

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2018-394

Petitioner,

vs.

JOSHUA MICHAELI,

Respondent.

FILED

JAN 07 2020

REAL ESTATE COMMISSION

BY *Emily Tattler*

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 Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT JOSHUA MICHAELI ("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 645.230, NRS 645.235, 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 not licensed as a broker, broker-salesperson or sales person under NRS Chapter 645 and does not hold a property management permit.

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2. On or about March 14, 2018, the Division received a complaint that Respondent may have been conducting activity for which a license or permit is required under NRS Chapter 645.

3. Through further investigation, the Division learned that Respondent was advertising the sale of the following properties for sale or lease on the internet, of which he was not an owner:

- a. 3485 Shamrock Avenue, Las Vegas, Nevada 89120
- b. 634 N. Main Street, Las Vegas, Nevada 89115
- c. 5330 E. Craig Road, Las Vegas, Nevada 89101
- d. 2448-2524 Fremont Street, Las Vegas, Nevada 89104
- e. Florece Bois Highway and Wells Road, West
Wendover, NV 89883

4. On June 14, 2018, the Division issued an order to RESPONDENT to cease and desist from actions that require a license or permit in the State of Nevada from the Nevada Real Estate Division.

VIOLATIONS

RESPONDENT has committed the following violations of law:

5. RESPONDENT violated NRS 645.230(1)(a) or (b) five (5) times by knowingly engaging the business of, acting in the capacity of, advertising or assuming to act as a real estate broker, real estate broker-salesperson or real estate salesperson within the State of Nevada without first obtaining the appropriate from the Real Estate Division, or a property manager within the State of Nevada without first obtaining from the Real Estate Division one of those licenses and a permit to engage in property management.

DISCIPLINE AUTHORIZED

6. Pursuant to NRS 645.230 and NRS 645.235, the Commission is empowered to impose an administrative fine per violation against RESPONDENT that may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000 per violation, whichever is greater.

7. 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.

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on March 10, 2020 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 12, 2020 or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 10, 2020, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on March 11, 2020 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on March 12, 2020, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

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 March 10, 2020, through March 12, 2020, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

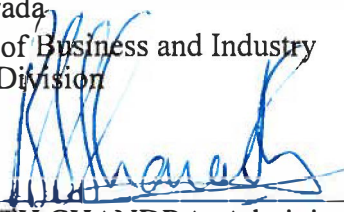
1 As the Respondent, you are specifically informed that you have the right to appear and be heard
2 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
3 burden of proving the allegations in the complaint and will call witnesses and present evidence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

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

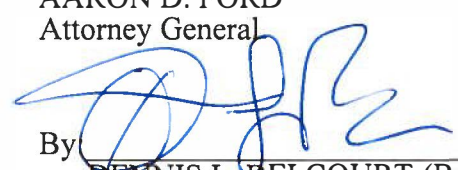
11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
12 and if the allegations contained herein are substantially proven by the evidence presented and to further
13 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
14 645.235 or NRS 645.230.

15 DATED this 6 day of January, 2020.

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

19 By: 
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