

JUL 31 2020

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

REAL ESTATE COMMISSION
BY *Evlynn Patta*

Case Nos.: 2018-340

Petitioner,

vs.

IVAN BARIC,

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 Robert E. Werbicky, Deputy Attorney General, hereby notifies RESPONDENT IVAN BARIC ("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 645.633, 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 was licensed as a broker 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. RESPONDENT has been licensed by the Division as a Salesperson, S.0069611, since February 3, 2006 and that license is currently in active status.
2. At the time of the alleged violation the supervising broker was Forest Barbee B.0055676.LLC.

1 3. On or about July 3, 2017 Respondent listed the real property located at 3417 Edinboro
2 Ridge Ave., Las Vegas, Nevada 89081 (the "Property") for sale.

3 4. As part of the marketing of the Property, a Multiple Listing Service ("MLS") listing sheet
4 was used.

5 5. The MLS listing sheet is an "advertisement" pursuant to NAC 645.610(4).

6 6. In the advertisement Respondent indicated a refrigerator was included in the sale price.

7 7. The advertisement indicated the Property has "New S[tainless]S[teel] Appliances, and
8 listed the Location as "1STFLR, ROOM"

9 8. The advertisement, as it existed, would lead a reasonable person to conclude there was a
10 stainless steel refrigerator in the kitchen which would be transferred with the sale of the Property.

11 9. RESPONDENT claims there was never a stainless steel refrigerator in the Property.

12 10. On August 14, 2017 Yareli C. Vilchis submitted a Residential Purchase Agreement with
13 "Refrigerator" listed under Fixtures and Personal Property to be transferred with the sale of the Property.

14 11. On the same day, Respondent countered with increased earnest money and "Home sold
15 as is."

16 12. Yareli C. Vilchis accepted the counter-offer and reasonably believed this included a
17 stainless steel refrigerator in the kitchen.

18 13. The Property was not transferred with a stainless steel refrigerator.

19 14. The Property was transferred with a refrigerator (not stainless steel) located in the garage.

20 **VIOLATIONS**

21 RESPONDENT has committed the following violations of law:

22 15. RESPONDENT violated NAC 645.610 by publishing an advertisement which was
23 false, misleading, or both.

24 16. RESPONDENT violated NRS 645.633 by engaging in conduct that was deceitful,
25 fraudulent or dishonest by:

26 a) Failing to do his utmost to protect the public against fraud, misrepresentation or
27 unethical practices related to real estate,

28 b) Failing in his obligation to deal fairly with all parties to a real estate transaction, and/or

1 c) Failed to convey knowledge reasonably ascertainable to the parties in the real estate
2 transaction which he obtained and is of customary or express concern.

3 **DISCIPLINE AUTHORIZED**

4 17. 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 18. 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 19. 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 September
17 1-3, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission
18 concludes 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, SEPTEMBER 1, 2020** Meeting number (Access code): 146 276 8028 Password
24 (Attendee ID): MgCrCbJq662 (64272257662 from phones and video systems)

25 **WEDNESDAY, SEPTEMBER 2, 2020** Meeting number (Access code): 146 650 1911 Password
26 (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

27 **THURSDAY, SEPTEMBER 3, 2020** Meeting number (Access code): 146 520 3582 Password
28 (Attendee ID): umV3mJJ2gP2 (86836552472 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
6 Nevada State Business Center
7 Real Estate Division
8 3300 West Sahara Avenue, Suite 350
9 Las Vegas, NV 89102

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

12 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
13 **time as part of a regular meeting of the Commission that is expected to last from September 1,**
14 **2020, through September 3, 2020, but may end earlier if the business of the Commission is**
15 **concluded. Thus, your hearing may be continued until later in the day or from day to day. It is**
16 **your responsibility to be present when your case is called. If you are not present when your hearing**
17 **is called, a default may be entered against you and the Commission may decide the case as if all**
18 **allegations in the complaint were true. If you have any questions please call Evelyn Pattee,**
19 **Commission Coordinator (702) 486-4074.**

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

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

...

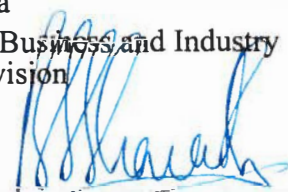
1 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
2 witnesses on any matter relevant to the issues involved.

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

7 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
8 and if the allegations contained herein are substantially proven by the evidence presented and to further
9 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
10 645.235 or NRS 645.230.

11 DATED this 29 day of July, 2020.

12 State of Nevada
13 Department of Business and Industry
14 Real Estate Division

15 By: 
16 SHARATH CHANDRA, Administrator
17 3300 West Sahara Avenue, Suite 350
18 Las Vegas, Nevada 89102

19 AARON D. FORD
20 Attorney General

21 By: /s/ Robert E. Werbicky
22 ROBERT E. WERBICKY (Bar No. 6166)
23 Deputy Attorney General
24 555 E. Washington Avenue, Suite 3900
25 Las Vegas, Nevada 89101
26 (702) 486-3326
27 Attorneys for Real Estate Division
28