

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

**FILED**

DEC 31 2020

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

Case No. 2018-954  
REAL ESTATE COMMISSION  
BY *Evelyn Pattee*

Petitioner,

vs.

GUAN WANG,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda, set for three days, beginning on December 7, 2020 via Webex (with telephone access) with no physical public location (as permitted by the Governor's Declaration of Emergency as amended) (the "Hearing"). RESPONDENT GUAN WANG (hereinafter, "RESPONDENT" or "WANG") did not appear in person, through counsel, or otherwise. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Ms. Neff advised the Commission that RESPONDENT had not filed an answer or otherwise appeared and had not been in contact with her prior to the Hearing.

Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found appropriate service of the notice of the Hearing, the complaint, Notice of the Complaint, and Notice of Documents was made.

After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as follows:

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1           RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which  
2 a license or permit is required by NRS Chapter 645 and is therefore subject to the jurisdiction of the  
3 Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

4   **FINDINGS OF FACT**

5           The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters  
6 a finding of the following facts by default:

7           1. RESPONDENT is licensed with the Division as a broker under license B.0143775.LLC,  
8 said license being issued in March of 2016, which is in “active” status, and also holds property  
9 management permit from the Division as PM.0165310.BKR, issued in April of 2012 which is currently  
10 in “active” status.

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

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

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

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

25           6. Complainant also alleged that within days of not closing the transaction with his agent’s  
26 buyers, that RESPONDENT placed the Property back on the marker and sold it for \$22,000 dollars  
27 more than the sales price under the contract with his agent’s buyers.  
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1           7. In his Complaint, Complainant also alleged that RESPONDENT failed to communicate with  
2 the buyer's agent during the purchase and sale transaction of the Property.

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

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

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

10           11. RESPONDENT stated in his affidavit, that because the Property had been vandalized and  
11 was missing an air conditioning unit and water heater, he placed the Property on "T" status on  
12 February 23, 2018, that the buyer and seller agreed to unconditionally cancel the escrow on March 5,  
13 2018, and agreed to return the full earnest money deposit to the buyer.

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

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

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

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

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

#### 26   **CONCLUSIONS OF LAW**

27           Based on the foregoing findings of facts by default, the Commission concludes by unanimous  
28 vote that RESPONDENT has committed the following violations of law by default:

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

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

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

8 **ORDER**

9 20. RESPONDENT shall pay an administrative fine to the Division in amount of \$15,000.00  
10 along with the Division's costs in the amount \$897.44, for a total amount of \$15,897.44 due to the  
11 Division ("Amount Due"). The Amount Due shall be payable to the Division within 60 days of the  
12 effective date of this Order.

13 21. If payment is not actually received by the Division on or before its due date, it shall be a  
14 default by RESPONDENT. In the event of default, RESPONDENT's license shall be immediately  
15 suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's  
16 fees and costs that may have been assessed, shall be due in full to the Division within ten calendar days  
17 of the date of default, and the Division may obtain a judgment for the amount owed, including  
18 collection fees and costs.

19 22. The Commission retains jurisdiction for correcting any errors that may have occurred in the  
20 drafting and issuance of this document.

21 23. This Order shall become effective on the 30<sup>th</sup> day of Jan. 2021.

22 DATED this 31<sup>st</sup> day of December, 2020.

23 REAL ESTATE COMMISSION  
24 STATE OF NEVADA

25   
26 President, Nevada Real Estate Commission

27 Submitted by:  
28 AARON D. FORD  
Attorney General

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By: /s/ *Karissa Neff*

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