

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

REAL ESTATE COMMISSION
BY *[Signature]*

Case No. 2015-2676

Petitioner,

vs.

DECISION

MARTY ZABIB,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, July 13, 2016, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. Respondent Marty Zabib ("RESPONDENT") appeared and testified under oath at the hearing. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

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 evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. RESPONDENT, at the relevant times mentioned in the Complaint, was licensed as a Broker under license number B.001012.LLC and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. Ross Waguespack and Jamie Madden ("Complainants") worked for RESPONDENT at Re/Max Winners.

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

1 3. Complainants agreed to have RESPONDENT purchase investment property for
2 them in Florida.

3 4. Complainants deposited \$150,000 to be used for the purchase into
4 RESPONDENT's personal Las Vegas branch Wells Fargo bank account.

5 5. Between October 2013 and January 2014, Complainants entrusted a total of
6 \$215,000 to RESPONDENT for the purchase of the property.

7 6. In February 2014, Complainants asked for the money back so the Complainants
8 could deposit it into an S&P stock account so that they would earn interest while waiting for
9 Zabib to find an investment property.

10 7. Despite RESPONDENT's assurances, the money was never transferred.

11 8. Instead, on March 7, 2014, RESPONDENT's associate, Kim Hildreth, informed
12 Complainants that a house was purchased with the funds.

13 9. In fact, a property was never purchased with Complainants' funds.

14 10. RESPONDENT admitted he unlawfully misappropriated the \$215,000 entrusted
15 to him.

16 11. Complainants sued RESPONDENT and received a judgement in the amount of
17 \$215,000 plus \$25,000 in attorney's fees on August 24, 2015.

18 12. On September 21, 2015, the Division requested an affidavit response and
19 documents from RESPONDENT via a letter sent to his business address for Sun Valley
20 Realty.

21 13. The letter was returned to the Division.

22 14. Division personnel went to the Sun Valley Realty location on October 16, 2015,
23 and found it to be closed. The receptionist stated that RESPONDENT moved months prior.

24 15. The letter requesting an affidavit response was mailed to RESPONDENT's
25 home address and an email request was sent.

26 16. RESPONDENT failed to provide an affidavit response or any requested
27 documents.

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CONCLUSIONS OF LAW

The Commission, based upon the preponderance of the evidence, makes the following legal conclusions:

1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters 645 and 233B and NAC Chapter 645.

2. RESPONDENT violated NRS 645.630(1)(a) by making material misrepresentations regarding the supposed purchase of the property.

3. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605 (6) by breaching his obligation of absolute fidelity to his principals' interest, which is gross negligence and incompetence.

4. RESPONDENT violated NRS 645.630(1)(h) by converting the money of others to his own use.

5. RESPONDENT violated NRS 645.633(1)(i) for the above conduct with constitutes deceitful, fraudulent or dishonest dealing.

6. RESPONDENT violated NRS 645.550 by failing to maintain a place of business within the State.

7. RESPONDENT violated NRS 645.570 by failing to notify the Division within 10 days of a change of business location.

8. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by failing to supply a written response to the Division.

9. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605(11)(a) by failing to provide requested documents to the Division.

ORDER

IT IS HEREBY ORDERED that RESPONDENT's real estate licenses and permit are **REVOKED**.

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1 The Commission retains jurisdiction for correcting any errors that may have occurred in
2 the drafting and issuance of this Decision.

3 This Order shall become effective on the 14th day of September, 2016.

4 DATED this 1st day of August, 2016.

5 REAL ESTATE COMMISSION
6 STATE OF NEVADA

7
8 By: 
9 President, Nevada Real Estate Commission