

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

CRAIG S. SEVY,

Respondent.

Case No. 2016-116

FILED

FEB 15 2019

REAL ESTATE COMMISSION
BY *Emily R. Peltier*

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies CRAIG S. SEVY ("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 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all times relevant mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0077333, 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 was licensed by the Division as a Salesperson beginning August 23, 2007.
2. At all times relevant herein, RESPONDENT was licensed by the Division as a Salesperson under license number S.0077333, but had been on involuntary, inactive status since September 5, 2012. RESPONDENT's license expired on August 31, 2016.

1 3. On or about November 10, 2015, Mr. Jason R. Oesterling ("Oesterling"), as seller,
2 executed a Standard Purchase and Sale Agreement ("Oesterling Agreement") for 4825 Spanish Wells
3 Drive, North Las Vegas, Nevada 89129 ("the Property"), which listed RESPONDENT along with Tyson
4 R. Delacruz ("Delacruz") as buyers, for a cash payment of \$3,000.

5 4. RESPONDENT knew Oesterling was facing a foreclosure sale at the time they entered
6 into the Oesterling Agreement.

7 5. Delacruz was not listed as an agent for the transaction on the Oesterling Agreement, but
8 he had Oesterling execute a "Duties Owed" on November 20, 2015, which identified Delacruz as his
9 agent and his broker as Rachel Pellican ("Pellican") of Rock Realty Group, LLC ("Rock Realty").

10 6. As a condition of the Oesterling Agreement, RESPONDENT and Delacruz agreed to pay
11 Oesterling \$3,000 cash "at the time of the transfer deed" for the Property.

12 7. On or about November 24, 2015, Oesterling executed a Grant, Bargain, Sale Deed,
13 transferring the Property to RESPONDENT and Delacruz, which deed was recorded on December 30,
14 2015.

15 8. Subsequently, different buyers, James and Lynn Blackard ("Blackards") executed a
16 Residential Purchase Agreement ("Blackards Agreement") on or about March 16, 2016, for the Property.

17 9. RESPONDENT and Delacruz signed the Blackards Agreement on or about March 17,
18 2016.

19 10. RESPONDENT and Delacruz received at least \$79,947 for the Property, plus a
20 commission of \$2,445. RESPONDENT's share was \$17,204.50.

21 11. The first mortgage holder for the Property, Bank of America, was not notified of the
22 transfer from Oesterling to RESPONDENT and Delacruz.

23 12. On or about June 9, 2016, RESPONDENT was sent a notice of a complaint at his El Paque
24 address by certified mail.

25 13. RESPONDENT did not provide a written response to the Division's notice.

26 ...

27 ...

28 ...

1 **VIOLATIONS**

2 RESPONDENT committed the following violations of law:

3 14. RESPONDENT violated NRS 645.633(1)(i) by having Oesterling transfer the Property
4 without notifying the first mortgage holder that the ownership to the Property had changed.

5 15. RESPONDENT violated NRS 645.633(1)(i) by taking advantage of Oesterling's
6 disadvantaged circumstance, in only agreeing to pay Oesterling \$3,000 while receiving payment for the
7 sale of the Property to the Blackards in the amount of \$17,204.50 on the Blackards Agreement.

8 16. RESPONDENT violated NAC 645.605(11)(b) by failing to provide a written response to
9 the Division's notice.

10 **DISCIPLINE AUTHORIZED**

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

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

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

19 **NOTICE OF HEARING**

20 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
21 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
22 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

23 **THE HEARING WILL TAKE PLACE** on March 26, 2019, commencing at 9:00 a.m., or as
24 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
25 at 9:00 a.m. through March 28, 2019, or earlier if the business of the Commission is concluded.
26 The Commission meeting will be held on March 26, 2019, at the Nevada State Business Center,
27 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will
28 continue on March 27, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th

1 Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 28, 2019,
2 should business not be concluded, starting at 9:00 a.m. at the Nevada Department of Employment,
3 Training and Rehabilitation, 2800 W. St. Louis Avenue, Conference Room, Las Vegas, Nevada
4 89104.

5 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
6 time as part of a regular meeting of the Commission that is expected to last from March 26, 2019
7 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your
8 hearing may be continued until later in the day or from day to day. It is your responsibility to be
9 present when your case is called. If you are not present when your hearing is called, a default may
10 be entered against you and the Commission may decide the case as if all allegations in the complaint
11 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator, (702)
12 486-4074.

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

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

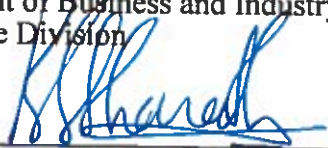
24 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
25 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
26 the relevance of the witness' testimony and/or evidence. Other important rights you have are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

28 ...


1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
2 and if the allegations contained herein are substantially proven by the evidence presented and to
3 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant to NRS 645.633 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: 
16 DENNIS L. BELCOURT (Bar. No. 2658)
17 Deputy Attorney General
18 555 E. Washington Avenue, Suite 3900
19 Las Vegas, Nevada 89101
20 (702) 486-3326
21 Attorneys for Real Estate Division
22
23
24
25
26
27
28