

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. 2018-1056

Petitioner,

FILED

JUL 30 2020

vs.

REAL ESTATE COMMISSION

JAMES LEVY,

BY *Erlynn Patten*

Respondent.

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT JAMES LEVY
13 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE
14 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
15 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
16 The purpose of the hearing is to consider the allegations stated below and to determine if RESPONDENT
17 should be subject to an administrative penalty as set forth in NRS 645.630, NRS 645.633 and NRS
18 622.400, and the discipline to be imposed, if a violation of law is proven.

19 **JURISDICTION**

20 In conducting activities alleged herein, RESPONDENT engaged in activities which require a
21 license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the
22 Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the
23 provisions of NRS chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

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

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

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

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

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

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

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

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

17 9. The Agreement was subject to broker approval.

18 10. The Agreement was subject to and only binding upon RESPONDENT successfully acquiring
19 950 W. Vondell.

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

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

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

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

28 ...

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

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

4 **VIOLATIONS**

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

8 **DISCIPLINE AUTHORIZED**

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

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

15 20. Therefore, the Division requests that the Commission take such disciplinary action as it
16 deems appropriate under the circumstances.

17 **NOTICE OF HEARING**

18 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
19 Administrative Complaint against the above-named RESPONDENTS in accordance with Chapters 233B
20 and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

21 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for September
22 1-3, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission
23 concludes its business.

24 If the Governor's Emergency Directive 006 - suspending physical location requirements - is
25 extended through the date of the meeting, then the hearing will be held via virtual meeting. The
26 Commission uses WebEx for its meetings. To join the hearing go to the website Webex.com and put in
27 the Meeting ID and Password:
28

1 TUESDAY, SEPTEMBER 1, 2020 Meeting number (Access code): 146 276 8023

2 Password (Attendee ID): MgCrChJq662 (64272257662 from phones and video systems)

3 WEDNESDAY, SEPTEMBER 2, 2020 Meeting number (Access code): 146 650 1911

4 Password (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

5 THURSDAY, SEPTEMBER 3, 2020 Meeting number (Access code): 146 520 3582

6 Password (Attendee ID): umV3mJJ2gP2 (86836552472 from phones and video systems)

7 If you do not have internet access, you may attend by phone at 1-844-621-3956 using access
8 codes and attendee IDs listed above. Some mobile devices may ask attendees to enter a numeric attendee
9 ID provided above. If Emergency Directive 006 is not extended and the meeting is held in person, then
10 the meeting will be located at the following location:

11 Nevada State Business Center
12 Real Estate Division
13 3300 West Sahara Avenue, Suite 350
14 Las Vegas, NV 89102

15 If you would like an email containing this information, before the hearing, please contact Evelyn
16 Pattee, Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

17 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting
18 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,
19 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
20 competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting,
21 although you must pay for the transcription.

22 As the Respondent, you are specifically informed that you have the right to appear and be heard
23 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
24 burden of proving the allegations in the complaint and will call witnesses and present evidence against
25 you. You have the right to respond and to present relevant evidence and argument on all issues involved.

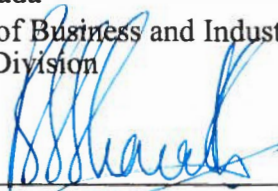
26 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
27 witnesses on any matter relevant to the issues involved.
28

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

5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
6 and if the allegations contained herein are substantially proven by the evidence presented and to further
7 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
8 645.235 and NRS 622.400..

9 DATED this 29th day of July, 2020.

10 State of Nevada
11 Department of Business and Industry
12 Real Estate Division

13 By: 
14 SHARATH CHANDRA, Administrator
15 3300 West Sahara Avenue, Suite 350
16 Las Vegas, Nevada 89102

17 AARON D. FORD
18 Attorney General

19 By: /s/ *Karissa Neff*

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28