

FILED

AUG 07 2018

REAL ESTATE COMMISSION
Robert Hank

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2018-897

Petitioner,

vs.

MARCUS FITZGERALD,

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 MARCUS FITZGERALD ("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 Salesperson under license number S.0075778, 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 was licensed as a Salesperson, license number S.0075778, from February 23, 2007, until February 28, 2018, and that license is currently in expired status.

2. On or about June 21, 2018, before the Eighth Judicial District Court for Clark County, Nevada, RESPONDENT entered into a Guilty Plea Agreement in which he pled "guilty to Multiple

1 Transactions of Fraud and Deceit in the Course of an Enterprise or Occupation, a category "B" felony,
2 in violation of NRS 205.377."

3 **VIOLATION**

4 RESPONDENT has committed the following violation of law:

5 3. RESPONDENT violated NRS 645.633(1)(d)(1) and/or (2) by being convicted of a
6 felony relating to his real estate practice, and/or a crime involving fraud, deceit, misrepresentation or
7 moral turpitude.

8 **DISCIPLINE AUTHORIZED**

9 4. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
10 an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend,
11 revoke or place conditions on the license of RESPONDENT.

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

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

17 **NOTICE OF HEARING**

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

21 **THE HEARING WILL TAKE PLACE on September 10, 2018, commencing at 9:00 a.m.,**
22 **or as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
23 **commencing at 9:00 a.m. through September 12, 2018, or earlier if the business of the**
24 **Commission is concluded. The Commission meeting will be held on September 10, 2018, at the**
25 **Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,**
26 **Nevada 89102. The meeting will continue on September 11, 2018 at the Nevada State Business**
27 **Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102,**
28 **commencing at 9:00 a.m., and on September 12, 2018, should business not be concluded, starting**

1 at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada
2 Room, Las Vegas, Nevada 89102.

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

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

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


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

27 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
28 NAC 645 and if the allegations contained herein are substantially proven by the evidence


1 presented and to further determine what administrative penalty is to be assessed against the
2 Respondent, if any, pursuant to NRS 645.633 and/or NRS 645.630.

3 DATED this 21 day of August, 2018.

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

7 By: 
8 SHARATH CHANDRA, Administrator
9 SHARON JACKSON, Deputy Administrator
10 3300 West Sahara Avenue, Suite 350
11 Las Vegas, Nevada 89102

12 ADAM PAUL LAXALT
13 Attorney General

14 By: 
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