

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

AMRIT BHANDARI,

Respondent.

Case No. 2017-169

FILED

FEB 22 2019

REAL ESTATE COMMISSION
Emily 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 AMRIT BHANDARI ("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-Salesperson under license number BS.0018482, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645. RESPONDENT is currently licensed as a broker with license number B.0018482.INDV.

FACTUAL ALLEGATIONS

1. RESPONDENT AMRIT BHANDARI held a broker-salesperson real estate license under Century 21 Martinez & Associates (subsequent name change to Century 21 Americana) from September 19, 2016 to December 5, 2016.

2. On or about January 23, 2017, the Division received a statement of fact against

RESPONDENT filed by Juan Martinez, of Century 21 Americana, RESPONDENT'S previous associated broker.

3. Mr. Martinez's complaint states RESPONDENT requested a commission in December 2016 for a transaction involving the sale of 5000 Stanley Avenue, Las Vegas consisting of an 8 unit apartment complex (the "Property").

4. Mr. Martinez had not been previously notified of the pending transaction.

5. RESPONDENT provided the duties owed form which states RESPONDENT is the licensee and his number is "B0018482" for the transaction and does not list his associated broker.

6. RESPONDENT completed a residential purchase agreement for the transaction and also listed only himself as the broker.

7. A different purchase agreement was signed by the buyer on November 12, 2016 and by the seller on November 14, 2016, and it also lists only RESPONDENT as the buyer's broker.

8. The Division discovered RESPONDENT pled guilty to misdemeanors involving his management of rental properties in Anaheim, California in the 1990's and served jail time.

9. RESPONDENT marked "No" on his Application for Reinstatement in 2017 to the question: "Have you ever been convicted of a felony, gross misdemeanor, or misdemeanor?"

10. RESPONDENT stated he marked no to the question because the charges were old and the court records were destroyed.

VIOLATIONS OF LAW

11. RESPONDENT violated NRS 645.630(1)(a) when he made a material misrepresentation on his Application for Reinstatement.

12. RESPONDENT violated NRS 645.630(1)(a) by making a material misrepresentation when he represented himself as a broker on the duties owed form and purchase agreement.

13. RESPONDENT violated NRS 645.633(1)(j) by failing to disclose his misdemeanor convictions on his Application for Reinstatement which relate to property management activities in California, and which if known to the Division would have been grounds to deny the license.

14. RESPONDENT violated NAC 645.650(2) and NAC 645.605(7) by failing to provide the purchase and sale agreement to his associated broker within 5 calendar days after it was signed by all the

1 parties.

2 **DISCIPLINE AUTHORIZED**

3 Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an
4 administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke
5 or place conditions on the license of RESPONDENT. The Commission may impose any combination of
6 those actions.

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

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

12 **NOTICE OF HEARING**

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

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

26 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
27 time as part of a regular meeting of the Commission that is expected to last from March 26, 2019
28 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your

1 hearing may be continued until later in the day or from day to day. It is your responsibility to be
2 present when your case is called. If you are not present when your hearing is called, a default may
3 be entered against you and the Commission may decide the case as if all allegations in the complaint
4 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator, (702)
5 486-4074.YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open
6 meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and
7 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
8 professional competence. A verbatim record will be made by a certified court reporter. You are entitled
9 to a copy of the transcript of the open and closed portions of the meeting, although you must pay for the
10 transcription.

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

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

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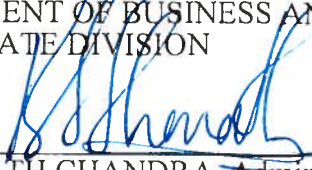
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty is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

5 DATED this 21 day of February, 2019.

6 STATE OF NEVADA
7 DEPARTMENT OF BUSINESS AND INDUSTRY
8 REAL ESTATE DIVISION

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