

FILED
AUG 07 2018
REAL ESTATE COMMISSION
Robert [Signature]

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-1833

Petitioner,

vs.

KEVIN DUNLAP,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT KEVIN DUNLAP ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 as a Salesperson under license number S.0172165.LLC, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. In or around September 2015, RESPONDENT represented the buyer of real property located at 4474 Prada Place, Las Vegas, Nevada (the "Property").

2. At that time, RESPONDENT was associated with Vegas International Properties Realty Group ("VIP") and broker Glenn S. Plantone.

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1 3. The settlement statement for the sale of the Property indicated that the buyer was being
2 charged for the commission being paid to RESPONDENT.

3 4. The buyer contacted RESPONDENT and asked him who was paying RESPONDENT's
4 commission.

5 5. RESPONDENT informed the buyer that the seller would be paying RESPONDENT's
6 commission.

7 6. Contrary to RESPONDENT's assurance to the buyer, RESPONDENT informed Rhonda
8 L. Monahan from the title company that RESPONDENT has informed the buyer "at the start" that the
9 buyer would be paying his commission.

10 7. The buyer was charged with, and had to pay RESPONDENT's commission.

11 8. On or about March 11, 2016, RESPONDENT sent the buyer a letter admitting that the
12 buyer was mistakenly charged with the commission.

13 9. On or about March 28, 2016, RESPONDENT sent the buyer and Plantone an email
14 admitting that the buyer was mistakenly charged with the commission as well as other items, resulting
15 in an overcharge to the buyer of approximately \$6,491.51.

16 10. On or about April 6, 2016, Plantone sent RESPONDENT and the buyer an email stating
17 that he buyer "has a bad attitude here" and indicating that Plantone does not take kindly to the buyer's
18 complaint about being overcharged on the Property transaction.

19 11. On or about April 12, 2016, the buyer filed a Statement of Fact with the Division
20 complaining about the conduct of RESPONDENT and Plantone.

21 12. On or about April 25, 2016, RESPONDENT admitted to the Division that the buyer was
22 overcharged on the Property transaction.

23 13. Despite his correspondence to Monahan set forth above, RESPONDENT informed that
24 Division that he told the title company that the buyer should not have been charged with paying
25 RESPONDENT's commission.

26 14. On or about April 25, 2016, Plantone admitted to the Division that the buyer was
27 overcharged approximately \$6,500.00 on the Property transaction.

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1 **VIOLATION**

2 RESPONDENT has committed the following violation of law:

3 15. RESPONDENT violated NRS 645.252(1)(b) and (2) by failing to properly inform the
4 buyer that the buyer would be responsible for paying RESPONDENT's commission.

5 16. RESPONDENT violated NRS 645.633(1)(h) and/or (i), pursuant to NAC 645.605(6), by
6 falsely telling the buyer that the seller would be paying RESPONDENT's commission.

7 17. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(c), by
8 falsely telling the Division that he informed the title company that the buyer was not responsible for
9 paying RESPONDENT's commission.

10 **DISCIPLINE AUTHORIZED**

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

14 19. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
15 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
16 Commission otherwise imposes discipline on RESPONDENT.

17 20. Therefore, the Division requests that the Commission take such disciplinary action as it
18 deems appropriate under the circumstances.

19 **NOTICE OF HEARING**

20 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
21 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
22 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

23 **THE HEARING WILL TAKE PLACE on September 10, 2018, commencing at 9:00 a.m.,**
24 **or as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
25 **commencing at 9:00 a.m. through September 12, 2018, or earlier if the business of the**
26 **Commission is concluded. The Commission meeting will be held on September 10, 2018, at the**
27 **Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,**
28 **Nevada 89102. The meeting will continue on September 11, 2018 at the Nevada State Business**

1 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102,
2 commencing at 9:00 a.m., and on September 12, 2018, should business not be concluded, starting
3 at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada
4 Room, Las Vegas, Nevada 89102.

5 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
6 time as part of a regular meeting of the Commission that is expected to last from September 10
7 through September 12, 2018, or earlier if the business of the Commission is concluded. Thus,
8 your hearing may be continued until later in the day or from day to day. It is your responsibility
9 to be present when your case is called. If you are not present when your hearing is called, a
10 default may be entered against you and the Commission may decide the case as if all allegations
11 in the complaint were true. If you have any questions please call Rebecca Hardin, Commission
12 Coordinator (702) 486-4074.

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

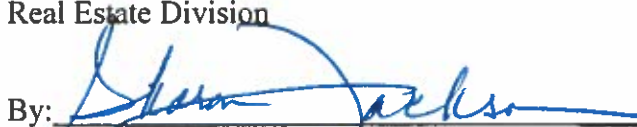
19 As the Respondent, you are specifically informed that you have the right to appear and be heard
20 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
21 the burden of proving the allegations in the complaint and will call witnesses and present evidence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

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


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

5 DATED this 7 day of August, 2018.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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11 SHARON JACKSON, Deputy Administrator
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