

FILED

APR 18 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RES 14-01-41-379

Petitioner,

vs.

SHLOMO CONEH,

Respondent.

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, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Senior Deputy Attorney General, hereby notifies RESPONDENT SHLOMO CONEH ("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 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 salesperson under license number S.0168282, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 1. RESPONDENT has been licensed as a salesperson under license number S.0168282
3 since July 9, 2009, and is currently in active status.

4 2. At all times relevant to this Complaint, RESPONDENT was associated with broker Jeff
5 L. Sommers at Wardley Real Estate.

6 3. On or about November 15, 2013, Veverly and Marcho Cabalse (the "Sellers") entered
7 into an Exclusive Authorization & Right to Sell, Exchange or Lease Broker Listing Agreement, which
8 engaged RESPONDENT to list and sell real property located at 8425 Barossa Court, Las Vegas,
9 Nevada (the "Property").

10 4. On or about November 22, 2013, Vu H. Do and Huong Thanh Dinh executed a
11 Residential Purchase Agreement, in which they offered to buy the Property for \$161,000.00.

12 5. RESPONDENT acted as the real estate agent of Do and Dinh.

13 6. Xiu Min Gao, through her real estate agent Nancy Li, submitted a Residential Purchase
14 Agreement to RESPONDENT on or about November 27, 2013, in which Gao offered to buy the
15 Property for \$175,000.00.

16 7. On or about November 29, 2013, RESPONDENT informed Li that the Sellers were
17 accepting Gao's offer.

18 8. On or about December 2, 2013, RESPONDENT informed Li that the Sellers had
19 accepted Gao's offer and the purchase agreement had been signed and mailed.

20 9. However, on or about that same day, RESPONDENT informed Do about Gao's offer to
21 allow him and Dinh to make a highest and best purchase offer.

22 10. RESPONDENT did not contact Li to obtain a highest and best purchase offer from Gao.

23 11. On or about December 3, 2013, the Sellers rejected Gao's offer to purchase the Property.

24 12. On or about December 3, 2013, RESPONDENT informed the Sellers that Do and Dinh
25 had made an offer on \$175,000.00 for the Property.

26 13. However, it was not until December 4, 2013, that RESPONDENT had Do and Dinh
27 execute Addendum No. 1 to Purchase Agreement offering that their "Highest and best purchase price
28 on [the Property] is \$175,000.00."

1 14. On or about December 9, 2013, Li learned the Property had been sold to another buyer
2 when she checked the property listing on the Multiple Listing Service (“MLS”) and read that the
3 Property was in “Contingency” status with a sales price of \$161,000.00.

4 15. It was not until December 9, 2013, that RESPONDENT had Do and Dinh sign a
5 Consent to Act form for the Property.

6 16. On or about December 10, 2013, RESPONDENT informed Li that the Sellers had
7 rejected Gao’s offer and decided to accept another offer.

8 17. On or about April 4, 2014, RESPONDENT falsely informed the Division that the Sellers
9 did not reject Gao’s offer until after December 4, 2013.

10 VIOLATIONS

11 RESPONDENT has committed the following violations of law:

12 18. RESPONDENT violated NRS 645.252(1)(d) by not disclosing to each party to the real
13 estate transaction as soon as is practicable that he was acting for the Sellers and for Do and Dinh.

14 19. RESPONDENT violated NRS 645.254(4) by failing to present all offers made to the
15 Sellers as soon as is practicable.

16 20. RESPONDENT violated NRS 645.252(2) by not having a matching offer on the
17 Property before he asked Do and Dinh for a highest and best offer on the Property.

18 21. RESPONDENT violated NRS 645.633(1)(i) by failing to give Gao an opportunity to
19 provide a highest and best offer on the Property.

20 22. RESPONDENT violated NRS 645.630(1)(a) by misrepresenting to the Sellers that he
21 had an offer from Do and Dinh for \$175,000.00 at the time that their purchase agreement offer was still
22 only for \$161,000.00.

23 23. RESPONDENT violated NRS 645.633(1)(h) and/or (i), pursuant to NAC
24 645.605(11)(c), by supplying false information to the Division about the rejection date of Gao’s offer.

25 DISCIPLINE AUTHORIZED

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

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

4 26. 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 May 23, 2017 commencing at 9:00 a.m., or as
11 soon thereafter as the Commission is able to hear the matter, and each day thereafter
12 commencing at 9:00 a.m. through May 25, 2017, or earlier if the business of the Commission is
13 concluded. The Commission meeting will be held on May 23-25, 2017, at the Nevada State
14 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.

15 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
16 time as part of a regular meeting of the Commission that is expected to last from May 23-25,
17 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be
18 continued until later in the day or from day to day. It is your responsibility to be present when
19 your case is called. If you are not present when your hearing is called, a default may be entered
20 against you and the Commission may decide the case as if all allegations in the complaint were
21 true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
22 4074.

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

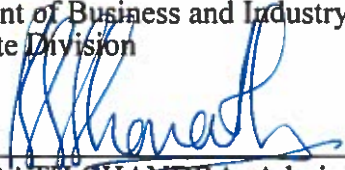
1 As the Respondent, you are specifically informed that you have the right to appear and be heard
2 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
3 the burden of proving the allegations in the complaint and will call witnesses and present evidence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

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


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

15 DATED this 17 day of April, 2017.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

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