClintock resold the Reservoir Street Property for $113,000, approximately $50,500 more than his purchase price.

15. For that sale, Karasawa was McClintock's agent, so Marshall Realty received the seller's commission on that sale.

FOX RUN ROAD

16. On or about August 12, 2011, Patricia Lutsch ("Lutsch") entered into an Exclusive Right to Sell Contract, which engaged Marshall Realty to list and sell real property located at 1750 Fox Run Road, Reno, Nevada (the "Fox Run Property").

17. RESPONDENT had Lutsch sign an MLS waiver.

18. On or about May 1, 2012, McClintock offered to buy the Fox Run Property, and Lutsch accepted the offer.

19. Fontenot acted as the agent for both Lutsch and McClintock.

20. Marshall Realty did not input the Fox Run Property into the MLS until June 3, 2012, when it listed the property as sold.

21. On or about June 7, 2012, the sale on the Fox Run Property closed with a final purchase price of $133,500, resulting in Marshall Realty, via Fontenot, receiving both sides of the sales commission.

22. On or about December 27, 2012, McClintock resold the Fox Run Property for $245,000, approximately $111,500 more than his purchase price.

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BEACON DRIVE

23. On or about April 20, 2012, Hilario Valdez ("Valdez") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 7177 Beacon Drive, Reno, Nevada (the "Beacon Drive Property") for a list price of $164,300.

24. RESPONDENT had Valdez sign an MLS waiver.

25. On or about October 26, 2012, NRES-NV1, LLC/Jeremy Page ("Page") offered to buy the Beacon Drive Property, and Valdez accepted the offer.

26. Karasawa was Page's agent.

27. RESPONDENT did not input the Beacon Drive Property into the MLS until December 8, 2012, when he listed the property as short sale pending.

28. On or about January 31, 2013, the sale on the Beacon Drive Property closed with a final purchase price of $158,000, resulting in Marshall Realty, via RESPONDENT and Karasawa, receiving both sides of the sales commission.

29. On or about March 8, 2013, Page resold the Beacon Drive Property for $207,900, approximately $49,900 more than his purchase price.

OXFORD AVENUE

30. On or about August 24, 2012, Timothy and Maria Clarity (the "Claritys") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 1104 Oxford Avenue, Reno, Nevada (the "Oxford Avenue Property").

31. RESPONDENT had the Claritys sign an MLS waiver.

32. On or about August 27, 2012, Page offered to buy the Oxford Avenue Property, and the Claritys accepted the offer.

33. Karasawa was Page's agent.

34. RESPONDENT did not input the Oxford Avenue Property into the MLS until September 19, 2012, when he listed the property as short sale pending.

35. On or about February 19, 2013, the sale on the Oxford Avenue Property closed with a final purchase price of $90,000, resulting in Marshall Realty, via RESPONDENT and Karasawa, receiving both sides of the sales commission.

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36. On or about June 24, 2013, Page resold the Oxford Avenue Property for $130,000, approximately $40,000 more than his purchase price.

VILLIAGE MEADOWS DRIVE

37. On or about January 31, 2013, Richard and Janis Van Dine (the "Van Dines") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 5410 Village Meadows Drive, Reno, Nevada (the "Village Meadows Property").

38. RESPONDENT failed to input a list price in the Exclusive Right to Sell Contract.

39. RESPONDENT had the Van Dines sign an MLS waiver.

40. On or about February 1, 2013, Page offered to buy the Village Meadows Property, and the Van Dines accepted the offer.

41. Karasawa was Page's agent.

42. RESPONDENT did not input the Village Meadows Property into the MLS until February 11, 2013, when he listed the property as sold.

43. On or about March 29, 2013, the sale on the Village Meadows Property closed with a final purchase price of $135,000, resulting in Marshall Realty, via RESPONDENT and Karasawa, receiving both sides of the sales commission.

44. On or about August 16, 2013, Page resold the Village Meadows Property for $179,900, approximately $44,900 more than his purchase price.

TALLGRASS DRIVE

45. On or about January 26, 2012, Jenni Currie ("Currie") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 7498 Tallgrass Drive, Reno, Nevada (the "Tallgrass Drive Property").

46. On or about February 13, 2012, Doug Edwards ("Edwards") offered to buy the Tallgrass Drive Property, and Currie accepted the offer.

47. Fontenot was Edwards' agent.

48. RESPONDENT did not input the Tallgrass Drive Property into the MLS until February 14, 2012, when he listed the property as sold.

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49. On or about May 9, 2012, the sale on the Tallgrass Drive Property closed for a final purchase price of $85,000, resulting in Marshall Realty, via RESPONDENT and Fontenot, receiving both sides of the sales commission.

SHENANDOAH

50. On or about September 29, 2011, Melvin Deangelis ("Deangelis") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 10265 Shenandoah, Reno, Nevada (the "Shenandoah Property") for a list price of $129,900.

51. RESPONDENT had Deangelis sign an MLS waiver.

52. On or about October 13, 2011, Chester Dean Randall ("Randall") offered to buy the Shenandoah Property for $129,900.

53. Fontenot was Randall's agent.

54. On or about November 14, 2011, Deangelis accepted Randall's offer.

55. RESPONDENT did not input the Shenandoah Property into the MLS until November 1, 2011, when he listed the property as sold.

56. On or about February 24, 2012, the sale on the Shenandoah Property closed, resulting in Marshall Realty, via RESPONDENT and Fontenot, receiving both sides of the sales commission.

57. On or about July 12, 2013, Randall resold the Shenandoah Property for $160,140, approximately $30,240 more than his purchase price.

HEBRIDES COURT

58. On or about September 17, 2012, Gerald and Anne Brown (the "Browns") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 7479 Hebrides Court, Reno, Nevada (the "Hebrides Court Property").

59. RESPONDENT had the Browns sign an MLS waiver.

60. On or about September 19, 2012, Page offered to buy the Hebrides Court Property, and the Browns accepted the offer.

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Las Vegas, NV 89101

61. Karasawa was Page's agent.

62. RESPONDENT did not input the Hebrides Court Property into the MLS until December 8, 2012, when he listed the property as short sale pending.

63. On or about February 11, 2013, the sale on the Hebrides Court Property closed for a final purchase price of $105,000, resulting in Marshall Realty, via RESPONDENT and Karasawa, receiving both sides of the sales commission.

64. On or about April 16, 2013, Page resold the Hebrides Court Property for $143,000, approximately $38,000 more than his purchase price.

BANDANA WAY

65. On or about October 12, 2012, Johann and Jun Anderson (the "Andersons") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 9960 Bandana Way, Reno, Nevada (the "Bandana Way Property") for a list price of $180,000.

66. RESPONDENT had the Andersons sign an MLS waiver.

67. On or about October 26, 2012, McClintock offered to buy the Bandana Way Property for $180,000.

68. Fontenot was McClintock's agent.

69. On or about October 29, 2012, the Andersons accepted McClintock's offer.

70. RESPONDENT did not input the Bandana Way Property into the MLS until December 8, 2012, when he listed the property as short sale pending.

71. On or about August 9, 2013, the sale on the Bandana Way Property closed, resulting in Marshall Realty, via RESPONDENT and Fontenot, receiving both sides of the sales commission.

72. On or about November 1, 2013, McClintock resold the Bandana Way Property for $299,000, approximately $119,000 more than his purchase price.

73. For that sale, McClintock's agent was Fontenot, so he and Marshall Realty received the seller's commission on that sale.

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Las Vegas, NV 89101

DESERT LAKE DRIVE

74. On or about December 10, 2012, Linda Lafond ("Lafond") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at 17320 Desert Lake Drive, Reno, Nevada (the "Desert Lake Property").

75. On or about December 10, 2012, McClintock offered to buy the Desert Lake Property, and Lafond accepted the offer.

76. Fontenot was McClintock's agent.

77. RESPONDENT did not input the Desert Lake Property into the MLS until December 17, 2012, when he listed the property as short sale pending.

78. On or about April 17, 2013, the sale on the Desert Lake Property closed for a final purchase price of $100,000, resulting in Marshall Realty, via RESPONDENT and Fontenot, receiving both sides of the sales commission.

79. On or about July 24, 2013, McClintock resold the Desert Lake Property for $164,000, approximately $64,000 more than his purchase price.

80. For that sale, RESPONDENT was McClintock's agent, so RESPONDENT received the seller's commission on that sale.

VIOLATIONS

RESPONDENT has committed the following violations of law:

81. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or NRS 645.252(2), on *ten* occasions by not dealing fairly with the above sellers.

82. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(6) and/or NRS 645.252(2), on *ten* occasions by not representing the above sellers with absolute fidelity.

83. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or NRS 645.252(2), on *ten* occasions by not dealing fairly with the above sellers' mortgage lenders.

84. RESPONDENT violated NAC 645.600(1) on *ten* occasions by failing to maintain adequate supervision of Karasawa and Fontenot.

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DISCIPLINE AUTHORIZED

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

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

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on January 7, 2015 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on January 7, 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water Street, Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from January 7 through January 9, 2015, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to

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555 E. Washington, Suite 3900
Las Vegas, NV 89101

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

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

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

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

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

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

DATED this 2nd day of December, 2014.

State of Nevada
Department of Business and Industry
Real Estate Division

By: _____
JOSEPH R. DECKER, Administrator
2501 East Sahara Avenue
Las Vegas, Nevada 89104-4137
(702) 486-4033

CATHERINE CORTEZ MASTO
Attorney General

By: _____
KEITH E. KIZER
Deputy Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
(702) 486-3326
Attorneys for Real Estate Division

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