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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

CASE NO. 2018-954

FILED

JAN 22 2021

REAL ESTATE COMMISSION

BY *Emily Tattler*

Petitioner,

vs.

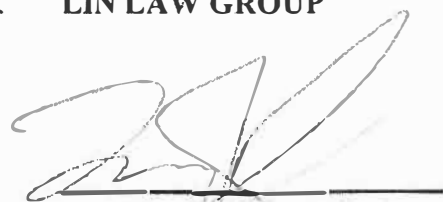
GUAN WANG,

Respondent.

RESPONDENT'S PETITION FOR REHEARING

COMES NOW Respondent Guan Wang, by and through his counsel, Michael M. Lin, Esq. of the Lin Law Group, and hereby petitions the Commission for a rehearing in the above entitled matter.

DATED this 22nd day of January, 2021. **LIN LAW GROUP**



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FACTS:

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2 This petition stems from events that occurred in 2018. Respondent was retained by a
3 seller to assist in the sale of real property located at 3861 Amber Flower Court, Las Vegas, NV
4 89147. On or around January 17, 2018, an agent for a prospective buyer submitted an offer on
5 the property. The buyer and seller agreed to unconditionally cancel the escrow on March 5, 2018
6 and agreed to return the deposit to the buyer. After this, Respondent was contacted by an
7 investigator for the division concerning the transactions that occurred with respect to the
8 property. Respondent was cooperative with the investigator. Thereafter Respondent did not
9 receive any further notices concerning the matter and assumed the matter had been resolved.
10 Respondent was surprised when he received an order from the Commission demanding payment
11 of a fine related to the matter. Respondent was not aware that a hearing had been held concerning
12 the matter because he did not receive any notices. This is the reason he did not make an
13 appearance on the date of the hearing. If Respondent had received notice of the hearing, he
14 would have attended.
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PROCEDURAL HISTORY:

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19 The buyer's agent filed a complaint against Respondent with the Division. The Division
20 held an investigation in the matter. The Commission held a hearing regarding the complaint and
21 determined that Respondent committed several violations, due in part to his failure to appear.
22 The Commission ordered Respondent to pay an administrative fine. Respondent received notice
23 of the order.
24

ARGUMENT:

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26 Pursuant to NAC 645.820 Respondent may request a rehearing. A petition for rehearing
27 may be granted due to irregularity in the proceedings, accident or surprise, newly discovered
28

1 evidence, or error in law. Respondent should be granted a rehearing in this above entitled matter
2 due to surprise. Respondent was not informed that a hearing had been scheduled concerning the
3 instant matter. Respondent did not receive any notices concerning the date of the hearing or the
4 matters that would be determined at the hearing, nor did he receive a copy of the complaint
5 against him. This is why Respondent did not make an appearance to defend himself. If
6 Respondent had knowledge that a hearing was scheduled, he would have made an appearance to
7 argue his side of the story. The last thing Respondent was aware of was the investigation in the
8 matter. After the investigation, Respondent did not receive further notices and assumed that the
9 matter had been resolved through the investigation. This is why Respondent was surprised when
10 he received notice in the mail that he was ordered to pay an administrative fine.
11

12
13 Due to the lack of service and notice to Respondent the Commission should grant
14 Respondent a rehearing so that Respondent receives the opportunity to adequately defend
15 himself against the accusations made. Granting Respondent a rehearing would also ensure that
16 the issues in the instant action are fairly and justly determined by the Commission because
17 Respondent would then have an opportunity to present his case.
18

19 **CONCLUSION:**

20 Therefore, Respondent respectfully requests the Commission grant Respondent a
21 rehearing in the instant matter.

22 DATED this 22nd day of January, 2021.

LIN LAW GROUP

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