

**FILED**

FEB 14 2010

REAL ESTATE COMMISSION  
*Rubie Hanks*

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case No. 2016-3479

Petitioner,

vs.

JAY ROSEN,

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 JAY ROSEN ("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 645.633 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 as a Broker under license numbers B.0166201.INDV and B.0049406.LLC, and as a Property Manager under permit number PM.0163348.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.0049406.LLC, since March 21, 2003, which is currently in active status.
2. RESPONDENT has been licensed as a Broker under license number B.0166201.INDV, since October 7, 2008, which is currently in active status.

1           3.     RESPONDENT has been licensed as a Property Manager under permit number  
2 PM.0163348.BKR, since February 12, 2007, which is currently in active status.

3           4.     At all times relevant to the Complaint, RESPONDENT was the broker for Since 1917  
4 Realty.

5           5.     On or about June 4, 2016, broker Judith Sullivan sent a \$300.00 commission check to  
6 RESPONDENT.

7           6.     Sullivan sent that check to RESPONDENT in error.

8           7.     On or about July 11, 2016, Sullivan emailed RESPONDENT and informed him that she  
9 had sent him the check in error.

10          8.     On or about July 11, 2016, RESPONDENT replied to Sullivan that he was aware the  
11 check was sent to him in error, but he would be keeping the \$300.00.

12          9.     On or about July 29, 2016, Sullivan filed a Statement of Fact with the Division  
13 complaining about RESPONDENT's conduct.

14          10.    On or about August 9, 2016, Sullivan informed the Division that RESPONDENT still  
15 had not returned the \$300.00 to her.

16          11.    On or about August 10, 2016, the Division contacted RESPONDENT about him not  
17 returning the \$300.00 to Sullivan.

18          12.    On or about August 10, 2016, RESPONDENT informed the Division that he would not  
19 return the \$300.00 to Sullivan.

20          13.    On or about August 15, 2016, as result of further communication with the Division,  
21 RESPONDENT informed Sullivan that he would return the \$300.00 to her.

22          14.    However, RESPONDENT told Sullivan that he would return the \$300.00 to her only if  
23 she personally came to his home.

24          15.    Sullivan informed RESPONDENT that she would be out of town on the sole date and  
25 time RESPONDENT told her she had to come to his home.

26          16.    Sullivan told RESPONDENT she would send her assistant to collect the \$300.00.

27          17.    RESPONDENT refused to agree to give the money to Sullivan's assistant.

28          ...



1 commencing at 9:00 a.m. through March 22, 2018, or earlier if the business of the Commission is  
2 concluded. The Commission meeting will be held on March 20, 2018, at the Nevada State  
3 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada  
4 89102. The meeting will continue on March 21, 2018 at the Nevada State Business Center, 3300  
5 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00  
6 a.m., and on March 22, 2018, should business not be concluded, starting at 9:00 a.m. at the  
7 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,  
8 Nevada 89102.

9 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same  
10 time as part of a regular meeting of the Commission that is expected to last from March 20  
11 through March 22, 2018, or earlier if the business of the Commission is concluded. Thus, your  
12 hearing may be continued until later in the day or from day to day. It is your responsibility to be  
13 present when your case is called. If you are not present when your hearing is called, a default  
14 may be entered against you and the Commission may decide the case as if all allegations in the  
15 complaint were true. If you have any questions please call Rebecca Hardin, Commission  
16 Coordinator (702) 486-4074.

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

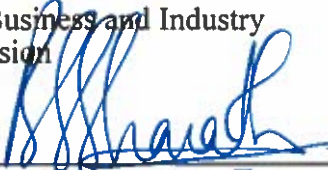
23 As the Respondent, you are specifically informed that you have the right to appear and be heard  
24 in your defense, either personally or through your counsel of choice. At the hearing, the Division has  
25 the burden of proving the allegations in the complaint and will call witnesses and present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

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

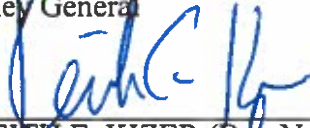
5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or  
6 NAC 645 and if the allegations contained herein are substantially proven by the evidence  
7 presented and to further determine what administrative penalty is to be assessed against the  
8 RESPONDENT, if any,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

9 DATED this 14 day of February, 2018.

10 State of Nevada  
11 Department of Business and Industry  
12 Real Estate Division

13 By:   
14 SHARATH CHANDRA, Administrator  
15 3300 West Sahara Avenue  
16 Las Vegas, Nevada 89102

17 ADAM PAUL LAXALT  
18 Attorney General

19 By:   
20 KEITH E. KIZER (Bar. No. 4305)  
21 Senior Deputy Attorney General  
22 555 East Washington Ave., Ste. 3900  
23 Las Vegas, Nevada 89101  
24 (702) 486-3326  
25 Attorneys for Real Estate Division  
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27  
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