

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

TYSON R. DELACRUZ,

Respondent.

Case No. 2017-1345

FILED

FEB 15 2019

REAL ESTATE COMMISSION
Sueley Patten

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, TYSON R. DELACRUZ, (“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, NRS 645.630 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.0176538, 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 by the Division as a Salesperson since March 17, 2015.
2. RESPONDENT is currently licensed by the Division as a Salesperson under license number S.0176538, and is in active status.
3. On or about June 13, 2017, the Division received a Complaint and Statement of Facts (“the Complaint”) concerning RESPONDENT’s involvement with efforts to purchase or sell property

1 located at 1244 S. 9th Street, Las Vegas, Nevada (“the Property”) that was facing an impending
2 foreclosure auction.

3 4. In the course of investigating the Complaint, the Division requested copies of certain
4 agreements from RESPONDENT.

5 5. RESPONDENT failed to produce one or more agreements in response to the request.

6 6. RESPONDENT falsely stated in an affidavit submitted to the Division that he was not an
7 agent concerning the Property.

8 7. Agreement 1, a copy of which was provided to the Division by the Complainant, has
9 RESPONDENT as representing both buyer and seller in a transaction concerning the Property.

10 8. RESPONDENT provided a copy of Agreement 1 to a lender/loan servicer to delay the
11 foreclosure auction.

12 9. RESPONDENT failed to provide his Broker, Andrew Fonfa, ASF Realty and Investment,
13 Inc., B.0006019.CORP, with a copy of Agreement 1.

14 10. Agreement 2 was a subsequent agreement for the sale of the Property and listed GFYS,
15 LLC as the buyer.

16 11. RESPONDENT was and is a managing member of GFYS, LLC.

17 12. RESPONDENT did not disclose to the seller that he was a managing member of GFYS,
18 LLC, and thus had an interest in the Property.

19 **VIOLATIONS**

20 RESPONDENT has committed the following violations of law:

21 13. RESPONDENT violated NRS 645.633(1)(h) or NRS 645.635(6) by failing to provide a
22 copy of one or more requested agreement.

23 14. RESPONDENT violated NRS 645.633(h) or (i) or NAC 645.605(11)(c) by providing the
24 Division with a notarized affidavit which falsely stated that he was not providing representation as a real
25 estate agent on either side, dated July 6, 2017.

26 15. RESPONDENT violated NAC 645.650(2) by failing to submit to his broker Agreement
27 1.

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1 16. RESPONDENT violated NRS 645.252(1), NAC 645.637, or NAC 645.640(1)(a) or (b)
2 by failing to disclose that he was a managing member of GFYS, LLC, which is listed as the buyer on
3 Agreement 2.

4 **DISCIPLINE AUTHORIZED**

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

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

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

13 **NOTICE OF HEARING**

14 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
15 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
16 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

17 **THE HEARING WILL TAKE PLACE** on March 26, 2019, commencing at 9:00 a.m., or as
18 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
19 at 9:00 a.m. through March 28, 2019, or earlier if the business of the Commission is concluded.
20 The Commission meeting will be held on March 26, 2019, at the Nevada State Business Center,
21 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will
22 continue on March 27, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th
23 Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 28, 2019,
24 should business not be concluded, starting at 9:00 a.m. at the Nevada Department of Employment,
25 Training and Rehabilitation, 2800 W. St. Louis Avenue, Conference Room, Las Vegas, Nevada
26 89104.

27 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
28 time as part of a regular meeting of the Commission that is expected to last from March 26, 2019

1 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your
2 hearing may be continued until later in the day or from day to day. It is your responsibility to be
3 present when your case is called. If you are not present when your hearing is called, a default may
4 be entered against you and the Commission may decide the case as if all allegations in the complaint
5 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
6 4074.

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

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

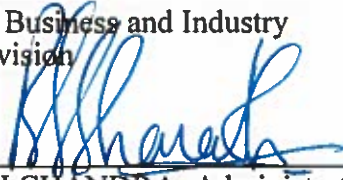
18 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
19 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
20 the relevance of the witness' testimony and/or evidence. Other important rights you have are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

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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 14 day of February, 2019.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
10 SHARATH CHANDRA, Administrator
11 3300 West Sahara Avenue, Suite 350
12 Las Vegas, Nevada 89102

13 AARON D. FORD
14 Attorney General

15 By: 
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