

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

NOV 06 2020

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

Case No. 2018-1054 REAL ESTATE COMMISSION
BY *Emily Patten*

Petitioner,

vs.

DAVID J. WEEKS,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Robert E. Werbicky, Deputy Attorney General, hereby notifies DAVID J. WEEKS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which a license or permit is required by NRS Chapter 645 and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT is licensed by the Division as a Broker-Salesperson, BS.0144358, and, at the times relevant, operated with Horizon Realty Group LLC.

2. The licensed broker of Horizon Realty Group LLC is Mr. Michael Yarbrough (the "BROKER").

1 investigation of the Division by providing false information to an investigator in the form of false, forged
2 or altered documents, to wit:

- 3 a. The Duties Owed form,
- 4 b. Counter Offer No 1, and
- 5 c. Addendum No. 2

6 given that the documents submitted by RESPONDENT to the Division are different than the documents
7 submitted by the BROKER.

8 17. RESPONDENT violated NAC 645.650(2) by not providing paperwork to the broker with
9 whom he was associated within 5 calendar days after that paperwork was executed by all the parties, to
10 wit: Addendum No. 2 and, thereby, violated NRS 645.633(1)(b) by violating . . . any regulation adopted
11 pursuant to [NRS Chapter 645].

12 18. RESPONDENT violated NAC 645.637 by failing to timely disclose, in writing, to his
13 client and to any party not represented by a licensee, the relationship of the licensee as the agent of his
14 client or the status of the licensee as a principal, and, thereby, violated NRS 645.633(1)(b) by violating .
15 . . any regulation adopted pursuant to [NRS Chapter 645] and violated NRS 645.633(1)(h) by performing
16 an act or omission constituting gross negligence or incompetence in performing his duties, to wit:
17 Respondent had the Buyer electronic sign the Duties Owed on June 13, 2018 when the Purchase
18 agreement was signed on May 18, 2018.

19 **DISCIPLINE AUTHORIZED**

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

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

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

28 . . .

1 **NOTICE OF HEARING**

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

5 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for December
6 7-9, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission
7 concludes its business.

8 If the Governor's Emergency Directive 006 - suspending physical location requirements - is
9 extended through the date of the meeting, then the hearing will be held via virtual meeting. The
10 Commission uses WebEx for its meetings. To join the hearing go to the Webex.com website and put in
11 the Access code and Attendee ID:

12 **MONDAY, DECEMBER 7, 2020** Meeting number (Access code): 146 916 9796

13 Password (Attendee ID): WyHprMwH856 (99477694856 from phones and video systems)

14 **TUESDAY, DECEMBER 8, 2020** Meeting number (Access code): 146 591 3821

15 Password (Attendee ID): 22PeReJYYD2 (22737359932 from phones and video systems)

16 **WEDNESDAY, DECEMBER 9, 2020** Meeting number (Access code): 146 716 3477

17 Password (Attendee ID): j4PSmxc3br7 (54776923277 from phones and video systems)

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

22 Nevada State Business Center
23 Real Estate Division
24 3300 West Sahara Avenue, Suite 350
25 Las Vegas, NV 89102

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

28 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same
time as part of a regular meeting of the Commission that is expected to last from December 7, 2020,**

1 through December 9, 2020, but may end earlier if the business of the Commission is concluded.
2 Thus, your hearing may be continued until later in the day or from day to day. It is your
3 responsibility to be present when your case is called. If you are not present when your hearing is
4 called, a default may be entered against you and the Commission may decide the case as if all
5 allegations in the complaint were true. If you have any questions please call Evelyn Pattee,
6 Commission Coordinator (702) 486-4074.

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

12 As the Respondent, you are specifically informed that you have the right to appear and be heard
13 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
14 burden of proving the allegations in the complaint and will call witnesses and present evidence against
15 you. You have the right to respond and to present relevant evidence and argument on all issues involved.
16 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
17 witnesses on any matter relevant to the issues involved.

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

22 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
23 and if the allegations contained herein are substantially proven by the evidence presented and to further

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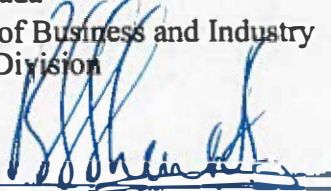
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1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
2 645.235 or NRS 645.230.

3 DATED this 5 day of November, 2020.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 SHARATH CHANDRA, Administrator
9 3300 West Sahara Avenue, Suite 350
10 Las Vegas, Nevada 89102

11 AARON D. FORD
12 Attorney General

13 By: / s / Robert E. Werbicky
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