

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

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

5 Petitioner,

6 vs.

7 STEPHEN BARCEL,

8 Respondent.
9

Case No. 2017-2286

FILED

MAY 09 2019

REAL ESTATE COMMISSION
BY *[Signature]*

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney
13 General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies
14 RESPONDENT STEPHEN BARCEL ("RESPONDENT") of an administrative hearing before the
15 STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters
16 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada
17 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below
18 and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS
19 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are
20 proven.

21 **JURISDICTION**

22 In conducting activities alleged herein, RESPONDENT engaged in activities which require a
23 license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the
24 Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the
25 provisions of NRS chapter 645 and NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 1. At all times relevant to this Complaint, RESPONDENT has not been licensed by the
3 Division as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson.

4 2. RESPONDENT has advertised to potential buyers of homes that he assist them with buying
5 homes.

6 3. RESPONDENT has advertised to owners of homes that he will assist them with the sale
7 of their homes.

8 4. RESPONDENT assists potential buyers and owners in the sale and purchase of homes by
9 negotiating and entering into a lease-option agreement with owners and thereafter assigning the lease-
10 option agreements to the buyers on the following properties:

- 11 a. 3148 E. Eldorado Lane, Las Vegas
- 12 b. 9312 Red Twig Drive, Las Vegas 89134
- 13 c. 3517 Quiet Pueblo Street, North Las Vegas 89032
- 14 d. 2324 Timberline Way, Las Vegas 89117

15 5. RESPONDENT has received compensation in the amount of \$43,495.00 for the foregoing
16 transactions.

17 6. On February 23, 2018, under a caption that refers to this matter, the DIVISION ordered
18 RESPONDENT to cease and desist from engaging in the business of, acting in the capacity of or any
19 form of advertisement and/or of property, assume to act as a real estate licensee or any other position that
20 requires a license and/or permit in the State of Nevada from the Nevada Real Estate Division.

21 7. On September 21, 2011, Respondent settled a claim with the Division, with the
22 Commission's approval, involving a lease-option in which there was a contention that he had violated
23 NRS 645.235(1)(a).

24 **VIOLATION**

25 8. RESPONDENT violated NRS 645.235(1)(a) four (4) times by knowingly engaging or
26 offering to engage in any activity for which a license, permit, certificate or registration or any type of
27 authorization is required pursuant to NRS chapter 645, or any regulation adopted pursuant thereto.

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1 **DISCIPLINE AUTHORIZED**

2 9. Pursuant to NRS 645.235(2), the Commission is empowered to impose an administrative
3 fine on RESPONDENT of up to the amount of any gain or economic benefit that the person derived from
4 the violation or \$5,000, whichever amount is greater.

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

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

10 **NOTICE OF HEARING**

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

14 **THE HEARING WILL TAKE PLACE** on June 11, 2019, commencing at 9:00 a.m., or as
15 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
16 at 9:00 a.m. through June 13, 2019, or earlier if the business of the Commission is concluded. The
17 Commission meeting will be held on June 11, 2019 and June 12, 2019 at the Nevada State Business
18 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. Should
19 the meeting not be concluded, the meeting will continue on June 13, 2019, commencing at 9:00 a.m.
20 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las
21 Vegas, Nevada 89102.

22 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
23 time as part of a regular meeting of the Commission that is expected to last from June 11, 2019
24 through June 13, 2019, or earlier if the business of the Commission is concluded. Thus, your
25 hearing may be continued until later in the day or from day to day. It is your responsibility to be
26 present when your case is called. If you are not present when your hearing is called, a default may
27 be entered against you and the Commission may decide the case as if all allegations in the complaint
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1 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
2 4074.

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

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

14 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
15 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
16 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
17 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

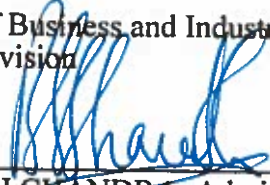
18 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
19 and if the allegations contained herein are substantially proven by the evidence presented and to further

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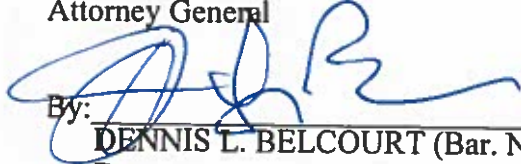
1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
2 645.633 or 645.630.

3 DATED this 9 day of May, 2019.

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

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

11 AARON D. FORD
12 Attorney General

13 By: 
14 DENNIS L. BELCOURT (Bar. No. 2658)
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19 Attorneys for Real Estate Division
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