

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,

7 Petitioner,

8 vs.

9 MICHAEL ROARK,

10 Respondent.

Case No. 2017-650

FILED

MAY 09 2019

REAL ESTATE COMMISSION
BY *Julie Palle*

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney
14 General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies
15 RESPONDENT MICHAEL ROARK ("RESPONDENT") of an administrative hearing before the
16 STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters
17 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada
18 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below
19 and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS
20 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are
21 proven.

22 **JURISDICTION**

23 RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division
24 as a Salesperson under license number S.0176244, and is therefore subject to the jurisdiction of the
25 Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 1. RESPONDENT has been licensed as a Salesperson under license number S.0176244,
3 since February 5, 2015, which license is currently in active status.

4 2. At all times relevant to this Complaint, RESPONDENT was affiliated with Realty One
5 Group, Broker Damon Caldwell, B.0143673.CORP.

6 3. Under NAC 645.4442(1), RESPONDENT was obligated as a first time licensee to provide
7 the DIVISION with proof of completion of post-licensing coursework for his first year no later than
8 February 28, 2016.

9 4. While RESPONDENT completed such course work within the required time, Respondent
10 failed to provide the DIVISION with proof of completion of post-licensing education for his first year of
11 licensure until February 28, 2017.

12 5. On March 23, 2017, the DIVISION issued RESPONDENT a Notice of Violation with
13 Imposition of Administrative Fine in the amount of \$250.

14 6. RESPONDENT notified the DIVISION of his appeal of the Notice of Violation with
15 Imposition of Administrative Fine.

16 **VIOLATION**

17 RESPONDENT has committed the following violations of law:

18 7. RESPONDENT violated NAC 645.4442(1)(e), by failing to provide the DIVISION with
19 proof of completion of post-licensing coursework within the time prescribed therein.

20 **DISCIPLINE AUTHORIZED**

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

24 9. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
25 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
26 Commission otherwise imposes discipline on RESPONDENT.

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

1 **NOTICE OF HEARING**

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

5 **THE HEARING WILL TAKE PLACE** on June 11, 2019, commencing at 9:00 a.m., or as
6 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
7 at 9:00 a.m. through June 13, 2019, or earlier if the business of the Commission is concluded. The
8 Commission meeting will be held on June 11, 2019 and June 12, 2019 at the Nevada State Business
9 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. Should
10 the meeting not be concluded, the meeting will continue on June 13, 2019, commencing at 9:00 a.m.
11 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las
12 Vegas, Nevada 89102.

13 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
14 time as part of a regular meeting of the Commission that is expected to last from June 11, 2019
15 through June 13, 2019, or earlier if the business of the Commission is concluded. Thus, your
16 hearing may be continued until later in the day or from day to day. It is your responsibility to be
17 present when your 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 allegations in the complaint
19 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
20 4074.

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

26 As the Respondent, you are specifically informed that you have the right to appear and be heard
27 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
28 burden of proving the allegations in the complaint and will call witnesses and present evidence against

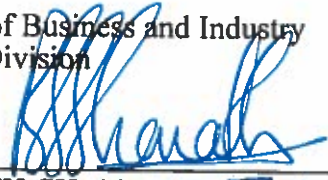
1 you. You have the right to respond and to present relevant evidence and argument on all issues involved.
2 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
3 witnesses on any matter relevant to the issues involved.

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


8 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
9 and if the allegations contained herein are substantially proven by the evidence presented and to further
10 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
11 645.633 or 645.630.

12 DATED this 9 day of May, 2019.

13 State of Nevada
14 Department of Business and Industry
15 Real Estate Division

16 By: 
17 SHARATH CHANDRA, Administrator
18 3300 West Sahara Avenue, Suite 350
19 Las Vegas, Nevada 89102

20 AARON D. FORD
21 Attorney General

22 By: 
23 DENNIS L. BELCOURT (Bar. No. 2658)
24 Deputy Attorney General
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