

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 DAVID F. GORSKI,

10 Respondent.

Case No. 2018-854

FILED

DEC 28 2018

REAL ESTATE COMMISSION
BY *Swely Patten*

11 **DECISION**

12 This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada
13 (“Commission”) on Tuesday, December 4, 2018, at the Nevada State Business Center, 3300 W. Sahara
14 Avenue, Las Vegas, Nevada 89102. Respondent David F. Gorski (“Respondent”) appeared in his own
15 behalf. Dennis L. Belcourt, Deputy Attorney General, appeared and prosecuted the Complaint on behalf
16 of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business &
17 Industry, State of Nevada (“Division”).

18 This matter submitted for decision based upon the allegations of the Complaint and evidence
19 received, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

20 **FINDINGS OF FACT**

21 1. RESPONDENT has been licensed as a Salesperson, license number S.0057727, since
22 September 3, 2003, and that license is currently in inactive status.

23 2. At all times relevant to this Complaint, RESPONDENT was associated with broker Clyde
24 Loren Matt (“Matt”) at Keller Williams Realty The Marketplace.

25 3. Real property located on Manzanita Ranch Lane, Henderson, Nevada (the “Home”) was
26 listed for sale by real estate salesperson David Morris (“Morris”).

27 4. The Home was not occupied by the owner or any tenant at the times relevant to this
28 Complaint.

...

1 5. On or about June 1, 2018, RESPONDENT received approval from Morris to host an open
2 house at the Home on June 2 and 3, 2018.

3 6. On June 2 and 3, 2018, RESPONDENT hosted an open house at the Home.

4 7. On or about June 14, 2018, RESPONDENT requested approval from Morris to hold
5 another open house at the Home.

6 8. Morris denied RESPONDENT’s request because the Home was under contract to sell.

7 9. At or around this same time, RESPONDENT occupied the Home without receiving
8 permission or authorization from Morris or the owner.

9 10. On or about June 17, 2018, RESPONDENT accessed the home without authorization or
10 permission of Morris or the owner.

11 11. On or about June 19, 2018, Matt terminated RESPONDENT’s employment and returned
12 RESPONDENT’s real estate license to the Division due to RESPONDENT “kicking in the front door
13 and squatting in the property.”

14 12. On or about July 12, 2018, RESPONDENT informed the Division that he had never
15 entered the Home without the proper permission or authorization, and was at the Home on June 17, 2018,
16 in order to host an open house.

17 13. RESPONDENT’s representations to the Division were false.

18 **CONCLUSIONS OF LAW**

19 RESPONDENT has committed the following violations of law:

20 14. RESPONDENT violated NRS 645.633(1)(i) by entering the Home without permission or
21 authorization.

22 15. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(c), by
23 impeding or attempting to impede the Division investigation by supplying false information to an
24 investigator or other officer of the Division.

25 **ORDER**

26 **IT IS HEREBY ORDERED** that RESPONDENT’s license be suspended for one year effective
27 starting thirty (30) days from the effective date of this order and that he pay to the Division a fine of
28 ...

1 \$1,000.00, and \$1,121.29 in investigative costs and attorneys' fees within thirty (30) days of the effective
2 date of this Order. If the payment is not actually received by the Division on or before its due date, it
3 shall be construed as an event of default by Respondent. In the event of default, Respondent's license
4 shall be immediately suspended, and the unpaid balance of the administrative fine and costs, together
5 with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within
6 ten calendar days of the date of default.

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

9 This Order shall become effective on the 7th day of February, 201⁹8.

10 DATED this 8th day of January, 201⁹8.

11 REAL ESTATE COMMISSION
12 STATE OF NEVADA

13
14 By: 
15 President, Nevada Real Estate Commission