

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS & INDUSTRY,  
6 STATE OF NEVADA,

Case No. 2017-776

Petitioner,

7 vs.

8 ANDREW ALBERTI, JR.,

9 Respondent.

10 **DECISION**

11 This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada  
12 (“Commission”) on Tuesday, November 4, 2019, at the Nevada State Business Center, 3300 W. Sahara  
13 Avenue, Las Vegas, Nevada 89102. Respondent Andrew Alberti, JR. (“Respondent”) appeared on his  
14 own behalf. Dennis L. Belcourt, Deputy Attorney General, appeared and prosecuted the Complaint on  
15 behalf of Petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business  
16 & Industry, State of Nevada (“Division”).

17 The Commission having heard testimony and argument, and the matter having been submitted  
18 for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact  
19 and Conclusions of Law as follows:

20 **FINDINGS OF FACT**

21 1. RESPONDENT has been licensed as a Broker under license number B.0032438.INDV.,  
22 since November 17, 1993, which license is currently expired.

23 2. On or about January 14, 2017, RESPONDENT entered into an Exclusive Right to Sell  
24 Listing Agreement (“the Agreement”) with Eileen Tool, through her guardian, Elizabeth Tool (“Owner”),  
25 concerning 3751 S. Unicorn Avenue, Pahrump, NV 89048.

26 3. As part of the Agreement, it was stipulated that “Owner instructs Broker to list the  
27 property with the local MULTIPLE LISTING SERVICE and comply with all the rules of that service,  
28 including reporting the terms of the sale to MLS if the rules so provide.”

- 1 4. RESPONDENT failed to list the property with the local MLS, listing instead with Zillow.  
2 5. The Division issued an administrative fine pursuant to NAC 645.695(1).  
3 6. RESPONDENT filed an appeal of that fine.

4 **CONCLUSIONS OF LAW**

5 RESPONDENT has committed the following violations of law:

- 6 7. RESPONDENT violated NRS 645.633(1)(h), by failing to honor Owner's instructions  
7 pursuant to the Agreement that he list the property with the local MLS.

8 **ORDER**

9 IT IS HEREBY ORDERED that RESPONDENT's license be revoked and that she pay to the  
10 Division a fine of \$500.00 and \$1,179.49 in investigative costs and attorneys' fees in twenty-four monthly  
11 installments, per the following schedule: \$69.98 on or before the 5<sup>th</sup> of the month of January, 2020 and  
12 \$69.98 each 5<sup>th</sup> of the month thereafter, concluding with a payment of \$69.95 on the 5<sup>th</sup> of the month of  
13 December, 2021. If the Division's offices are closed on a day the installment would be due under this  
14 schedule, it shall be due on the next day the Division's offices are open. If an installment is not actually  
15 received by the Division on or before its due date, it shall be construed as an event of default by  
16 RESPONDENT. In the event of default, the unpaid balance of the administrative fine and costs, together  
17 with any attorney's fees and costs that may have accrued, shall be due in full to the Division within ten  
18 calendar days of the date of default, and the Division may obtain a judgment for the amount owed,  
19 including collection fees and costs.

20 The Commission retains jurisdiction to correct any errors that may have occurred in the drafting  
21 or issuance of this Decision.

22 This Order shall become effective on the 21<sup>st</sup> day of December, 2019.

23 DATED this 21<sup>st</sup> day of November, 2019.

24 REAL ESTATE COMMISSION  
25 STATE OF NEVADA

26 By:   
27 President, Nevada Real Estate Commission