

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

MAY 14 2021

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

REAL ESTATE COMMISSION
BY *Emily Tattler*

Case No. 2020-78

Petitioner,

vs.

MARK DANIEL HECKERT,

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 Matthew Feeley, Deputy Attorney General, hereby notifies RESPONDENT MARK DANIEL HECKERT ("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 NAC 645.695, 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 broker or broker-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 is licensed with the Division as a broker-salesperson under license BS.0064400, said license being issued on June 26, 2014, and is currently in "active" status.

2. RESPONDENT held a license issued by the Division as a broker under license B.0064400.INDV from January 10, 2005 through June 16, 2014.

1 3. RESPONDENT held a license with the Division as a salesperson under license S.0055021
2 from February 14, 2003 through January 10, 2005.

3 4. On January 16, 2020, the Division received information from the state of California,
4 Department of Real Estate stating that RESPONDENT's California Real Estate License was revoked in
5 2015 as the result of hearing wherein an Administrative Law Judge found that RESPONDENT had been
6 convicted of a misdemeanor and felony and RESPONDENT's failure to disclose said information on his
7 real estate license renewal.

8 5. The Division commenced an investigation into RESPONDENT's activities in response to
9 Complainant's complaint.

10 6. The Division found that on May 4, 2011, in El Dorado, California, RESPONDENT was
11 convicted upon a plea of guilty of a DUI misdemeanor.

12 7. The Division found that on October 19, 2012, in El Dorado, California, RESPONDENT
13 was convicted upon a plea of no contest of a DUI misdemeanor.

14 8. The Division found that on October 19, 2012, in El Dorado, California, RESPONDENT
15 was convicted upon a plea of no contest to the unlawful possession of a controlled substance, a felony.

16 9. The Division found that the RSPONDENT's California Real Estate License was revoked
17 on March 19, 2015.

18 10. The Division reviewed NRED records and found that RESPONDENT submitted a form
19 504 Real Estate License or Permit Change form on June 25, 2014. On Section 8, Question 2, which asks
20 "Have you been convicted of a misdemeanor, gross misdemeanor, or felony since the last renewal of
21 your Real Estate License," RESPONDENT answered NO. This form was signed by Respondent and
22 dated June 24, 2014.

23 11. The Division reviewed NRED records and found that RESPONDENT also submitted a
24 form 504 Real Estate License or Permit Change form on June 26, 2014. Again, on Section 8, Question 2,
25 which asks "Have you been convicted of a misdemeanor, gross misdemeanor, or felony since the last
26 renewal of your Real Estate License," RESPONDENT answered NO. This form was signed by
27 Respondent and dated June 24, 2014.

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1 when asked if he had been convicted of or entered a plea of guilty, guilty but mentally ill, or nolo
2 contendere to a misdemeanor, gross misdemeanor, or felony withing his renewal period.

3 **DISCIPLINE AUTHORIZED**

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

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

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

12 **NOTICE OF HEARING**

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

16 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for June 15-17,
17 2021, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes
18 its business.

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

23 **TUESDAY, JUNE 15, 2021** Meeting number (Access code): 146 781 4940

24 Password (Attendee ID): MviU7hMsn35 (68487467635 from phones and video systems)

25 **WEDNESDAY, JUNE 16, 2021** Meeting number (Access code): 146 558 3491

26 Password (Attendee ID): EQvcxcSw628 (37829279628 from phones and video systems)

27 **THURSDAY, JUNE 17, 2021** Meeting number (Access code): 146 559 3429

28 Password (Attendee ID): BxHjvY3b33J (29458932335 from phones and video systems)

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

5 Nevada State Business Center
6 Real Estate Division
7 3300 West Sahara Avenue, 4th Floor Nevada Room
8 Las Vegas, NV 89102

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

11 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same time
12 as part of a regular meeting of the Commission that is expected to last from June 15, 2021, through June
13 17, 2021, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued
14 until later in the day or from day to day. It is your responsibility to be present when your case is called.
15 If you are not present when your hearing is called, a default may be entered against you and the
16 Commission may decide the case as if all allegations in the complaint were true. If you have any
17 questions, please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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

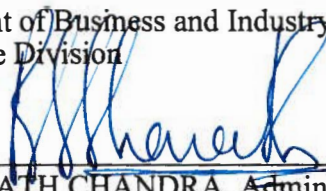
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1 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
2 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
3 the relevance of the witness' testimony and/or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

5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
6 645 and if the allegations contained herein are substantially proven by the evidence
7 presented and to further determine what administrative penalty is to be assessed against the
8 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

9 DATED this 11 day of May, 2021.

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/ *Matthew Feeley*

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25 Attorneys for Real Estate Division
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