

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *Riley Hand*

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.

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

1 **FACTUAL ALLEGATIONS**

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT, at the relevant times mentioned in this Complaint, has been  
4 licensed as a real estate 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.

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.

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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 38. RESPONDENT violated NAC 645.600(1) on *three* occasions by failing to  
2 maintain adequate supervision of Lococo and Lewis.

3 **DISCIPLINE AUTHORIZED**

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

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

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

12 **NOTICE OF HEARING**

13 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
14 Administrative Complaint against the above-named Respondent in accordance with Chapters  
15 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
16 Code.

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

27 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
28 same time as part of a regular meeting of the Commission that is expected to last from

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.

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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 15<sup>th</sup> day of December, 2014.

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

9 By:   
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14 CATHERINE CORTEZ MASTO  
15 Attorney General

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