

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2018-897

Petitioner,

FILED

OCT 15 2018

vs.

MARCUS FITZGERALD,

REAL ESTATE COMMISSION
BY

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada (“Commission”) on Monday, September 10, 2018, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Marcus Fitzgerald (“RESPONDENT”) did not appear. Donald J. Bordelove, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business and 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 Findings of Fact:

1. RESPONDENT was licensed as a Salesperson, license number S.0075778, from February 23, 2007, until February 28, 2018, and that license is currently in expired status.

2. On or about June 21, 2018, before the Eighth Judicial District Court for Clark County, Nevada, RESPONDENT entered into a Guilty Plea Agreement in which he pled “guilty to Multiple Transactions of Fraud and Deceit in the Course of an Enterprise or Occupation, a category “B” felony, in violation of NRS 205.377.”

...

1 **CONCLUSIONS OF LAW**

2 The Commission, based upon the preponderance of the evidence, makes the following legal
3 conclusions:

4 1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters 645 and
5 223B and NAC Chapter 645.

6 2. Pursuant to NAC 645.860, the Commission finds that the following charges specified in
7 the Complaint are true and supported by substantial evidence.

8 3. RESPONDENT violated NRS 645.633(1)(d)(1) and/or (2) by being convicted of a felony
9 relating to his real estate practice, and/or a crime involving fraud, deceit, misrepresentation or moral
10 turpitude.

11 **ORDER**

12 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total fine of
13 \$10,452.22. The total fine reflects a fine of \$10,000 for committing each of the above violations of law,
14 plus \$452.22 for hearing and investigative costs. Respondent shall pay the total fine to the Division
15 within thirty (30) days of the effective date of this Order. The Division may institute debt collection
16 proceedings for failure to timely pay the total fine. In the event RESPONDENT fails to timely pay the
17 fine, RESPONDENT's license shall be automatically suspended until the failed payment is made.

18 IT IS FURTHER ORDERED that RESPONDENT's real estate license is hereby REVOKED.

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

21 This Order shall become effective on the 14 day of November, 2018.

22 Dated this 15 day of October, 2018.

23 REAL ESTATE COMMISSION
24 STATE OF NEVADA

25 By: [Signature]
26 President, Nevada Real Estate Commission
27
28