

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

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

6 Petitioner,

7 vs.

8 RICHARD NAFT,

9 Respondent.

Case No. 2020-1052

**FILED**

NOV 04 2022

REAL ESTATE COMMISSION

BY *Kelley Valaden*

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY  
12 OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT RICHARD NAFT  
13 (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE  
14 COMMISSION (“Commission”). The hearing will be held pursuant to Chapters 233B and Chapter 645  
15 of the Nevada Revised Statutes (“NRS”) and Chapter 645 of the Nevada Administrative Code (“NAC”).  
16 The purpose of the hearing is to consider the allegations stated below and to determine if the  
17 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or NRS  
18 622.400, and the discipline to be imposed, if violations of law are proven.

19 **JURISDICTION**

20 RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under  
21 license number B.1002185.INDV and holds a property management permit under credential number  
22 PM.0167638.BKR and PM.0167639.BKR, and is therefore subject to the jurisdiction of the Division and  
23 the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

- 25 1. RESPONDENT is the Broker for American Realty Properties, LLC, where Malcolm B.  
26 Boot (“Boot”) is an associated agent. BS 000001; BS 000002.
- 27 2. In and around May 2020, RESPONDENT and Boot represented the seller of real property  
28 located at 73 Smokestone Court, Las Vegas, Nevada 89110 (the “Property”). BS 000428-33.

1           3.     On June 1, 2020, the parties closed on the transaction and the Property transferred  
2 ownership. BS 000426-27.

3           4.     On June 3, 2020, Boot entered the Property using a spare key he still possessed without  
4 the buyers' consent to remove a built-in-desk from the Property. BS 000066-67; BS 0000066; BS  
5 000039-40.

6           5.     On July 27, 2020, buyers' agent submitted a complaint to the Division against Boot,  
7 alleging Boot's behavior was unethical when he used a spare key to enter the Property and removed the  
8 desk without the buyer's consent. BS 000037-41.

9           6.     On September 9, 2020, the Division notified RESPONDENT the Division was in receipt  
10 of a complaint against Boot, RESPONDENT's agent, and requested the complete transaction/broker's  
11 file for the Property, and that RESPONDENT complete the Sworn Declaration, Form 770, by September  
12 24, 2020. BS 000005.

13          7.     On September 15, 2020, RESPONDENT emailed the Division seeking additional time to  
14 respond to the Division's requests. BS 000021.

15          8.     On September 23, 2020, the Division granted RESPONDENT two additional weeks to  
16 respond, and set a new due date of October 6, 2020. BS 000021.

17          9.     In October 2020, RESPONDENT responded to the Division, explaining that "Due to the  
18 current health of my wife . . . I am unable to meet with a notary. I have talked to Malcolm Boot several  
19 times and he has emailed me his response which I agree with." BS 000142.

20          10.    On November 4, 2020, the Division emailed RESPONDENT to request the complete  
21 transaction/broker's file again. BS 000143.

22          11.    On November 5, 2020, the Division sent RESPONDENT follow up correspondence via  
23 certified mail, noting that RESPONDENT did not respond to the September 9, 2020, request for  
24 information pursuant to the Division's investigation and noting a new deadline of November 20, 2020,  
25 to avoid potential disciplinary action. BS 000006.

26          12.    On November 9, 2020, RESPONDENT emailed the Division, explaining that Boot had  
27 already provided all documents related to the Property in Boot's September 29, 2020, email, and his  
28

1 November 9, 2020, email to the Division, and forwarded Boot's emails to serve as RESPONDENT's  
2 response. BS 000029-32.

3 13. On November 10, 2020, the Division emailed RESPONDENT again to request the  
4 complete transaction/broker's file. BS 000029-30.

5 14. On November 10, and 11, 2020, Boot emailed the Division additional documents related  
6 to the Property. BS 000210-213; BS 000274.

7 15. On November 12, 2020, RESPONDENT emailed the Division asking, "Have you  
8 received additional docs for 73 Smoke Stone Ct Malcolm Boot agent ????" BS 000034.

9 16. On November 13, 2020, the Division replied to RESPONDENT noting that it had not  
10 received the complete transaction/broker file for the Property, explaining that it had only received  
11 "counter offers, addendums to the purchase, request for repair, Property Walkthrough Verification and  
12 MLS data sheets" from Mr. Boot. BS 000034-35.

13 17. RESPONDENT replied to the Division, "sorry for the delay . . . tough times getting  
14 together with agents[,] but did not provide any additional documents. BS 000299.

15 18. On November 25, 2020, the Division sent RESPONDENT a Notice of Violation with  
16 Imposition of Administrative Fine ("Notice of Imposition") via certified mail, noting that the Division  
17 Administrator found RESPONDENT in violation of NRS 645.633(1)(i) pursuant to NAC 645.605(11)(a)  
18 and imposed a \$1,000 administrative fine against RESPONDENT due by December 29, 2020. BS  
19 000013-18.

20 19. On December 2, 2020, Boot emailed the Division, copied RESPONDENT, and attached  
21 another set of documents. BS 000303.

22 20. On December 16, 2020, RESPONDENT forwarded several of Boot's emails to the  
23 Division, which included "Batch #1" "Batch #2" and "Batch #3" of documents related to the Property.  
24 BS 000574; BS 000602.

25 21. On December 17, 2020, RESPONDENT, by and through his attorney, sent the Division  
26 notice of his appeal of the Notice of Imposition. BS 0000647.



1 will continue on December 14, 2022, at the Nevada State Business Center, 3300  
2 West Sahara Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102,  
3 commencing at 9:00 a.m., and on December 15, 2022, should business not be  
4 concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West  
5 Sahara Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102.

6 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled  
7 at the same time as part of a regular meeting of the Commission that is expected  
8 to last from December 13, 2022, through December 15, 2022, or earlier if the  
9 business of the Commission is concluded. Thus, your hearing may be continued  
10 until later in the day or from day to day. It is your responsibility to be present  
11 when your case is called. If you are not present when your hearing is called, a  
12 default may be entered against you and the Commission may decide the case as  
13 if all allegations in the complaint were true. If you have any questions please call  
14 Kelly Valadez, Commission Coordinator (702) 486-4606.

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

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

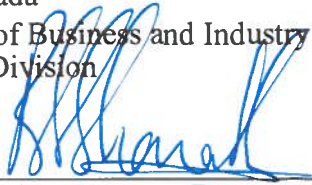
26 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
27 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
28

1 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in  
2 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

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

7  
8 DATED this 4 day of November, 2022.

9 State of Nevada  
10 Department of Business and Industry  
11 Real Estate Division

12 By:   
13 SHARATH CHANDRA, Administrator  
14 3300 West Sahara Avenue, Suite 350  
15 Las Vegas, Nevada 89102

16 AARON D. FORD  
17 Attorney General

18 By: */s/ Alma Orozco*  
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