

FILED

BEFORE THE REAL ESTATE COMMISSION

MAY 09 2018

STATE OF NEVADA

REAL ESTATE COMMISSION
Rona Paul

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

Case No.: 2017-2108

Petitioner,

COMPLAINT AND NOTICE OF
HEARING

vs.

SCOTT PAUL MYER,

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, SCOTT PAUL MEYER, ("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 RESPONDENTS 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 MYER is licensed as a real estate broker under license number B.1001168.CORP. 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.

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FACTUAL ALLEGATIONS

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2 1. RESPONDENT MYER is a licensed Real Estate Broker under license
3 number B.1001168.CORP, initially issued by the Division on May 19, 2013.

4 2. RESPONDENT MYER is the Broker of record for Myer Realty, in Reno
5 Nevada.

6 3. RESPONDENT MYER was the supervising broker at Myer Realty, and the
7 supervisor of Matthew W. Hovey ("HOVEY") at all times relevant in this Complaint.

8 4. HOVEY is a licensed Real Estate Salesperson under license number
9 S.0059885, initially issued by the Division on February 25, 2004.

10 5. At all times relevant, HOVEY was employed with Meyer Realty, in Reno,
11 Nevada.

12 6. HOVEY's license expired on February 28, 2017.

13 7. The effective date of HOVEY's expired license was March 1, 2013.

14 8. HOVEY's license was reinstated on August 31, 2017.

15 9. HOVEY actively participated in two real estate transactions that closed
16 during the time his license was expired.

17 10. RESPONDENT failed to adequately supervise HOVEY to ensure his
18 compliance with NRS 645 and NAC 645.

19 11. HOVEY acted as the seller's agent for the property located at 1783 London
20 Circle, Sparks, Nevada 89431, assisting the seller with the acceptance of the buyers offer
21 on March 24, 2017, and the closing, which occurred on or about April 19, 2017.

22 12. HOVEY also acted as the seller's agent for the property located at 11140
23 Larson Ranch Road, Reno, Nevada 89506, assisting the seller with the acceptance of the
24 buyer's offer on March 22, 2017, and the closing, which occurred on or about July 25,
25 2017.

26 13. HOVEY also entered into eight Exclusive Right to Sell contracts during the
27 time his license was expired, including for: (1) 813 Overland Loop, Dayton, NV 89403, on
28 June 19, 2017; (2) 1475 Locksley Way, Reno, NV 89503, on July 11, 2017; (3) 170 Nugget

1 Lane, Dayton, NV 89403, on July 7, 2017; (4) 260 Grover Court, Sun Valley, Nevada
2 89433, on April 7, 2017; (5) 240 Grover Court, Sun Valley, NV 89433, on April 9, 2017; (6)
3 5670 Leon Drive, Sun Valley, NV 89433, on April 9, 2017; (7) 740 Grayhawk Drive,
4 Dayton, NV 89403, on July 22, 2017; and (8) 3701 Ranchview Court, Reno, NV 89509, on
5 August 7, 2017.

6 14. HOVEY was notified by the Association of Realtors on August 18, 2017, that
7 his license was expired.

8 15. HOVEY transferred his active listings to his broker, RESPONDENT, on
9 August 25, 2017.

10 16. RESPONDENT paid a \$2,500.00 commission to HOVEY for the sale of 1783
11 London Circle, Sparks, NV 89431, in April of 2017.

12 17. RESPONDENT paid a \$1,450.00 commission to HOVEY for the closed sale of
13 11140 Larson Ranch Road, Reno, NV 89506, in July of 2017.

14 18. On or about September 7, 2017, the Division sent RESPONDENT an
15 Investigation Opening Letter requesting a response by September 21, 2017.

16 19. On or about September 22, 2017, the Division received a response from
17 RESPONDENT.

18 20. On or about October 17, 2017, the Division sent RESPONDENT, via certified
19 mail, an NRS 233B notice of intention to commence disciplinary action against him with
20 the Nevada Real Estate Commission for violations of NRS 645.280(1); NRS 645.633(1)(c)
21 pursuant to NAC 645.605(1); and NRS 645.660(3).

22 VIOLATIONS

23 RESPONDENT has committed the following violations of law:

24 21. RESPONDENT violated NRS 645.280(1) and NRS 645.633(1)(c) pursuant to
25 NAC 645.605(1) by paying commissions from the sale of (1) 1783 London Circle Sparks,
26 Nevada 89431; and (2) 11140 Larson Ranch Road, Reno, Nevada 89506, to HOVEY while
27 his license was expired, which constitutes a failure to protect the public against
28 misrepresentation and unethical practices.

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2 22. RESPONDENT violated to NRS 645.660(3) pursuant to NAC 645.600(4) and
3 by failing to adequately supervise HOVEY and have a system in place to ensure HOVEY
4 maintained his license requirements up-to-date and did not engage in real estate sales
5 without a license in violation of NRS 645.230 and NRS 645.235.

6 **DISCIPLINE AUTHORIZED**

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

10 24. Pursuant to NRS 645.660(3), the Commission may suspend, revoke or deny
11 the renewal of the license of a real estate broker and may assess a civil penalty of not
12 more than \$5,000 against the broker if it appears he or she has failed to maintain
13 adequate supervision of a salesperson or broker-salesperson associated with the broker
14 and that person commits any unlawful act or violates any of the provisions of this
15 chapter.

16 25. Pursuant to NRS 645.314, the Division is authorized to request its
17 investigative costs where the investigation was undertaken for disciplinary purposes.

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

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

23 **NOTICE OF HEARING**

24 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the
25 Administrative Complaint against the above-named Respondent in accordance with
26 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
27 Administrative Code.

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1 **THE HEARING WILL TAKE PLACE** on June 12, 2018 commencing at 9:00
2 a.m., or as soon thereafter as the Commission is able to hear the matter, and
3 each day thereafter commencing at 9:00 a.m. through June 14, 2018, or earlier if
4 the business of the Commission is concluded. The Commission meeting will be
5 held on June 12, 2018, at the Nevada Division of Insurance, 1818 East College
6 Parkway, Suite 103, Carson City, Nevada 89706. The meeting will continue on
7 June 13, 2018 at the Nevada Division of Insurance, 1818 East College Parkway,
8 Suite 103, Carson City, Nevada 89706., commencing at 9:00 a.m., and on June 14,
9 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada
10 Division of Insurance, 1818 East College Parkway, Suite 103, Carson City,
11 Nevada 89706.

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

21 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
22 open meeting under Nevada's Open Meeting Law, and may be attended by the public.
23 After the evidence and arguments, the Commission may conduct a closed meeting to
24 discuss your alleged misconduct or professional competence. A verbatim record will be
25 made by a certified court reporter. You are entitled to a copy of the transcript of the open
26 and closed portions of the meeting, although you must pay for the transcription.

27 As the Respondent, you are specifically informed that you have the right to appear
28 and be heard in your defense, either personally or through your counsel of choice. At the

1 hearing, the Division has the burden of proving the allegations in the complaint and will
2 call witnesses and present evidence against you. You have the right to respond and to
3 present relevant evidence and argument on all issues involved. You have the right to call
4 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
5 matter relevant to the issues involved.

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

11 The purpose of the hearing is to determine if the Respondent has violated NRS 645
12 and/or NAC 645 and if the allegations contained herein are substantially proven
13 by the evidence presented and to further determine what administrative penalty, if any,
14 is to be assessed against the Respondents.

15 DATED this 9 day of May, 2018.

16
17 State of Nevada
18 Department of Business and Industry
19 Real Estate Division

20 By: 
21 SHARATH CHANDRA, Administrator
22 3300 W. Sahara Avenue
23 Las Vegas, Nevada 89102

24 DATED this 8th day of May 2018.

25
26 ADAM PAUL LAXALT
27 Attorney General

28 By: 
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