

JUN 09 2016

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
Robin Ford

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

Case No. 2014-3773

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

REX F. HENRIOTT,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT REX F. HENRIOTT ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The 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 by the Division as a broker under license number B.0017799.LLC, as a business broker under license number BUSB.0006809.BKR, and as a property manager under permit number PM.0163019.BKR, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed as a broker under license number B.0017799.LLC since March 3, 2006, as a business broker under license number

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1 BUSB.0006809.BKR since November 8, 2011, and as a property manager under permit
2 number PM.0163019.BKR since March 3, 2006, and is currently in inactive status.

3 2. On November 23, 2015, the Division Administrator issued RESPONDENT a
4 Notice of Violation with Imposition of Administrative Fine in the amount of \$2,500 for violations
5 of NRS 645.252(1)(a), NRS 645.252(2), NRS 645.633(1)(h) and NRS 645.633(1)(i) for (a)
6 excessive charges to a property owner, (b) conduct which constitutes deceitful, fraudulent or
7 dishonest dealing, (c) not telling a property owner about the return of a tenant's deposit and
8 letting the tenant out of a lease, and (d) gross negligence or incompetence in performing an
9 act for which he needed a license.

10 3. The Notice of Violation and accompanying letter from the Division advised that
11 the administrative fine must be remitted to the Division by December 24, 2015.

12 4. The Notice of Violation and accompanying letter contained notice to the
13 RESPONDENT advising RESPONDENT of his appeal rights if he disagreed with the finding of
14 violations and/or imposition of the administrative fine.

15 5. RESPONDENT was notified that he had the right to appeal the administrative
16 fine and request a Commission hearing within 30 days of the date of the Notice of Violation.

17 6. RESPONDENT did not appeal the administrative fine and did not request a
18 Commission hearing prior to December 24, 2015.

19 7. As such, RESPONDENT was required to pay the \$2,500 administrative fine by
20 December 24, 2015.

21 8. The Division sent a letter to RESPONDENT on January 26, 2016, regarding his
22 nonpayment of the administrative fine.

23 9. To date, RESPONDENT has failed to pay the administrative fine.

24 **VIOLATIONS**

25 10. As no appeal was timely filed, RESPONDENT has been found to be in violation
26 of NRS 645.252(1)(a), NRS 645.252(2), NRS 645.633(1)(h) and NRS 645.633(1)(i).

27 ...

28 ...

DISCIPLINE AUTHORIZED

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2 11. Pursuant to NAC 645.695(2), in addition to imposing an administrative fine, the
3 Administrator may recommend to the Commission that the license of the licensee be
4 suspended or revoked.

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

8 13. Therefore, the Division requests an order requiring the payment of the properly
9 imposed administrative fine and that RESPONDENT's license be suspended until paid, as
10 well as any other disciplinary action as the Commission deems appropriate under the
11 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 July 12, 2016 commencing at 9:00 a.m., or
18 as soon thereafter as the Commission is able to hear the matter, and each day
19 thereafter commencing at 9:00 a.m. through July 14, 2016, or earlier if the business of
20 the Commission is concluded. The Commission meeting will be held on July 12, 2016
21 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas,
22 Nevada 89101. The meeting will continue on July 13, 2016 at the Grant Sawyer
23 Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada 89101,
24 commencing at 9:00 a.m., and on July 14, 2016, should business not be concluded,
25 starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room
26 4412, Las Vegas, Nevada 89101.

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 July 12 through July 14, 2016, 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.

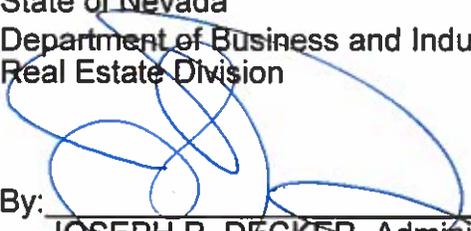
21 You have the right to request that the Commission issue subpoenas to compel
22 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
23 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
24 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
25 233B, and NAC 645.810 through 645.875.

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

3 DATED this 9 day of June, 2016.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
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9 2501 East Sahara Avenue
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12 ADAM PAUL LAXALT
13 Attorney General

14 By: 
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