

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

3 GAIL J. ANDERSON, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
5 STATE OF NEVADA,

Case No. RES 13-04-11-299

6 Petitioner,

FILED

7 vs.

SEP 03 2014

8 DAVID M. MARK,

REAL ESTATE COMMISSION
BY

9 Respondent.

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 This matter came on for hearing before the Nevada Real Estate Commission,
12 Department of Business and Industry, State of Nevada ("Commission") on December 11,
13 2013 at Grant Sawyer Building, 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada
14 89101 ("Hearing"). Present were Commissioners David Boyer, Richard Johnson, Norma Jean
15 Opatik, Sherrie Cartinella and Neil Schwartz. The Respondent, DAVID M. MARK
16 ("RESPONDENT" or "MARK"), failed to appear at the Hearing, failed to file an Answer to the
17 Complaint, and failed to request a continuance of the Hearing. Kimberly A. Arguello, Senior
18 Deputy Attorney General appeared on behalf of Petitioner.

19 **FINDINGS OF FACT**

20 The Commission, based upon the evidence presented during the Hearing, finds that
21 there is substantial evidence in the record to establish each of the following Findings of Fact:

22 1. Counsel for Petitioner made an offer of proof that RESPONDENT was given
23 proper Notice of the Hearing.

24 2. Rebecca Hardin, Commission Coordinator for the Division, testified that the
25 Complaint, Notice of Complaint and Notice of Documents were mailed via certified and regular
26 mail more than 30 days prior to the Hearing to RESPONDENT at the last known address
27 RESPONDENT provided to the Division.

28 . . .

1 3. The Commission finds that proper notice of the hearing was given to
2 RESPONDENT.

3 4. Pursuant to NAC 645.860, the Commission finds that the following facts
4 specified in the Complaint are true.

5 5. DAVID M. MARK, at all relevant times, was licensed by the Division as a
6 Salesperson under license number S.0072514 from June 2006 to September 2008.
7 Thereafter, RESPONDENT was licensed by the Division as a Broker Salesperson under
8 license number BS.0072514. RESPONDENT's license is currently expired.

9 6. MARK is subject to the jurisdiction of the Division and the provisions of NRS
10 Chapter 645 and NAC 645.

11 7. On April 11, 2013, MARK was found guilty in the United States District Court of
12 the felonies of Conspiracy to Commit Bank Fraud, Mail Fraud and Wire Fraud, Title 18, United
13 States Code, Sections 1344; two counts of Bank Fraud, Title 18, United States Code,
14 Sections 1344 and 1342; and one count of Mail Fraud, Title 18, United States Code Sections
15 1341 and 1342.

16 8. The felonies that MARK has been found to be guilty of stem directly from acts
17 done in his capacity as a licensed real estate salesperson committed between March 2006 to
18 December 2007.

19 9. As part of the conspiracy, MARK obtained money and property by causing false
20 information regarding straw buyers' employment, income and assets to be placed in the straw
21 buyers' applications and supporting documentation to obtain mortgage loans from financial
22 institutions to purchase residential real estate. Through these transactions MARK's
23 coconspirators obtained control of approximately 227 properties and obtained money from
24 financial institutions by causing the money from the mortgage loans to be diverted for their
25 own use. The total purchase price of the properties was greater than \$107,000,000.

26 10. MARK solicited straw buyers and caused them to apply for mortgage loans
27 containing materially false information for loans and mortgage payments that he knew they
28 could not afford and did not intend to make.

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ORDER

The Commission being fully apprised in the premises, and good cause appearing to the Commission, IT IS HEREBY ORDERED THAT:

1. The RESPONDENT shall pay to the Division a total fine of \$40,600.49. The total fine reflects a fine of \$40,000.00 for committing the above violations of law plus \$600.49 for hearing and investigative costs. Respondent shall pay the total fine to the Division within thirty (30) days of the effective date of this Order.

2. RESPONDENT'S Brokers license number BS.0072514 is hereby **REVOKED**.

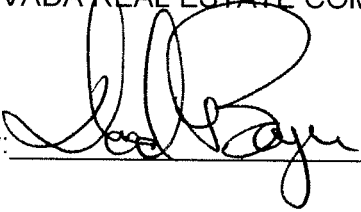
3. The Division may institute debt collection proceedings for failure to timely pay the total fine.

4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting or issuance of this Order.

This Order shall become effective on the 8 day of October, 2014.

Dated this 26th day of AUGUST, 2014.

NEVADA REAL ESTATE COMMISSION

By:  _____