

BEFORE THE REAL ESTATE COMMISSION **AUG 03 2021**

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Evelyn Patten*

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

Case No. 2020-1127

**COMPLAINT AND NOTICE OF
HEARING**

Petitioner,

vs.

ANTHONY E. LAURIAN,
(BS. 0013406)

Respondent.

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 Peter Keegan, Senior Deputy Attorney General, hereby notifies RESPONDENT ANTHONY E. LAURIAN (Respondent) of the instant Complaint and Notice of Hearing. An administrative hearing will be held before the STATE OF NEVADA REAL ESTATE COMMISSION (Commission) to allow the Respondent to present his case. The hearing will be held pursuant to Chapters 233B and 645 of the Nevada Revised Statutes (NRS) as well as 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 or other discipline authorized by NRS 645 and/or NAC 645, if violations of law are proven.

JURISDICTION

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and/or a permit to engage in property management, issued by the Division and is therefore subject to the jurisdiction of the Division and the Commission, and provisions of NRS and NAC 645.

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1 **PROCEDURAL HISTORY**

2 1. At all times relevant, Respondent held a Nevada Broker-Salesperson License,
3 BS. 0013406, issued by the Division on May 19, 1983.

4 2. On or about December 14, 2020, the Division received a complaint/statement
5 of fact from Jonathan Schaff, the prospective purchaser (Complainant) of the real property
6 located at 337 Barton Court, Stateline, NV 89449 (337 Barton).

7 3. The complaint alleged that Respondent engaged failed to disclose to all parties
8 when he is acting for more than one party to the transaction.

9 4. On December 21, 2020, the Division's investigator mailed Respondent an
10 investigation opening letter concerning the 337 Barton transaction, which required a
11 response by January 4, 2021.

12 5. On December 30, 2020, Respondent sent the Division's investigator a response
13 to the investigation opening letter.

14 6. On January 4, 2020, Respondent's Broker sent the Division a copy of the
15 Broker's file for 337 Barton.

16 7. On May 5, 2021, the Division sent Respondent an NRS 233B letter indicating
17 that the Division's investigation had obtained sufficient evidence to commence disciplinary
18 action by filing a complaint with the Commission.

19 **FACTUAL ALLEGATIONS**

20 1. The sellers of 337 Barton signed an Exclusive Right to Sell Contract with
21 Respondent (BS. 0013406) on September 21, 2018.

22 2. The terms of the Exclusive Right to Sell Contract included a sales price for
23 the property of \$949,000.

24 3. On March 25, 2019, David Howie, a California Real Estate Broker, emailed
25 Respondent on behalf of the Complainant and submitted a Letter of Intent for the
26 Complainant to purchase 337 Barton.

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1 4. David Howie's email included proof of the Complainant's funds to complete
2 the transaction, a credit report for the Complainant, and a mortgage loan pre-approval
3 letter.

4 5. On March 26, 2019, Respondent emailed a Residential Offer and Acceptance
5 Agreement to David Howie, which was based upon the terms included in the Letter of
6 Intent.

7 6. Respondent's March 26, 2019, email to David Howie indicated that "I left the
8 DO and CTA blank for you to fill in."

9 7. On March 26, 2019, David Howie emailed Respondent and stated he would
10 need a "referral fee agreement" and he would be the Complainant's "liaison moving
11 forward."

12 8. David Howie's March 26, 2021, email to Respondent also requested
13 Respondent to complete the Duties Owed by a Nevada Real Estate Licensee and the
14 Consent to Act "forms unless that's allowed in Nevada to have an out of state broker fill
15 that out."

16 9. David Howie and Respondent signed a California Association of Realtors
17 Referral Fee Agreement dated March 27, 2019, that would pay Respondent "2.5% of the
18 final gross sales prices."

19 10. On March 27, 2019, Respondent emailed David Howie and stated "[y]ou are
20 representing" the Complainant "throughout this transaction, including inspections and any
21 and all communications with title."

22 11. On March 28, 2019, David Howie sent the Complainant's DocuSigned copy of
23 the Offer and Acceptance for 337 Barton back to Respondent.

24 12. The Buyer's Representation section of the March 28, 2019, Residential Offer
25 and Acceptance Agreement was left blank.

26 13. On March 29, 2019, Respondent emailed David Howie the sellers' signed
27 acceptance.

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1 14. On March 29, 2019, David Howie emailed the escrow officer's assistant and
2 asked for wiring instructions to be sent to the Complainant.

3 15. David Howie's March 29, 2019, email requested a copy of the preliminary title
4 report and earnest money deposit receipt so that he could continue to assist the
5 Complainant throughout the transaction.

6 16. On April 3, 2019, Respondent emailed David Howie and Complainant the
7 sellers' Real Property Disclosure and Mold Disclosure.

8 17. On April 3, 2019, David Howie emailed the escrow officer and asked that the
9 earnest money deposit and preliminary title report be sent to the Complainant's lender.

10 18. On April 12, 2019, David Howie emailed a copy of the home inspection report
11 to Respondent.

12 19. David Howie's April 12, 2019, email also indicated that he "plan on bringing
13 a handy man to bid out the recommended repairs on the home inspection."

14 20. David Howie's April 12, 2019, email also indicated that "Rob at west coast
15 can't order the appraisal until the loan has been submitted to underwriting with the new
16 contract date. So depending on when the appraisal can be assigned we will probably need
17 more time for that."

18 21. On April 14, 2019, Respondent emailed David Howie an addendum to the
19 purchase agreement.

20 22. On April 15, 2019, David Howie sent the Complainant's DocuSigned copy of
21 the addendum back to Respondent.

22 23. On April 16, 2019, Respondent emailed David Howie the sellers' signed
23 addendum.

24 24. On April 18, 2019, David Howie emailed the pest inspection company with
25 instructions to provide a copy of the completed report to Respondent.

26 25. On April 18, 2019, Respondent emailed David Howie and stated the purchase
27 agreement timelines had not been met and the Complainant could lose his deposit.

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1 26. Respondent's April 18, 2019, email also stated that David Howie's actions had
2 placed his client, the Complainant, "in a precarious position."

3 27. On April 18, 2019, Respondent emailed the Complainant and stated he
4 regretted having to contact him directly, bypassing David Howie, "but it is necessary
5 because none of the timelines of this transaction have been met[.]"

6 28. Respondent followed up his April 18, 2019, email to the Complainant and
7 advised him to "request an extension . . . to present your request for repairs."

8 29. Respondent continued to communicate directly with the Complainant on April
9 18-19, 2019, regarding the extension and opening the house to showings.

10 30. On April 22, 2019, David Howie emailed Respondent to negotiate the cost of
11 repairs needed for 337 Barton.

12 31. On April 22, 2019, Respondent emailed David Howie and requested David
13 Howie contribute \$1,500.00 from the referral fee to the transaction before Respondent
14 presented the property repair request to the sellers.

15 32. On April 22, 2019, David Howie emailed Respondent and stated that his work
16 "was being drastically discounted already" and he would be willing to contribute \$500 to
17 the transaction."

18 33. On April 22, 2019, Respondent emailed David Howie and asked if the
19 Complainant would be willing to increase the earnest money deposit by \$10,000.00 and
20 agree to a 30-day escrow with no contingencies.

21 34. On April 22, 2019, David Howie emailed Respondent and stated he believed
22 the Complainant would agree to increase his earnest money deposit by \$10,000 and agree
23 to a 30-day escrow and would likely waive an appraisal contingency but would require a
24 financing contingency.

25 35. On April 22, 2019, the Complainant, and the sellers of 337 Barton executed a
26 new Residential Offer and Acceptance Agreement which identified David Howie as the
27 buyer's agent for the Complainant.

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1 36. On May 28, 2019, the Complainant emailed David Howie and Respondent
2 with terms for cancelling the transaction.

3 37. On May 29, 2019, Respondent emailed the Complainant and attempted to
4 negotiate a settlement between the sellers and the Complainant regarding the earnest
5 money deposit funds.

6 **VIOLATIONS ALLEGED**

7 Respondent has committed the following violations of law:

8 1. Respondent violated NRS 645.235(1)(b) when he assisted or offered to assist
9 David Howie, to engage in activities for which a license, permit, certificate, or registration
10 or any type of authorization is required pursuant to NRS Chapter 645, or any regulation
11 adopted pursuant thereto, because David Howie did not hold the required license, permit,
12 certificate, or registration.

13 **DISCIPLINE AUTHORIZED**

14 1. Pursuant to NRS 645.235, the Commission is empowered to impose an
15 administrative fine of \$5,000.00 per violation or the amount of any gain or economic benefit
16 that the Respondent derived from each violation, whichever is greater.

17 2. Pursuant to NRS 645.314, the Division is authorized to request its
18 investigative costs where the investigation was undertaken for disciplinary purposes.

19 3. Additionally, under NRS 622.400, the Commission is authorized to impose
20 costs of the proceeding upon Respondent, including investigative costs and attorney’s fees,
21 if the Commission otherwise imposes discipline on Respondent.

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

24 **NOTICE OF HEARING**

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

1 **THE HEARING WILL TAKE PLACE VIA VIDEO CONFERENCE** on
2 **September 14, 2021 commencing at 9:00 a.m., or as soon thereafter as the**
3 **Commission is able to hear the matter, and each day thereafter commencing at**
4 **9:00 a.m. through September 16, 2021 or earlier if the business of the Commission**
5 **is concluded. The Commission meeting will be held on September 14, 2021, at the**
6 **Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City,**
7 **Nevada 89706. The meeting will continue on September 15, 2021 at the Nevada**
8 **Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada**
9 **89706, commencing at 9:00 a.m., and on September 16, 2021, should business not**
10 **be concluded, starting at 9:00 a.m. at the Nevada Division of Insurance, 1818 E.**
11 **College Parkway, Suite 103, Carson City, Nevada 89706.**

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

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

27 As the **RESPONDENT** you are specifically informed that, you have the right to
28 **appear and be heard in your defense, either personally or through your counsel of choice.**

1 At the hearing, the Division has the burden of proving the allegations in the complaint and
2 will call witnesses and present evidence against you. You have the right to respond and to
3 present relevant evidence and argument on all issues involved. You have the right to call
4 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
5 matter relevant to the issues involved.

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

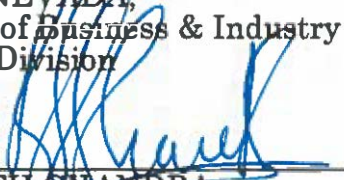
11 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
12 645 and/or NAC 645 and if the allegations contained herein are substantially proven by
13 the evidence presented and to further determine what administrative penalty, if any, is to
14 be assessed against the RESPONDENT.


15 DATED this 30 day of July, 2021.

DATED this 29th day of July, 2021.

16 STATE OF NEVADA,
17 Department of Business & Industry
Real Estate Division

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