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REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. 2017-2079

Petitioner,

vs.

TODD R. MANNING,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT TODD R. MANNING ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 645.235 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 as a Broker by the Division under license number B.1001879.CORP, and is therefore subject to the jurisdiction of the Commission and the Division, and the provisions of NRS Chapter 645 and NAC Chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed as a Broker by the Division under license number B.1001879.CORP, since November 7, 2016, and is currently in active in renewal status.

2. At all times relevant to this Complaint, RESPONDENT was a broker for Marcus & Millichap Real Estate Investment Services of Nevada, Inc. ("Marcus & Millichap").

...

1 3. At all times relevant to this Complaint, John Anthony Glass was not licensed by the
2 Division in any capacity.

3 4. Glass is licensed with the California Bureau of Real Estate as a salesperson, license No.
4 00980723.

5 5. On or about June 5, 2017, RESPONDENT is listed on the Consent to Act form as the
6 licensee for the sale and purchase of a commercial property located at 3695 S. Fort Apache Road, Las
7 Vegas, Nevada (“7-Eleven”).

8 6. On or about that same day, RESPONDENT acknowledged, pursuant to the Duties Owed
9 by a Nevada Real Estate Licensee form, to abide by all other duties, responsibilities and obligations
10 required of the licensee in law or regulations with respect to the 7-Eleven property.

11 7. On or about June 26, 2017, RESPONDENT entered into an “INTERSTATE
12 BROKERAGE COOPERATION AGREEMENT – TURF STATE” with Glass regarding the sale and
13 marketing of the 7-Eleven property.

14 8. That agreement provides that “NO OUT-OF-STATE AGENT INFORMATION SHALL
15 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS.” (Emphasis in original.)

16 9. On or about June 26, 2017, RESPONDENT signed a Marcus & Millichap
17 Representation Agreement setting forth the agent commission with respect to activities by Glass.

18 10. On or about June 28, 2017, Glass engaged in the offering, soliciting, and/or listing of the
19 7-Eleven property for another and for compensation or with the intention or expectation of receiving
20 compensation.

21 11. On or about September 14, 2017, Glass continued to engage in the offering, soliciting,
22 and/or listing of the 7-Eleven property for another and for compensation or with the intention or
23 expectation of receiving compensation.

24 12. The September 2017 advertising for the offering for sale of the 7-Eleven property stated
25 it was being listed by RESPONDENT and Glass.

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28 ...

1 **VIOLATION**

2 RESPONDENT has committed the following violation of law:

3 13. RESPONDENT violated NRS 645.235(1)(b) by knowingly assisting or offering to assist
4 another person or persons to engage in activity for which a license, permit, certificate or registration or
5 any type of authorization is required pursuant to NRS 645, or any regulation adopted pursuant thereto,
6 even though that person or persons did not hold the required license, permit, certificate or registration
7 or has not been given the required authorization; and/or NRS 645.252(2) by not exercising reasonable
8 skill and care with respect to all parties to the real estate transaction.

9 **DISCIPLINE AUTHORIZED**

10 14. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
11 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from
12 the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of
13 NRS 645.230.

14 15. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
15 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
16 Commission otherwise imposes discipline on RESPONDENT.

17 16. Therefore, the Division requests that the Commission take such disciplinary action as it
18 deems appropriate under the circumstances.

19 **NOTICE OF HEARING**

20 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
21 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
22 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

23 **THE HEARING WILL TAKE PLACE on December 5, 2017, commencing at 9:00 a.m., or**
24 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
25 **commencing at 9:00 a.m. through December 7, 2017, or earlier if the business of the Commission**
26 **is concluded. The Commission meeting will be held on December 5, 2017, at the Nevada State**
27 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada**
28 **89102. The meeting will continue on December 6, 2017 at the Nevada State Business Center, 3300**

1 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at
2 9:00 a.m., and on December 7, 2017, should business not be concluded, starting at 9:00 a.m. at the
3 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
4 Nevada 89102.

5 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
6 time as part of a regular meeting of the Commission that is expected to last from December 5
7 through December 7, 2017, or earlier if the business of the Commission is concluded. Thus, your
8 hearing may be continued until later in the day or from day to day. It is your responsibility to be
9 present when your case is called. If you are not present when your hearing is called, a default
10 may be entered against you and the Commission may decide the case as if all allegations in the
11 complaint were true. If you have any questions please call Rebecca Hardin, Commission
12 Coordinator (702) 486-4074.

13 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
14 meeting under Nevada’s Open Meeting Law, and may be attended by the public. After the evidence
15 and arguments, the Commission may conduct a closed meeting to discuss your alleged misconduct or
16 professional competence. A verbatim record will be made by a certified court reporter. You are
17 entitled to a copy of the transcript of the open and closed portions of the meeting, although you must
18 pay for the transcription.

19 As the Respondent, you are specifically informed that you have the right to appear and be heard
20 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
21 the burden of proving the allegations in the complaint and will call witnesses and present evidence
22 against you. You have the right to respond and to present relevant evidence and argument on all issues
23 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
24 opposing witnesses on any matter relevant to the issues involved.

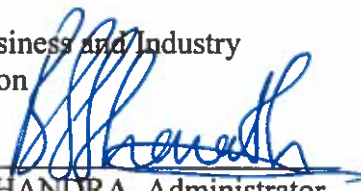
25 You have the right to request that the Commission issue subpoenas to compel witnesses to
26 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
27 demonstrate the relevance of the witnesses’ testimony and/or evidence. Other important rights you
28 ...

1 have are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through
2 645.920.

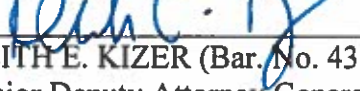
3 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
4 645 and if the allegations contained herein are substantially proven by the evidence presented and to
5 further determine what administrative penalty, if any, is to be assessed against the Respondent,
6 pursuant to NRS 645.235 and/or NRS 645.633.

7 DATED this 31 day of October, 2017.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
12 SHARATH CHANDRA, Administrator
13 3300 West Sahara Avenue
14 Las Vegas, Nevada 89102

15 ADAM PAUL LAXALT
16 Attorney General

17 By: 
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23 Attorneys for Real Estate Division
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