

FILED

DEC 03 2014

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION



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

Case No. 2014-3377

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

JASON A. JAIRAM,

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 A. JAIRAM ("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 A. JAIRAM was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0170866, 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

1 FACTUAL ALLEGATIONS

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT, at the relevant times mentioned in this Complaint, has been
4 licensed as a real estate salesperson, license number S.0170866, since August 16, 2011, and
5 is currently in active status and subject to the jurisdiction of the Division and the provisions of
6 NRS chapter 645 and NAC chapter 645.

7 2. RESPONDENT was associated with Krch Realty LLC at the relevant times
8 mentioned in this Complaint.

9 3. Kyle Krch ("Krch") has been licensed as a real estate broker, license number
10 B.0056206.LLC, since November 23, 2005, and was the broker for Krch Realty at the relevant
11 times mentioned in this Complaint.

12 4. Sandra Krch has been licensed as a real estate broker-salesperson, license
13 number BS.0143619.MGR, since June 29, 2011, was licensed as a real estate salesperson,
14 license number S.0070017, from February 15, 2006 to June 29, 2011, and was associated
15 with Krch Realty at the relevant times mentioned in this Complaint.

16 5. Michael Cullum Harding ("Harding") has been licensed as a real estate
17 salesperson, license number S.0169701, since July 14, 2010, and was associated with Krch
18 Realty at the relevant times mentioned in this Complaint.

19 6. With respect to properties Krch Realty was contracted to sell, RESPONDENT
20 facilitated potential buyers in return for the buyers using RESPONDENT and Krch Realty in
21 their attempts to buy those properties.

22 7. RESPONDENT's actions resulted in many dual or triple agencies for Krch
23 Realty.

24 **TIOGA WAY**

25 8. On or about June 11, 2012, Joseph Munoz ("Munoz") entered into an Exclusive
26 Right to Sell Contract, which engaged Krch Realty to list and sell real property located at 1379
27 Tioga Way, Reno, Nevada (the "Tioga Way Property").

28 9. Krch was Munoz's agent.

1 10. Krch inputted the Tioga Way Property into the Multiple Listing Service ("MLS")
2 as pending new/short sale.

3 11. On or about November 20, 2012, Shayla Gifford ("Gifford") offered to buy the
4 Tioga Way Property, and Munoz accepted the offer.

5 12. RESPONDENT was Gifford's agent.

6 13. On or about January 17, 2013, the sale on the Tioga Way Property closed with a
7 final purchase price of \$111,000, resulting in Krch Realty, via RESPONDENT and Krch,
8 receiving both sides of the sales commission.

9 14. On or about February 8, 2013, Jeannette Hirschy ("Hirschy") entered into an
10 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell the Tioga Way
11 Property for \$195,000.

12 15. Gifford transferred the Tioga Way Property to Hirschy.

13 16. On or about March 8, 2013, Hirschy sold the Tioga Way Property for \$162,500,
14 approximately \$51,500 more than the purchase price.

15 17. For that resale, Krch was Hirschy's agent, so Krch Realty received the seller's
16 commission on that sale.

17 18. Krch and Harding each received proceeds from the Hirschy resale, Krch
18 receiving \$61,594.88 and Harding receiving \$32,604.31, in addition to sales commissions.

19 **LIMONITE COURT**

20 19. On or about February 1, 2013, Arthur Peppard ("Peppard") entered into an
21 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell real property
22 located at 15081 Limonite Court, Reno, Nevada (the "Limonite Court Property").

23 20. Krch was Peppard's agent.

24 21. On or about February 1, 2013, Hirschy offered to buy the Limonite Court
25 Property, and the Claritys accepted the offer.

26 22. RESPONDENT was Hirschy's agent.

27 23. Krch inputted the Limonite Court Property as pending new/short sale.

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1 24. On or about April 17, 2013, the sale on the Limonite Court Property closed with
2 a final purchase price of \$114,000, resulting in Krch Realty, via RESPONDENT and Krch,
3 receiving both sides of the sales commission.

4 25. On or about July 12, 2013, Hirschy entered into an Exclusive Right to Sell
5 Contract, which engaged Krch Realty to list and sell the Limonite Court Property for \$159,000.

6 26. On or about July 18, 2013, Hirschy resold the Limonite Court Property for
7 \$167,000, approximately \$53,000 more than her purchase price.

8 27. For that resale, Krch was Hirschy's agent, so Krch Realty received the seller's
9 commission on that sale.

10 28. Sandra Krch and Harding each received \$53,305.56 proceeds from the Hirschy
11 resale.

12 **DODGE DRIVE**

13 29. On or about July 30, 2012, George Buddy, Jr. ("Buddy") entered into an
14 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell real property
15 located at 2376 Dodge Drive, Sparks, Nevada (the "Dodge Drive Property").

16 30. Krch was Buddy's agent.

17 31. Krch had Buddy sign an MLS waiver.

18 32. On or about October 2, 2012, Hirschy offered to buy the Dodge Drive Property,
19 and Buddy accepted the offer.

20 33. RESPONDENT was Hirschy's agent.

21 34. Krch did not input the Dodge Drive Property into the MLS until October 8, 2012,
22 when he listed the property as pending new/short sale.

23 35. On or about February 28, 2013, the sale on the Dodge Drive Property closed for
24 a final purchase price of \$127,000, resulting in Krch Realty, via RESPONDENT and Krch,
25 receiving both sides of the sales commission.

26 36. On or about March 1, 2013, Hirschy entered into an Exclusive Right to Sell
27 Contract, which engaged Krch Realty to list and sell the Dodge Drive Property for \$170,000.

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1 37. On or about March 13, 2013, Hirschy resold the Dodge Drive Property for
2 \$158,000, approximately \$31,000 more than her purchase price.

3 38. For that resale, Krch was Hirschy's agent, so Krch Realty received the seller's
4 commission on that sale.

5 39. Krch and Harding each received \$51,275.16 from the proceeds from the Hirschy
6 resale, in addition to sales commissions.

7 **CERVINO DRIVE**

8 40. On or about June 12, 2013, Stephanie Tobey ("Tobey") entered into an
9 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell real property
10 located at 11480 Cervino Drive, Reno, Nevada (the "Cervino Drive Property").

11 41. Krch was Tobey's agent.

12 42. Krch had Tobey sign an MLS waiver.

13 43. On or about June 14, 2013, Hirschy offered to buy the Cervino Drive Property,
14 and Tobey accepted the offer.

15 44. RESPONDENT was Hirschy's agent.

16 45. Krch did not input the Cervino Drive Property into the MLS until June 14, 2013,
17 when he listed the property as pending new/short sale.

18 46. On or about December 27, 2013, the sale on the Cervino Drive Property closed
19 for a final purchase price of \$247,500, resulting in Krch Realty, via RESPONDENT and Krch,
20 receiving both sides of the sales commission.

21 47. On or about January 11, 2014, Hirschy entered into an Exclusive Right to Sell
22 Contract, which engaged Krch Realty to list and sell the Cervino Drive Property for \$290,000.

23 48. On or about January 30, 2014, Hirschy resold the Cervino Drive Property for
24 \$274,500, approximately \$27,000 more than her purchase price.

25 49. For that resale, Hirschy's agent was Krch, so Krch Realty received the seller's
26 commission on that sale.

27 50. Sandra Krch and Harding each received approximately \$88,162.74 proceeds
28 from the Hirschy resale.

1 **D'ARCY STREET**

2 51. On or about January 29, 2013, Deborine Dolan ("Dolan") entered into an
3 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell real property
4 located at 2745 D'Arcy Street, Sparks, Nevada (the "D'Arcy Street Property").

5 52. Krch was Dolan's agent.

6 53. Krch had Dolan sign an MLS waiver.

7 54. On or about February 14, 2013, Hirschy offered to buy the D'Arcy Street
8 Property, and Dolan accepted the offer.

9 55. RESPONDENT was Hirschy's agent.

10 56. Krch did not input the D'Arcy Street Property into the MLS until February 15,
11 2013, when he listed the property as pending new/short sale.

12 57. On or about July 30, 2013, the sale on the D'Arcy Street Property closed for a
13 final purchase price of \$214,500, resulting in Krch Realty, via RESPONDENT and Krch,
14 receiving both sides of the sales commission.

15 58. On or about August 9, 2013, Hirschy entered into an Exclusive Right to Sell
16 Contract, which engaged Krch Realty to list and sell the D'Arcy Street Property for \$329,000.

17 59. On or about August 12, 2013, Hirschy resold the D'Arcy Street Property for
18 \$335,000, approximately \$120,500 more than her purchase price.

19 60. For that resale, Krch was Hirschy's agent, so Krch Realty received the seller's
20 commission on that sale.

21 61. Sandra Krch and Harding each received \$49,714.63 proceeds from the Hirschy
22 resale.

23 **VIOLATIONS**

24 RESPONDENT has committed the following violations of law:

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

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

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

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

23 You have the right to request that the Commission issue subpoenas to compel
24 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
25 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
26 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
27 233B, and NAC 645.810 through 645.920.

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

5 DATED this 2nd day of December, 2014.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

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