

FILED
AUG 07 2018
REAL ESTATE COMMISSION
[Signature]

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2018-468

Petitioner,

vs.

DAVID F. GORSKI,

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 DAVID F. GORSKI ("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.0057727, 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 Salesperson, license number S.0057727, since September 3, 2003, and that license is currently in inactive status.

2. On or about April 9, 2018, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of

...

1 \$500.00 for a violation of NRS 645.315(1)(b), pursuant to NAC 645.610(1)(c), for failing to name the
2 brokerage with which he was associated in his advertisement.

3 3. The Notice of Violation with Imposition of Administrative Fine was properly served
4 upon RESPONDENT.

5 4. The Notice of Violation and accompanying letter from the Division advised that the fine
6 must be remitted to the Division by May 10, 2018.

7 5. The Notice of Violation and accompanying letter contained notice to RESPONDENT
8 advising RESPONDENT of his appeal rights if he disagreed with the finding of violation and/or
9 imposition of the fine.

10 6. RESPONDENT did not appeal and did not request a hearing prior to May 10, 2018.

11 7. To date, RESPONDENT has failed to pay the administrative fine.

12 VIOLATION

13 RESPONDENT has committed the following violation of law:

14 8. RESPONDENT violated NRS 645.647(2), by failing to pay money which he owes to the
15 Commission or the Division.

16 DISCIPLINE AUTHORIZED

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

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

23 11. Therefore, the Division requests that the Commission take such disciplinary action as it
24 deems appropriate under the circumstances.

25 NOTICE OF HEARING

26 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
27 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
28 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

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

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

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


1 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
2 opposing witnesses on any matter relevant to the issues involved.

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


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

11 DATED this 7 day of August, 2018.

12 State of Nevada
13 Department of Business and Industry
14 Real Estate Division

15 By: 
16 ~~SHARATH CHANDRA, Administrator~~
17 SHARON JACKSON, Deputy Administrator
18 3300 West Sahara Avenue, Suite 350
19 Las Vegas, Nevada 89102

20 ADAM PAUL LAXALT
21 Attorney General

22 By: 
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