

# Exhibit 1

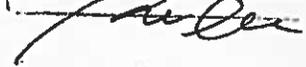
**FILED**

BEFORE THE REAL ESTATE COMMISSION

DEC 03 2014

STATE OF NEVADA

REAL ESTATE COMMISSION



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

Case No. REN 14-05-07-047

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

KYLE KRCH,

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 KYLE KRCH ("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 KYLE KRCH was at all relevant times mentioned in this Complaint licensed as a real estate broker under license number B.0056206.LLC, 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's Office  
555 E. Washburn, 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 broker, license number B.0056206.LLC, since November 23, 2005,  
5 and is currently in active status and subject to the jurisdiction of the Division and the  
6 provisions of NRS chapter 645 and NAC chapter 645.

7 2. RESPONDENT has been the broker for Krch Realty LLC at the relevant times  
8 mentioned in this Complaint.

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

13 4. Anita Spencer ("Spencer") has been licensed as a real estate salesperson,  
14 license number S.0069280, since January 13, 2006, and was associated with Krch Realty at  
15 the relevant times mentioned in this Complaint.

16 5. Jason A. Jairam ("Jairam") has been licensed as a real estate salesperson,  
17 license number S.0170866, since August 16, 2011, and was associated with Krch Realty at  
18 the relevant times mentioned in this Complaint.

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

22 7. With respect to properties he was contracted to sell, RESPONDENT facilitated  
23 potential buyers in return for the buyers using Krch Realty in their attempts to buy those  
24 properties.

25 8. RESPONDENT's actions resulted in many dual or triple agencies for Krch  
26 Realty.

27 ...

28 ...

1 **WALL CANYON DRIVE**

2 9. On or about September 26, 2012, Geraldine Malone ("Malone") entered into an  
3 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
4 located at 665 Wall Canyon Drive, Sun Valley, Nevada (the "Wall Canyon Property").

5 10. RESPONDENT had Malone sign a Multiple Listing Service ("MLS") waiver.

6 11. On or about October 1, 2012, Shayla Gifford ("Gifford") offered to buy the Wall  
7 Canyon Property, and Malone accepted the offer.

8 12. Harding was Gifford's agent.

9 13. RESPONDENT did not input the Wall Canyon Property into the MLS until  
10 October 4, 2012, when he listed the property as pending new/pending short sale.

11 14. On or about December 28, 2012, the sale on the Wall Canyon Property closed  
12 for a final purchase price of \$51,000, resulting in Krch Realty, via RESPONDENT and  
13 Harding, receiving both sides of the sales commission.

14 15. On or about January 12, 2013, Jeannette Hirschy ("Hirschy") entered into an  
15 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell the Wall  
16 Canyon Property.

17 16. Gifford transferred the Wall Canyon Property to Hirschy.

18 17. On or about January 13, 2013, Hirschy sold the Wall Canyon Property for  
19 \$90,000, approximately \$39,500 more than the purchase price.

20 18. For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
21 received the seller's commission on that sale.

22 19. RESPONDENT and Harding each received \$27,148.98 from the proceeds from  
23 the Hirschy resale, in addition to sales commissions.

24 **PICASSO DRIVE**

25 20. On or about September 4, 2012, Hector and Melissa Vazquez ("the Vazquezes")  
26 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and  
27 sell real property located at 7412 Picasso Drive, Sun Valley, Nevada (the "Picasso Drive  
28 Property").

1           21.   RESPONDENT had the Vazquezes sign an MLS waiver.

2           22.   On or about September 12, 2012, Gifford offered to buy the Picasso Drive  
3 Property, and the Vazquezes accepted the offer.

4           23.   Harding acted as the agent for Gifford.

5           24.   RESPONDENT did not input the Picasso Drive Property into the MLS until  
6 September 20, 2012, when it listed the property as pending new/pending short sale.

7           25.   On or about December 28, 2012, the sale on the Picasso Drive Property closed  
8 with a final purchase price of \$123,000, resulting in Krch Realty, via RESPONDENT and  
9 Harding, receiving both sides of the sales commission.

10          26.   On or about January 12, 2013, Hirschy entered into an Exclusive Right to Sell  
11 Contract, which engaged RESPONDENT to list and sell the Picasso Drive Property.

12          27.   Gifford transferred the Picasso Drive Property to Hirschy.

13          28.   On or about January 17, 2013, Hirschy sold the Picasso Drive Property for  
14 \$164,000, approximately \$41,000 more than the purchase price.

15          29.   For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
16 received the seller's commission on that sale.

17 **TIOGA WAY**

18          30.   On or about June 11, 2012, Joseph Munoz ("Munoz") entered into an Exclusive  
19 Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at  
20 1379 Tioga Way, Reno, Nevada (the "Tioga Way Property").

21          31.   RESPONDENT inputted the Tioga Way Property into the MLS as pending  
22 new/short sale.

23          32.   On or about November 20, 2012, Gifford offered to buy the Tioga Way Property,  
24 and Munoz accepted the offer.

25          33.   Jairam was Gifford's agent.

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

1           35. On or about February 8, 2013, Hirschy entered into an Exclusive Right to Sell  
2 Contract, which engaged RESPONDENT to list and sell the Tioga Way Property for \$195,000.

3           36. Gifford transferred the Tioga Way Property to Hirschy.

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

6           38. For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
7 received the seller's commission on that sale.

8           39. RESPONDENT and Harding each received proceeds from the Hirschy resale,  
9 RESPONDENT receiving \$61,594.88 and Harding receiving \$32,604.31, in addition to sales  
10 commissions.

#### 11 LIMONITE COURT

12           40. On or about February 1, 2013, Arthur Peppard ("Peppard") entered into an  
13 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
14 located at 15081 Limonite Court, Reno, Nevada (the "Limonite Court Property").

15           41. On or about February 1, 2013, Hirschy offered to buy the Limonite Court  
16 Property, and Peppard accepted the offer.

17           42. Jairam was Hirschy's agent.

18           43. RESPONDENT inputted the Limonite Court Property as pending new/short sale.

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

22           45. On or about July 12, 2013, Hirschy entered into an Exclusive Right to Sell  
23 Contract, which engaged RESPONDENT to list and sell the Limonite Court Property for  
24 \$159,000.

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

27           47. For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
28 received the seller's commission on that sale.

1           48.    Sandra Krch and Harding each received \$53,305.56 proceeds from the Hirschy  
2 resale.

3 **ANCHOR POINT DRIVE**

4           49.    On or about September 25, 2012, Michael Juriaan ("Juriaan") and Jessica  
5 Sambrano ("Sambrano") entered into an Exclusive Right to Sell Contract, which engaged  
6 RESPONDENT to list and sell real property located at 7868 Anchor Point Drive, Reno,  
7 Nevada (the "Anchor Point Property").

8           50.    RESPONDENT had Juriaan and Sambrano sign an MLS waiver.

9           51.    On or about November 15, 2012, Owen Lawson ("Lawson") offered to buy the  
10 Anchor Point Property, and Juriaan and Sambrano accepted the offer.

11          52.    Krch Realty represented Lawson and Juriaan and Sambrano.

12          53.    On or about February 12, 2013, the sale on the Anchor Point Property closed  
13 with a final purchase price of \$114,000, resulting in Krch Realty receiving both sides of the  
14 sales commission.

15 **DODGE DRIVE**

16          54.    On or about July 30, 2012, George Buddy, Jr. ("Buddy") entered into an  
17 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
18 located at 2376 Dodge Drive, Sparks, Nevada (the "Dodge Drive Property").

19          55.    RESPONDENT had Buddy sign an MLS waiver.

20          56.    On or about October 2, 2012, Hirschy offered to buy the Dodge Drive Property,  
21 and Buddy accepted the offer.

22          57.    Jairam was Hirschy's agent.

23          58.    RESPONDENT did not input the Dodge Drive Property into the MLS until  
24 October 8, 2012, when he listed the property as pending new/short sale.

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

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1           60. On or about March 1, 2013, Hirschy entered into an Exclusive Right to Sell  
2 Contract, which engaged RESPONDENT to list and sell the Dodge Drive Property for  
3 \$170,000.

4           61. On or about March 13, 2013, Hirschy resold the Dodge Drive Property for  
5 \$158,000, approximately \$31,000 more than her purchase price.

6           62. For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
7 received the seller's commission on that sale.

8           63. RESPONDENT and Harding each received \$51,275.16 from the proceeds from  
9 the Hirschy resale, in addition to sales commissions.

10 **PARK PLACE**

11           64. On or about September 19, 2012, Steven and Billie Wozniak (the "Wozniaks")  
12 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and  
13 sell real property located at 6331 Park Place, Reno, Nevada (the "Park Place Property").

14           65. On or about September 21, 2012, Gifford offered to buy the Park Place Property,  
15 and the Wozniaks accepted the offer.

16           66. Harding was Gifford's agent.

17           67. RESPONDENT did not input the Park Place Property into the MLS until October  
18 4, 2012, when he listed the property as pending new/short sale.

19           68. On or about January 24, 2013, the sale on the Park Place Property closed with a  
20 final purchase price of \$140,000, resulting in Krch Realty, via RESPONDENT and Harding,  
21 receiving both sides of the sales commission.

22           69. On or about January 26, 2013, Hirschy entered into an Exclusive Right to Sell  
23 Contract, which engaged RESPONDENT to list and sell the Park Place Property for \$167,950.

24           70. Gifford transferred the Park Place Property to Hirschy.

25           71. On or about March 6, 2013, Hirschy sold the Park Place Property for \$167,999,  
26 approximately \$27,999 more than the purchase price.

27           72. For that resale, RESPONDENT was Hirschy's agent, so RESPONDENT  
28 received the seller's commission on that sale.

1 **BUTLER**

2 73. On or about June 10, 2013, Charles and Valeria Nelson (the "Nelsons") entered  
3 into an Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell real  
4 property located at 1270 Butler, Reno, Nevada (the "Butler Property").

5 74. On or about June 10, 2013, Jeffrey Veasley ("Veasley") offered to buy the Butler  
6 Property, and the Nelsons accepted the offer.

7 75. Spencer was the agent for both Veasley and the Nelsons.

8 76. Spencer did not input the Butler Property into the MLS until June 12, 2013, when  
9 she listed the property as pending new/short sale.

10 77. On or about December 23, 2013, the sale on the Butler Property closed for a  
11 final purchase price of \$50,000, resulting in Krch Realty receiving both sides of the sales  
12 commission.

13 78. On or about April 22, 2014, Veasley entered into an Exclusive Right to Sell  
14 Contract, which engaged RESPONDENT to list and sell the Butler Property for \$109,900.

15 79. On or about April 26, 2014, Veasley resold the Butler Property for \$109,900,  
16 approximately \$59,900 more than his purchase price.

17 80. For that resale, Spencer was Veasley's agent, and another Krch Realty realtor  
18 was the buyer's agent, so Krch Realty received the buyer's and seller's commission on that  
19 sale.

20 **CERVINO DRIVE**

21 81. On or about June 12, 2013, Stephanie Tobey ("Tobey") entered into an  
22 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
23 located at 11480 Cervino Drive, Reno, Nevada (the "Cervino Drive Property").

24 82. RESPONDENT had Tobey sign an MLS waiver.

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

27 84. Jairam was Hirschy's agent.

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1           85.   RESPONDENT did not input the Cervino Drive Property into the MLS until June  
2 14, 2013, when he listed the property as pending new/short sale.

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

6           87.   On or about January 11, 2014, Hirschy entered into an Exclusive Right to Sell  
7 Contract, which engaged RESPONDENT to list and sell the Cervino Drive Property for  
8 \$290,000.

9           88.   On or about January 30, 2014, Hirschy resold the Cervino Drive Property for  
10 \$274,500, approximately \$27,000 more than her purchase price.

11          89.   For that resale, Hirschy's agent was RESPONDENT, so RESPONDENT  
12 received the seller's commission on that sale.

13          90.   Sandra Krch and Harding each received approximately \$88,162.74 proceeds  
14 from the Hirschy resale.

15 **D'ARCY STREET**

16          91.   On or about January 29, 2013, Deborine Dolan ("Dolan") entered into an  
17 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
18 located at 2745 D'Arcy Street, Sparks, Nevada (the "D'Arcy Street Property").

19          92.   RESPONDENT had Dolan sign an MLS waiver.

20          93.   On or about February 14, 2013, Hirschy offered to buy the D'Arcy Street  
21 Property, and Dolan accepted the offer.

22          94.   Jairam was Hirschy's agent.

23          95.   RESPONDENT did not input the D'Arcy Street Property into the MLS until  
24 February 15, 2013, when he listed the property as pending new/short sale.

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

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1 **DISCIPLINE AUTHORIZED**

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

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

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

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
12 Administrative Complaint against the above-named Respondent in accordance with Chapters  
13 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
14 Code.

15 **THE HEARING WILL TAKE PLACE** on January 7, 2015 commencing at 9:00 a.m.,  
16 or as soon thereafter as the Commission is able to hear the matter, and each day  
17 thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business  
18 of the Commission is concluded. The Commission meeting will be held on January 7,  
19 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water  
20 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
21 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
22 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
23 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
24 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

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

1 day. It is your responsibility to be present when your case is called. If you are not  
2 present when your hearing is called, a default may be entered against you and the  
3 Commission may decide the case as if all allegations in the complaint were true. If you  
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
5 4074.

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

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

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

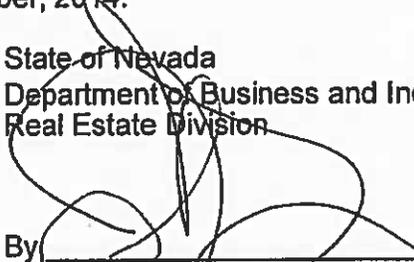
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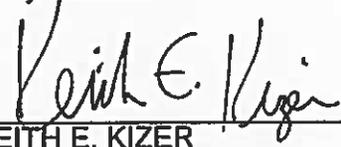
The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant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

# Exhibit 2

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 C...  
555 E. Wash...  
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 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, 2<sup>nd</sup> 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

Attorney C...  
555 E. Wash...  
Las Vegas, NV 89101

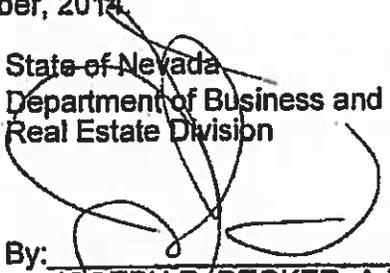
1 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant  
2 to the issues involved.

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.

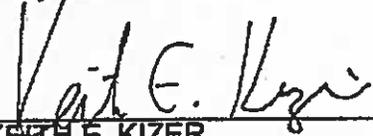
8 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
9 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
10 evidence presented and to further determine what administrative penalty, if any, is to be  
11 assessed against the Respondent,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

12 DATED this 15 day of December, 2014.

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

16 By:   
17 JOSEPH R. DECKER, Administrator  
18 2501 East Sahara Avenue  
19 Las Vegas, Nevada 89104-4137  
20 (702) 486-4033

21 CATHERINE CORTEZ MASTO  
22 Attorney General

23 By:   
24 KEITH E. KIZER  
25 Deputy Attorney General  
26 555 East Washington Avenue, Suite 3900  
27 Las Vegas, Nevada 89101  
28 (702) 486-3326  
Attorneys for Real Estate Division

# Exhibit 3

FILED

DEC 01 2014

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION  
*Rita Hard*

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

Case No. REN 14-05-02-042

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

STEVEN P. O'BRIEN,

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 STEVEN P. O'BRIEN ("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 STEVEN P. O'BRIEN was at all relevant times mentioned in this Complaint licensed as a real estate broker under license number B.1000912.LLC, and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

...

...

...

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 broker, license number B.1000912.LLC since November 16, 2011,  
5 and is currently in active status and subject to the jurisdiction of the Division and the  
6 provisions of NRS chapter 645 and NAC chapter 645.

7 2. RESPONDENT was a broker with Harcourts NV1 at the relevant times  
8 mentioned in this Complaint.

9 3. Hope C. Lewis ("Lewis") has been licensed as a real estate salesperson, license  
10 number S.0070601, since March 2, 2006, and was associated with RESPONDENT and  
11 Harcourts NV1 at the relevant times mentioned in this Complaint.

12 4. Jason Allen Lococo ("Lococo") has been licensed as a real estate salesperson,  
13 license number S.0170529, since May 13, 2011, and was associated with RESPONDENT and  
14 Harcourts NV1 at the relevant times mentioned in this Complaint.

15 5. With respect to properties Harcourts NV1 was contracted to sell, RESPONDENT  
16 facilitated potential buyers in return for the buyers using Harcourts NV1 in their attempts to  
17 buy and resell those properties.

18 6. RESPONDENT's actions resulted in dual or triple agencies for Harcourts NV1.

19 **WOODSTOCK CIRCLE**

20 7. On or about February 4, 2013, Paula and Steven Brummer (the "Brummers")  
21 entered into an Exclusive Right to Sell Contract, which engaged Harcourts NV1 to list and sell  
22 real property located at 11 Woodstock Circle, Carson City, Nevada (the "Woodstock Circle  
23 Property").

24 8. Lococo acted as the agent for the Brummers.

25 9. Lococo had the Brummers sign a Multiple Listing Service ("MLS") waiver.

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

28 11. RESPONDENT acted as the agent for NNCL.

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

1           12.    Lococo did not input the Woodstock Circle Property into the MLS until March 11,  
2 2013, when he listed the property as SOLD.

3           13.    On or about May 10, 2013, the sale on the Woodstock Circle Property closed  
4 with a final purchase price of \$300,000, resulting in Harcourts NV1, via RESPONDENT and  
5 Lococo, receiving both sides of the sales commission.

6           14.    On or about September 6, 2013, NNCL resold the Woodstock Circle Property for  
7 \$355,000, approximately \$55,500 more than its purchase price.

8           15.    For that sale, RESPONDENT was NNCL's agent, so RESPONDENT received  
9 the seller's commission on that sale.

10 **OPAL STATION DRIVE**

11           16.    On or about October 22, 2012, Letisha and William Ambrose (the "Ambroses")  
12 entered into an Exclusive Right to Sell Contract, which engaged Harcourts NV1 to list and sell  
13 real property located at 8290 Opal Station Drive, Reno, Nevada (the "Opal Station Property").

14           17.    Lewis acted as the agent for the Ambroses.

15           18.    Lewis had the Ambroses sign an MLS waiver.

16           19.    On or about October 31, 2012, Jeremy Page ("Page") offered to buy the Opal  
17 Station Property, and the Ambroses accepted the offer.

18           20.    RESPONDENT acted as the agent for Page.

19           21.    Lewis did not input the Opal Station Property into the MLS until October 29,  
20 2012, when she listed the property as SOLD.

21           22.    On or about March 29, 2013, the sale on the Opal Station Property closed for a  
22 final purchase price of \$192,500, resulting in Harcourts NV1, via RESPONDENT and Lewis,  
23 receiving both sides of the sales commission.

24           23.    On or about June 28, 2013, Page resold the Opal Station Property for \$275,000,  
25 approximately \$82,500 more than his purchase.

26           24.    For that sale, RESPONDENT was Page's agent, so RESPONDENT received  
27 the seller's commission on that sale.

28 ...

1 **GWYNELLE COURT**

2 25. On or about April 8, 2013, Mary and Patrick Griffith (the "Griffiths") entered into  
3 an Exclusive Right to Sell Contract, which engaged Harcourts NV1 to list and sell real property  
4 located at 3525 Gwynelle Court, Sparks, Nevada (the "Gwynelle Court Property").

5 26. Lewis acted as the agent for the Griffiths.

6 27. Lewis had the Griffiths sign an MLS waiver.

7 28. On or about April 9, 2013, NNCL offered to buy the Gwynelle Court Property,  
8 and the Griffiths accepted the offer.

9 29. Dana Van Der Wal from Harcourts NV1 acted as the agent for NNCL.

10 30. Lewis did not input the Gwynelle Court Property into the MLS until April 6, 2013,  
11 when she listed the property as a Partial Listing.

12 31. On or about August 9, 2013, the sale on the Gwynelle Court Property closed for  
13 a final purchase price of \$124,900, resulting in Harcourts NV1 receiving both sides of the  
14 sales commission.

15 32. On or about November 15, 2013, NNCL resold the Gwynelle Court Property for  
16 \$169,900, approximately \$49,000 more than its purchase price.

17 33. For that sale, RESPONDENT was NNCL's agent, so RESPONDENT received  
18 the seller's commission on that sale.

19 **VIOLATIONS**

20 RESPONDENT has committed the following violations of law:

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

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

25 36. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or  
26 NRS 645.252(2), by not dealing fairly with the Ambroses.

27 37. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or  
28 NRS 645.252(2), by not dealing fairly with the Ambroses' mortgage lender.



1 January 7 through January 9, 2015, or earlier if the business of the Commission is  
2 concluded. Thus, your hearing may be continued until later in the day or from day to  
3 day. It is your responsibility to be present when your case is called. If you are not  
4 present when your hearing is called, a default may be entered against you and the  
5 Commission may decide the case as if all allegations in the complaint were true. If you  
6 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
7 4074.

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

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

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

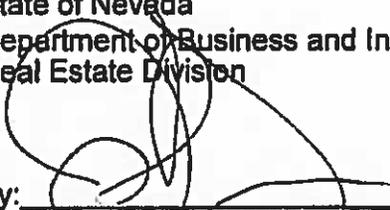
26 ...  
27 ...  
28 ...

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

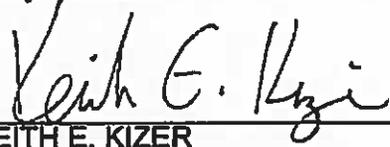
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
3 evidence presented and to further determine what administrative penalty, if any, is to be  
4 assessed against the Respondent,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

5 DATED this 1<sup>st</sup> day of December, 2014.

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

9 By:   
10 JOSEPH R. DECKER, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
23  
24  
25  
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28

# Exhibit 4

**FILED**

DEC 01 2014

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

REAL ESTATE COMMISSION  
*R. H. ...*

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

Case No. 2014-3323

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

HOPE C. LEWIS,

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 HOPE C. LEWIS ("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 HOPE C. LEWIS was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0070601, and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

...

...

...

Attorney'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.0070601, since March 2, 2006, and is  
5 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. Steven P. O'Brien ("O'Brien") has been licensed as a real estate broker, license  
8 number B.1000912.LLC since November 16, 2011, and was a broker for Harcourts NV1 at the  
9 relevant times mentioned in this Complaint.

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

12 4. With respect to properties RESPONDENT was contracted to sell,  
13 RESPONDENT facilitated potential buyers in return for the buyers using Harcourts NV1 in  
14 their attempts to buy and resell those properties.

15 5. RESPONDENT's actions resulted in dual or triple agencies for Harcourts NV1.

16 **OPAL STATION DRIVE**

17 6. On or about October 22, 2012, Letisha and William Ambrose (the "Ambroses")  
18 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and  
19 sell real property located at 8290 Opal Station Drive, Reno, Nevada (the "Opal Station  
20 Property").

21 7. RESPONDENT had the Ambroses sign a Multiple Listing Service ("MLS")  
22 waiver.

23 8. On or about October 31, 2012, Jeremy Page ("Page") offered to buy the Opal  
24 Station Property, and the Ambroses accepted the offer.

25 9. O'Brien acted as the agent for Page.

26 10. RESPONDENT did not input the Opal Station Property into the MLS until  
27 October 29, 2012, when she listed the property as SOLD.

28 ...

1 11. On or about March 29, 2013, the sale on the Opal Station Property closed for a  
2 final purchase price of \$192,500, resulting in Harcourts NV1, via RESPONDENT and O'Brien,  
3 receiving both sides of the sales commission.

4 12. On or about June 28, 2013, Page resold the Opal Station Property for \$275,000,  
5 approximately \$82,500 more than his purchase.

6 13. For that sale, O'Brien was Page's agent, so Harcourts NV1 received the seller's  
7 commission on that sale.

8 **GWYNELLE COURT**

9 14. On or about April 8, 2013, Mary and Patrick Griffith (the "Griffiths") entered into  
10 an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real  
11 property located at 3525 Gwynelle Court, Sparks, Nevada (the "Gwynelle Court Property").

12 15. RESPONDENT had the Griffiths sign an MLS waiver.

13 16. On or about April 9, 2013, Northern Nevada Capital, LLC ("NNCL") offered to  
14 buy the Gwynelle Court Property, and the Griffiths accepted the offer.

15 17. Dana Van Der Wal from Harcourts NV1 acted as the agent for NNCL.

16 18. RESPONDENT did not input the Gwynelle Court Property into the MLS until  
17 April 6, 2013, when she listed the property as a partial listing.

18 19. On or about August 9, 2013, the sale on the Gwynelle Court Property closed for  
19 a final purchase price of \$124,900, resulting in Harcourts NV1, via RESPONDENT and Dana  
20 Van Der Wal, receiving both sides of the sales commission.

21 20. On or about November 15, 2013, NNCL resold the Gwynelle Court Property for  
22 \$169,900, approximately \$49,000 more than its purchase price.

23 21. For that sale, O'Brien was NNCL's agent, so Harcourts NV1 received the seller's  
24 commission on that sale.

25 **VIOLATIONS**

26 RESPONDENT has committed the following violations of law:

27 22. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or  
28 NRS 645.252(2), by not dealing fairly with the Ambroses.

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

3 24. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or  
4 NRS 645.252(2), by not dealing fairly with the Griffiths.

5 25. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(6) and/or  
6 NRS 645.252(2), by not representing the Griffiths with absolute fidelity.

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

10 **DISCIPLINE AUTHORIZED**

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

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

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

19 **NOTICE OF HEARING**

20 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
21 Administrative Complaint against the above-named Respondent in accordance with Chapters  
22 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
23 Code.

24 **THE HEARING WILL TAKE PLACE** on January 7, 2015 commencing at 9:00 a.m.,  
25 or as soon thereafter as the Commission is able to hear the matter, and each day  
26 thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business  
27 of the Commission is concluded. The Commission meeting will be held on January 7,  
28 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water

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

1 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
2 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
3 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
4 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
5 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

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

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

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

28 ...

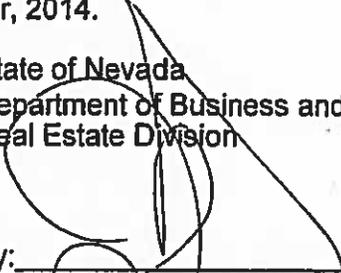
Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

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

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

10 DATED this 1st day of December, 2014.

11 State of Nevada  
12 Department of Business and Industry  
13 Real Estate Division

14 By:   
15 JOSEPH R. DECKER, Administrator  
16 2501 East Sahara Avenue  
17 Las Vegas, Nevada 89104-4137  
18 (702) 486-4033

19 CATHERINE CORTEZ MASTO  
20 Attorney General

21 By:   
22 KEITH E. KIZER  
23 Deputy Attorney General  
24 555 East Washington Avenue, Suite 3900  
25 Las Vegas, Nevada 89101  
26 (702) 486-3326  
27 Attorneys for Real Estate Division  
28

**Certificate of Service  
(NRS 645.680)**

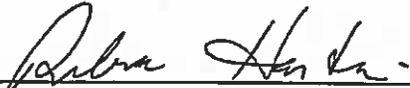
I certify that on the 2<sup>nd</sup> day of December, 2014, I deposited a copy of the foregoing:

**COMPLAINT AND NOTICE OF HEARING  
NOTICE OF COMPLAINT AND OBLIGATION TO RESPOND  
NOTICE OF DOCUMENTS**

in the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, certified mail addressed to the following respondent at their last known address as follows:

**Certified No. 7013 1090 0000 1902 7190**

Hope C. Lewis  
Harcourts NV1  
6770 South McCarran Blvd.  
Reno, Nevada 89509

  
\_\_\_\_\_  
**Rebecca Hardin  
Commission Coordinator**

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# Exhibit 5

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

DEC 03 2014

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

REAL ESTATE COMMISSION  
Case No. 2014-3378 *[Signature]*

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

MICHAEL CULLUM HARDING,

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 MICHAEL CULLUM HARDING ("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 MICHAEL CULLUM HARDING was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0169701, 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. William Street, 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.0169701, since July 14, 2010, and is  
5 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. Jason A. Jairam ("Jairam") has been licensed as a real estate salesperson,  
17 license number S.0170866, since August 16, 2011, and was associated with Krch Realty at  
18 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 **WALL CANYON DRIVE**

25 8. On or about September 26, 2012, Geraldine Malone ("Malone") entered into an  
26 Exclusive Right to Sell Contract, which engaged Krch to list and sell real property located at  
27 665 Wall Canyon Drive, Sun Valley, Nevada (the "Wall Canyon Property").

28 9. Krch was Malone's agent.

1 10. Krch had Malone sign a Multiple Listing Service ("MLS") waiver.

2 11. On or about October 1, 2012, Shayla Gifford ("Gifford") offered to buy the Wall  
3 Canyon Property, and Malone accepted the offer.

4 12. RESPONDENT was Gifford's agent.

5 13. Krch did not input the Wall Canyon Property into the MLS until October 4, 2012,  
6 when he listed the property as pending new/pending short sale.

7 14. On or about December 28, 2012, the sale on the Wall Canyon Property closed  
8 for a final purchase price of \$51,000, resulting in Krch Realty, via RESPONDENT and Krch,  
9 receiving both sides of the sales commission.

10 15. On or about January 12, 2013, Jeanette Hirschy ("Hirschy") entered into an  
11 Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell the Wall Canyon  
12 Property.

13 16. Gifford transferred the Wall Canyon Property to Hirschy.

14 17. On or about January 13, 2013, Hirschy sold the Wall Canyon Property for  
15 \$90,000, approximately \$39,500 more than the purchase price.

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

18 19. RESPONDENT and Krch each received \$27,148.98 from the proceeds from the  
19 Hirschy resale, in addition to sales commissions.

20 **PICASSO DRIVE**

21 20. On or about September 4, 2012, Hector and Melissa Vazquez ("the Vazquezes")  
22 entered into an Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell  
23 real property located at 7412 Picasso Drive, Sun Valley, Nevada (the "Picasso Drive  
24 Property").

25 21. Krch was the Vazquezes' agent.

26 22. Krch had the Vazquezes sign an MLS waiver.

27 23. On or about September 12, 2012, Gifford offered to buy the Picasso Drive  
28 Property, and the Vazquezes accepted the offer.

1           24.   RESPONDENT acted as the agent for Gifford.

2           25.   Krch did not input the Picasso Drive Property into the MLS until September 20,  
3 2012, when it listed the property as pending new/pending short sale.

4           26.   On or about December 28, 2012, the sale on the Picasso Drive Property closed  
5 with a final purchase price of \$123,000, resulting in Krch Realty, via RESPONDENT and Krch,  
6 receiving both sides of the sales commission.

7           27.   On or about January 12, 2013, Hirschy entered into an Exclusive Right to Sell  
8 Contract, which engaged Krch Realty to list and sell the Picasso Drive Property.

9           28.   Gifford transferred the Picasso Drive Property to Hirschy.

10          29.   On or about January 17, 2013, Hirschy sold the Picasso Drive Property for  
11 \$164,000, approximately \$41,000 more than the purchase price.

12          30.   For that resale, Krch was Hirschy's agent, so Krch Realty received the seller's  
13 commission on that sale.

14 **TIOGA WAY**

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

18          32.   Krch was Munoz's agent.

19          33.   Krch inputted the Tioga Way Property into the MLS as pending new/short sale.

20          34.   On or about November 20, 2012, Gifford offered to buy the Tioga Way Property,  
21 and Munoz accepted the offer.

22          35.   Jairam was Gifford's agent.

23          36.   On or about January 17, 2013, the sale on the Tioga Way Property closed with a  
24 final purchase price of \$111,000, resulting in Krch Realty receiving both sides of the sales  
25 commission.

26          37.   On or about February 8, 2013, Hirschy entered into an Exclusive Right to Sell  
27 Contract, which engaged Krch Realty to list and sell the Tioga Way Property for \$195,000.

28          38.   Gifford transferred the Tioga Way Property to Hirschy.

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

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

5           41.    RESPONDENT and Krch each received proceeds from the Hirschy resale, Krch  
6 receiving \$61,594.88 and RESPONDENT receiving \$32,604.31, in addition to sales  
7 commissions.

8 **LIMONITE COURT**

9           42.    On or about February 1, 2013, Arthur Peppard ("Peppard") entered into an  
10 Exclusive Right to Sell Contract, which engaged Krch to list and sell real property located at  
11 15081 Limonite Court, Reno, Nevada (the "Limonite Court Property").

12           43.    Krch was Peppard's agent.

13           44.    On or about February 1, 2013, Hirschy offered to buy the Limonite Court  
14 Property, and the Peppard accepted the offer.

15           45.    Jairam was Hirschy's agent.

16           46.    Krch inputted the Limonite Court Property as pending new/short sale.

17           47.    On or about April 17, 2013, the sale on the Limonite Court Property closed with  
18 a final purchase price of \$114,000, resulting in Krch Realty receiving both sides of the sales  
19 commission.

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

22           49.    On or about July 18, 2013, Hirschy resold the Limonite Court Property for  
23 \$167,000, approximately \$53,000 more than her purchase price.

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

26           51.    Sandra Krch and RESPONDENT each received \$53,305.56 proceeds from the  
27 Hirschy resale.

28 . . .

1 **DODGE DRIVE**

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

5 53. Krch was Buddy's agent.

6 54. Krch had Buddy sign an MLS waiver.

7 55. On or about October 2, 2012, Hirschy offered to buy the Dodge Drive Property,  
8 and Buddy accepted the offer.

9 56. Jairam was Hirschy's agent.

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

12 58. On or about February 28, 2013, the sale on the Dodge Drive Property closed for  
13 a final purchase price of \$127,000, resulting in Krch Realty receiving both sides of the sales  
14 commission.

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

17 60. On or about March 13, 2013, Hirschy resold the Dodge Drive Property for  
18 \$158,000, approximately \$31,000 more than her purchase price.

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

21 62. RESPONDENT and Krch each received \$51,275.16 from the proceeds from the  
22 Hirschy resale, in addition to sales commissions.

23 **PARK PLACE**

24 63. On or about September 19, 2012, Steven and Billie Wozniak (the "Wozniaks")  
25 entered into an Exclusive Right to Sell Contract, which engaged Krch Realty to list and sell  
26 real property located at 6331 Park Place, Reno, Nevada (the "Park Place Property").

27 64. Krch was the Wozniaks' agent.

28 ...

1           65.    On or about September 21, 2012, Gifford offered to buy the Park Place Property,  
2 and the Wozniaks accepted the offer.

3           66.    RESPONDENT was Gifford's agent.

4           67.    Krch did not input the Park Place Property into the MLS until October 4, 2012,  
5 when he listed the property as pending new/short sale.

6           68.    On or about January 24, 2013, the sale on the Park Place Property closed with a  
7 final purchase price of \$140,000, resulting in Krch Realty, via RESPONDENT and Krch,  
8 receiving both sides of the sales commission.

9           69.    On or about January 26, 2013, Hirschy entered into an Exclusive Right to Sell  
10 Contract, which engaged Krch Realty to list and sell the Park Place Property for \$167,950.

11          70.    Gifford transferred the Park Place Property to Hirschy.

12          71.    On or about March 6, 2013, Hirschy sold the Park Place Property for \$167,999,  
13 approximately \$27,999 more than the purchase price.

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

16 **CERVINO DRIVE**

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

20          74.    Krch was Tobey's agent.

21          75.    Krch had Tobey sign an MLS waiver.

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

24          77.    Jairam was Hirschy's agent.

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

27 ...

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1 79. On or about December 27, 2013, the sale on the Cervino Drive Property closed  
2 for a final purchase price of \$247,500, resulting in Krch Realty receiving both sides of the  
3 sales commission.

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

6 81. On or about January 30, 2014, Hirschy resold the Cervino Drive Property for  
7 \$274,500, approximately \$27,000 more than her purchase price.

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

10 83. Sandra Krch and RESPONDENT each received approximately \$88,162.74  
11 proceeds from the Hirschy resale.

12 **D'ARCY STREET**

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

16 85. Krch was Dolan's agent.

17 86. Krch had Dolan sign an MLS waiver.

18 87. On or about February 14, 2013, Hirschy offered to buy the D'Arcy Street  
19 Property, and Dolan accepted the offer.

20 88. Jairam was Hirschy's agent.

21 89. Krch did not input the D'Arcy Street Property into the MLS until February 15,  
22 2013, when he listed the property as pending new/short sale.

23 90. On or about July 30, 2013, the sale on the D'Arcy Street Property closed for a  
24 final purchase price of \$214,500, resulting in Krch Realty receiving both sides of the sales  
25 commission.

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

28 ...

1 92. On or about August 12, 2013, Hirschy resold the D'Arcy Street Property for  
2 \$335,000, approximately \$120,500 more than her purchase price.

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

5 94. Sandra Krch and RESPONDENT each received \$49,714.63 proceeds from the  
6 Hirschy resale.

7 **VIOLATIONS**

8 RESPONDENT has committed the following violations of law:

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

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

14 97. RESPONDENT violated NRS 645.252(1)(c) and/or NAC 645.640(1)(a) by failing  
15 to disclose in writing that he had an interest in the transaction or was acquiring, leasing or  
16 disposing of the property for himself or for a member, firm, or entity with which he has such a  
17 relationship.

18 **DISCIPLINE AUTHORIZED**

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

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

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

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**NOTICE OF HEARING**

1  
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 January 7, 2015 commencing at 9:00 a.m.,  
7 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 January 9, 2015, or earlier if the business  
9 of the Commission is concluded. The Commission meeting will be held on January 7,  
10 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water  
11 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
12 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
13 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
14 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
15 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

16 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the  
17 same time as part of a regular meeting of the Commission that is expected to last from  
18 January 7 through January 9, 2015, or earlier if the business of the Commission is  
19 concluded. Thus, your hearing may be continued until later in the day or from day to  
20 day. It is your responsibility to be present when your case is called. If you are not  
21 present when your hearing is called, a default may be entered against you and the  
22 Commission may decide the case as if all allegations in the complaint were true. If you  
23 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
24 4074.

25 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an  
26 open meeting under Nevada's open meeting law, and may be attended by the public. After  
27 the evidence and arguments, the commission may conduct a closed meeting to discuss your  
28 alleged misconduct or professional competence. A verbatim record will be made by a certified

1 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
2 the meeting, although you must pay for the transcription.

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

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

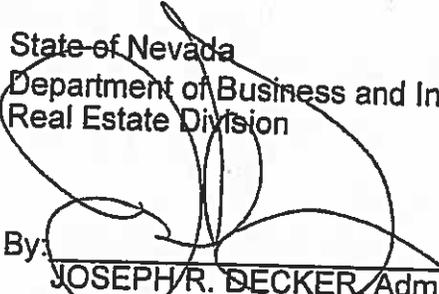
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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

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

9 By:   
10 JOSEPH R. DECKER, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
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24  
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26  
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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

# Exhibit 6

**FILED**

DEC 03 2014

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

REAL ESTATE COMMISSION



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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

**FACTUAL ALLEGATIONS**

**GENERAL FACTUAL ALLEGATIONS**

1. RESPONDENT, at the relevant times mentioned in this Complaint, has been licensed as a real estate salesperson, license number S.0170866, since August 16, 2011, 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 was associated with Krch Realty LLC at the relevant times mentioned in this Complaint.

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

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

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

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

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

**TIOGA WAY**

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

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.

28 .....

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.

28 ...

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.

27 ...

28 ...



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.

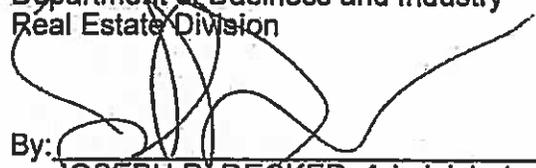
23           You have the right to request that the Commission issue subpoenas to compel  
24 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
25 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
26 Other important 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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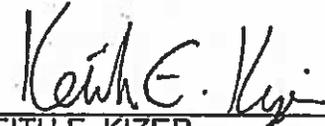
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
3 evidence presented and to further determine what administrative penalty, if any, is to be  
4 assessed against the Respondent, 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

9 By:   
10 JOSEPH R. DECKER, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
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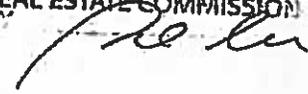
# Exhibit 7

**FILED**

**BEFORE THE REAL ESTATE COMMISSION DEC 03 2014**

**STATE OF NEVADA**

**REAL ESTATE COMMISSION**



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

**Case No. 2014-3376**

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

ANITA SPENCER,

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 ANITA SPENCER ("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 ANITA SPENCER was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0069280, 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's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

**FACTUAL ALLEGATIONS**

**GENERAL FACTUAL ALLEGATIONS**

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2  
3 1. RESPONDENT, at the relevant times mentioned in this Complaint, has been  
4 licensed as a real estate salesperson, license number S.0069280, since January 13, 2006,  
5 and is currently in active status and subject to the jurisdiction of the Division and the  
6 provisions of NRS chapter 645 and NAC chapter 645.

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

9 3. With respect to a property she was contracted to sell, RESPONDENT facilitated  
10 potential buyers in return for the buyers using RESPONDENT in their attempts to buy that  
11 property.

12 4. RESPONDENT's actions resulted in a triple agency for RESPONDENT.

13 5. On or about June 10, 2013, Charles and Valeria Nelson (the "Nelsons") entered  
14 into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real  
15 property located at 1270 Butler, Reno, Nevada (the "Butler Property").

16 6. On or about June 10, 2013, Jeffrey Veasley ("Veasley") offered to buy the Butler  
17 Property, and the Nelsons accepted the offer.

18 7. RESPONDENT was the agent for both Veasley and the Nelsons.

19 8. RESPONDENT did not input the Butler Property into the MLS until June 12,  
20 2013, when she listed the property as pending new/short sale.

21 9. On or about December 23, 2013, the sale on the Butler Property closed for a  
22 final purchase price of \$50,000, resulting in RESPONDENT receiving both sides of the sales  
23 commission.

24 10. On or about April 22, 2014, Veasley entered into an Exclusive Right to Sell  
25 Contract, which engaged RESPONDENT to list and sell the Butler Property for \$109,900.

26 11. On or about April 26, 2014, Veasley resold the Butler Property for \$109,900,  
27 approximately \$59,900 more than his purchase price.

28 ...



1 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
2 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
3 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
4 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
5 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

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

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

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

28 . . .

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

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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.

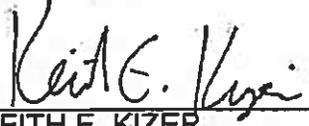
The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant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

DATED this 2<sup>nd</sup> 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

# Exhibit 8

**FILED**

DEC 02 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. REN 14-05-04-044

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

MARSHALL CARRASCO,

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 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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...

...

Attorney General's Office  
555 E. W. Carson, 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.

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

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

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

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

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

13 **FOX RUN ROAD**

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

17 17. RESPONDENT had Lutsch sign an MLS waiver.

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

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

21 20. Marshall Realty did not input the Fox Run Property into the MLS until June 3,  
22 2012, when it listed the property as sold.

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

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

28 ...

1 **BEACON DRIVE**

2 23. On or about April 20, 2012, Hilario Valdez ("Valdez") entered into an Exclusive  
3 Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at  
4 7177 Beacon Drive, Reno, Nevada (the "Beacon Drive Property") for a list price of \$164,300.

5 24. RESPONDENT had Valdez sign an MLS waiver.

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

8 26. ~~Karasawa was~~ Page's agent.

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

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

14 29. On or about March 8, 2013, Page resold the Beacon Drive Property for  
15 \$207,900, approximately \$49,900 more than his purchase price.

16 **OXFORD AVENUE**

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

20 31. RESPONDENT had the Claritys sign an MLS waiver.

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

23 33. ~~Karasawa was~~ Page's agent.

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

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

1 36. On or about June 24, 2013, Page resold the Oxford Avenue Property for  
2 \$130,000, approximately \$40,000 more than his purchase price.

3 **VILLIAGE MEADOWS DRIVE**

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

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

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

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

12 41. Karasawa was Page's agent.

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

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

18 44. On or about August 16, 2013, Page resold the Village Meadows Property for  
19 \$179,900, approximately \$44,900 more than his purchase price.

20 **TALLGRASS DRIVE**

21 45. On or about January 26, 2012, Jenni Currie ("Currie") entered into an Exclusive  
22 Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at  
23 7498 Tallgrass Drive, Reno, Nevada (the "Tallgrass Drive Property").

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

26 47. Fontenot was Edwards' agent.

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

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

4 **SHENANDOAH**

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

9 51. RESPONDENT had Deangelis sign an MLS waiver.

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

12 53. Fontenot was Randall's agent.

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

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

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

19 57. On or about July 12, 2013, Randall resold the Shenandoah Property for  
20 \$160,140, approximately \$30,240 more than his purchase price.

21 **HEBRIDES COURT**

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

26 59. RESPONDENT had the Browns sign an MLS waiver.

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

1 61. Karasawa was Page's agent.

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

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

7 64. On or about April 16, 2013, Page resold the Hebrides Court Property for  
8 \$143,000, approximately \$38,000 more than his purchase price.

9 **BANDANA WAY**

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

14 66. RESPONDENT had the Andersons sign an MLS waiver.

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

17 68. Fontenot was McClintock's agent.

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

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

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

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

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

28 ...

1 **DESERT LAKE DRIVE**

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

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

7 76. Fontenot was McClintock's agent.

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

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

13 79. On or about July 24, 2013, McClintock resold the Desert Lake Property for  
14 \$164,000, approximately \$64,000 more than his purchase price.

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

17 **VIOLATIONS**

18 RESPONDENT has committed the following violations of law:

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

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

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

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

28 ...

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

**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, 2<sup>nd</sup> 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

1 day. It is your responsibility to be present when your case is called. If you are not  
2 present when your hearing is called, a default may be entered against you and the  
3 Commission may decide the case as if all allegations in the complaint were true. If you  
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
5 4074.

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

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

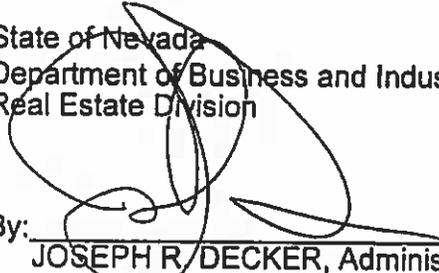
19 You have the right to request that the Commission issue subpoenas to compel  
20 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
21 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
22 Other important rights you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

24 ...  
25 ...  
26 ...  
27 ...  
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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 2<sup>nd</sup> day of December, 2014.

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

9 By:   
10 JOSEPH R. DECKER, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
23  
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# Exhibit 9

FILED

BEFORE THE REAL ESTATE COMMISSION

DEC 02 2014

STATE OF NEVADA

REAL ESTATE COMMISSION

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

Case No. REN 15-08-07-012

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

JOSHUA FONTENOT,

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 JOSHUA FONTENOT ("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 JOSHUA FONTENOT was at all relevant times mentioned in this Complaint licensed as a real estate broker-salesperson under license number BS.0144089.MGR, or as a real estate salesperson under license number S.0076390, and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

...  
...

Attn: 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 broker-salesperson, license number BS.0144089.MGR, since April  
5 18, 2013, was licensed as a real estate salesperson, license number S.0076390, from March  
6 29, 2010 to April 18, 2013, and is currently in active status and subject to the jurisdiction of the  
7 Division and the provisions of NRS chapter 645 and NAC chapter 645.

8 2. RESPONDENT was associated with Marshall Realty at the relevant times  
9 mentioned in this Complaint.

10 3. Marshall Carrasco ("Carrasco") has been licensed as a real estate broker,  
11 license number B.1000579.INDV, since January 27, 2010, and is the broker for Marshall  
12 Realty.

13 4. With respect to properties he and/or Marshall Realty were contracted to sell,  
14 RESPONDENT facilitated potential buyers in return for the buyers using Marshall Realty in  
15 their attempts to buy those properties.

16 5. RESPONDENT's actions resulted in many dual or triple agencies for Marshall  
17 Realty.

18 **FOX RUN ROAD**

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

22 7. Marshall Realty had Lutsch sign a Multiple Listing Service ("MLS") waiver.

23 8. On or about May 1, 2012, Chris McClintock ("McClintock") offered to buy the Fox  
24 Run Property, and Lutsch accepted the offer.

25 9. RESPONDENT acted as the agent for both Lutsch and McClintock.

26 10. RESPONDENT did not input the Fox Run Property into the MLS until June 3,  
27 2012, when he listed the property as sold.

28 ...

1           11. On or about June 7, 2012, the sale on the Fox Run Property closed with a final  
2 purchase price of \$133,500, resulting in RESPONDENT receiving both sides of the sales  
3 commission.

4           12. On or about December 27, 2012, McClintock resold the Fox Run Property for  
5 \$245,000, approximately \$111,500 more than his purchase price.

6 **TALLGRASS DRIVE**

7           13. On or about January 26, 2012, Jenni Currie ("Currie") entered into an Exclusive  
8 Right to Sell Contract, which engaged Marshall Realty to list and sell real property located at  
9 7498 Tallgrass Drive, Reno, Nevada (the "Tallgrass Drive Property").

10           14. Carrasco was Currie's agent.

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

13           16. RESPONDENT was Edwards' agent.

14           17. Marshall Realty did not input the Tallgrass Drive Property into the MLS until  
15 February 14, 2012, when it listed the property as sold.

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

19 **SHENANDOAH**

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

24           20. Marshall Realty had Deangelis sign an MLS waiver.

25           21. Carrasco was Deangelis's agent.

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

28           23. RESPONDENT was Randall's agent.

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

2           25.    Marshall Realty did not input the Shenandoah Property into the MLS until  
3 November 1, 2011, when it listed the property as sold.

4           26.    On or about February 24, 2012, the sale on the Shenandoah Property closed,  
5 resulting in Marshall Realty, via RESPONDENT and Carrasco, receiving both sides of the  
6 sales commission.

7           27.    On or about July 12, 2013, Randall resold the Shenandoah Property for  
8 \$160,140, approximately \$30,240 more than his purchase price.

9 **BANDANA WAY**

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

14          29.    Marshall Realty had the Andersons sign an MLS waiver.

15          30.    Carrasco was the Andersons' agent.

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

18          32.    RESPONDENT was McClintock's agent.

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

20          34.    Marshall Realty did not input the Bandana Way Property into the MLS until  
21 December 8, 2012, when it listed the property as short sale pending.

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

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

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

1 **DESERT LAKE DRIVE**

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

5 39. Carrasco was Lafond's agent.

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

8 41. RESPONDENT was McClintock's agent.

9 42. Marshall Realty did not input the Desert Lake Property into the MLS until  
10 December 17, 2012, when it listed the property as short sale pending.

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

14 44. On or about July 24, 2013, McClintock resold the Desert Lake Property for  
15 \$164,000, approximately \$64,000 more than his purchase price.

16 45. For that sale, Marshall Realty was McClintock's agent, so Marshall Realty  
17 received the seller's commission on that sale.

18 **VIOLATIONS**

19 RESPONDENT has committed the following violations of law:

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

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

25 **DISCIPLINE AUTHORIZED**

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

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

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

6 **NOTICE OF HEARING**

7 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
8 Administrative Complaint against the above-named Respondent in accordance with Chapters  
9 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
10 Code.

11 **THE HEARING WILL TAKE PLACE** on January 7, 2015 commencing at 9:00 a.m.,  
12 or as soon thereafter as the Commission is able to hear the matter, and each day  
13 thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business  
14 of the Commission is concluded. The Commission meeting will be held on January 7,  
15 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water  
16 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
17 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
18 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
19 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
20 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

21 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
22 same time as part of a regular meeting of the Commission that is expected to last from  
23 January 7 through January 9, 2015, or earlier if the business of the Commission is  
24 concluded. Thus, your hearing may be continued until later in the day or from day to  
25 day. It is your responsibility to be present when your case is called. If you are not  
26 present when your hearing is called, a default may be entered against you and the  
27 Commission may decide the case as if all allegations in the complaint were true. If you  
28

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

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.

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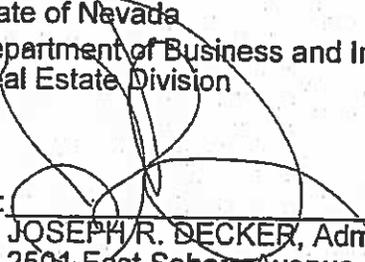
Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

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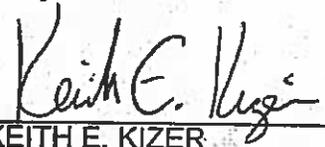
The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant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

DATED this 2<sup>ND</sup> 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

# Exhibit 10

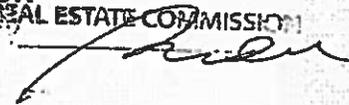
**FILED**

DEC 02 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. REN 15-08-08-013

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

KATRINA KARASAWA,

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 KATRINA KARASAWA ("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 KATRINA KARASAWA was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0171551, and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

...  
...  
...

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.0171551, since March 30, 2012, 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 Marshall Realty at the relevant times  
8 mentioned in this Complaint.

9 3. Marshall Carrasco ("Carrasco") has been licensed as a real estate broker,  
10 license number B.1000579.INDV, since January 27, 2010, and is the broker for Marshall  
11 Realty.

12 4. With respect to properties Marshall Realty was contracted to sell,  
13 RESPONDENT facilitated potential buyers in return for the buyers using Marshall Realty and  
14 RESPONDENT in their attempts to buy those properties.

15 5. RESPONDENT's actions resulted in many dual or triple agencies for Marshall  
16 Realty.

17 **RESERVOIR STREET**

18 6. On or about January 4, 2013, Kenneth Bell ("Bell") entered into an Exclusive  
19 Right to Sell Contract, which engaged Marshall Realty to list and sell real property located at  
20 8720 Reservoir Street, Reno, Nevada (the "Reservoir Street Property") for a list price of  
21 \$62,500.

22 7. Marshall Realty had Bell sign a Multiple Listing Service ("MLS") waiver.

23 8. Carrasco was Bell's agent.

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

26 10. RESPONDENT was McClintock's agent.

27 11. Marshall Realty did not input the Reservoir Street Property into the MLS until  
28 March 4, 2013, when it listed the property as sold.

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

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

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

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

11 **BEACON DRIVE**

12           16. On or about April 20, 2012, Hilario Valdez ("Valdez") entered into an Exclusive  
13 Right to Sell Contract, which engaged Marshall Realty to list and sell real property located at  
14 7177 Beacon Drive, Reno, Nevada (the "Beacon Drive Property") for a list price of \$164,300.

15           17. Marshall Realty had Valdez sign an MLS waiver.

16           18. Carrasco was Valdez's agent.

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

19           20. RESPONDENT was Page's agent.

20           21. Marshall Realty did not input the Beacon Drive Property into the MLS until  
21 December 8, 2012, when it listed the property as short sale pending.

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

25           23. On or about March 8, 2013, Page resold the Beacon Drive Property for  
26 \$207,900, approximately \$49,900 more than his purchase price.

27 ...

28 ...

1 **OXFORD AVENUE**

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

5 25. Marshall Realty had the Claritys sign an MLS waiver.

6 26. Carrasco was the Claritys' agent.

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

9 28. RESPONDENT was Page's agent.

10 29. Marshall Realty did not input the Oxford Avenue Property into the MLS until  
11 September 19, 2012, when it listed the property as short sale pending.

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

15 31. On or about June 24, 2013, Page resold the Oxford Avenue Property for  
16 \$130,000, approximately \$40,000 more than his purchase price.

17 **VILLIAGE MEADOWS DRIVE**

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

22 33. Marshall Realty had the Van Dines sign an MLS waiver.

23 34. Carrasco was the Van Dines' agent.

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

26 36. RESPONDENT was Page's agent.

27 37. Marshall Realty did not input the Village Meadows Property into the MLS until  
28 February 11, 2013, when it listed the property as sold.

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

4 39. On or about August 16, 2013, Page resold the Village Meadows Property for  
5 \$179,900, approximately \$44,900 more than his purchase price.

6 **HEBRIDES COURT**

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

10 41. Marshall Realty had the Browns sign an MLS waiver.

11 42. Carrasco was the Browns' agent.

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

14 44. RESPONDENT was Page's agent.

15 45. Marshall Realty did not input the Hebrides Court Property into the MLS until  
16 December 8, 2012, when it listed the property as short sale pending.

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

20 47. On or about April 16, 2013, Page resold the Hebrides Court Property for  
21 \$143,000, approximately \$38,000 more than his purchase price.

22 **VIOLATIONS**

23 RESPONDENT has committed the following violations of law:

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

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

1 **DISCIPLINE AUTHORIZED**

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

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

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

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
12 Administrative Complaint against the above-named Respondent in accordance with Chapters  
13 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
14 Code.

15 **THE HEARING WILL TAKE PLACE** on January 7, 2015 commencing at 9:00 a.m.,  
16 or as soon thereafter as the Commission is able to hear the matter, and each day  
17 thereafter commencing at 9:00 a.m. through January 9, 2015, or earlier if the business  
18 of the Commission is concluded. The Commission meeting will be held on January 7,  
19 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water  
20 Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the  
21 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,  
22 Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should  
23 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
24 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

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

1 day. It is your responsibility to be present when your case is called. If you are not  
2 present when your hearing is called, a default may be entered against you and the  
3 Commission may decide the case as if all allegations in the complaint were true. If you  
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
5 4074.

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

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

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

24 ...

25 ...

26 ...

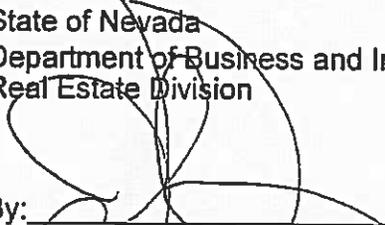
27 ...

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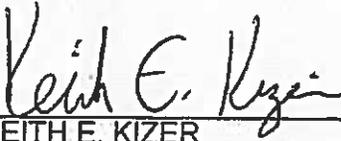
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
3 evidence presented and to further determine what administrative penalty, if any, is to be  
4 assessed against the Respondent,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

5 DATED this 2<sup>nd</sup> day of December, 2014.

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

9 By:   
10 JOSEPH R. DECKER, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KEITH E. KIZER  
18 Deputy Attorney General  
19 555 East Washington Avenue, Suite 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
23  
24  
25  
26  
27  
28

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

# Exhibit 11

**FILED**

**BEFORE THE REAL ESTATE COMMISSION DEC 02 2014**

**STATE OF NEVADA**

**REAL ESTATE COMMISSION**

1  
2  
3 JOSEPH R. DECKER, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS & INDUSTRY,  
6 STATE OF NEVADA,

Case No. REN 14-06-06-061

Petitioner,

7 vs.

**COMPLAINT AND NOTICE OF HEARING**

8 MICHELLE D. PLEVEL,

9 Respondent.

10 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND  
11 INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel,  
12 Catherine Cortez Masto, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy  
13 Attorney General, hereby notifies RESPONDENT MICHELLE D. PLEVEL ("RESPONDENT")  
14 of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION  
15 ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of  
16 the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code  
17 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to  
18 determine if the RESPONDENT should be subject to an administrative penalty as set forth in  
19 NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if  
20 violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT MICHELLE D. PLEVEL was at all relevant times mentioned in this  
23 Complaint licensed as a real estate broker-salesperson under license number BS.0045135,  
24 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter  
25 645 and NAC chapter 645.

26 ...

27 ...

28 ...

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 broker-salesperson, license number BS.0045135, since September  
5 23, 1999, and is currently in active status and subject to the jurisdiction of the Division and the  
6 provisions of NRS chapter 645 and NAC chapter 645.

7 2. RESPONDENT was associated with Chase International at the relevant times  
8 mentioned in this Complaint.

9 3. With respect to properties RESPONDENT was contracted to sell,  
10 RESPONDENT facilitated potential buyers in return for the buyers using RESPONDENT in  
11 their attempts to buy those properties.

12 4. RESPONDENT's actions resulted in many dual agencies for her.

13 **GOLD BELT DRIVE**

14 5. On or about September 7, 2012, Cindy and Mark Beadleston (the "Beadlestons")  
15 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and  
16 sell real property located at 1725 Gold Belt Drive, Reno, Nevada (the "Gold Belt Property").

17 6. RESPONDENT had the Beadlestons sign a Multiple Listing Service ("MLS")  
18 waiver.

19 7. On or about September 9, 2012, Robert and Emma Reid (the "Reids") offered to  
20 buy the Gold Belt Property, and the Beadlestons accepted the offer.

21 8. RESPONDENT acted as the agent for both the Reids and the Beadlestons.

22 9. RESPONDENT did not input the Gold Belt Property into the MLS until  
23 September 13, 2012, when she listed the property as pending-no show.

24 10. On or about November 26, 2012, the sale on the Gold Belt Property closed with  
25 a final purchase price of \$218,500, resulting in RESPONDENT receiving both sides of the  
26 sales commission.

27 11. On or about July 29, 2013, the Reids resold the Gold Belt Property for \$370,000,  
28 approximately \$151,500 more than their purchase price.

1 **BIG TRAIL CIRCLE**

2 12. On or about March 21, 2012, Juan Macera ("Macera") entered into an Exclusive  
3 Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at  
4 2219 Big Trail Circle, Reno, Nevada (the "Big Trail Property").

5 13. RESPONDENT had Macera elect to not list the property on any Internet Site.

6 14. On or about November 8, 2012, Synergy Properties offered to buy the Big Trail  
7 Property, and Macera accepted the offer.

8 15. Synergy Properties is owned by Greg and Kyle Rea.

9 16. RESPONDENT acted as the agent for both Synergy Properties and Macera.

10 17. On or about March 28, 2013, the sale on the Big Trail Property closed for a final  
11 purchase price of \$158,000, resulting in RESPONDENT receiving both sides of the sales  
12 commission.

13 18. On or about June 5, 2013, Synergy Properties resold the Big Trail Property for  
14 \$247,000, approximately \$89,000 more than its purchase

15 **JERMANN DRIVE**

16 19. On or about February 13, 2013, Jared and Lori Cook (the "Cooks") entered into  
17 an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real  
18 property located at 7075 Jermann Drive, Sparks, Nevada (the "Jermann Drive Property").

19 20. RESPONDENT had the Cooks sign an MLS waiver.

20 21. On or about March 27, 2013, Jeremy Page ("Page") offered to buy the Jermann  
21 Drive Property, and the Cooks accepted the offer.

22 22. RESPONDENT acted as the agent for both Page and the Cooks.

23 23. On or about May 3, 2013, the sale on the Jermann Drive Property closed for a  
24 final purchase price of \$175,000, resulting in RESPONDENT receiving both sides of the sales  
25 commission.

26 24. On or about August 2, 2013, Page resold the Jermann Drive Property for  
27 \$214,500, approximately \$39,500 more than his purchase price.

28 ...

1 **JEAN WAY**

2 25. On or about March 14, 2013, Alberta Grove ("Grove") and Harold Kiesling  
3 ("Kiesling") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to  
4 list and sell real property located at 12240 Jean Way, Reno, Nevada (the "Jean Way  
5 Property").

6 26. RESPONDENT had Grove elect to not list the property on any Internet Site.

7 27. On or about March 27, 2013, Northern Nevada Capital, LLC ("NNCL") offered to  
8 buy the Jean Way Property, and Grove and Kiesling accepted the offer.

9 28. RESPONDENT acted as the agent for NNCL and Grove and Kiesling.

10 29. RESPONDENT did not input the Jean Way Property into the MLS until April 22,  
11 2013, when she listed the property as pending-short sale.

12 30. On or about August 23, 2013, the sale on the Jean Way Property closed for a  
13 final purchase price of \$110,000, resulting in RESPONDENT receiving both sides of the sales  
14 commission.

15 31. On or about December 26, 2013, NNCL resold the Jean Way Property for  
16 \$165,000, approximately \$55,000 more than its purchase price.

17 **WYOMING AVENUE**

18 32. On or about May 8, 2013, John and Susan Ellis (the "Ellises") entered into an  
19 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
20 located at 1765 Wyoming Avenue, Reno, Nevada (the "Wyoming Avenue Property").

21 33. RESPONDENT had the Ellises sign an MLS waiver.

22 34. On or about May 23, 2013, Synergy Properties offered to buy the Wyoming  
23 Avenue Property, and the Ellises accepted the offer.

24 35. RESPONDENT acted as the agent for both Synergy Properties and the Ellises.

25 36. RESPONDENT did not input the Wyoming Avenue Property into the MLS until  
26 May 30, 2013.

27 ...

28 ...

1           37. On or about October 16, 2013, the sale on the Wyoming Avenue Property  
2 closed for a final purchase price of \$120,000, resulting in RESPONDENT receiving both sides  
3 of the sales commission.

4           38. On or about March 7, 2014, Synergy Properties resold the Wyoming Avenue  
5 Property for \$195,000, approximately \$75,000 more than its purchase price.

6 **AMETHYST DRIVE**

7           39. On or about April 12, 2013, Robert Proehl via Wendy Travers POA ("Travers")  
8 entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT to list and  
9 sell real property located at 17090 Amethyst Drive, Reno, Nevada (the "Amethyst Property").

10           40. RESPONDENT had Travers sign a MLS waiver.

11           41. On or about April 17, 2013, R & R Enterprises of Nevada LLC ("R & R") to buy  
12 the Amethyst Property, and Travers accepted the offer.

13           42. R & R is owned by Kyle Rea.

14           43. RESPONDENT acted as the agent for both R & R and Travers.

15           44. RESPONDENT did not input the Amethyst Property into the MLS until April 22,  
16 2013, when she listed the property as pending-short sale.

17           45. On or about July 17, 2013, the sale on the Amethyst Property closed with a final  
18 purchase price of \$135,000, resulting in RESPONDENT receiving both sides of the sales  
19 commission.

20           46. On or about October 2, 2013, R & R resold the Amethyst Property for \$169,900,  
21 approximately \$34,900 more than its purchase price.

22 **TRABERT CIRCLE**

23           47. On or about June 14, 2013, Pamela Shay ("Shay") entered into an Exclusive  
24 Right to Sell Contract, which engaged RESPONDENT to list and sell real property located at  
25 1795 Trabert Circle, Sparks, Nevada (the "Trabert Property").

26           48. RESPONDENT had Shay sign a MLS waiver.

27           49. On or about June 24, 2013, Pine Nut Hospitalities, LLC ("Pine Nut") offered to  
28 buy the Trabert Property, and Shay accepted the offer.

1           50.   RESPONDENT acted as the agent for both Pine Nut and Shay.

2           51.   RESPONDENT did not input the Trabert Property into the MLS until June 26,  
3 2013.

4           52.   On or about December 23, 2013, the sale on the Trabert Property closed for a  
5 final purchase price of \$140,000, resulting in RESPONDENT receiving both sides of the sales  
6 commission.

7           53.   On or about March 24, 2014, Pine Nut resold the Trabert Property for \$182,000,  
8 approximately \$42,000 more than its purchase

9 **HEARTPINE STREET**

10           54.   On or about July 30, 2013, Eugenia Chapman ("Chapman") entered into an  
11 Exclusive Right to Sell Contract, which engaged RESPONDENT to list and sell real property  
12 located at 11785 Heartpine Street, Reno, Nevada (the "Heartpine Property").

13           55.   RESPONDENT had Chapman sign an MLS waiver.

14           56.   On or about August 12, 2013, NNCL offered to buy the Heartpine Property, and  
15 Chapman accepted the offer.

16           57.   RESPONDENT acted as the agent for both NNCL and Chapman.

17           58.   RESPONDENT did not input the Heartpine Property into the MLS until August  
18 12, 2013, when she listed the property as pending-short sale.

19           59.   On or about October 10, 2013, the sale on the Heartpine Property closed for a  
20 final purchase price of \$141,000, resulting in RESPONDENT receiving both sides of the sales  
21 commission.

22           60.   On or about November 18, 2013, NNCL resold the Heartpine Property for  
23 \$170,000, approximately \$29,000 more than its purchase price.

24 **MARISSA ANNE COURT**

25           61.   On or about May 9, 2013, Sandra Motter McDonald ("McDonald") and James  
26 Kean ("Kean") entered into an Exclusive Right to Sell Contract, which engaged  
27 RESPONDENT to list and sell real property located at 6475 Marissa Anne Court, Sparks,  
28 Nevada (the "Marissa Anne Property").

1           62.   RESPONDENT had McDonald and Kean sign an MLS waiver.

2           63.   On or about June 27, 2013, Pine Nut offered to buy the Marissa Anne Property,  
3 and McDonald and Kean accepted the offer.

4           64.   RESPONDENT acted as the agent for Pine Nut and McDonald and Kean.

5           65.   RESPONDENT did not input the Marissa Anne Property into the MLS until June  
6 27, 2013.

7           66.   On or about September 12, 2013, the sale on the Marissa Anne Property closed  
8 for a final purchase price of \$239,000, resulting in RESPONDENT receiving both sides of the  
9 sales commission.

10          67.   On or about November 21, 2013, Pine Nut resold the Marissa Anne Property for  
11 \$272,500, approximately \$33,500 more than its purchase price.

12 **SANTA ANA DRIVE**

13          68.   On or about August 6, 2013, Jennifer Downey ("Downey") and Steve Bennyhoff  
14 ("Bennyhoff") entered into an Exclusive Right to Sell Contract, which engaged RESPONDENT  
15 to list and sell real property located at 2835 Santa Ana Drive, Sparks, Nevada (the "Santa Ana  
16 Property").

17          69.   RESPONDENT had Downey and Bennyhoff sign an MLS waiver.

18          70.   On or about August 12, 2013, NNCL offered to buy the Santa Ana Property, and  
19 Downey and Bennyhoff accepted the offer.

20          71.   RESPONDENT acted as the agent for NNCL and Downey and Bennyhoff.

21          72.   RESPONDENT did not input the Santa Ana Property into the MLS until August  
22 12, 2013, when she listed the property as pending-short sale.

23          73.   On or about January 13, 2014, the sale on the Santa Ana Property closed for a  
24 final purchase price of \$165,000, resulting in RESPONDENT receiving both sides of the sales  
25 commission.

26          74.   On or about March 19, 2014, NNCL resold the Santa Ana Property for \$209,900,  
27 approximately \$44,900 more than its purchase price.

28 ...

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

**VIOLATIONS**

RESPONDENT has committed the following violations of law:

75. 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.

76. 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' lenders.

**DISCIPLINE AUTHORIZED**

77. 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.

78. 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.

79. 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

1 business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East  
2 Sahara Avenue, 2<sup>nd</sup> Floor Conference Room, Las Vegas, Nevada 89104.

3 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
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9 Commission may decide the case as if all allegations in the complaint were true. If you  
10 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
11 4074.

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

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

25 You have the right to request that the Commission issue subpoenas to compel  
26 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
27 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
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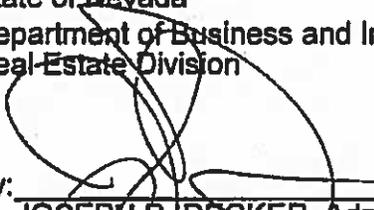
Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

1 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
2 233B, and NAC 645.810 through 645.920.

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

7 DATED this 2<sup>nd</sup> day of December, 2014.

8 State of Nevada  
9 Department of Business and Industry  
10 Real Estate Division

11 By:   
12 JOSEPH R. DECKER, Administrator  
13 2501 East Sahara Avenue  
14 Las Vegas, Nevada 89104-4137  
15 (702) 486-4033

16 CATHERINE CORTEZ MASTO  
17 Attorney General

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19 KEITH E. KIZER  
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21 555 East Washington Avenue, Suite 3900  
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24 Attorneys for Real Estate Division  
25  
26  
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# Exhibit 12

BEFORE THE  
NEVADA REAL ESTATE COMMISSION

-oOo-

NEVADA REAL ESTATE DIVISION

Complainant,

vs.

Case No. 2014-3324

JASON ALLEN LOCOCO,

Respondent.

NEVADA REAL ESTATE DIVISION

Complainant,

vs.

Case No. REN 14-05-02-042

STEVEN P. O'BRIEN

Respondent.

=====

TRANSCRIPT OF PROCEEDINGS FROM AUDIOTAPE  
HEARING

January 7, 2015

Henderson City Hall  
Council Chambers Conference Room  
240 Water Street  
Henderson, Nevada

Transcribed By: MARIAN S. BROWN PAVA, CCR #169, RPR  
CALIFORNIA CSR #4525

1                                    -oOo- APPEARANCES -oOo-

2 COMMISSIONERS IN ATTENDANCE:

- 3 DEVIN REISS, Clark County
- NEIL SCHWARTZ, Clark County
- 4 SHERRIE CARTINELLA, Washoe County
- RICHARD JOHNSON, Washoe County
- 5 NORMA JEAN OPATIK, Nye County

6 STAFF IN ATTENDANCE:

7 Administration Section:            Rebecca Hardin  
Teralyn Thompson

8 Education Section:                Ingrid Trillo  
9                                        Safia Anwari  
VaNessa Finona

10 Enforcement Section                Jan Holle  
11                                        Daryl McCloskey  
Linda Chavez  
12                                        Carolyn Washington

13 Licensing Section                 Susan Clark

14 Attorney General                 Kimberly Arguello  
Keith Kizer  
15                                        Chris Eccles

16 FOR THE PETITIONER:

17            KEITH KIZER, ESQ.  
Deputy Attorney General  
18            555 East Washington Avenue  
Las Vegas, Nevada 89101

19

20 FOR THE RESPONDENTS:

21            WALSH, BAKER, ROSEVEAR & LOOMIS  
By: JAMES MIKE WALSH, ESQ.  
22            9468 Double R Boulevard, Suite A  
Reno, Nevada 89521

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25

1 you please give us your opening statement.

2 MR. KIZER: Yes, Madam Chair, Commissioners.

3 Again, Keith Kizer.

4 This matter is perhaps one best described as a  
5 first impression. Not only are you as the Commission the  
6 ultimate decider of the -- of whether to grant the relief  
7 in the Complaint by the plaintiff in violation, but you  
8 also find the facts and make conclusions of law. And  
9 this is a unique situation in the sense that it involves  
10 a short sale of property. So it's not your traditional  
11 sale of property.

12 And the concern that the Division is raising before  
13 you for your determination is whether the way this was  
14 marketed and sold and then resold rises to the level of a  
15 violation. And that violation would be not dealing  
16 fairly with the -- with the sellers, not representing the  
17 sellers with absolute fidelity and not dealing fairly  
18 with the sellers' mortgage lender.

19 What the Division is alleging is that when the  
20 seller -- in this case, Mr. and Mrs. Brubber. Hopefully  
21 I'm not saying that one incorrectly -- were in a  
22 desperate situation. They needed to sell their house.  
23 You know, they were basically about to lose it and they  
24 were in a situation where they would be able to -- early  
25 termination on sale.

1 party. But we're saying they were a party to the short  
2 sale because of the nature of what the lender has to do,  
3 in other words, give approval to the matter in the short  
4 sale.

5 And then the lender in the end was financially  
6 harmed by this. If they would have received more money  
7 had it been marketed or sold in the normal course of  
8 business -- and, in fact, the documents show that they  
9 actually had to pay -- this lender had to pay off a  
10 second mortgage with some of the proceeds they received.  
11 So had they received more money, not only would they have  
12 been able to pay that second mortgage without reducing  
13 their take from the short sale any further than they  
14 already did, they would have had a net gain in that.

15 And so in a nutshell, again, we understand this is  
16 a rather unique situation, but we're very concerned and,  
17 therefore, wanted to get a determination from the four of  
18 you on whether this was done with respect to the  
19 NRS 645.633(1)(h) and (1)(i) pursuant to NAC 645.605(6)  
20 and/or NRS 645.252(2). Thank you.

21 CHAIRPERSON OPATIK: Mr. Walsh, do you have an  
22 opening statement at this time?

23 MR. WALSH: Not at this time.

24 CHAIRPERSON OPATIK: Okay.

25 MR. WALSH: I would like to reserve until the start

1 THE WITNESS: Thank you.

2 CHAIRPERSON OPATIK: Call your next witness.

3 MR. WALSH: That's our case.

4 CHAIRPERSON OPATIK: You rest at this point?

5 MR. WALSH: We do.

6 CHAIRPERSON OPATIK: Mr. Kizer?

7 MR. KIZER: We have nothing in rebuttal and are  
8 ready for closing when you are ready.

9 CHAIRPERSON OPATIK: Okay. So do you want to do  
10 your closing arguments at this point?

11 MR. WALSH: Yes.

12 MR. KIZER: Yes, Madam Chair.

13 In the opening statement by the respondent's  
14 counsel he had mentioned whether we were in reality  
15 asking for an advisory opinion. We are not. The  
16 Division is not. Granted, again, as I mentioned in my  
17 opening, this is akin to a case of first impression.  
18 It's a unique set of circumstances, but we're looking at  
19 a specific statutory regulation cited in the Complaint,  
20 whether this rose to the level of a violation.

21 And I will point out that, from a previous  
22 witness's testimony, we're not charging the absolute  
23 fidelity violation with respect to the seller's mortgage  
24 money. If you look at paragraph 15, that's only against  
25 the seller, and then 16 talks only about the not dealing

1 CHAIRPERSON OPATIK: That's the end. So stated.

2 MR. WALSH: Thank you for your time.

3 CHAIRPERSON OPATIK: Thank you.

4 THE ATTORNEY: Now, I do have one question for  
5 counsel. Is Mr. O'Brien on this agenda?

6 MR. KIZER: Yes. And we had discussed this --

7 A VOICE: Your mike is going (inaudible) --

8 CHAIRPERSON OPATIK: You said were you done; right?

9 COMMISSIONER SCHWARTZ: Yeah, they heard you.

10 A VOICE: Did you turn them off?

11 MR. KIZER: I'll speak loud.

12 So we have spoken and we would ask that you  
13 continue the O'Brien matter so Mr. Walsh and I can work  
14 on a stipulation in accordance with this decision here  
15 today and we'll (inaudible) from that.

16 CHAIRPERSON OPATIK: Okay. So we need a motion for  
17 that?

18 MR. KIZER: Or just to help the administrator,  
19 maybe the easiest thing would be for us to dismiss the  
20 matter, if that's within -- in line with Mr. O'Brien and  
21 Mr. Walsh, and I assume it is.

22 MR. WALSH: We will not object.

23 MR. KIZER: Okay. That's easier. We're happy to  
24 do that.

25 THE ATTORNEY: Yeah, because they've withdrawn the



# Exhibit 13

FILED

BEFORE THE REAL ESTATE COMMISSION

JAN 23 2015

STATE OF NEVADA

REAL ESTATE COMMISSION  
*R. Allen - A. K. D.*

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

Case No. 2014-3324

Petitioner,

DECISION

vs.

JASON ALLEN LOCOCO,

Respondent.

This matter came on for hearing before the REAL ESTATE COMMISSION, STATE OF NEVADA ("Commission") on Wednesday, January 7, 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water Street, Henderson, Nevada. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint against the licensee, Jason Allen Lococo ("Lococo"), on behalf of Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division"). Lococo, along with his attorney, Michael J. Walsh, appeared and participated at the hearing.

It appears to the satisfaction of the Commission that Lococo received lawful notice of the Complaint and that the Commission has jurisdiction over this matter and may proceed to make a determination.

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the testimony and evidence presented at the hearing, finds by substantial evidence that the following facts have been proven.

1. Lococo, at the relevant times mentioned in this Complaint, has been licensed as a real estate salesperson, license number S.0170529, since May 13, 2011, and is currently in

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

1 active status and subject to the jurisdiction of the Division and the provisions of NRS chapter  
2 645 and NAC chapter 645.

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

6 3. Lococo was associated with O'Brien and Harcourts NV1 at the relevant times  
7 mentioned in this Complaint.

8 4. With respect to a property Lococo was contracted to sell, Lococo facilitated a  
9 potential buyer in return for the buyer using Harcourts NV1 in its attempt to buy and resell the  
10 property.

11 5. On or about February 4, 2013, Paula and Steven Brummer (the "Brummers")  
12 entered into an Exclusive Right to Sell Contract, which engaged Lococo to list and sell real  
13 property located at 11 Woodstock Circle, Carson City, Nevada (the "Woodstock Circle  
14 Property").

15 6. Lococo had the Brummers sign a Multiple Listing Service waiver.

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

18 8. O'Brien acted as the agent for NNCL.

19 9. On or about May 10, 2013, the sale on the Woodstock Circle Property closed  
20 with a final purchase price of \$300,000, resulting in Harcourts NV1, via Lococo and O'Brien,  
21 receiving both sides of the sales commission.

22 10. On or about September 6, 2013, NNCL resold the Woodstock Circle Property for  
23 \$355,000, approximately \$55,500 more than its purchase price.

24 11. For that sale, O'Brien was NNCL's agent, so Harcourts NV1 received the seller's  
25 commission on that sale.

26 **CONCLUSIONS OF LAW**

27 The Commission, based upon the preponderance of the evidence, makes the following  
28 legal conclusions.



**Certificate of Service  
(NRS 645.680)**

I certify that on the 29<sup>th</sup> day of January, 2015, I deposited a copy of the foregoing:

**DECISION**

in the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, certified mail addressed to the following respondent at their last known address as follows:

**Certified No. 7013 1090 0000 1902 9149**

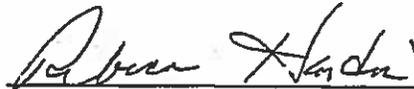
Jason Allen Lococo  
Harcourts NV1  
6770 South McCarran Blvd.  
Reno, Nevada 89509

**Certified No. 7013 1090 0000 1902 6407**

Jason Allen Lococo  
c/o James M. Walsh, Esq.  
Walsh, Baker, Rosevear & Loomis  
9468 Double R Blvd, Suite A  
Reno, Nevada 89521

**Certified No. 7013 1090 0000 1902 9125**

Steven P. O'Brien  
Harcourts NV1  
6770 South McCarran Blvd.  
Reno, Nevada 89501



**Rebecca Hardin  
Commission Coordinator**