

FILED

BEFORE THE REAL ESTATE COMMISSION DEC 03 2014

STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *[Signature]*

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

**FACTUAL ALLEGATIONS**

**GENERAL FACTUAL ALLEGATIONS**

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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.

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1 12. For that resale, RESPONDENT was Veasley's agent, and another Krch Realty  
2 realtor was the buyer's agent, so RESPONDENT received the seller's commission on that  
3 sale.

4 **VIOLATIONS**

5 RESPONDENT has committed the following violations of law:

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

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

10 **DISCIPLINE AUTHORIZED**

11 15. 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 16. 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 17. 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

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.

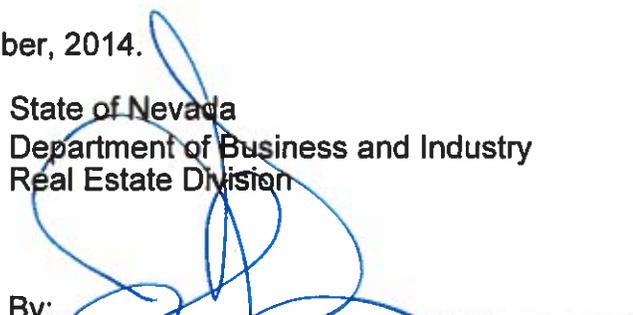
28 . . .

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.

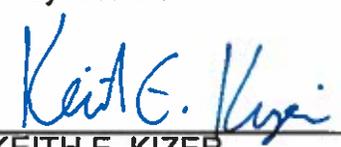
6 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
7 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
8 evidence presented and to further determine what administrative penalty, if any, is to be  
9 assessed against the Respondent,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

10 DATED this 2nd 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

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