

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Petitioner,

vs.

CLARISSA GASCON CARO,

Respondent.

Case No. 2017-1962

FILED

OCT 04 2019

REAL ESTATE COMMISSION
BY *Evelyn Tattler*

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 CLARISSA GASCON CARO ("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 sales person 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. At all relevant times mentioned in this Complaint, RESPONDENT held a salesperson's real estate license with the State of Nevada, license number S.0073817.

...

1 2. At all times mentioned in this Complaint, RESPONDENT was associated with broker
2 Bradford Roberts of TR Realty, B.0143293.LLC.

3 3. RESPONDENT borrowed \$22,000 from Hix Kabling (Complainant) on February 28,
4 2017.

5 4. The stated purpose for her borrowing the money was to pay closing costs for a client on
6 the sale of a property.

7 5. At the time of the loan, RESPONDENT promised to repay Complainant the borrowed
8 money with interest in four weeks to a month.

9 6. At the time of the loan, RESPONDENT wrote Complainant a check, post-dated to March
10 27, 2017, in the amount of \$22,235.

11 7. The check written by RESPONDENT was returned for insufficient funds on or about
12 March 28, 2018.

13 8. RESPONDENT then wrote a replacement check on May 15, 2017 for the same amount
14 as the earlier check.

15 9. The May 15, 2017, check was returned for insufficient funds on May 18, 2017.

16 10. RESPONDENT admitted in her affidavit that while she had stated to Complainant that
17 the loan was for client's closing, in fact that was not true and rather she had borrowed them for her
18 personal use.

19 **VIOLATIONS**

20 RESPONDENT has committed the following violation of law:

21 1. RESPONDENT violated NRS 645.633(1)(i) or NAC 645.632 by dishonestly representing
22 the loan or her intent to repay the same.

23 **DISCIPLINE AUTHORIZED**

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

27 ...
28 ...

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

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

6 **NOTICE OF HEARING**

7 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
8 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
9 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

10 **THE HEARING WILL TAKE PLACE on November 5, 2019 commencing at 9:00 a.m., or**
11 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
12 **commencing at 9:00 a.m. through November 7, 2019 or earlier if the business of the Commission is**
13 **concluded. The Commission meeting will be held on November 5, 2019, at the Nevada State**
14 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.**
15 **The meeting will continue on November 6, 2019 at the Nevada State Business Center, 3300 West**
16 **Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m.,**
17 **and on November 7, 2019, should business not be concluded, starting at 9:00 a.m. at the Nevada**
18 **State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada**
19 **89102.**

20 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
21 time as part of a regular meeting of the Commission that is expected to last from November 5, 2019
22 through November 7, 2019, or earlier if the business of the Commission is concluded. Thus, your
23 hearing may be continued until later in the day or from day to day. It is your responsibility to be
24 present when your case is called. If you are not present when your hearing is called, a default may
25 be entered against you and the Commission may decide the case as if all allegations in the complaint
26 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
27 4074.

28 ...

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

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

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

16 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
17 645 and if the allegations contained herein are substantially proven by the evidence presented and

18 ...
19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...


1 determine what administrative penalty is to be assessed against the RESPONDENT, if any, pursuant to
2 NRS 645.235, 645.633 and or 645.630.

3 DATED this 3 day of October, 2019.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

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

11 AARON D. FORD
12 Attorney General

13 By: 
14 DENNIS E. BELCOURT (Bar. No. 2658)
15 Deputy Attorney General
16 555 E. Washington Avenue, Suite 3900
17 Las Vegas, Nevada 89101
18 (702) 486-3326
19 Attorneys for Real Estate Division
20
21
22
23
24
25
26
27
28