

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

BARBARA A. SEEKER,

Respondent.

Case Nos.: 2019-1099
2019-1353

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY *Evelyn Patten*

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 Robert Werbicky, Deputy Attorney General, hereby notifies RESPONDENT BARBARA A. SEEKER (“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 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT at all relevant times mentioned in this Complaint was licensed as a broker by the Division 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 has been licensed by the Division as a broker, B.0032019.INDV, operating under the name Absentee Property Management since November 12, 1997 and that license is currently in unlicensed status.

1 2. On or about November 15, 2019, the Administrator of the Real Estate Division issued
2 RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of
3 \$500.00 for a violation of NRS 645.630(1)(f).

4 3. The Notice of Violation with Imposition of Administrative Fine was properly served upon
5 RESPONDENT.

6 4. The Notice of Violation and accompanying letter from the Division advised that the fine
7 must be remitted to the Division by December 18, 2019.

8 5. The Notice of Violation and accompanying letter contained notice to RESPONDENT
9 advising RESPONDENT of her appeal rights if she disagreed with the finding of violation and/or
10 imposition of the fine.

11 6. RESPONDENT did not appeal and did not request a hearing prior to DECEMBER 18,
12 2019.

13 7. To date, RESPONDENT has failed to pay the administrative fine.

14 8. On or about December 16, 2019 the Division sent a letter to RESPONDENT requesting
15 the complete Broker's files for 2925 Wigwam Parkway #411, Henderson, NV, 6495 Stone Dry Ave.
16 #102, Henderson, NV, 221 Queen Marie Ct., Henderson, NV, and 1309 Pinto Rock Lane 1302, Las
17 Vegas, NV.

18 9. The deadline for providing the requested documents was December 31, 2019.

19 10. No response was received from RESPONDENT by the deadline.

20 11. On or about January 20, 2020 the Division sent a letter to RESPONDENT via Certified
21 Mail again requesting the complete Broker's files for 2925 Wigwam Parkway #411, Henderson, NV,
22 6495 Stone Dry Ave. #102, Henderson, NV, 221 Queen Marie Ct., Henderson, NV, and 1309 Pinto Rock
23 Lane 1302, Las Vegas, NV.

24 12. The deadline for providing the requested documents was ten (10) days from the date of
25 the letter or January 30, 2020.

26 13. No response was received from RESPONDENT by the deadline.

27 VIOLATIONS

28 RESPONDENT has committed the following violations of law:

1 14. RESPONDENT violated NRS 645.647(2), by failing to pay money which she owes to
2 the Commission or the Division.

3 15. RESPONDENT violated NRS 645.635(6) by failing to produce any document, book
4 or record in his or her possession or under his or her control, concerning any real estate transaction under
5 investigation by the Division

6 **DISCIPLINE AUTHORIZED**

7 16. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
8 an administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to
9 suspend, revoke or place conditions on the license of RESPONDENT.

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

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

15 **NOTICE OF HEARING**

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

19 **THE HEARING WILL TAKE PLACE on June 16, 2020 commencing at 9:00 a.m., or as**
20 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
21 **at 9:00 a.m. through June 18, 2020, or earlier if the business of the Commission is concluded. The**
22 **Commission meeting will be held on June 16, 2020, at the Nevada State Business Center, 3300 West**
23 **Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue**
24 **on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor –**
25 **Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on June 18, 2020, should**
26 **business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West**
27 **Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.**

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1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
2 time as part of a regular meeting of the Commission that is expected to last from June 16, 2020,
3 through June 18, 2020, or earlier if the business of the Commission is concluded. Thus, your
4 hearing may be continued until later in the day or from day to day. It is your responsibility to be
5 present when your case is called. If you are not present when your hearing is called, a default may
6 be entered against you and the Commission may decide the case as if all allegations in the complaint
7 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
8 4074.

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

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

20 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
21 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
22 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
23 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

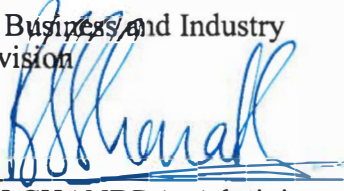
24 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
25 and if the allegations contained herein are substantially proven by the evidence presented and to further

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1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
2 645.235 or NRS 645.230.

3 DATED this 13 day of May, 2020.

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: /s/ Robert E. Werbicky
14 ROBERT WERBICKY (Bar. No. 6166)
15 Deputy Attorney General
16 555 E. Washington Avenue, Suite 3900
17 Las Vegas, Nevada 89101
18 (702) 486-3105
19 Attorneys for Real Estate Division
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