

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

GUAN WANG,

Respondent.

Case No. 2018-954

FILED

NOV 06 2020

REAL ESTATE COMMISSION

BY Evelyn D. Hill

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 Karissa D. Neff, Deputy Attorney General, hereby notifies RESPONDENT GUAN WANG ("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 645.630, NRS 645.633 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 with the Division as a broker under license B.0143775.LLC, said license being issued in March of 2016, which is in "active" status, and also holds property

1 management permit from the Division as PM.0165310.BKR, issued in April of 2012 which is currently
2 in "active" status.

3 2. On May 25, 2018, Jeff More ("Complainant"), the broker for the buyer's agent, in a
4 purchase and sale transaction for that certain real property located at 3861 Amber Flower Court, Las
5 Vegas, NV 89147 (the "Property"), signed a complaint filed with the Division against RESPONDENT.

6 3. In his Complaint, Complainant alleged in part, that RESPONDENT's license was not
7 active when RESPONDENT engaged as the listing agent/broker for seller in the purchase and sale of
8 the Property.

9 4. Complainant stated in his complaint to the Division, that despite the seller accepting
10 buyer's offer on the Property, the parties opening escrow, and the buyers being ready to close on the
11 sale of the Property (despite the Property missing the air conditioning unit and hot water unit),
12 RESPONDENT failed to cooperate with the closing of the sale of the Property.

13 5. Complainant stated that RESPONDENT did not respond to the buyer's request to
14 perform a walk-through of the Property prior to closing, never made the seller available to sign closing
15 paperwork, and acted as if he were the owner of the Property instead of acting in the owner's best
16 interest.

17 6. Complainant also alleged that within days of not closing the transaction with his agent's
18 buyers, that RESPONDENT placed the Property back on the market and sold it for \$22,000 dollars
19 more than the sales price under the contract with his agent's buyers.

20 7. In his Complaint, Complainant also alleged that RESPONDENT failed to communicate
21 with the buyer's agent during the purchase and sale transaction of the Property.

22 8. On July 16, 2018, the Division opened an investigation regarding RESPONDENT's
23 activity as the listing agent/broker for seller in the purchase and sale of the Property.

24 9. In the Division's July 16th letter to RESPONDENT, the Division requested the
25 RESPONDENT provide the transaction file for the Property and a response affidavit to the Division.

26 10. On July 6, 2018, RESPONDENT signed an affidavit with respect to the Division's
27 investigation, stating that on January 17, 2018, the agent for the buyer, submitted an offer on the
28 Property.

1 11. RESPONDENT stated in his affidavit, that because the Property had been vandalized
2 and was missing an air conditioning unit and water heater, he placed the Property on "T" status on
3 February 23, 2018, that the buyer and seller agreed to unconditionally cancel the escrow on March 5,
4 2018, and agreed to return the full earnest money deposit to the buyer.

5 12. RESPONDENT also stated that during the transaction for the purchase and sale of the
6 Property, that he was under a lot of personal stress, was out of the country for the first two weeks of
7 February 2018, and that he met and apologized to the Complainant for his lack of communication, and
8 that he should have handled the transaction better.

9 13. RESPONDENT failed to provide the transaction file for the Property to the Division.

10 14. The Division's investigation showed that RESPONDENT's broker's license expired on
11 February 28, 2018 and was not active until March 28, 2018.

12 15. Documents obtained during the Division's investigation show RESPONDENT engaged
13 in activity related to the Property after his license went inactive or expired for which he was required to
14 have a license from the Division.

15 16. On January 25, 2019, the Division properly notified RESPONDENT it was commencing
16 a disciplinary action against him before the Nevada Real Estate Commission.

17 **VIOLATIONS**

18 RESPONDENT has committed the following violations of law:

19 17. RESPONDENT violated NRS 645.230(1)(a) by conducting licensee activity with
20 respect to the purchase and sale of the Property when his broker's license was on either "inactive"
21 status or had expired.

22 18. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(a) by
23 failing to provide the transaction file for the Property to the Division.

24 19. RESPONDENT violated NRS 645.252(2) by failing to communicate with the buyers
25 and/or their agent on the purchase and sale transaction of the Property.

26 **DISCIPLINE AUTHORIZED**

27 20. Pursuant to NRS 645.230 and NRS 645.235, the Commission is empowered to
28 impose an administrative fine per violation against RESPONDENT that may not exceed the amount of

1 any gain or economic benefit that the person derived from the violation or \$5,000 per violation,
2 whichever is greater.

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

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

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

11 NOTICE OF HEARING

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

15 THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for December
16 7-9, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission
17 concludes its business.

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

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

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

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

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

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

27 Password (Attendee ID): j4PSmxc3br7 (54776923277 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
3 attendee ID provided above. If Emergency Directive 006 is not extended and the meeting is held in
4 person, then the meeting will be located at the following locations:

5 Nevada State Business Center
6 Real Estate Division
7 3300 West Sahara Avenue, Suite 350
8 Las Vegas, NV 89102

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

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


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

22 You have the right to request that the Commission issue subpoenas to compel witnesses to
23 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
24 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
25 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.
26
27
28

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

5 DATED this 3rd day of November, 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
12 Las Vegas, Nevada 89102

13 AARON D. FORD
14 Attorney General

15 By: */s/ Karissa Neff*

16 KARISSA D. NEFF (Bar. No. 9133)
17 Deputy Attorney General
18 555 E. Washington Avenue, Suite 3900
19 Las Vegas, Nevada 89101
20 (702) 486-3894
21 Attorneys for Real Estate Division
22
23
24
25
26
27
28