BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. PATRICK SAUTER, Respondent.	**Case No. 2016-3716** FILED FEB 19 2019 REAL ESTATE COMMISSION Evelyn Pattee

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 PATRICK SAUTER ("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 630.230, NRS 645.630, NRS 645.633 or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT held a license as a broker issued by the Division, B.0045077.LLC, and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapter 645 and NAC Chapter 645.

FACTUAL ALLEGATIONS

1. At all times relevant to this complaint, RESPONDENT has had a license as a broker, license number B.0045077.LLC.

2. At all times relevant to this complaint, RESPONDENT was a supervising broker of Arthur Carll Tangora ("Tangora"), a salesperson with license number S.0167677.

3. On February 29, 2016, Tangora's license lapsed because he failed to renew it, and it remained in lapsed status until it was reinstated on November 1, 2016.

4. During the lapse period Tangora engaged in advertising the services of a real estate salesperson without an active license from the Division to perform such activities.

5. During the lapse period, Tangora advertised multi-family properties located in Nevada, for example, properties located at 4550 Karen Avenue, 525 E. Saint Louis Avenue, 5101 O'Bannon Drive, and 1827 W. Gowan Road.

6. Pursuant to NRS 645.230(1)(a) and (d), Tangora performed the services of a real estate broker, real estate broker-salesperson, real estate salesperson, or business broker without maintaining an active license by advertising for sale or otherwise participating in the sale of the aforementioned and other locations for sale with detailed information describing the real estate, square footage of buildings, stating that the facilities were leased, and/or stating that the businesses were "established franchise[s]."

7. RESPONDENT paid Tangora commissions in the amount of $434.545.25 for performing the services of a salesperson during the lapse period.

VIOLATIONS

RESPONDENT has committed the following violations of law:

8. RESPONDENT violated NRS 645.280(1) or NRS 645.633(1)(c) and (i), pursuant to NAC 645.605(1), by paying commission to a salesperson without an active, valid license.

9. RESPONDENT violated NRS 645.660(3), by failing to maintain adequate supervision of Tangora, during which Tangora violated a provision of NRS Chapter 645, to wit: NRS 645.230.

10. RESPONDENT violated NRS 645.530(1) by failing to keep in his custody and control Tangora's license.

DISCIPLINE AUTHORIZED

11. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine in an amount not to exceed $10,000 for each violation of NRS 645.280, NRS 645.530, or NRS 645.633.

12. Pursuant to NRS 645.660(3), the Commission is empowered to impose an administrative fine in an amount not to exceed $5,000 for failure of a broker to maintain adequate

supervision of a salesperson and that person commits any unlawful act or violates any of the provisions of Chapter 645.

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

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

NOTICE OF HEARING

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

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

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 26 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the

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complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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

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

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

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to further determine what administrative penalty is to be assessed against the RESPONDENT, if any, pursuant to NRS 645.235, 645.630 and or 645.635.

DATED this 14 day of February, 2019.

State of Nevada
Department of Business and Industry
Real Estate Division

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