

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

NOV 21 2019

Case No. 2017-2287

REAL ESTATE COMMISSION
BY *[Signature]*

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

Petitioner,

vs.

BARRY M. ROSS,

Respondent.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada (“Commission”) on Thursday, November 6, 2019, at the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102. Respondent Barry M. Ross (“Respondent”) failed to appear. Dennis L. Belcourt, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada (“Division”).

On the Commission’s finding of proof of sufficient service, and the matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1. At all times relevant to this Complaint, RESPONDENT held a license as a salesperson, S.0179946.
2. On or about April 1, 2017, RESPONDENT entered into an agreement entitled “Residential Lease with Option to Purchase” (lease-option) with Stephen Barcel (“BARCEL”) concerning RESPONDENT’S personal residence at 2324 Timberline Way, Las Vegas 89117.
3. RESPONDENT did not disclose in the agreement that he was a licensed sales person.
4. BARCEL does not hold a license as a broker or salesperson with the Division.

...

1 5. BARCEL had at pertinent times to the performance of the lease-option, advertised to
2 owners of homes that he will assist them with the sale of their homes.

3 6. BARCEL had at pertinent times to the performance of the lease-option, advertised to
4 buyers of homes that he will assist them with the purchase of homes.

5 7. RESPONDENT assisted BARCEL, knowing BARCEL was marketing real property, by
6 recording a testimonial for BARCEL to promote the activity.

7 **CONCLUSIONS OF LAW**

8 8. RESPONDENT violated NRS 645.235(1)(b) by knowingly assisting or offering to assist
9 another in knowingly engaging in or offering to engage in any activity for which a license, permit,
10 certificate or registration or any type of authorization is required pursuant to NRS chapter 645, or any
11 regulation adopted pursuant thereto.

12 9. RESPONDENT violated NAC 645.640(1)(b) in leasing or disposing of real property or
13 an interest therein without first disclosing in writing that he was a licensed salesperson.

14 **ORDER**

15 IT IS HEREBY ORDERED that RESPONDENT pay to the Division a fine of \$15,000.00 and
16 \$635.90 in investigative costs and attorneys' fees within thirty (30) days of the effective date of this order.
17 If the payment is not actually received by the Division on or before its due date, it shall be construed as
18 an event of default by Respondent. In the event of default, Respondent's license shall be immediately
19 suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's fees
20 and costs that may have been assessed, shall be due in full to the Division within ten calendar days of the
21 date of default. The Division may obtain a judgment for the amount owed, including collection fees and
22 costs.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this Decision.

This Order shall become effective on the 21st day of December, 2019.

DATED this 21st day of November, 2019.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: 