

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

PERRY LOWE,

Respondent.

Case No. 2018-1513

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY

Emily Rattle

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT PERRY LOWE ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and NRS 622.400, and the discipline to be imposed, if a violation of law is proven.

JURISDICTION

In conducting activities alleged herein, by bringing together sellers and buyers of real estate, RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division 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. At all times relevant to this Complaint, RESPONDENT has not been licensed by the Division as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson in the State of Nevada.

2. At all times relevant to this Complaint, RESPONDENT has been licensed as a real estate salesperson, license SA655948000 by the Arizona Department of Real Estate.

3. On or about October 23, 2018, RESPONDENT advertised for sale as an “investor whole sale deal” a single family residence at 4455 S Mountain Vista St, Las Vegas, NV 89121 (4455 S. Mountain Vista”), as follows:

- a. Close of escrow 11-16-18
- b. Owner Occupied until close of escrow
- c. Access for qualified buyer with earnest deposit \$5,000
- d. Price: \$210,000
- e. ARV: \$260,000
- f. Call Perry Lowe, 480-489-4297
- g. Email: dlowe@highestcashoffer.com

4. Highest Cash Offer, LLC (“HCO”), is an Arizona limited liability company.

5. At the time of the above advertisement, RESPONDENT was affiliated with West USA Realty.

6. At the time of the above advertisement, 4455 S. Mountain Vista was owned by Gerald T Clark and Sheri S. Clark.

7. On November 8, 2018, the Division issued a Cease and Desist for Case No. 2018-1513.

VIOLATIONS

8. RESPONDENT violated NRS 645.230(1) and NRS 645.235(1)(a) by willfully acting as a real estate broker or salesperson in the State of Nevada without a license issued by the Division.

DISCIPLINE AUTHORIZED

9. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine not to exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater, against RESPONDENT.

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

1 11. Therefore, the Division requests that the Commission take such disciplinary action as it
2 deems appropriate under the circumstances.

3 **NOTICE OF HEARING**

4 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
5 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
6 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

7 **THE HEARING WILL TAKE PLACE** on June 16, 2020 commencing at 9:00 a.m., or as
8 soon thereafter as the Commission is able to hear the matter, and each day thereafter
9 commencing at 9:00 a.m. through June 18, 2020, or earlier if the business of the Commission is
10 concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business
11 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The
12 meeting will continue on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara
13 Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on
14 June 18, 2020, should business not be concluded, starting at 9:00 a.m. at the Nevada State
15 Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

16 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
17 time as part of a regular meeting of the Commission that is expected to last from June 16, 2020,
18 through June 18, 2020, or earlier if the business of the Commission is concluded. Thus, your
19 hearing may be continued until later in the day or from day to day. It is your responsibility to be
20 present when your case is called. If you are not present when your hearing is called, a default
21 may be entered against you and the Commission may decide the case as if all allegations in the
22 complaint were true. If you have any questions please call Evelyn Pattee, Commission
23 Coordinator (702) 486-4074.

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

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


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

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

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

16 DATED this 12 day of May, 2020.

17 State of Nevada
18 Department of Business and Industry
19 Real Estate Division

20 By: 
21 SHARATH CHANDRA, Administrator
22 3300 West Sahara Avenue, Suite 350
23 Las Vegas, Nevada 89102

24 AARON D. FORD
25 Attorney General

26 By: /s/ Dennis L. Belcourt
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