

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Petitioner,

vs.

WILLIAM A. GAYLER,

Respondent.

Case No. 2016-3930

FILED

FEB 15 2018

REAL ESTATE COMMISSION
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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 WILLIAM A. GAYLER ("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 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 by the Division as a Broker under license number B.0018030.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. RESPONDENT was licensed as a Broker, license number B.0018030.LLC, from August 24, 1994, until August 31, 2016, and that license is currently in expired status.

2. On or about May 10, 2016, before the Eighth Judicial District Court for Clark County, Nevada, RESPONDENT entered into a plea agreement in which he pled "GUILTY to one (1) count of Securities Fraud in violation of NRS 90.570."

1 3. On or about November 3, 2016, the Eighth Judicial District Court for Clark County,
2 Nevada sentenced RESPONDENT to (a) pay \$1,292,103.00 in restitution, (b) serve 364 days of
3 imprisonment, and (c) serve five years of probation.

4 4. RESPONDENT failed to notify the Division in writing within 10 days after his plea of
5 guilty that he had entered that plea of guilty.

6 VIOLATIONS

7 RESPONDENT has committed the following violations of law:

8 5. RESPONDENT violated NRS 645.633(1)(d)(2) by being convicted of a felony
9 involving fraud, deceit, misrepresentation or moral turpitude.

10 6. RESPONDENT violated NRS 645.615(1)(b) and (2)(a) by failing to notify the Division
11 in writing that he entered a plea of guilty to a crime involving fraud, deceit, misrepresentation or moral
12 turpitude within 10 days after the plea of guilty.

13 DISCIPLINE AUTHORIZED

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

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

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

22 NOTICE OF HEARING

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

26 **THE HEARING WILL TAKE PLACE on March 20, 2018, commencing at 9:00 a.m., or**
27 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
28 **commencing at 9:00 a.m. through March 22, 2018, or earlier if the business of the Commission is**

1 concluded. The Commission meeting will be held on March 20, 2018, at the Nevada State
2 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
3 89102. The meeting will continue on March 21, 2018 at the Nevada State Business Center, 3300
4 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00
5 a.m., and on March 22, 2018, should business not be concluded, starting at 9:00 a.m. at the
6 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
7 Nevada 89102.

8 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
9 time as part of a regular meeting of the Commission that is expected to last from March 20
10 through March 22, 2018, or earlier if the business of the Commission is concluded. Thus, your
11 hearing may be continued until later in the day or from day to day. It is your responsibility to be
12 present when your case is called. If you are not present when your hearing is called, a default
13 may be entered against you and the Commission may decide the case as if all allegations in the
14 complaint were true. If you have any questions please call Rebecca Hardin, Commission
15 Coordinator (702) 486-4074.

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

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

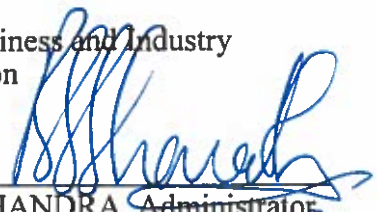
28 ...

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


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

9 DATED this 15 day of February, 2018.

10 State of Nevada
11 Department of Business and Industry
12 Real Estate Division

13 By: 
14 SHARATH CHANDRA, Administrator
15 3300 West Sahara Avenue
16 Las Vegas, Nevada 89102

17 ADAM PAUL LAXALT
18 Attorney General

19 By: 
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