

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

MELANIE COHEN,

Respondent.

Case No. 2017-149

Case No. 2017-2495

FILED

OCT 04 2019

REAL ESTATE COMMISSION
[Signature]

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT MELANIE COHEN ("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 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 salesperson 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

Common Allegations, Case Nos. 2017-149 and 2017-2495

1. At all relevant times mentioned in this Complaint, RESPONDENT held a salesperson's real estate license with the State of Nevada, license number S.0058844.

1 2. At all relevant times mentioned in this Complaint, RESPONDENT was associated
2 initially with broker Donald Jed Giacoletto, of Fidelity Real Estate Mesquite (Fidelity), B.0143918.INDV
3 (currently inactive), then with Brandon Park, Mesquite Realty LLC, B.0143672.LLC, and then with
4 Herbert Calhoun, MB Realty, LLC, B.0143187.LLC.

5 *Allegations Applicable to Case No. 2017-149*

6 3. While working for Fidelity, on or about November 23, 2016, RESPONDENT listed
7 herself as a broker on the duties owed and residential purchase agreement for a property on Desert
8 Willow, in Mesquite, Nevada, although she was not and never has been a broker in Nevada.

9 4. RESPONDENT worked on 4 transactions listed under Fidelity after her license was
10 transferred to Mesquite Realty LLC.

11 5. After leaving Fidelity in December 2016 and while working for Mesquite Realty LLC,
12 RESPONDENT left her lockboxes on properties still listed with Fidelity in order to enable entry into
13 such properties for inspections.

14 6. In or around November 2016 through January 2017, RESPONDENT failed to provide her
15 brokers with documents within five calendar days after execution on four different transactions.

16 *Allegations Applicable to Case No. 2017-2495*

17 7. On or about November 16, 2016, a residential purchase agreement was entered into with
18 respect to 1642 Lime Wood, naming RESPONDENT as buyer's agent and Fidelity as the buyer's broker,

19 8. RESPONDENT did not cause to be prepared an executed duties owed with a signature of
20 her clients, the buyers of 1642 Lime Wood.

21 9. RESPONDENT did not provide a copy of the residential purchase agreement for 1642
22 Lime Wood to Giacoletto, who only obtained the residential purchase agreement from a third party in or
23 around October 2017.

24 **VIOLATIONS**

25 RESPONDENT has committed the following violation of law:

26 *Violations in Case No. 2017-149*

27 1. RESPONDENT violated NRS 645.252(2) by listing herself as a broker on a duties-owed
28 and a residential purchase agreement.

1 **THE HEARING WILL TAKE PLACE** on November 5, 2019 commencing at 9:00 a.m., or
2 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
3 commencing at 9:00 a.m. through November 7, 2019 or earlier if the business of the Commission is
4 concluded. The Commission meeting will be held on November 5, 2019, at the Nevada State
5 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.
6 The meeting will continue on November 6, 2019 at the Nevada State Business Center, 3300 West
7 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m.,
8 and on November 7, 2019, should business not be concluded, starting at 9:00 a.m. at the Nevada
9 State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada
10 89102.

11 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
12 time as part of a regular meeting of the Commission that is expected to last from November 5, 2019
13 through November 7, 2019, or earlier if the business of the Commission is concluded. Thus, your
14 hearing may be continued until later in the day or from day to day. It is your responsibility to be
15 present when your case is called. If you are not present when your hearing is called, a default may
16 be entered against you and the Commission may decide the case as if all allegations in the complaint
17 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
18 4074.

19 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
20 under Nevada’s open meeting law, and may be attended by the public. After the evidence and arguments,
21 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
22 competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting,
23 although you must pay for the transcription.

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

28 . . .

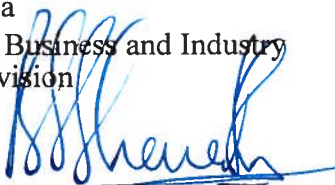
1 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
2 witnesses on any matter relevant to the issues involved.

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


7 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
8 645 and if the allegations contained herein are substantially proven by the evidence presented and
9 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
10 pursuant to NRS 645.235, 645.633 and or 645.630.

11 DATED this 3 day of October, 2019.

12 State of Nevada
13 Department of Business and Industry
14 Real Estate Division

15 By: 
16 SHARATH CHANDRA, Administrator
17 3300 West Sahara Avenue, Suite 350
18 Las Vegas, Nevada 89102

19 AARON D. FORD
20 Attorney General

21 By: 
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