

MAY 09 2018

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
Ruben Adams

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

Case No.: 2017-1949

Petitioner,

COMPLAINT AND NOTICE OF
HEARING

vs.

MATTHEW W. HOVEY,

Respondent.

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 PETER KEEGAN Deputy Attorney General, hereby notifies RESPONDENT, MATTHEW W. HOVEY, ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 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 other discipline authorized by NRS 645 and/or NAC 645, if violations of law are proven.

JURISDICTION

RESPONDENT is licensed as a real estate salesperson under license number S.0059885. 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 and NAC 645.

///

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

FACTUAL ALLEGATIONS

1
2 1. RESPONDENT is a licensed Real Estate Salesperson under license number
3 S.0059885, initially issued by the Division on February 25, 2004.

4 2. At all times relevant, RESPONDENT was employed with Meyer Realty, in
5 Reno, Nevada.

6 3. RESPONDENT's license expired on February 28, 2017.

7 4. The effective date of RESPONDENT's expired license was March 1, 2013.

8 5. RESPONDENT's license was reinstated on August 31, 2017.

9 6. RESPONDENT actively participated in two real estate transactions that
10 closed during the time his license was expired.

11 7. RESPONDENT acted as the seller's agent for the property located at 1783
12 London Circle, Sparks, Nevada 89431, assisting the seller with the acceptance of the
13 buyer's offer on March 24, 2017, and the closing, which occurred on or about April 19,
14 2017.

15 8. RESPONDENT also acted as the seller's agent for the property located at
16 11140 Larson Ranch Road, Reno, Nevada 89506, assisting the seller with the acceptance
17 of the buyer's offer on March 22, 2017, and the closing, which occurred on or about July
18 25, 2017.

19 9. RESPONDENT also entered into eight Exclusive Right to Sell contracts
20 during the time his license was expired, including for: (1) 813 Overland Loop, Dayton, NV
21 89403, on June 19, 2017; (2) 1475 Locksley Way, Reno, NV 89503, on July 11, 2017; (3)
22 170 Nugget Lane, Dayton, NV 89403, on July 7, 2017; (4) 260 Grover Court, Sun Valley,
23 Nevada 89433, on April 7, 2017; (5) 240 Grover Court, Sun Valley, NV 89433, on April 9,
24 2017; (6) 5670 Leon Drive, Sun Valley, NV 89433, on April 9, 2017; (7) 740 Grayhawk
25 Drive, Dayton, NV 89403, on July 22, 2017; and (8) 3701 Ranchview Court, Reno, NV
26 89509, on August 7, 2017.

27 10. RESPONDENT was notified by the Association of Realtors on August 18,
28 2017, that his license was expired.

1 ///

2 11. RESPONDENT transferred his active listings to his broker, Scott P. Myer, of
3 Myer Realty, on August 25, 2017.

4 12. On or about September 7, 2017, the Division sent RESPONDENT, an
5 Investigation Opening Letter requesting a response by September 21, 2017.

6 13. On or about September 21, 2017, the Division received a response from
7 RESPONDENT.

8 14. On or about October 17, 2017, the Division sent RESPONDENT, via certified
9 mail, an NRS 233B notice of intention to commence disciplinary action against him with
10 the Nevada Real Estate Commission for violations of NRS 645.230(1)(a); NRS
11 645.235(1)(a); and NRS 645.633 pursuant to NAC 645.605 and NAC 645.315.

12 **VIOLATIONS**

13 RESPONDENT has committed the following violations of law:

14 15. RESPONDENT violated NRS 645.230(1)(a) and NRS 645.235(1)(a) for acting
15 as a real estate salesperson without an active real estate license on ten (10) occasions
16 including: (1) 1783 London Circle Sparks, Nevada 89431; (2) 11140 Larson Ranch Road,
17 Reno, Nevada 89506; (3) 813 Overland Loop, Dayton, NV 89403; (4) 1475 Locksley Way,
18 Reno, NV 89503; (5) 170 Nugget Lane, Dayton, NV 89403; (6) 260 Grover Court, Sun
19 Valley, Nevada 89433; (7) 240 Grover Court, Sun Valley, NV 89433; (8) 5670 Leon Drive,
20 Sun Valley, NV 89433; (9) 740 Grayhawk Drive, Dayton, NV 89403; and (10) 3701
21 Ranchview Court, Reno, NV 89509.

22 16. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(5) and
23 NAC 645.315 by negligently failing to renew his license before it expired and for
24 negligently failing to keep abreast of license renewal process changes.

25 **DISCIPLINE AUTHORIZED**

26 17. Pursuant to NRS 645.235, the Commission is empowered to impose an
27 administrative fine in an amount not to exceed the amount of gain or economic benefit
28 that the person derived from the violation or \$5,000, whichever amount is greater,

1 against RESPONDENT for each violation of NRS 645.235.

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

5 19. Pursuant to NRS 645.314, the Division is authorized to request its
6 investigative costs where the investigation was undertaken for disciplinary purposes.

7 20. Additionally, under NRS 622.400, the Commission is authorized to impose
8 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
9 fees, if the Commission otherwise imposes discipline on RESPONDENT.

10 21. Therefore, the Division requests that the Commission take such disciplinary
11 action as it deems appropriate under the circumstances.

12 **NOTICE OF HEARING**

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

17 **THE HEARING WILL TAKE PLACE** on June 12, 2018 commencing at 9:00
18 a.m., or as soon thereafter as the Commission is able to hear the matter, and
19 each day thereafter commencing at 9:00 a.m. through June 14, 2018, or earlier if
20 the business of the Commission is concluded. The Commission meeting will be
21 held on June 12, 2018, at the Nevada Division of Insurance, 1818 East College
22 Parkway, Suite 103, Carson City, Nevada 89706. The meeting will continue on
23 June 13, 2018 at the Nevada Division of Insurance, 1818 East College Parkway,
24 Suite 103, Carson City, Nevada 89706., commencing at 9:00 a.m., and on June 14,
25 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada
26 Division of Insurance, 1818 East College Parkway, Suite 103, Carson City,
27 Nevada 89706.

1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
2 at the same time as part of a regular meeting of the Commission that is
3 expected to last from June 12 through June 14, 2018, or earlier if the business of
4 the Commission is concluded. Thus, your hearing may be continued until later
5 in the day or from day to day. It is your responsibility to be present when your
6 case is called. If you are not present when your hearing is called, a default may
7 be entered against you and the Commission may decide the case as if all
8 allegations in the complaint were true. If you have any questions please call
9 Rebecca Hardin, Commission Coordinator (702) 486-4074.

10 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
11 open meeting under Nevada's Open Meeting Law, and may be attended by the public.
12 After the evidence and arguments, the Commission may conduct a closed meeting to
13 discuss your alleged misconduct or professional competence. A verbatim record will be
14 made by a certified court reporter. You are entitled to a copy of the transcript of the open
15 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
17 and be heard in your defense, either personally or through your counsel of choice. At the
18 hearing, the Division has the burden of proving the allegations in the complaint and will
19 call witnesses and present evidence against you. You have the right to respond and to
20 present relevant evidence and argument on all issues involved. You have the right to call
21 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
22 matter relevant to the issues involved.

23 You have the right to request that the Commission issue subpoenas to compel
24 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
25 you may be required to demonstrate the relevance of the witnesses' testimony and/or
26 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
27 NRS Chapter 233B, and NAC 645.810 through 645.920.

28 ///

