

**FILED**

MAR 28 2016

**BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA**

REAL ESTATE COMMISSION  
BY *Robert Hardin*

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

Case No. 2014-3290

Petitioner,

vs.

DALE BRENT ZAVISLAK,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This matter came on for hearing before the Nevada Real Estate Commission, Department of Business and Industry, State of Nevada ("Commission") on December 17, 2015 at 240 Water Street, Council Chambers, Henderson Nevada, 89015. Present were Commissioners Norma Jean Opatik, Sherrie Cartinella, Neil Schwartz, Devin Reiss and Lee Barrett. The Respondent, DALE BRENT ZAVISLAK ("RESPONDENT" or "ZAVISLAK"), failed to appear at the Hearing, failed to file an Answer to the Complaint, and failed to request a continuance of the Hearing. Kimberly A. Arguello, Senior Deputy Attorney General appeared on behalf of Petitioner.

**FINDINGS OF FACT**

The Commission, based upon the evidence presented during the Hearing, finds that there is a preponderance of evidence in the record to establish each of the following Findings of Fact:

1. Counsel for Petitioner made an offer of proof that RESPONDENT was given proper Notice of the Hearing.
2. Rebecca Hardin, Commission Coordinator for the Division, testified that the Complaint, Notice of Complaint and Notice of Documents were mailed via certified mail more than 30 days prior to the Hearing to RESPONDENT at the last known address RESPONDENT provided to the Division.

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1           3.     The Commission finds that proper notice of the hearing was given to  
2     RESPONDENT.

3           4.     Pursuant to NAC 645.860, the Commission finds that the following facts  
4     specified in the Complaint are true.

5           5.     RESPONDENT, at the relevant times was licensed as a Salesperson under  
6     license number S.0078584 and is currently inactive and subject to the jurisdiction of the  
7     Division and the provisions of NRS chapter 645 and NAC chapter 645.

8           6.     At all relevant times RESPONDENT a Salesperson at Re/Max central under  
9     Broker Joseph A. Scott.

10          7.     RESPONDENT entered into an agreement with Amado and Lisa Untalan to  
11     represent them in the sale of their property located at 26 E. Serene Avenue #417, Las Vegas,  
12     Nevada 89123.

13          8.     The Untalans purchased the property in 2006 for \$372,800.

14          9.     The Untalans are in their mid 70's and live in California.

15          10.    RESPONDENT convinced them to sell the condo to his cousin, Darren Pura, for  
16     \$137,800 with the agreement that in six months Mr. Pura would sell it back to them for the  
17     purchase price plus \$10,000.

18          11.    RESPONDENT convinced the Untalans that he does this type of transaction all  
19     the time and that it is preferable to applying for a loan modification.

20          12.    RESPONDENT memorialized this agreement in a Letter of Intent dated August  
21     15, 2013.

22          13.    RESPONDENT received a commission of \$8,628 from representing both the  
23     buyer and sellers in the transaction.

24          14.    After the transaction was complete, RESPONDENT had no further contact with  
25     the Untalans.

26          15.    In addition to the loss of their condo, they lost all of the appliances, furnishings  
27     and contents of the condo.

28          16.    RESPONDENT failed to disclose his relationship with the buyer in writing.

1 17. RESPONDENT did not provide his broker with the paperwork regarding this  
2 transaction.

3 18. RESPONDENT failed to provide a response or any requested documents to the  
4 Division.

5 **CONCLUSIONS OF LAW**

6 Based upon NAC 645.860 and the findings of fact, the Commission hereby finds by a  
7 preponderance of the evidence the following violations of law:

8 19. RESPONDENT violated NRS 645.633 (1)(i) for facilitating the above agreement  
9 which constitutes deceitful, fraudulent or dishonest dealing.

10 20. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605 (6) for  
11 breaching his obligation of absolute fidelity to the Untalans which constitutes deceitful,  
12 fraudulent or dishonest dealing.

13 21. RESPONDENT violated NAC 645.637 by failing to disclose his relationship with  
14 buyer in writing.

15 22. RESPONDENT violated NAC 645.645(2) by failing to provide the paperwork for  
16 the subject transaction to his broker.

17 23. RESPONDENT violated NRS 645.635(6) by failing to produce the documents  
18 requested by the Division.

19 24. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by  
20 failing to supply a written response to the Division which constitutes gross negligence or  
21 incompetence.

22 **ORDER**

23 The Commission being fully apprised in the premises, and good cause appearing to the  
24 Commission, IT IS HEREBY ORDERED THAT:

25 25. The RESPONDENT shall pay to the Division a total fine of \$60,782.99. The  
26 total fine reflects a fine of \$10,000.00 for each of the above violations of law and plus \$782.99  
27 for hearing and investigative costs. Respondent shall pay the total fine to the Division within  
28 ninety (90) days of the effective date of this Order.

