

APR 12 2016

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *[Signature]*

STATE OF NEVADA

REAL ESTATE DIVISION, DEPARTMENT	*	
OF BUSINESS & INDUSTRY,	*	Case No. RES 13-04-11-299
STATE OF NEVADA	*	
	*	
Petitioner	*	
vs.	*	
	*	
DAVID M. MARK	*	
	*	
Respondent	*	
*****		

MOTION TO VACATE COMMISSION DECISION

The Respondent, David M. Mark requests that the Nevada Real Estate Commission, Department of Business and Industry, State of Nevada ("Commission") vacate its final decision in this matter that ordered the Respondent to pay to the Commission \$40,600.49 and which also revoked the Respondent's Broker's license, for the following reasons:

1.

The Respondent was not provided due process of law in that he never received notice of this proceeding, which otherwise would have allowed him to respond to this matter and offer a defense.

2.

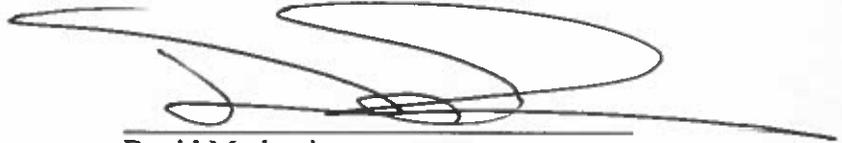
The Commission acted prematurely because the action that was filed against the Respondent on October 31, 2013 was taken while the criminal case against the Respondent was not final and was on appeal to the 9<sup>th</sup> Circuit which ruled on July 31, 2015 that the indictment against the Respondent should be dismissed.

3.

On September 25, 2015 the United States District Court for the District of Nevada

dismissed the indictment (styled U.S. v. David Mark – No. 2:11-cr-00453) against the Respondent with prejudice and further ruled that the Judgment of Conviction be withdrawn and deemed null and void. A copy of the court's judgment is attached.

WHEREFORE, Respondent prays that the Commission's decision in this matter be vacated.

A handwritten signature in black ink, appearing to be 'David Mark', written over a horizontal line.

David Mark – in proper person  
110 South Drive  
Covington, Louisiana 70433  
Phone: 504-231-1102 Fax: 504-910-9595

To: Rebecca Hardin  
Commission Coordinator  
Nevada Real Estate Division  
2501 East Sahara Ave., Suite 303  
Las Vegas, Nevada 89104

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

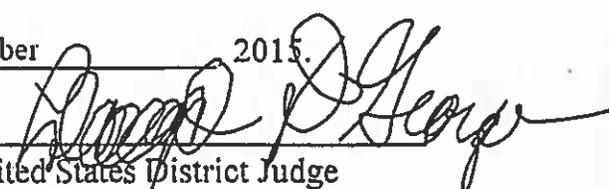
UNITED STATES OF AMERICA	)	Case No.: 2:11-CR-00453-LDG-CWH
	)	
Plaintiff	)	
vs.	)	
	)	
DAVID MARK,	)	
	)	
Defendant	)	

JUDGMENT OF DISMISSAL WITH PREJUDICE

Considering the Mandate and Order of the United States Court of Appeals for the Ninth Circuit entered on July 31, 2015 in Case # 13-10579 ordering dismissal of the indictment in the instant case, it is hereby Ordered as follows:

1. The Indictment styled U. S. v. David Mark (No. 2:11-cr-00453) is dismissed with prejudice;
2. The Judgment of Conviction in the instant case filed October 31, 2013 is hereby withdrawn and deemed null and void;
3. Mr. Mark is hereby released from any reporting obligation to the U.S. Department of Probation and Pre-Trial Services and his passport is to be returned to him forthwith.

Entered this 25 day of September 2015.

  
 United States District Judge  
 Lloyd D. George