

FILED

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REAL ESTATE COMMISSION

BY *Sally Tiller*

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9
10 **BEFORE THE REAL ESTATE COMMISSION**

11 **STATE OF NEVADA**

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

CASE NO. 2018-1056

15 Petitioner,

16 v.

17 JAMES LEVY,

18 Respondent.
19

20
21 **ANSWER TO COMPLAINT**

22 Respondent Jamey Levy answers the Complaint of Petitioner the Real Estate Division
23 of the Department of Business and Industry of the State of Nevada as follows.

24 **JURISDICTION**

25 Mr. Levy admits that he is subject to the jurisdiction of the Division and the State of
26 Nevada Real Estate Commission. The remaining allegations in the "Jurisdiction" section of
27 the Complaint set forth legal conclusions, which do not require a response. To the extent a

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1 response is required, Mr. Levy denies that all of the activities alleged in the Complaint are
2 subject to the jurisdiction of the Division or the Commission.

3 **FACTUAL ALLEGATIONS**

4 1. At all times relevant to this Complaint, RESPONDENT was licensed by the
5 Division as a Real Estate Broker-Salesperson, BS.0051166.LLC.

6 **RESPONSE:** Mr. Levy admits the allegations in Paragraph 1.

7
8 2. For a period of approximately three months in 2014, RESPONDENT listed for
9 sale a vacant parcel located at 950 W. Vondell Drive, Pahrump, Nevada, Assessor's Parcel
10 No. 036-342-03 ("950 W. Vondell").

11 **RESPONSE:** Mr. Levy admits that he listed the 950 W. Vondell¹ parcel for a period
12 of time in 2014 but lacks sufficient knowledge or information to form a belief about
13 the truth of the remainder of the allegations in Paragraph 2.

14
15 3. RESPONDENT had listed 950 W. Vondell at the request of Jeffrey L. Picklin
16 (Mr. Picklin).

17 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 3.

18
19 4. Ownership of 950 W. Vondell was in the name of Gwendolyn Picklin or the
20 Estate of Gwendolyn Picklin ("Ms. Picklin"), as Ms. Picklin had died in the 1980s.

21 **RESPONSE:** Mr. Levy admits the allegations in Paragraph 4.

22
23 5. RESPONDENT stated that Mr. Picklin, a lawyer from Illinois, claimed that he
24 and his sister, Lauren Hoffman ("Ms. Hoffman"), had authority to sell 950 W. Vondell based
25 on an affidavit that they were the sole heirs of Gwendolyn and the death certificates of their
26 parents.

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¹ Terms defined in the Complaint shall have the same meaning in this Answer.

1 **RESPONSE:** Mr. Levy admits that Mr. Picklin represented to Mr. Levy that he was a
2 lawyer but lacks sufficient knowledge or information to form a belief about the truth
3 of Mr. Picklin’s representation. Mr. Levy admits the remainder of the allegations in
4 Paragraph 5.

5
6 6. Nevada law actually required a judicial order for Mr. Picklin and Ms. Hoffman
7 to sell of 950 W. Vondell. NRS 148.260-280.

8 **RESPONSE:** The allegation in Paragraph 6 states a legal conclusion which does not
9 require a response. To the extent a response is required, Mr. Levy lacks sufficient
10 knowledge or information to form a belief about the truth of the allegation and therefore
11 denies it.

12
13 7. RESPONDENT’S broker at the time, Shawna Sonnenberg, ordered that the
14 listing be discontinued, for the lack of a signed listing agreement.

15 **RESPONSE:** Mr. Levy admits that the listing was discontinued but denies the
16 remaining allegations in Paragraph 7.

17
18 8. On or about April 21, 2015, RESPONDENT, as seller, and Pablo Pascual Varills
19 Montero and Nataly Pueblas-Enriquez, as buyers (“Buyers”), entered into a “Vacant Land
20 Purchase Agreement” (“the Agreement”) whereby Buyers would purchase 950 W. Vondell
21 from RESPONDENT for \$10,000.

22 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 8.

23
24 9. The Agreement was subject to broker approval.

25 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 9.

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1 10. The Agreement was subject to and only binding upon RESPONDENT
2 successfully acquiring 950 W. Vondell.

3 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 10.
4

5 11. RESPONDENT presented to Buyers a form 525, "Duties Owed by a Nevada
6 Real Estate Licensee," which Buyers signed on April 21, 2015.

7 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 11.
8

9 12. On May 22, 2015, Mr. Picklin and Ms. Hoffman signed a Grant, Bargain and
10 Sale deed as "heirs of Gwendolyn Picklin Estate," which deed purported to transfer 950 W.
11 Vondell to RESPONDENT for \$7,920.

12 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 12.
13

14 13. No court order approving the sale to RESPONDENT was obtained.

15 **RESPONSE:** Mr. Levy admits he is not aware of a court order approving the sale to
16 him but lacks sufficient knowledge or information to form a belief about the truth of
17 the remainder of the allegation in Paragraph 13 and therefore denies it.
18

19 14. On May 26, 2015, RESPONDENT signed a Grant, Bargain and Sale deed
20 purporting to transfer 950 W. Vondell to Buyers for \$10,000.

21 **RESPONSE:** Mr. Levy admits the allegation in Paragraph 14.
22

23 15. Six months later, Buyers were notified by the Office of the Nye County
24 Recorder that they were not owners of 950 W. Vondell.

25 **RESPONSE:** Mr. Levy lacks sufficient knowledge or information to form a belief
26 about the truth of the allegations in Paragraph 15 and therefore denies them.

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1 16. The owner of 950 W. Vondell showing on Nye County records remains
2 Gwendolyn.

3 **RESPONSE:** Mr. Levy lacks sufficient knowledge or information to form a belief
4 about the truth of the allegation in Paragraph 16 and therefore denies it.
5

6 VIOLATIONS

7 17. RESPONDENT violated NRS 645.633(1)(h) or (i) by arranging for Buyers to
8 enter into a transaction in which RESPONDENT knew or should have known Buyers would
9 not receive proper title.

10 **RESPONSE:** Mr. Levy denies that he violated NRS 645.633(1)(h) or (i) or that he
11 knew Buyers would not receive proper title. The remaining allegations in this
12 Paragraph state a legal conclusion and do not require a response. To the extent a
13 response is required, Mr. Levy lacks knowledge or information sufficient to form a
14 belief about the truth of the allegation(s) and therefore denies them.
15

16 DISCIPLINE AUTHORIZED

17 18. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
18 impose an administrative fine per violation against RESPONDENT that may not exceed
19 \$10,000, and further to suspend, revoke or place conditions on the license of RESPONDENT.

20 **RESPONSE:** Mr. Levy denies that he violated NRS 645.633(1)(h) or (i). The
21 remaining allegations in this Paragraph state a legal conclusion and do not require a
22 response. To the extent a response is required, Mr. Levy lacks knowledge or
23 information sufficient to form a belief about the truth of the allegation(s) and therefore
24 denies them.
25

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

1 **RESPONSE:** Mr. Levy denies that he violated NRS 645.633(1)(h) or (i). The
2 remaining allegations in this Paragraph state a legal conclusion and do not require a
3 response. To the extent a response is required, Mr. Levy lacks knowledge or
4 information sufficient to form a belief about the truth of the allegation(s) and therefore
5 denies them.

6
7 20. Therefore, the Division requests that the Commission take such disciplinary
8 action as it deems appropriate under the circumstances.

9 **RESPONSE:** Mr. Levy respectfully requests that the Commission refrain from taking
10 disciplinary action against him under the circumstances described in the Complaint and
11 this Answer.

12
13 **AFFIRMATIVE DEFENSES**

14 1. The Division failed to commence this proceeding to suspend, revoke or deny
15 the renewal of Mr. Levy’s license or registration within 5 years of the acts he is allegedly
16 charged with and therefore may not maintain the proceeding.

17 2. The conduct and activities described in the Division’s Complaint, even if found
18 to be true, do not state a violation of NRS 645.633(1)(h) or (i).

19 3. Mr. Levy’s status as a Real Estate Broker-Salesperson licensed by the Division
20 does not charge him with a knowledge and understanding of NRS Chapter 148 of a level of
21 sophistication necessary to determine probate requirements for transferring marketable title.

22 4. Mr. Levy reasonably relied on the statements and affidavit of Mr. Picklin, who
23 held himself out as a lawyer, and Ms. Hoffman, as heirs of the deceased, that they held valid
24 and marketable title and the authority to transfer marketable title of 950 W. Vondell to Mr.
25 Levy and therefore reasonably believed he held valid and marketable title and the authority to
26 transfer marketable title of 950 W. Vondell to Buyers.

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5. The conduct and activities described and alleged in the Complaint, particularly the purchase and later sale of the grant, bargain, and sale deed to 950 W. Vondell, even if true, were taken in Mr. Levy’s personal capacity – not his capacity as a Real Estate Broker-Salesperson – and are therefore not subject to the jurisdiction or disciplinary action of the Division or the Commission.

DATED this 28th day of September 2020.

GREENBERG TRAUERIG, LLP

/s/ Kyle A. Ewing

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1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of GREENBERG TRAUERIG, LLP, hereby certifies that
3 on **September 28, 2020** she served the foregoing ANSWER TO COMPLAINT

4 Via United States first class mail to the following recipients:

5 REAL ESTATE DIVISION
6 STATE OF NEVADA
7 **Attention: Legal Administrative Officer**
8 3300 West Sahara Avenue, Suite 350
9 Las Vegas, Nevada 89102

10 Via United States first class mail and electronic mail to the following recipients:

11 KARISSA D. NEFF, ESQ.
12 KNeff@ag.nv.gov
13 Deputy Attorney General
14 ATTORNEY GENERAL'S OFFICE
15 555 E. Washington Avenue, Suite 3900
16 Las Vegas, Nevada 89101
17 Telephone: (702) 486-3894
18 *Counsel for Real Estate Division*

19 /s/ Evelyn Escobar-Gaddi

20 An employee of GREENBERG TRAUERIG, LLP

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