



CALLISTER LAW GROUP

Matthew Q. Callister
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Robert Callister
1921-1999

July 31, 2020

Via Email to:

Evelyn Pattee
Real Estate Commission Coordinator
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102
epattee@red.nv.gov

Re: *PETITION FOR REHEARING AND MOTION/REQUEST TO STAY*
Brown, Hillary – Case No. 2018-1087

Dear Ms. Pattee:

Please be advised that this office has been retained by Hillary Brown to represent her in Case No. 2018-1087. In furtherance of that, please find enclosed the Petition for Rehearing and Motion/Request to Stay enforcement of the Decision and fine in case no. 2018-1087. Please file the attached Petition and Motion in the case.

In the event the rehearing is granted, we request the hearing be set for the September 1-3, 2020 hearing. Please contact my office immediately if you have any questions related to this matter!

Thank you,

CALLISTER LAW GROUP

/s/ Mitchell S. Bisson, Esq.

MITCHELL S. BISSON, ESQ.

CALLISTER LAW GROUP
911 N. Buffalo Dr., Suite 201
Las Vegas, Nevada 89128
TEL: (702) 333-3334 FAX: (702) 385-2899

1 MITCHELL S. BISSON, ESQ.
2 Nevada Bar No. 011920
3 CALLISTER LAW GROUP
4 911 N. Buffalo Dr., Ste. 201
5 Las Vegas, NV 89166
6 Telephone No.:(702) 333-3334
7 Facsimile No.: (702) 385-2899
8 Email: mbisson@callcallister.com
9 Attorneys for Petitioner



6 **BEFORE THE REAL ESTATE COMMISSION**
7 **STATE OF NEVADA**

9 Case No.: 2018-1087

10 SHARATH CHANDRA, Administrator, REAL
11 ESTATE DIVISION, DEPARTMENT OF
12 BUSINESS & INDUSTRY, STATE OF
13 NEVADA

12 Petitioner,

13 vs.

14 HILLARY BROWN,

15 Respondent.

**PETITION FOR REHEARING AND
MOTION/REQUEST TO STAY
ENFORCEMENT OF DECISION**

16 Respondent HILLARY BROWN (hereinafter referred to as "Respondent"), by and
17 through her undersigned attorney, Mitchell S. Bisson, Esq. of the Callister Law Group, hereby
18 files the instant Petition for Rehearing, as follows. The instant Petition is based upon the
19 Declaration of Hillary Sepulveda/Brown, attached as **Exhibit 1**, as well as the other Exhibits
20 attached hereto.
21

22 **I. FACTS**

23 1. That at all times relevant herein, Respondent HILLARY BROWN is and was a
24 resident of California and licensed real estate agent in the State of California.

25 2. In or about August 2018, Respondent met with the manager of Harvard Oxford,
26 LLC for purposes unrelated to the property at issue in this action.

27 3. While discussing the unrelated matters, the manager of Harvard Oxford
28 mentioned that the LLC intended to sell undeveloped property owned by Harvard Oxford (The

1 Reena Estates Parcel) and that he wanted Respondent to enter into a listing agreement for the
2 same.

3 4. As a result, Respondent entered into such a listing agreement and subsequent
4 purchase agreement that entailed a sales price of \$2,120,000.00 – under the mistaken
5 understanding that the property was located in California.

6 5. Thereafter, Respondent immediately realized that The Reena Estates were *not* in
7 California, but in Nevada.

8 6. As such, within 24 hours, Respondent canceled the agreement with Harvard
9 Oxford and notified the escrow company that she was cancelling the contract and that a Nevada
10 licensed real estate agent would be contacting them.

11 7. Thereafter, other than a few calls from the escrow company looking for the
12 manager of Harvard Oxford, Respondent had no involvement in this transaction.

13 8. Ultimately, the subject property was *never sold and no commission or fee was*
14 *ever received by Respondent or any person related to this transaction. Exhibits 2 and 3.*

15 9. Beginning in March 2020, as a result of the COVID-19 pandemic and the State
16 of California’s business restrictions and closure mandates, Respondent’s broker’s office was
17 closed from March 2020 to July 2020.

18 10. Furthermore, the post office box and email address previously used by
19 Respondent, hillary@coastalbvhillary.com, is no longer in use and Respondent stopped
20 accessing them toward the end of 2018.

21 11. On or about May 15, 2020, the Nevada Real Estate Division filed the instant
22 action, alleging violations of NRS 645.230(1) and NRS 645.235(1)(a) by acting as a real estate
23 broker or salesperson in the State of Nevada without a license issued by the Division.

24 12. The Hearing on the Complaint was set for June 17, 2020 via the online Webex
25 platform.

26 13. As a result of Respondent’s broker’s office being closed, Respondent *did not*
27 *receive any notice of the Complaint or Notice of Hearing.*

28 14. Had Respondent received notice of the hearing, or had knowledge of the

1 Complaint, she would have submitted documentation and participated in the hearing.

2 15. On June 17, 2020 – the date of the hearing – Respondent was on a paddle boat
3 with four children in Newport Harbor when she noticed she had multiple missed phone calls
4 from an unknown phone number with a 702 area code.

5 16. Out of an abundance of caution, Respondent called the number back and was
6 advised that it was a real estate agent from Nevada that was watching the online Webex hearing.
7 He informed Respondent that he found her telephone number online and simply wanted to reach
8 out and advise her that the hearing was occurring.

9 17. This telephone call was the first time Respondent was aware of the Complaint *or*
10 the hearing.

11 18. Immediately, Respondent attempted to call in to the hearing/meeting, but was
12 unable to connect because she had poor cell service on the paddle boat and did not have time to
13 get it to shore prior to the hearing ending. **Exhibit 4.**

14 19. At the hearing, the Real Estate Commission made findings of fact, conclusions
15 of law, and ordered a fine of \$100,000.00 as *estimated compensation on the transaction* and
16 \$835.70 in costs/fees. **Exhibit 5.**

17 20. As explained above, there was *no commission or compensation received by*
18 *Respondent or her broker in relation to this transaction or property.* **Exhibit 2.** This has been
19 confirmed by Harvard Oxford, LLC itself. **Exhibit 3.**

20 21. On July 2, 2020, upon the office reopening, Respondent’s broker’s office *finally*
21 received the Complaint and Notice of Hearing and emailed it to Respondent the same day.
22 **Exhibit 6.**

23 22. Upon receipt of the same, Respondent contacted NRED but was informed that
24 she had to wait until she received the Decision and Order before anything else could be done.

25 23. On or about July 20, 2020, Respondent’s broker’s office received the Decision
26 and Order. Respondent’s broker’s office scanned and emailed it to Respondent on July 22, 2020.
27 **Exhibit 7.**

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II. RESPONDENT SHOULD BE GIVEN AN OPPORTUNITY
FOR A REHEARING OF THIS MATTER.

NAC 645.820 provides:

NAC **645.820** Procedures for rehearing. (NRS 645.190) The following procedures are used for a rehearing in a case where a ruling or decision of the Commission is against the licensee:

1. The licensee may within 10 days after his or her receipt of the decision petition the Commission for a rehearing.

2. The petition does not stay any decision of the Commission unless the Commission so orders.

3. The petition must state with particularity the point of law or fact which in the opinion of the licensee the Commission has overlooked or misconstrued and must contain every argument in support of the application that the licensee desires to present.

4. Oral argument in support of the petition is not permitted.

5. The Division may file and serve an answer to a petition for a rehearing within 10 days after it has received service of the petition.

6. If a petition for rehearing is filed and the Commission is not scheduled to meet before the effective date of the penalty, the Division may stay enforcement of the decision appealed from. When determining whether a stay is to be granted, the Division shall determine whether the petition was timely filed and whether it alleges a cause or ground which may entitle the licensee to a rehearing.

7. A rehearing may be granted by the Commission for any of the following causes or grounds:

(a) *Irregularity in the proceedings in the original hearing;*

(b) *Accident or surprise which ordinary prudence could not have guarded against;*

(c) Newly discovered evidence of a material nature which the applicant could not with reasonable diligence have discovered and produced at the original hearing; or

(d) Error in law occurring at the hearing and objected to by the applicant during the earlier hearing.

8. A petition for a rehearing may not exceed 10 pages of standard printing.

9. The filing of a petition for rehearing, or the decision therefrom, does not stop the running of the 30-day period of appeal to the district court from the date of the decision of the Commission for the purpose of subsection 2 of NRS 645.760.

In the instant matter, it is abundantly clear that Respondent should be given a rehearing of this matter. As a result of the COVID-19 pandemic, Respondent's broker's office was closed for business and did not receive the Complaint and Notice of Hearing until July 2, 2020, over

1 two weeks after the hearing itself! Respondent received no other notice of the Complaint or
2 Hearing. Had she received notice, she would have appeared and participated and explained the
3 entire situation. As can be seen from the attached Exhibits, once Respondent became aware of
4 the hearing (from a good Samaritan who was watching online), she *immediately* made attempts
5 to call in to the hearing. Unfortunately, she was in the middle of Newport Harbor and had
6 minimal cell service in order to connect to the video hearing.

7 Pursuant to NAC 645.820, Respondent is entitled to a rehearing in the event there is
8 “irregularity in the proceedings in the original hearing.” *Id.* Quite clearly, the COVID-19
9 pandemic and the mandatory closures and business restrictions has caused irregularities to occur
10 in this action. Respondent did not receive actual notice of the complaint or hearing until the
11 hearing was taking place and never received the paperwork for such hearing until July 2, 2020.
12 This is the epitome of an “irregularity,” as well as “accident or surprise” under NAC 645.820.

13 As was also explained above, neither Respondent nor her broker received any
14 compensation or commission out of this transaction. In fact, the property has not even been sold.
15 Immediately after realizing her missive, Respondent contacted the escrow company and other
16 parties to the transaction and cancelled her involvement. Respondent was not compensated in
17 any way. Yet, the commission has fined Respondent \$100,000.00 as “estimated compensation”
18 on the transaction – compensation that did not occur.

19 NRS 645.235 allows NRED to impose a fine against a person, but such fine “may not
20 exceed the amount of any gain or economic benefit that the person derived from the violation or
21 \$5,000, whichever amount is greater.” NRS 645.235. Here, Respondent received no
22 compensation or economic benefit. In fact, she cancelled her involvement as soon as she realized
23 the mistake.

24 Pursuant to NAC 645.820, Respondent should be given a rehearing of this matter.

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III. ENFORCEMENT OF THE DECISION SHOULD BE STAYED PENDING A REHEARING OF THE MATTER.

NAC 645.820 allows the Commission to stay enforcement of the decision and fine until after there is a rehearing and/or appeal. As explained in full above, Respondent is entitled to a rehearing of the matter based upon irregularities, accident, and surprise. Respondent received the Decision on July 22, 2020 and filed the instant Petition for Rehearing timely. As further shown above, Respondent did not receive any compensation, commission, or economic benefit from the alleged transaction. Despite this, the Commission has issued a decision and fine in an amount in excess of \$100,000.00. Because Respondent is entitled to a rehearing, Respondent requests that the Commission stay enforcement of the decision and order until after such rehearing.

WHEREFORE, Respondent petitions for the following relief:

1. For a rehearing of the instant matter pursuant to NAC 645.820;
2. For a stay on enforcement of the decision until after such rehearing.

Dated this 31st day of July, 2020.

CALLISTER LAW GROUP

/s/ MITCHELL S. BISSON, ESQ.
MITCHELL S. BISSON, ESQ
Nevada Bar No. 11920
911 N. Buffalo Dr., Ste. 201
Las Vegas, NV 89128
Attorney for Respondent

Exhibit 1

1 **MITCHELL S. BISSON, ESQ.**
Nevada Bar No. 011920
2 **CALLISTER LAW GROUP**
911 N. Buffalo Dr., Ste. 201
3 Las Vegas, NV 89166
Telephone No.:(702) 333-3334
4 Facsimile No.: (702) 385-2899
Email: mbisson@callcallister.com
5 *Attorneys for Petitioner*

6 **BEFORE THE REAL ESTATE COMMISSION**
7 **STATE OF NEVADA**

Case No.: 2018-1087

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

**DECLARATION OF HILLARY
SEPULVADA/BROWN**

12 Petitioner,

13 vs.

14 HILLARY BROWN,

15 Respondent.

16
17 I, HILLARY SEPULVEDA/BROWN hereby declare as follows:

18 1. I am over the age of 18 and a resident of the State of California. The facts stated
19 herein are within my personal knowledge, except where stated upon information and belief and
20 if called upon to testify to the same I could and would testify to such facts.

21 2. In or about August 2018, Respondent met with the manager of Harvard Oxford,
22 LLC for purposes unrelated to the property at issue in this action.

23 3. While discussing the unrelated matters, the manager of Harvard Oxford
24 mentioned that the LLC intended to sell undeveloped property owned by Harvard Oxford (The
25 Reena Estates Parcel) and that he wanted Respondent to enter into a listing agreement for the
26 same.

27 4. As a result, Respondent entered into such a listing agreement and subsequent
28

1 purchase agreement that entailed a sales price of \$2,120,000.00 – under the mistaken
2 understanding that the property was located in California.

3 5. Thereafter, Respondent immediately realized that The Reena Estates were *not* in
4 California, but in Nevada.

5 6. As such, within 24 hours, Respondent canceled the agreement with Harvard
6 Oxford and notified the escrow company that she was cancelling the contract and that a Nevada
7 licensed real estate agent would be contacting them.

8 7. Thereafter, other than a few calls from the escrow company looking for the
9 manager of Harvard Oxford, Respondent had no involvement in this transaction.

10 8. Ultimately, the subject property was *never sold and no commission or fee was*
11 *ever received by Respondent or any person related to this transaction.*

12 9. Beginning in March 2020, as a result of the COVID-19 pandemic and the State
13 of California’s business restrictions and closure mandates, Respondent’s broker’s office was
14 closed from March 2020 to July 2020.

15 10. Furthermore, the post office box and email address previously used by
16 Respondent, hillary@coastalbyhillary.com, is no longer in use and Respondent stopped
17 accessing them toward the end of 2018.

18 11. On or about May 15, 2020, the Nevada Real Estate Division filed the instant
19 action, alleging violations of NRS 645.230(1) and NRS 645.235(1)(a) by acting as a real estate
20 broker or salesperson in the State of Nevada without a license issued by the Division.

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22 platform.

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24 *receive any notice of the Complaint or Notice of Hearing.*

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26 Complaint, she would have submitted documentation and participated in the hearing.

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28 with four children in Newport Harbor when she noticed she had multiple missed phone calls

1 from an unknown phone number with a 702 area code.

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3 advised that it was a real estate agent from Nevada that was watching the online Webex hearing.
4 He informed Respondent that he found her telephone number online and simply wanted to reach
5 out and advise her that the hearing was occurring.

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7 the hearing.

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9 unable to connect because she had poor cell service on the paddle boat and did not have time to
10 get it to shore prior to the hearing ending.

11 19. At the hearing, the Real Estate Commission made findings of fact, conclusions
12 of law, and ordered a fine of \$100,000.00 as *estimated compensation on the transaction* and
13 \$835.70 in costs/fees.

14 20. As explained above, there was *no commission or compensation received by*
15 *Respondent or her broker in relation to this transaction or property.* This has been confirmed
16 by Harvard Oxford, LLC itself.

17 21. On July 2, 2020, upon the office reopening, Respondent's broker's office *finally*
18 received the Complaint and Notice of Hearing and emailed it to Respondent the same day.

19 22. Upon receipt of the same, Respondent contacted NRED but was informed that
20 she had to wait until she received the Decision and Order before anything else could be done.

21 23. On or about July 20, 2020, Respondent's broker's office received the Decision
22 and Order. Respondent's broker's office scanned and emailed it to Respondent on July 22, 2020.

23 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
24 is true and correct.

25 Dated this 31st day of July, 2020.

26

27

28

/s/ Hillary Sepulveda/Brown
Hillary Sepulveda/Brown

Exhibit 2

Home (/AcclaimWeb/) > Search (/AcclaimWeb/Search) > Search By Parcel (/AcclaimWeb/Search/SearchByParcel)

Parcel

Parcel #

Parcel # Exact ▼

Date Range Specific Date Range ▼

From Date 04/03/1905

To Date 07/31/2020

Select DocTypes...

Document Type

Help

Parcel Number

Parcel #: Enter the specific legal parcel, such as 176-15-301-024

Parcel #: Use this to either begin your Search with "Starts With", "Contains", or is an "Exact" match of your entry.

Date Range

You can choose a specific recording date range or choose from pre-selected date ranges to narrow your search.

Document Type

Limit your search by specific types of documents, or by groups of similar document types.

Search by Address

To search by address, please click here: Assessor Search (<https://maps.clarkcountynv.gov/assessor/AssessorParcelDetail/site.aspx>)

Record (/A...	Parcel # (/Acclaim...	First Party...	First Cros...	# ...	Instru...	D...	M...	Recor...	Legal Description (/
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	EPWA LLC	15	20191011...	DEED OF TRUST		10/11/2019 9:23:30AM	
Add To Cart	163-10-106-009	DANA KEPNER COMPANY INC	HARVARD OXFORD LLC	2	20180703...	LIEN	DISC...	07/03/2018 3:33:06PM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	DANA KEPNER COMPANY INC	2	20180618...	LIEN		06/18/2018 9:51:52AM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	GAMLIEL, MAZLIACH	6	20180504...	DEED OF TRUST		05/04/2018 4:29:48PM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	HARVARD OXFORD LLC	3	20180501...	DEED		05/01/2018 2:42:42PM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	HARVARD OXFORD LLC	3	20180501...	DEED		05/01/2018 2:42:42PM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	NEVADA POWER COMPANY	4	20171017...	MISC...		10/17/2017 8:40:17AM	
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	PUBLIC WORKS CLARK COUNTY	12	20170502...	AGRE...		05/02/2017 4:10:29PM	

Add To Cart	163-10-106-009	HARVARD OXFORD LLC	LAS VEGAS VALLEY WATER DISTRICT	5	20170302...	EASE...		03/02/2017 3:48:12PM
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	LAS VEGAS VALLEY WATER DISTRICT	5	20170302...	EASE...		03/02/2017 3:48:12PM
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	LAS VEGAS VALLEY WATER DISTRICT	5	20170302...	EASE...		03/02/2017 3:48:12PM
Add To Cart	163-10-106-009	PROPERTY GUARANTEE COMPANY INC	HARVARD OXFORD LLC	3	20170214...	RECO...		02/14/2017 7:46:16AM
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	EPWA LLC	14	20170123...	DEED OF TRUST		01/23/2017 8:09:01AM
Add To Cart	163-10-106-009	PROPERTY GUARANTEE COMPANY INC	HARVARD OXFORD LLC	2	201611140...	RECO...		11/14/2016 8:00:35AM
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	HERSHSON, CHARLES H EE	22	20161031...	DEED OF TRUST	AGREE	10/31/2016 3:06:53PM
Add To Cart	163-10-106-009	HARVARD OXFORD LLC	HABER, RALPH EE	23	20160826...	DEED OF TRUST		08/26/2016 12:54:44PM
Add To Cart	163-10-106-009	ARNOLD C NEWMAN LLC	BERKLEY ENTERPRISES INC	7	20160826...	POWER OF ATTO...	LIMITED	08/26/2016 12:54:44PM
Add To Cart	163-10-106-009	TREASURER CLARK COUNTY	HARVARD OXFORD LLC	2	20160812...	DEED OF RECO...		08/12/2016 11:41:47AM
Add To Cart	163-10-106-009	TREASURER CLARK COUNTY EE	HARVARD OXFORD LLC	2	20160621...	TAX DEED		06/21/2016 7:21:49AM
Add To Cart	163-10-106-009	HARVARD OXFORD L L C	TREASURER CLARK COUNTY	1	20141229...	TAX CERTI...		12/29/2014 11:02:45AM

1 2 20 items per page

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Exhibit 3

Mitchell Bisson

From: Mitchell Bisson
Sent: Friday, July 31, 2020 9:29 AM
To: Mitchell Bisson
Subject: FW: HARVARD OXFORD LLC
Attachments: scan0045.pdf

On Thursday, July 23, 2020, 04:17:05 PM PDT, Jan Holle <jholle@red.nv.gov> wrote:

Dear Mr. Ford,

I can certainly understand your frustration. The Real Estate Division does not have any authority to release any lien against your property. Our investigation and the ruling by the Real Estate Commission (not the Real Estate Division) had nothing to do with you or your property being sold. It also did not involve commissions. I would highly recommend that you contact an attorney right away to assist you with the lien on your property. The Real Estate Division are not attorneys and we are unable to assist you with this legal matter.

Sincerely,

Mr. Jan R. Holle

Chief Compliance/Audit Investigator

Department of Business & Industry

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, NV 89102

Phone: 702-486-4326

Fax: 702-486-4275

www.red.nv.gov



Nevada Real Estate Division

Nevada Department of Business and Industry
"Growing business in Nevada"

From: Robert Ford <rf702@yahoo.com>
Sent: Thursday, July 23, 2020 4:02 PM
To: Jan Holle <jholle@red.nv.gov>
Subject: HARVARD OXFORD LLC

I BEEN ON PHIONE TWO HOURS OVER THAT MY PROPERTY HAS BEEN SOLD , IT WAS NOT SOLD AND I OWEN NO COMMISION FEES

I TOLD THE ATTRONEY GENERAL AND IF IT NOT REMOVED AND IT COST ME MY SALE TODAY WITH THE NEW BUYER IT WILL GET ALL IN LAWSUIT . PLEASE TELL ME HOW TO RESOLVED THE PRICE AND WHAT DO YOU NEED TO CLEAR MY NAME OUT OF THIS ACT

Robert Ford

----- Forwarded Message -----

From: Robert Ford <rf702@yahoo.com>
To: dmccloskey@red.nv.gov <dmccloskey@red.nv.gov>
Sent: Thursday, July 23, 2020, 02:59:40 PM PDT
Subject: Fw: listing agreement thomas dellavalle

Robert Ford

----- Forwarded Message -----

From: Robert Ford <rf702@yahoo.com>

To: EPattee@red.nv.gov <epattee@red.nv.gov>; JHOLLEY@RED.NV.GOV <jholley@red.nv.gov>

Sent: Thursday, July 23, 2020, 02:54:36 PM PDT

Subject: Fw: listing agreement thomas dellavalle

HELLO , THIS PROBLEM FROM THE REAL STATE BOARD IS CAUSING A PROBLEM WITH THE 10 LOTS IN WHICH HARVARD OXFORD, LLC ACTUALLY OWNED IN AU 2018 . THERE WAS A LISTING AGREEMENT WITH TOM AND HILLARY , MY PROPERTY WAS NEVER SOLD AND THE PRICE IS INCORRECT LISTED ON THE COMPLAINT ,PLEASE REMOVED THE HARVARD OXFORD NAME ENTIRELY OFF OF THIS ORDER

Exhibit 4

Mitchell Bisson

From: Hillary Sepulveda <panamawellnessgroup@gmail.com>
Sent: Monday, July 6, 2020 5:11 AM
To: Mitchell Bisson
Subject: Fwd: Instructions on how to join the June 16-18, 2020 Real Estate Commission meeting



Hillary Sepulveda CMT, HHP, 500 RYT, Master Herbalist
www.hillarysepulveda.com
[760-607-7648](tel:760-607-7648)
support@hillarysepulveda.com

----- Forwarded message -----

From: Hillary Sepulveda <panamawellnessgroup@gmail.com>
Date: Wed, Jun 17, 2020 at 5:42 PM
Subject: Re: Instructions on how to join the June 16-18, 2020 Real Estate Commission meeting
To: JACKat SiPRO <jack@safeinternetpro.com>
Cc: Evelyn Pattee <EPattee@red.nv.gov>

Thank you Jack!

I have left a VM for Evelyn in hopes I can get a call back. I was able to join for about 5 seconds prior to being cut off and am attempting to rejoin without success.

I wish I would have been notified as this could have been cleared up very easily!

I hope to hear back soon and will continue to try to get on to the meeting!

Thank you again for reaching out to me! I am in your debt!

Hillary

On Wed, Jun 17, 2020, 4:38 PM JACKat SiPRO <jack@safeinternetpro.com> wrote:

On Jun 12, 2020, at 10:50 AM, Evelyn Pattee <EPattee@red.nv.gov> wrote:

Hello,

I opened the attached handout you emailed me to give to the Commissioners but it is blank.

Please advise as soon as possible.

Thank you.

Evelyn Pattee

Real Estate Commission Coordinator
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102
702-486-4074
epattee@red.nv.gov
<http://red.nv.gov/>

<image001.jpg>

From: JACKat SiPRO <jack@safeinternetpro.com>

Sent: Wednesday, June 10, 2020 2:32 PM

To: Evelyn Pattee <EPattee@red.nv.gov>

Subject: Re: Instructions on how to join the June 16-18, 2020 Real Estate Commission meeting

Thanks Evelyn

I've attached a handout for the commissioners so they can review and my talk can be quicker...

Jack Lindberg
702-956-4158

On Jun 10, 2020, at 8:02 AM, Evelyn Pattee <EPattee@red.nv.gov> wrote:

Hello,

Below are the links to all three meeting dates to join the Webex virtual meeting of the Nevada Real Estate Commission scheduled for June 16-18, 2020.

Tuesday, June 16, 2020

9:00 am | (UTC-07:00) Pacific Time (US & Canada) | 9 hrs

Join meeting

Wednesday, June 17, 2020

9:00 am | (UTC-07:00) Pacific Time (US & Canada) | 9 hrs

Join meeting

Thursday, June 18, 2020

9:00 am | (UTC-07:00) Pacific Time (US & Canada) | 9 hrs

Join meeting

- To gain access, hold the control key while clicking the green "Join Meeting" box.
- A selection to "Install the Cisco Webex Meetings app and start collaborating" will appear.

Click on "Run" at the bottom of your screen to install webex.exe.

- A prompt will appear with a field to type your name and email address. Click on "next".
 - Since this virtual meeting is taking the place of an in-person appearance before the Commission, the use of both a camera and microphone are strongly recommended if available.
- Click the box "Join now".
- Please be sure that your microphone is on mute until your case is called.
- Once your case is called before the Commission, be prepared to address the Commission.
- When your case before the Commission has concluded, you will be removed from the virtual meeting.

If you would like to listen to the meeting at the conclusion of your case, you can use the dial-in number and access codes below:

DIAL-IN NUMBER: (1-408-418-9388)

TUESDAY, JUNE 16, 2020 MEETING NUMBER ACCESS CODE: 126 703 4034

WEDNESDAY, JUNE 17, 2020 MEETING NUMBER ACCESS CODE: 126 144 1263

THURSDAY, JUNE 18, 2020 MEETING ACCESS CODE: 126 097 0860

COPIES OF EXHIBITS: Not less than **5 business days before a hearing** before the Commission, the respondent must provide the Division with copies of all documents which the respondent reasonably anticipates will be used in support of his or her position. These documents must be emailed to me. Once admitted, these copies will be distributed to the Commissioners and all necessary parties for use during witness testimony.

Please contact me if you have any questions or would like to schedule a trial-run joining a Microsoft Teams meeting.

Thank you,

Evelyn Pattee

Real Estate Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, NV 89102

702-486-4074

epattee@red.nv.gov

<http://red.nv.gov/>

<image002.jpg>

<NVRECommission_MeetingNotes_CyberSecurity.pdf>

Exhibit 5

STEVE SISOLAK
Governor

STATE OF NEVADA



TERRY REYNOLDS
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
www.red.nv.gov

July 17, 2020

Certified Mail #: 7019 1120 0000 2920 0266

Hillary Brown
Homesmart Realty West
2776 Gateway Rd.
Carlsbad, CA 92009

RE: NRED v Hillary Brown
Case No: 2018-1087

Ms. Brown:

Enclosed you will find the Decision entered by the Nevada Real Estate Commission at the meeting held June 16-18, 2020. This is the fully executed copy for your records.

The Commission has ordered the following:

- Respondent pay a total of \$100,835.70 to the Division. The total fine reflects a fine of \$100,000.00 plus hearing and investigative costs of \$835.70.

Effective Date of Order: **August 16, 2020**
Payment Due Date: **October 15, 2020**

NOTE: Your fine and/or cost of hearing totals \$10,000.00 or more. Please be aware that pursuant to NRS 353.1467 your payment must now be made electronically. For details on how to submit your electronic payment, please see Informational Bulletin #016 (included) or contact the Department of Business and Industry's Management Analyst Grace Hilgar-Devito at 702-486-5134 or email at ghilgar@business.nv.gov.

Please note that the Division staff does not have the authority to extend the due date for your fine which was ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which Respondent will be allowed to request an extension from the Commission. This request should be made several months prior.

Sincerely,



Evelyn Pattee
Commission Coordinator
Telephone: (702) 486-4074
Email: epattee@red.nv.gov

Enclosures as indicated

cc: Sharath Chandra, Administrator
Dennis Belcourt, Deputy Attorney General
Compliance Section
Fiscal

1 BEFORE THE REAL ESTATE COMMISSION
2 STATE OF NEVADA

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

Case No. 2018-1087

6 Petitioner,

7 vs.

8 HILLARY BROWN,

9 Respondent.

FILED

JUL 17 2020

REAL ESTATE COMMISSION

BY *Emily Patten*

10 DECISION

11 This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada
12 (“Commission”) on Wednesday, June 17, 2020, on-line via Webex platform, with telephonic access.
13 Respondent Hillary Brown (“RESPONDENT”) failed to call in to the meeting. Dennis L. Belcourt,
14 Deputy Attorney General, appeared and prosecuted the Complaint on behalf of Petitioner Sharath
15 Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada
16 (“Division”).

17 The Commission having heard testimony that RESPONDENT was given due notice, and the
18 RESPONDENT having failed to appear, the Commission now enters its Findings of Fact and Conclusions
19 of Law as follows:

20 FINDINGS OF FACT

21 In conducting activities alleged herein, by bringing together sellers and buyers of real estate,
22 RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-
23 salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction
24 of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

25 1. At all times relevant to this Complaint, RESPONDENT has not been licensed by the Division
26 as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson in the State of
27 Nevada.

28 ...

1 2. RESPONDENT is licensed as a real estate salesperson by the State of California Department
2 of Real Estate.

3 3. On or about August 1, 2018, RESPONDENT entered into a listing agreement with Harvard
4 Oxford, LLC, for the period August 1, 2018 through August 31, 2018, seller and owner of undeveloped
5 parcel of land in Spring Valley, Las Vegas, Nevada 89117 (“the Reena Estates parcel”).

6 4. Concurrently, RESPONDENT executed on behalf of her broker other documents related to
7 the sale of the Reena Estates Parcel, including a purchase agreement whereby the buyer was to pay
8 \$2,120,000.00 as a purchase price.

9 5. Under the above listing agreement, RESPONDENT’s broker, Homesmart Realty West (a
10 fictitious name designation for Real Acquisition, Inc., a licensee of the State of California Division of
11 Real Estate) was to receive a 6.00 percent commission of the listing price (or if an agreement is entered
12 into, of the contract price).

13 6. On August 17, 2018, the Division issued a Cease and Desist for Case No. 2018-1087.

14 CONCLUSIONS OF LAW

15 7. RESPONDENT violated NRS 645.230(1) and NRS 645.235(1)(a) by acting as a real
16 estate broker or salesperson in the State of Nevada without a license issued by the Division.

17 ORDER

18 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a fine of \$100,000, as
19 estimate compensation on the transaction, and \$835.70 in investigative costs and attorneys’ fees to be
20 paid in its entirety within sixty (60) days of the effective date of this Order. If payment is not actually
21 received by the Division on or before its due date, it shall be a default by RESPONDENT. In the event
22 of default, the unpaid balance of the administrative fine and costs, together with any attorney’s fees and
23 costs that may have been assessed, shall be due in full to the Division within ten calendar days of the date
24 of default, and the Division may obtain a judgment for the amount owed, including collection fees and
25 costs.

26 , , ,

27 , , ,

28 , , ,

1 The Commission retains jurisdiction to correct any errors that may have occurred in the drafting
2 or issuance of this Decision.

3 This Order shall become effective on the 16th day of August, 2020.

4 DATED this 17th day of July, 2020.

5 REAL ESTATE COMMISSION
6 STATE OF NEVADA

7 By: [Signature]
8 President, Nevada Real Estate Commission

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DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

realest@red.nv.gov <http://red.nv.gov/>

**REQUIREMENTS FOR ELECTRONIC
PAYMENTS IN EXCESS OF \$10,000**

Per Nevada Revised Statutes (NRS) 353.1467, all payments of **\$10,000 or more** remitted to the Nevada Real Estate Division (NRED) must be made electronically via wire transfer (Fedwire) or Automatic Clearing House (ACH). This requirement does not apply to payments under \$10,000. Payments less than \$10,000 may still be made via check, money order or cash (exact change).

Prior to the initiation of **EACH** electronic payment to NRED, please complete the Incoming Funds Deposit Form, and contact Grace Hilgar-Devito, Management Analyst, at (702) 486-5134 or by email at ghilgar@business.nv.gov for bank routing details and further instructions. This is necessary to ensure that your payment is applied to the appropriate account. All electronic payments to NRED are received by the Office of the State Treasurer, so notification is required each time a payment is made to make certain that the payment is received by NRED. Additionally, all electronic payments to NRED should include the following: Name of Organization/Remitter; NRED's 3 digit Agency Number: "748"; the program or purpose of the remittance; and any additional relevant descriptions (i.e. license or registration number, association name, commission order, etc.) that helps to properly identify the payment.

For all homeowners associations that meet the \$10,000 or more threshold, the association is required to perform the following steps to complete this process:

- E-mail the Annual Registration Form on the same day as the electronic transfer to: HOARRegistrations@red.nv.gov (This email address is for registrations exceeding \$10,000 ONLY. Any other registration forms received at this email address will NOT be accepted.)
- Submit a hard copy of the registration form with signature for our files.
- If you are a master association, you must also submit emailed and hard copies of the Master Roster.

Finally, as a matter of law, any payment received by NRED that is in violation of NRS 353.1467 will be returned to the constituent and will not be considered as received by NRED. As such, the constituent could potentially be subject to late fees and/or penalties.

Revised: 2/23/2018

STEVE SISOLAK
Governor

STATE OF NEVADA
REAL ESTATE COMMISSION



DEVIN REISS
President
LEE K. BARRETT
Vice-President
LEE GURR
Secretary

Terry Reynolds
Director

DATE: 7/17/2020

RESPONDENT: Hillary Brown

CASE#: 2018-1087

HEARING DATE: 6/17/2020

STATEMENT OF HEARING FEES AND COSTS PURSUANT TO NRS 622.400(2)

Administrative Costs: \$ 100.00

Investigative Costs: \$ 180.00

Commission Costs: \$ -

Attorney Fees: \$ 555.70

Witness Costs: \$ -

Court Reporter Costs: \$ -

Other Services (Describe service below): \$ -

TOTAL AMOUNT DUE: \$ 835.70 *This does not include any fines or restitution ordered by the Commission

Exhibit 6

Mitchell Bisson

From: Mitchell Bisson
Sent: Friday, July 31, 2020 9:17 AM
To: Mitchell Bisson
Subject: FW: Hillary's Letter
Attachments: Hillary's Documents.pdf

----- Forwarded message -----

From: **Julia Kunkel** <jkunkel@homesmartsd.com>
Date: Thu, Jul 2, 2020 at 3:52 PM
Subject: Hillary's Letter
To: panamawellnessgroup@gmail.com <panamawellnessgroup@gmail.com>
Cc: Roger Lee <RLee@homesmartsd.com>, Kelley Portman <KPortman@homesmartsd.com>

Hi Hillary,

We just received this letter. I have scanned and attached it to this email. Also I have placed the hard copy into your mail folder for you.

Thank you,

Julia

How's my service? Please click [HERE](#) to provide feedback directly to my manager. We appreciate both positive and constructive feedback.

Julia Kunkel

Agent Services Representative | HomeSmart Realty West

2776 Gateway Rd | Carlsbad, CA 92009

Phone: (760) 607-5900

Email: JKunkel@HomeSmartSD.com

Exhibit 7

Mitchell Bisson

From: Mitchell Bisson
Sent: Friday, July 31, 2020 11:46 AM
To: Mitchell Bisson
Subject: FW: Certified Mail
Attachments: HillaryBrownMail.pdf

----- Forwarded message -----

From: Julia Kunkel <jkunkel@homesmartsd.com>
Date: Wed, Jul 22, 2020, 3:02 PM
Subject: Re: Certified Mail
To: Hillary Sepulveda <panamawellnessgroup@gmail.com>

Hi Hillary,

No problem! The certified mail had a date on it 7/17/2020, that is when it must have been sent out. I have scanned it and attached it to this email.

Thank you,

Julia

How's my service? Please click [HERE](#) to provide feedback directly to my manager. We appreciate both positive and constructive feedback.

Julia Kunkel

Agent Services Representative | HomeSmart Realty West

2776 Gateway Rd | Carlsbad, CA 92009

Phone: (760) 607-5900

Email: JKunkel@HomeSmartSD.com

From: Hillary Sepulveda <panamawellnessgroup@gmail.com>
Date: Wednesday, July 22, 2020 at 11:01 AM
To: Julia Kunkel <jkunkel@homesmartsd.com>
Subject: Re: Certified Mail

Hi Julie, yes could you please scan it and also the date of the correspondence? Thank you so much, I really appreciate it and you!

Hillary

On Mon, Jul 20, 2020, 2:59 PM Julia Kunkel <jkunkel@homesmartsd.com> wrote:

Hi Hilary,

I just wanted to let you know you got Certified Mail from the STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY REAL ESTATE DIVISION. If you want me to open and scan it for you like last time let me know. I left you a Voicemail as well.

Thank you,

Julia

How's my service? Please click [HERE](#) to provide feedback directly to my manager. We appreciate both positive and constructive feedback.

Julia Kunkel

Agent Services Representative | HomeSmart Realty West

2776 Gateway Rd | Carlsbad, CA 92009

Phone: (760) 607-5900

Email: JKunkel@HomeSmartSD.com