

FILED

APR 12 2018

REAL ESTATE COMMISSION
BY *[Signature]*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2017-2079

Petitioner,

vs.

TODD R. MANNING,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada (“Commission”) on Tuesday, March 20, 2018, and Wednesday, March 21, 2018, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Todd R. Manning (“Respondent”) appeared and testified at the hearing, and was represented by legal counsel, Jill B. Rowe, Esq. and Patrick C. McDonnell, 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 has been licensed as a Broker by the Division under license number B.1001879.CORP, since November 7, 2016, and is in active in renewal status.

2. At all times relevant to the Complaint, Respondent was a broker for Marcus & Millichap Real Estate Investment Services of Nevada, Inc. (“Marcus & Millichap”).

...

1 3. At all times relevant to this Complaint, John Anthony Glass was not licensed by the
2 Division in any capacity.

3 4. Glass is licensed with the California Bureau of Real Estate as a salesperson, license No.
4 00980723.

5 5. On or about June 5, 2017, Respondent is listed on the Consent to Act form as the
6 licensee for the sale and purchase of a commercial property located at 3695 S. Fort Apache Road, Las
7 Vegas, Nevada ("7-Eleven").

8 6. On or about that same day, Respondent acknowledged, pursuant to the Duties Owed by
9 a Nevada Real Estate Licensee form, to abide by all other duties, responsibilities and obligations
10 required of the licensee in law or regulations with respect to the 7-Eleven property.

11 7. On or about June 26, 2017, Respondent entered into an "INTERSTATE BROKERAGE
12 COOPERATION AGREEMENT – TURF STATE" with Glass regarding the sale and marketing of the
13 7-Eleven property.

14 8. That agreement provides that "NO OUT-OF-STATE AGENT INFORMATION SHALL
15 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS." (Emphasis in original.)

16 9. On or about June 26, 2017, Respondent signed a Marcus & Millichap Representation
17 Agreement setting forth the agent commission with respect to activities by Glass.

18 10. On or about June 28, 2017, Glass engaged in the offering, soliciting, and/or listing of the
19 7-Eleven property for another and for compensation or with the intention or expectation of receiving
20 compensation.

21 11. On or about September 14, 2017, Glass continued to engage in the offering, soliciting,
22 and/or listing of the 7-Eleven property for another and for compensation or with the intention or
23 expectation of receiving compensation.

24 12. The September 2017 advertising for the offering for sale of the 7-Eleven property stated
25 it was being listed by Respondent and Glass.

26 **CONCLUSIONS OF LAW**

27 The Commission, based upon the preponderance of the evidence, makes the following legal
28 conclusions:

1 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and
2 233B and NAC Chapter 645.

3 2. Respondent violated NRS 645.235(1)(b) by knowingly assisting or offering to assist
4 another person or persons to engage in activity for which a license, permit, certificate or registration or
5 any type of authorization is required pursuant to NRS 645, or any regulation adopted pursuant thereto,
6 even though that person or persons did not hold the required license, permit, certificate or registration
7 or has not been given the required authorization.

8 **ORDER**

9 IT IS HEREBY ORDERED, on a four to one vote, that Respondent shall pay to the Division
10 hearing and investigative costs in the amount of \$1,947.52. Respondent shall pay that amount in full to
11 the Division within thirty days of the effective date of this Order. Failure to timely pay the costs shall
12 be construed as an event of default by Respondent. In the event of default, Respondent's real estate
13 license shall be immediately suspended. The suspension of his license shall continue until the costs are
14 paid in full. The Division may institute debt collection proceedings for failure to timely pay the costs.

15 IT IS FURTHER ORDERED that Respondent shall attend three hours of law and legislation,
16 and three hours of broker management continuing education within sixty days of the effective date of
17 the Order. The hours must be *live* education and will not count towards Respondent's continuing
18 education requirements. Failure to timely complete the required courses shall be construed as an event
19 of default by Respondent. In the event of default, Respondent's real estate license shall be immediately
20 suspended. The suspension of his license shall continue until the continuing education is completed

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

23 This Order shall become effective on the 23RD day of MAY, 2018.

24 DATED this 12TH day of APRIL, 2018.

25 REAL ESTATE COMMISSION
26 STATE OF NEVADA

27 By: 
28 Commissioner, Nevada Real Estate Commission