

FILED

JAN 24 2018

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. 2016-1734

Petitioner,

vs.

GORDON ROBERT ALLRED,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, December 5, 2017, and Wednesday, December 6, 2017, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Gordon Robert Allred ("Respondent") did not attend or make himself available to testify at the hearing, but was represented by legal counsel, Jill B. Rowe, Esq. and Scott A. Marquis, Esq. Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. Respondent is not and has never been licensed by the Division.
2. Respondent has never held a Cooperative Certificate from the Division.
3. Respondent is licensed with the California Bureau of Real Estate as a Broker, License No. 00927200.

...

1 4. Respondent was affiliated with Marcus & Millichap Real Estate Investment Services
2 (“M&M”) in Ontario, California, at the times at issue herein.

3 **1101 South Highway 160, Pahrump, Nevada**

4 5. In or about 2015 and 2016, Respondent engaged in the offering, soliciting, and/or listing
5 of a commercial property located at 1101 South Highway 160, Pahrump, Nevada (“Best Western”) for
6 another and for compensation or with the intention or expectation of receiving compensation.

7 6. On or about January 27, 2016, Respondent signed a M&M Interstate Brokerage
8 Cooperation Agreement – TURF STATE regarding the Best Western offering, which discusses
9 compensation “if [he] has submitted a Certificate of Cooperation and received approval from the
10 Nevada Real Estate Division that he/she may perform any acts (listing or selling) in the state of
11 Nevada.” (Emphasis in original.)

12 7. That agreement provides that “NO OUT-OF-STATE AGENT INFORMATION SHALL
13 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS.” (Emphasis in original.)

14 8. M&M’s Out of State Checklist for the Best Western offering indicates that Respondent
15 received Division Form 542 on which to apply for a Nevada Out-of-State Cooperative Certificate.

16 9. Allred was indicated as a listing agent for this property (with an 80% fee).

17 10. The advertising for the offering for sale of Best Western stated it was listed by
18 Respondent.

19 11. Respondent received a letter of intent from a party interested in buying Best Western.

20 12. The commission amount earned by M&M on the sale of Best Western was
21 approximately \$249,000.00.

22 **650 West Front Street, Battle Mountain, Nevada**

23 13. In or about 2015, Respondent engaged in the offering, soliciting, and/or listing of a
24 commercial property located at 650 West Front Street, Battle Mountain, Nevada (“Battle Mountain
25 Inn”) for another and for compensation or with the intention or expectation of receiving compensation.

26 14. M&M identified Respondent as its Procuring Agent for the Battle Mountain Inn
27 offering.

28 15. Allred was indicated as a listing agent for this property (with a 50% fee).

1 16. On or about February 10, 2015, Respondent signed a M&M Interstate Brokerage
2 Cooperation Agreement – TURF STATE regarding the Battle Mountain Inn offering, which discusses
3 compensation “if [he] has submitted a Certificate of Cooperation and received approval from the
4 Nevada Real Estate Division that he/she may perform any acts (listing or selling) in the state of
5 Nevada.” (Emphasis in original.)

6 17. That agreement provides that “NO OUT-OF-STATE AGENT INFORMATION SHALL
7 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS.” (Emphasis in original.)

8 18. On or about March 22, 2015, Respondent issued a memorandum regarding the Battle
9 Mountain Inn offering, which states that “[o]nly in the event the Out-of-State licensee has obtained a
10 Certificate of Cooperation from the Nevada Real Estate Division may he/she perform any acts (listing
11 or selling) otherwise requiring a real estate license in Nevada.... THIS FORM MUST BE FILLED
12 OUT, SUBMITTED AND APPROVED BY THE DIVISION PRIOR TO ACTIVATING IN THE
13 SYSTEM.” (Emphasis in original.)

14 **4300 West Tropicana Avenue, Las Vegas, Nevada**

15 19. In or about 2016, Respondent engaged in the offering, soliciting, and/or listing of a
16 commercial property located at 4300 West Tropicana Avenue, Las Vegas, Nevada (“Casino
17 Development Site”) for another and for compensation or with the intention or expectation of receiving
18 compensation.

19 20. Respondent was listed as the contact in the exclusive land offering advertisement for the
20 offering for sale of the Casino Development Site.

21 21. Respondent was listed as one of the contacts in other advertisements for the offering for
22 sale of the Casino Development Site.

23 22. M&M identified Respondent as its Procuring Agent for the Casino Development Site.

24 23. On or about February 9, 2015, Respondent signed a M&M Interstate Brokerage
25 Cooperation Agreement – TURF STATE regarding the Casino Development Site offering, which
26 discusses compensation “if [he] has submitted a Certificate of Cooperation and received approval
27 from the Nevada Real Estate Division that he/she may perform any acts (listing or selling) in the state
28 of Nevada.” (Emphasis in original.)

1 24. That agreement provides that “NO OUT-OF-STATE AGENT INFORMATION SHALL
2 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS.” (Emphasis in original.)

3 25. On or about March 11, 2015, Respondent issued a memorandum regarding the Casino
4 Development Site offering, which states that “[o]nly in the event the Out-of-State licensee has obtained
5 a Certificate of Cooperation from the Nevada Real Estate Division may he/she perform any acts
6 (listing or selling) otherwise requiring a real estate license in Nevada.... THIS FORM MUST BE
7 FILLED OUT, SUBMITTED AND APPROVED BY THE DIVISION PRIOR TO ACTIVATING IN
8 THE SYSTEM.” (Emphasis in original.)

9 26. Respondent was entitled to 34% of M&M’s commission from the sale of the Casino
10 Development Site.

11 27. On or about April 7, 2016, the Division sent Respondent a Cease & Desist Order.

12 **CONCLUSIONS OF LAW**

13 The Commission, based upon the preponderance of the evidence, makes the following legal
14 conclusions:

15 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and
16 233B and NAC Chapter 645.

17 2. Respondent violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) on three occasions
18 by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real
19 estate broker, real estate broker-salesperson, or real estate salesperson within the State of Nevada
20 without first obtaining the appropriate license or certificate from the Division.

21 **ORDER**

22 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of
23 \$301,639.89. The total fine reflects a fine of \$300,000.00 for the above violations of law plus
24 \$1,639.89 for hearing and investigative costs. Respondent shall pay the total fine to the Division within
25 thirty days of the effective date of this Order. The Division may institute debt collection proceedings
26 for failure to timely pay the total fine.

27 ...

28 ...

1 The Commission retains jurisdiction for correcting any errors that may have occurred in the
2 drafting and issuance of this Decision.

3 This Order shall become effective on the 25th day of February 2018.

4 DATED this 23 day of January, 2018.

5
6 REAL ESTATE COMMISSION
7 STATE OF NEVADA

8
9 By  _____
10 President, Nevada Real Estate Commission