

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case No. 2017-128

Petitioner,

vs.

DANIEL HAYES,

Respondent.

FILED

OCT 31 2018

REAL ESTATE COMMISSION

**COMPLAINT AND NOTICE OF HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Dennis Belcourt, Deputy Attorney General, hereby notifies RESPONDENT DANIEL HAYES ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE 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 or charge as set forth in NRS 630.235 and NRS 622.400, and the penalty or charge to be imposed, if violations of law are proven.

**JURISDICTION**

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, real estate salesperson, or a business broker, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS and NAC 645.

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1 **FACTUAL ALLEGATIONS**

2 1. On or about January 19, 2017, the Division discovered that RESPONDENT engaged in  
3 advertising the services of a real estate broker, real estate broker-salesperson, real estate salesperson, or  
4 a business broker, without first obtaining a license from the Division to perform such activities.

5 2. RESPONDENT has never obtained from the Division a real estate license or a permit to  
6 engage in such activities.

7 3. At all times relevant to this complaint, RESPONDENT operated Hundred Acre  
8 Consulting, LLC, ("HAC").

9 4. RESPONDENT, through the website BIZBUYSELL, advertised the sale of businesses  
10 and/or franchises located in Nevada.

11 5. RESPONDENT advertised on BIZBUYSELL for the sale of a franchised for the  
12 Modernized Coin Laundry in Las Vegas, Nevada.

13 6. RESPONDENT stated an asking price of \$299,999 for the business referred to in  
14 paragraph 5.

15 7. RESPONDENT also advertised on BIZBUYSELL for the sale of Eco-Green Junk  
16 Removal recycling franchise in Las Vegas, Nevada.

17 8. RESPONDENT stated an asking price of \$189,888 for the business referred to in  
18 paragraph 7.

19 9. Pursuant to NRS 645.230(1)(a) and (d), RESPONDENT performed the services of a real  
20 estate broker, real estate broker-salesperson, real estate salesperson, or business broker without first  
21 obtaining a license by advertising the aforementioned businesses for sale with detailed information  
22 describing the real estate, square footage of buildings, stating that the facilities were leased, and/or stating  
23 that the businesses were "established franchise[s]."

24 10. On or about January 20, 2017, the Administrator of the Division issued a Cease and Desist  
25 Order to RESPONDENT, ordering RESPONDENT to cease and desist from conducting all broker  
26 activities.

27 11. RESPONDENT is still operating HAC.

28 ...

1 **VIOLATIONS**

2 RESPONDENT has committed the following violations of law:

3 12. RESPONDENT violated NRS 645.230(1)(a) by engaging in the business of, acting in the  
4 capacity of, advertising or assuming to act as a real estate broker, real estate broker-salesperson, or a real  
5 estate salesperson without first obtaining from the Division a license as a real estate broker, real estate  
6 broker-salesperson, or real estate salesperson.

7 **DISCIPLINE AUTHORIZED**

8 13. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine  
9 in an amount not to exceed the amount of gain or economic benefit that the person derived from the  
10 violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of NRS  
11 645.230 and NRS 645.235.

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

15 15. Therefore, the Division requests that the Commission take such disciplinary action as it  
16 deems appropriate under the circumstances.

17 **NOTICE OF HEARING**

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

21 **THE HEARING WILL TAKE PLACE on December 4, 2018, commencing at 9:00 a.m., or**  
22 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**  
23 **commencing at 9:00 a.m. through December 6, 2018, or earlier if the business of the Commission**  
24 **is concluded. The Commission meeting will be held on December 4, 2018, at the Nevada State**  
25 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.**  
26 **The meeting will continue on December 5, 2018 at the Nevada State Business Center, 3300 West**  
27 **Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m.,**  
28 **and on December 6, 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada**

1 State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada  
2 89102.

3 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same  
4 time as part of a regular meeting of the Commission that is expected to last from December 4  
5 through December 6, 2018, or earlier if the business of the Commission is concluded. Thus, your  
6 hearing may be continued until later in the day or from day to day. It is your responsibility to be  
7 present when your case is called. If you are not present when your hearing is called, a default may  
8 be entered against you and the Commission may decide the case as if all allegations in the complaint  
9 were true. If you have any questions please call Teralyn Thompson, Administration Section  
10 Manager, (702) 486-4036.

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

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

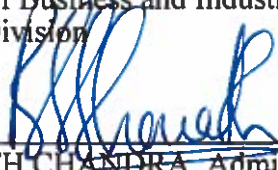
22 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
23 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
24 the relevance of the witness’ testimony and/or evidence. Other important rights you have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

26 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
27 645 and if the allegations contained herein are substantially proven by the evidence presented and  
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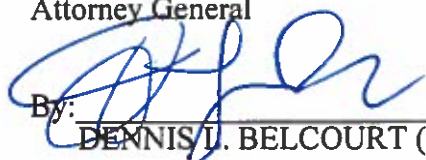
1 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
2 pursuant to NRS 645.235.

3 DATED this 30 day of October, 2018.

4 State of Nevada  
5 Department of Business and Industry  
6 Real Estate Division

7 By:   
8 SHARATH CHANDRA, Administrator  
9 3300 West Sahara Avenue, Suite 350  
10 Las Vegas, Nevada 89102

11 ADAM PAUL LAXALT  
12 Attorney General

13 By:   
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