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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

GAIL J. ANDERSON, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 13-01-28-225

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

RICHARD A. WILLER,

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 Christine Guerci-Nyhus, Deputy Attorney General, hereby notifies RESPONDENT RICHARD A. WILLER ("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 was at all relevant times mentioned in this Complaint licensed as a salesperson by the Division under license number S.0035047 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a salesperson, license number S.0035047 from January 1995 through present and is

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555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 currently in an inactive status and is subject to the jurisdiction of the Division and the
2 provisions of NRS chapter 645 and NAC chapter 645.

3 2. On or about January 22, 2013 the Division received a complaint from
4 Charatsang Dara concerning RESPONDENT and an investigation was commenced.

5 3. On or about September 4, 2012, Dara entered into a lease for an apartment at
6 200 Mission Laguna #104, Las Vegas, Nevada.

7 4. RESPONDENT was the agent for the landlord's broker, Better Homes &
8 Gardens Desert Properties.

9 5. RESPONDENT was active with Desert Properties from July of 2011 until
10 January of 2013.

11 6. On or about November 15, 2012, RESPONDENT came to Dara's apartment to
12 look at an overflow that was coming from the kitchen sink.

13 7. Dara was present in the apartment along with her then 14 year old daughter.

14 8. It was warm in the apartment and RESPONDENT was visibly sweating.
15 RESPONDENT was wearing a jacket over his shirt and pants.

16 9. RESPONDENT asked Dara if he could take off his clothes.

17 10. Dara understood the question to mean that RESPONDENT was asking to take
18 off his jacket.

19 11. RESPONDENT proceeded to strip naked in Dara's kitchen including removing
20 his underwear.

21 12. Dara's minor daughter was in the small living room area at the time doing
22 schoolwork. This living room area looks directly over to the kitchen.

23 13. As soon as Dara realized that the RESPONDENT was naked she asked him to
24 get dressed and leave.

25 14. RESPONDENT did not immediately get dressed.

26 15. RESPONDENT then put on his underwear and continued to work on the drain.

27 16. Dara again asked the RESPONDENT to leave which he did. Dara then
28 contacted the police for a protective Order.

1 17. On or about February 13, 2013, RESPONDENT provided an affidavit to the
2 Division in which he admitted removing all of his clothes but stated that he believed there had
3 been a misunderstanding because he had asked Dara whether he could remove his clothing.

4 **VIOLATIONS**

5 RESPONDENT has committed the following violation of law:

6 18. RESPONDENT violated NRS 645.633(1)(i) by engaging in deceitful behavior by
7 asking to remove his clothes without clarifying that it was his intention to remove all of his
8 clothing including his underwear.

9 **DISCIPLINE AUTHORIZED**

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

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

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

18 **NOTICE OF HEARING**

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

23 **THE HEARING WILL TAKE PLACE March 25, 2014 commencing at 1:00 p.m., or**
24 **as soon thereafter as the Commission is able to hear the matter, and each day**
25 **thereafter commencing at 8:30 a.m. through March 27, 2014, or earlier if the business of**
26 **the Commission is concluded. The Commission meeting will be held at the Grant**
27 **Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada 89101**
28 **and via video conference to the Legislative Building, 401 South Carson Street, Room**

1 3137, Carson City, Nevada 89701. The meeting will continue on March 26, 2014 at the
2 Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada
3 89101 and via video conference to the Legislative Building, 401 South Carson Street,
4 Room 3137, Carson City, Nevada 89701, commencing at 8:30 a.m., and on March 27,
5 2014, starting at 8:30 a.m. at the Grant Sawyer Building, 555 East Washington Avenue,
6 Room 4412, Las Vegas, Nevada 89101 and via video conference to the Legislative
7 Building, 401 South Carson Street, Room 3137, Carson City, Nevada 89701.

8 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
9 same time as part of a regular meeting of the Commission that is expected to last from
10 March 25 through March 27, 2014, or earlier if the business of the Commission is
11 concluded. Thus, your hearing may be continued until later in the day or from day to
12 day. It is your responsibility to be present when your case is called. If you are not
13 present when your hearing is called, a default may be entered against you and the
14 Commission may decide the case as if all allegations in the complaint were true. If you
15 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
16 4074.

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

23 As the Respondent, you are specifically informed that you have the right to appear and
24 be heard in your defense, either personally or through your counsel of choice. At the hearing,
25 the Division has the burden of proving the allegations in the complaint and will call witnesses

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

1 and present evidence against you. You have the right to respond and to present relevant
2 evidence and argument on all issues involved. You have the right to call and examine
3 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
4 to the issues involved.

5 You have the right to request that the Commission issue subpoenas to compel
6 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
7 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
8 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
9 233B, and NAC 645.810 through 645.875.

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

14 DATED this 20th day of February, 2014.

15 State of Nevada
16 Department of Business and Industry
17 Real Estate Division

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