

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Petitioner,

vs.

ASHAN PERERA,

Respondent.

Case No. 2018-1619

**FILED**

MAY 15 2020

REAL ESTATE COMMISSION

BY Evelyn Patten

**COMPLAINT AND NOTICE OF HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies ASHAN PERERA ("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 the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or 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 was licensed by the Division as a salesperson. He 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 was licensed by the Division as a salesperson under license number S.0078376.LLC, issued on April 11, 2008, said license having expired on April 30, 2019.
2. On November 1, 2018, Sheyanthi Welikala ("Complainant") filed a complaint with the Division stating in part, that RESPONDENT was a very violent person, should not hold a real estate license, and was convicted in a domestic violence case.

1 3. On June 7, 2019, RESPONDENT was charged with a misdemeanor count of domestic battery.

2 4. On September 16, 2014, RESPONDENT pled nolo contendere to domestic battery.

3 5. When RESPONDENT renewed his license with the Division, when answering Question No. 9  
4 which states, "Have you ever been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo  
5 contendere to a misdemeanor, gross misdemeanor, or felony within your renewal period on March 30,  
6 2017," RESPONDENT responded "no."

7 6. On November 28, 2018, the Division properly notified RESPONDENT it was opening an  
8 investigation based on the complaint and requested a response.

9 7. RESPONDENT responded to the Division.

10 8. In his response to the Division, RESPONDENT stated that he was married to Complainant but  
11 that they divorced in October of 2013.

12 9. RESPONDENT further stated in his response, that in June of 2014 the Complainant made a false  
13 domestic violence claim against him but that he had hired an attorney who successfully dismissed the  
14 charges and the case.

15 10. On April 9, 2019, RESPONDENT was properly notified by the Division that it was bringing a  
16 complaint for disciplinary action against him before the Nevada Real Estate Commission.

### 17 VIOLATIONS

18 11. RESPONDENT violated NRS 645.633(1)(i) by engaging in in deceitful and/or dishonest dealings  
19 by responding "no" to the Division's Question No. 9 when asked if he had been convicted of, or entered  
20 a plea of guilty, guilty but mentally ill or nolo contendere to a misdemeanor, gross misdemeanor, or  
21 felony within your renewal period on March 30, 2017. RESPONDENT's answer of "no" was deceitful  
22 and/or dishonest because RESPONDENT pled nolo contendere to a domestic violence misdemeanor  
23 charge on September 16, 2014.

### 24 DISCIPLINE AUTHORIZED

25 1. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an  
26 administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke  
27 or place conditions on the license of RESPONDENT.

2. 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.

3. 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 June 16, 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 June 18, 2020, or earlier if the business of the Commission is concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on June 18, 2020, should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.**

**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 June 16, 2020, through June 18, 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.

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

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

12       You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
13 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
14 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in  
15 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

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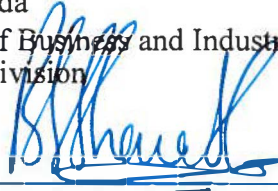
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
2 645 and if the allegations contained herein are substantially proven by the evidence presented and  
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
4 pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 8<sup>th</sup> day of May, 2020.

6 State of Nevada  
7 Department of Business and Industry  
8 Real Estate Division

9 By:   
10 SHARATH CHANDRA, Administrator  
11 3300 West Sahara Avenue, Suite 350  
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13 AARON D. FORD  
14 Attorney General

15 By:   
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