

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

Case No. 2017-582

Petitioner,

vs.

JOSEPH DICELLO,

Respondent.

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 JOSEPH DICELLO ("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 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 Salesperson under license number S.0053234 or S.0053234.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 has been licensed by the Division as a Salesperson since July 31, 2002.
2. RESPONDENT is currently licensed by the Division as a Salesperson under license number S.0053234, and is in active status.

...

1 3. In or around 2011, John and Kimberly Rupe (collectively referred to as “Rupe”)
2 engaged the services of RESPONDENT to help Rupe purchase two real properties located in Las
3 Vegas, Nevada.

4 4. As part of that engagement, Rupe added RESPONDENT as a signer on Rupe’s bank
5 account so RESPONDENT could sign cashier’s checks used to purchase the properties.

6 5. The business relationship between RESPONDENT and Rupe ended in or around 2012.

7 6. On or about August 25, 2015, RESPONDENT withdrew \$2,100.00 from Rupe’s bank
8 account.

9 7. RESPONDENT did not have permission to withdraw money from Rupe’s bank account.

10 8. On or about October 10, 2016, Rupe sent RESPONDENT a letter demanding that
11 RESPONDENT repay the \$2,100.00.

12 9. On or about October 14, 2016, RESPONDENT sent Rupe a check for only \$500.00.

13 10. On or about October 22, 2016, Rupe sent RESPONDENT a letter demanding that
14 RESPONDENT repay the remaining \$1,600.00.

15 11. RESPONDENT did not respond to Rupe’s October 22, 2016 letter.

16 12. On or about March 3, 2017, Rupe filed a Statement of Fact with the Division,
17 complaining about RESPONDENT’s conduct.

18 13. On or about March 31, 2017, RESPONDENT admitted to the Division that he withdraw
19 \$2,100.00 from Rupe’s account.

20 14. On or about March 31, 2017, RESPONDENT admitted to the Division that he had not
21 paid the \$1,600.00 balance he owes Rupe.

22 **VIOLATIONS**

23 RESPONDENT has committed the following violations of law:

24 15. RESPONDENT violated NRS 645.630(1)(h) and/or NRS 645.633(1)(i) by withdrawing
25 money of Rupe for RESPONDENT’S own personal use without Rupe’s permission.

26 16. RESPONDENT violated NRS 645.630(1)(f) by failing to remit to Rupe, within a
27 reasonable time, money which came into RESPONDENT’S possession and which belongs to Rupe.

28 ...

1 **DISCIPLINE AUTHORIZED**

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

5 18. 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 19. 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 September 10, 2018, commencing at 9:00 a.m.,**
15 **or as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
16 **commencing at 9:00 a.m. through September 12, 2018, or earlier if the business of the**
17 **Commission is concluded. The Commission meeting will be held on September 10, 2018, at the**
18 **Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,**
19 **Nevada 89102. The meeting will continue on September 11, 2018 at the Nevada State Business**
20 **Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102,**
21 **commencing at 9:00 a.m., and on September 12, 2018, should business not be concluded, starting**
22 **at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada**
23 **Room, Las Vegas, Nevada 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 September 10**
26 **through September 12, 2018, or earlier if the business of the Commission is concluded. Thus,**
27 **your hearing may be continued until later in the day or from day to day. It is your responsibility**
28 **to be present when your case is called. If you are not present when your hearing is called, a**

1 default may be entered against you and the Commission may decide the case as if all allegations
2 in the complaint were true. If you have any questions please call Rebecca Hardin, Commission
3 Coordinator (702) 486-4074.

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

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

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

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...


27 ...

28 ...


1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
2 NAC 645 and if the allegations contained herein are substantially proven by the evidence
3 presented and to further determine what administrative penalty is to be assessed against the
4 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 3RD day of August, 2018.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
10 SHARATH CHANDRA, Administrator
11 SHARON JACKSON, Deputy Administrator
12 3300 West Sahara Avenue, Suite 350
13 Las Vegas, Nevada 89102

14 ADAM PAUL LAXALT
15 Attorney General

16 By: 
17 KEITH E. KIZER (Bar No. 4305)
18 Senior Deputy Attorney General
19 DENNIS L. BELCOURT (Bar. No. 2658)
20 Deputy Attorney General
21 100 N. Carson Street
22 Carson City Nevada 89701
23 (775) 684-1206
24 Attorneys for Real Estate Division
25
26
27
28