

FILED
JAN 06 2015

REAL ESTATE COMMISSION
BY *Robert J. ...*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Petitioner,

vs.

SUSAN KAY LOWE,

Respondent.

Case No. REN 14-04-11-040

RESPONSE TO APPLICATION FOR MORE
DEFINITE AND DETAILED STATEMENT

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND
INDUSTRY OF THE STATE OF NEVADA (the "Division") hereby responds to the Application
for More Definite and Detailed Statement - NRS 233B.121 (the "Application") filed by
Respondent SUSAN KAYE LOWE (the "Respondent").

POINTS AND AUTHORITIES

NRS 233B.121, the statute replied upon by the Respondent for her Application,
provides, in pertinent part:

1. In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice.
2. The notice must include:
 - (a) A statement of the time, place and nature of the hearing.
 - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - (c) A reference to the particular sections of the statutes and regulations involved.
 - (d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.

NRS 233B.121(1) and (2) (emphasis added). The Division's Complaint and Notice of Hearing
(the "Complaint") includes all the items listed in NRS 233B.121(2). Complaint, pp. 1-10.

...

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

1 Likewise, Rule 8(a)(1) of the Nevada Rules of Civil Procedure requires that "a short and
2 plain statement of the claim showing that the pleader is entitled to relief" be included in a civil
3 complaint. *Accord Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216 (1979) ("the
4 pleading of conclusions, either of law or fact, is sufficient so long as the pleading gives fair
5 notice of the nature and basis of the claim").

6 The Division's Complaint sets forth numerous allegations that a broker-salesperson
7 associated with the Respondent engaged in preferentialism of specified buyers over the
8 specified sellers and the sellers' lenders, and sets forth actions allegedly undertaken to
9 monetize that preferentialism to benefit those buyers, the broker-salesperson and the real
10 estate firm associated with the Respondent, at the expense of other parties to the real estate
11 transactions. *E.g.*, Complaint, ¶¶ 3, 4, 5, 7, 10, 12, 14, 19, 21, 25, 27, 30, 32, 34, 37, 39, 41,
12 45, 47, 49, 52, 54, 56, 59, 61, 63, 66, 68, 70, 73, 75. Consequently, the Division charged the
13 Respondent with failing to maintain adequate supervision of that broker-salesperson.
14 Complaint, ¶ 76 (referencing NAC 645.600(1)).

15 Notwithstanding the above, the Respondent, through her counsel, requested and
16 received a copy of the Division's complaint against the real estate broker-salesperson (Case
17 No. REN 14-06-06-061), showing that the real estate broker-salesperson is alleged to have
18 violated NRS 645.633(1)(h), pursuant to NAC 645.605(6) and/or NRS 645.252(2), by not
19 dealing fairly with the sellers and the sellers' lenders based on the *same factual allegations*
20 contained in the Complaint here. The Respondent and her counsel also received confirmation
21 that the Notice of Documents filed in each case contains the exact same documents.

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1 Since the Division's Complaint "state[d] the matters in detail at the time the notice [was]
2 served" on the Respondent as required by NRS 233B.121(2), a more definite and detailed
3 statement is neither required nor needed.

4 DATED this 2nd day of January, 2015.

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6 CATHERINE CORTEZ MASTO
Attorney General

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1 CERTIFICATE OF SERVICE

2 I do hereby certify that I am an employee of the Office of the Attorney General and that
3 on the 5th day of January, 2015, I served a true and accurate copy of the RESPONSE TO
4 APPLICATION FOR MORE DEFINITE AND DETAILED STATEMENT by mailing via United
5 States mail, first class, postage prepaid, to:

6 Cassell Von Baeyer, Esq.
7 Incline Law Group, LLP
8 264 Village Blvd., Suite 104
9 Incline Village, NV 89451

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11 An Employee of the Office of the Attorney General