

FILED

BEFORE THE REAL ESTATE COMMISSION

AUG 01 2016

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. 2015-722

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 this Complaint, was subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. In 2011 RESPONDENT approached Alon Yahav and his family ("Complainants") and encouraged them to invest money to purchase various real estate properties.

3. Between 2011 and 2012, Complainants transferred \$297,954 to RESPONDENT.

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1 4. RESPONDENT sent numerous receipts and invoices purportedly paid to make
2 repairs to two properties.

3 5. Yahav travelled from Israel and went to the properties.

4 6. Yahav was informed that the occupants were the recorded owners of the
5 properties and this was confirmed.

6 7. Complainants were never the recorded owners of the properties.

7 8. Upon confrontation with Yahav, Zabib admitted that he had not used the money
8 to purchase the properties in question.

9 9. Zabib signed an agreement to return monies to Complainants.

10 10. Complainants sued RESPONDENT in District Court.

11 11. The Court found RESPONDENT guilty of breach of contract,
12 fraudulent/intentional misrepresentation, fraudulent conversion of funds, and unjust
13 enrichment.

14 12. Complainants were awarded a judgment which includes the return of the original
15 investment, pre-judgement interest, costs, attorney's fees and punitive damages.

16 **CONCLUSIONS OF LAW**

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

19 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters
20 645 and 233B and NAC Chapter 645.

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

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

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

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

3 **ORDER**

4 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total amount
5 of \$31,406.26. That amount reflects a fine of \$7,500.00 for each of the four above violations
6 of law plus \$1,406.26 for hearing and investigative costs. RESPONDENT shall pay the total
7 amount to the Division within six (6) months of the effective date of this Order. The Division
8 may institute debt collection proceedings for failure to timely pay the total amount.

9 IT IS FURTHER ORDERED that RESPONDENT's real estate broker's license is hereby
10 downgraded to a real estate salesperson's license.

11 IT IS FURTHER ORDERED that RESPONDENT's property manager permit is hereby
12 **REVOKED.**

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

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

16 DATED this 1st day of August, 2016.

17 REAL ESTATE COMMISSION
18 STATE OF NEVADA

19
20 By: 
21 President, Nevada Real Estate Commission
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