

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-2527

Petitioner,

vs.

DAVID E. HOWARD,

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") hereby notifies RESPONDENT DAVID E. HOWARD ("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 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and NRS 622.400, and the discipline to be imposed, if a violation of law is proven.

JURISDICTION

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division 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. At all times relevant to this Complaint, RESPONDENT was not licensed by the Division in any capacity.

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1 **DISCIPLINE AUTHORIZED**

2 10. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine
3 not to exceed \$5,000 the amount of any gain or economic benefit that the person derived from the
4 violation or \$5,000, whichever amount is greater, against RESPONDENT.

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

8 12. Therefore, the Division requests that the Commission take such disciplinary action as it
9 deems appropriate under the circumstances.

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
12 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
13 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

24 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
25 time as part of a regular meeting of the Commission that is expected to last from December 4
26 through December 6, 2018, or earlier if the business of the Commission is concluded. Thus, your
27 hearing may be continued until later in the day or from day to day. It is your responsibility to be
28 present when your case is called. If you are not present when your hearing is called, a default may

1 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
2 **were true. If you have any questions please call Teralyn Thompson, Administration Section**
3 **Manager, (702) 486-4036.**

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

9 As the Respondent, you are specifically informed that you have the right to appear and be heard
10 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
11 burden of proving the allegations in the complaint and will call witnesses and present evidence against
12 you. You have the right to respond and to present relevant evidence and argument on all issues involved.

13 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
14 witnesses on any matter relevant to the issues involved.

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

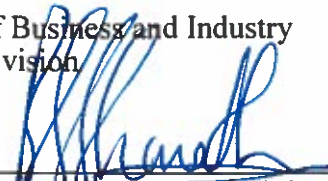
19 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
20 645 and if the allegations contained herein are substantially proven by the evidence presented and

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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, 645.633 or 645.630.

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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19 Attorneys for Real Estate Division
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