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REAL ESTATE COMMISSION
Robert [Signature]

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

JOSEPH R. DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 2015-722

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

MARTY ZABIB,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT MARTY ZABIB ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which 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 and/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 by the Division as a Broker under license number B.001012.LLC and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Broker under license number B.001012.LLC and is currently active and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 2. In 2011 RESPONDENT approached Alon Yahav and his family ("Complainant")
2 and encouraged them to invest money to purchase various real estate properties.

3 3. Between 2011 and 2012, the Yahav family transferred \$297,954 to
4 RESPONDENT.

5 4. RESPONDENT notified Yahav that properties located at 8751 Quitane Lane,
6 Las Vegas, NV and 9175 Mt. Wilson Street, Las Vegas, NV ("properties") were purchased
7 with the funds.

8 5. RESPONDENT sent numerous receipts and invoices purportedly paid to make
9 repairs to the properties.

10 6. Yahav became suspicious, travelled from Israel and went to the properties.

11 7. Yahav was informed that the occupants were the recorded owners of the
12 properties and this was confirmed.

13 8. The Complainants were never the recorded owners of the properties.

14 9. In fact, the properties were sold to other purchasers with Zabib's representation
15 of parties to the transaction.

16 10. Upon confrontation with Yahav, Zabib admitted that he had not used the money
17 to purchase the properties in question.

18 11. Zabib signed an Agreement to return the \$297,954 to the Complainants.

19 12. The Complainants sued RESPONDENT in District Court.

20 13. The Court found RESPONDENT guilty of breach of contract,
21 fraudulent/intentional misrepresentation, fraudulent conversion of funds and unjust
22 enrichment.

23 14. The Court further found RESPONDENT's conduct to be motivated by greed and
24 malicious intent to deceive and awarded punitive damages in the amount of \$300,000.

25 15. Complainants were awarded a judgment in the total amount of \$661,574 which
26 includes the return of the original investment, pre-judgement interest, costs, attorney's fees
27 and punitive damages.

28

VIOLATIONS

RESPONDENT has committed the following violations of law:

16. RESPONDENT violated NRS 645.630(1)(a) by making material misrepresentations regarding the supposed purchase of the properties.

17. RESPONDENT violated NRS 645.630(1)(a) by making material misrepresentations regarding the supposed invoices and bills for repair of the properties

18. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605 (6) by breaching his obligation of absolute fidelity to his principal's interest which is gross negligence and incompetence.

19. RESPONDENT violated NRS 645.630(1)(h) by converting the money of others to his own use.

20. RESPONDENT violated NRS 645.633(1)(i) for the above conduct with constitutes deceitful, fraudulent or dishonest dealing.

DISCIPLINE AUTHORIZED

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

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

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

NOTICE OF HEARING

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

1 **THE HEARING WILL TAKE PLACE** on December 16, 2015 commencing at 9:00
2 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day
3 thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the
4 business of the Commission is concluded. The Commission meeting will be held on
5 December 16, 2015, at the Nevada Department of Employment Training and
6 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV
7 89104. The meeting will continue on December 17, 2015, should business not be
8 concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240
9 South Water Street, Henderson, Nevada 89015.

10 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
11 same time as part of a regular meeting of the Commission that is expected to last from
12 December 16 through December 17, 2015, or earlier if the business of the Commission
13 is concluded. Thus, your hearing may be continued until later in the day or from day to
14 day. It is your responsibility to be present when your case is called. If you are not
15 present when your hearing is called, a default may be entered against you and the
16 Commission may decide the case as if all allegations in the complaint were true. If you
17 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
18 4074.

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

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

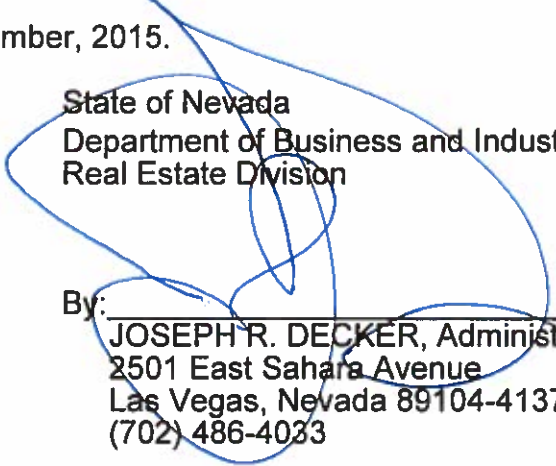
1 evidence and argument on all issues involved. You have the right to call and examine
2 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
3 to the issues involved.

4 You have the right to request that the Commission issue subpoenas to compel
5 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
6 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
7 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
8 233B, and NAC 645.810 through 645.875.

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

13 DATED this 12th day of November, 2015.

14 State of Nevada
15 Department of Business and Industry
16 Real Estate Division

17 By: 
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