

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

FEB 17 2022

REAL ESTATE COMMISSION
BY *Evelyn Patten*

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

Case No. 2019-804

Petitioner,

vs.

JEFF CHAIN,

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 Virginia T. Tomova, Deputy Attorney General, hereby notifies RESPONDENT JEFF CHAIN ("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, NRS 645.235 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 real estate broker by the Division. He 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 was licensed by the Division as a real estate broker, under license (B.0026141.CORP), which is in "active" status.

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1 2. At all relevant times mentioned in this Complaint, RESPONDENT was and is a broker
2 with Millennium Commercial Properties, located at 3900 S. Hualapai Way, Suite # 110A, Las Vegas,
3 Nevada 89147.

4 3. The RESPONDENT's broker's license was issued on October 08, 1990, and it expires on
5 October 31, 2022.

6 4. Complainants Mary Geidel and Liz Kerby loaned monies to the RESPONDENT for the
7 construction financing of a Veteran's Village project in Las Vegas.

8 5. On or about April 17, 2017, Complainant Mary Geidel received a promissory note from
9 Millennium Commercial Properties and RESPONDENT for a loan in the amount of \$72,000.00. ("First
10 Promissory Note").

11 6. The First Promissory Note required the principal and interest due to be paid no later than
12 December 15, 2017.

13 7. RESPONDENT failed to pay the First Promissory Note by the due date.

14 8. On or about June 6, 2017, Complainant Liz Kerby received a promissory note from
15 Millennium Commercial Properties and RESPONDENT for a loan in the amount of \$37,500.00 ("Second
16 Promissory Note").

17 9. The Second Promissory Note required the principal and interest to be paid no later than
18 December 6, 2017.

19 10. RESPONDENT failed to pay the Second Promissory Note by the due date.

20 11. On or about December 23, 2017, the RESPONDENT emailed Complainant Kerby stating
21 that "the Veterans village deal has been delayed until late January. I will certainly pay the added interest
22 at that time also."

23 12. On or about June 25, 2018, Complainant Kerby's attorneys sent a demand letter to the
24 RESPONDENT for repayment of the loan including interest in the amount of \$40,335.00 on the Second
25 Promissory Note.

26 13. On or about July 7, 2018, RESPONDENT responded to the demand letter with a proposed
27 repayment plan for a full repayment of November 2018 on the Second Promissory Note.

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1 14. On or about July 15, 2018, Complainant Kerby accepted the RESPONDENT's repayment
2 plan on the Second Promissory Note.

3 15. RESPONDENT failed to fulfill his full obligations under the repayment plan.

4 16. On or about August 2, 2018, the RESPONDENT sent correspondence to Ms. Kerby
5 advising her that he was working on a closing to make the August payment and that the check would be
6 forthcoming.

7 17. On or about November 7, 2018, Complainant Kerby received a partial loan payment of
8 \$22,500.00 from the RESPONDENT, leaving a remaining balance of \$25,280.44 (including principal
9 and interest).

10 18. On or about July 13, 2019, Ms. Kerby sent correspondence to RESPONDENT demanding
11 a full payment of the balance of \$25,280.44.

12 19. On or about July 30, 2019, the RESPONDENT issued a check from his brokerage
13 operating account in the amount of \$22,375.00 to Ms. Kerby, leaving a balance of \$2,905.44.

14 20. On or about August 15, 2019, the balance of the First Promissory Note was \$38,701.95.

15 21. On or about July 28, 2021, the RESPONDENT paid in full the First Promissory Note to
16 Ms. Kerby.

17 22. On or about July 17, 2019, based on Complaints of Ms. Kerby and Ms. Geidel, the
18 Division opened an investigation against RESPONDENT.

19 23. In that correspondence, the Division asked the RESPONDENT to provide a complete
20 copy of the broker's transaction file for the Veteran's Village project.

21 24. RESPONDENT failed to provide the requested broker's transaction file to the Division.

22 25. On or about September 03, 2019, the Division sent another correspondence to the
23 RESPONDENT informing him that an additional complaint had been filed against him and requested
24 again the complete copy of the broker's transaction file for the Veteran's Village project.

25 26. On or about August 6, 2019, the RESPONDENT responded to the Division's investigation
26 by submitting an Affidavit Form stating, "attached please find a copy of a check overnighted to Liz Kerby
27 for delivery on August 7th, for the final amount due and owing to Lis Kerby. It was a non real estate
28 investment."

1 **THE HEARING WILL TAKE PLACE on March 29, 2022, commencing at 9:00 a.m., or as**
2 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
3 **at 9:00 a.m. through March 31, 2022, or earlier if the business of the Commission is concluded.**
4 **The Commission meeting will be held on March 29, 2022, at the Nevada State Business Center,**
5 **3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102. The meeting will**
6 **continue on March 30, 2022, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th**
7 **Floor – Tahoe Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 31, 2022,**
8 **should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300**
9 **West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102**

10 **If the meeting will not be conducted in person, then you will be notified by known email**
11 **or mail as soon as possible that the Commission will conduct a virtual meeting using Webex.com**
12 **with the meeting information as follows:**

13 **DIAL-IN NUMBER: (844) 621-3956 or Webex.com**

14 **TUESDAY, MARCH 29, 2022 MEETING NUMBER ACCESS CODE: 2492 043 1496**

15 **MEETING PASSWORD: 38YerzTWmU3 (38937989683 from phones and video systems)**

16 **WEDNESDAY, MARCH 30, 2022 MEETING NUMBER ACCESS CODE: 2487 420 4399**

17 **MEETING PASSWORD: Kmmix976v52 (56649976852 from phones and video systems)**

18 **THURSDAY, MARCH 31, 2022 MEETING NUMBER ACCESS CODE: 2486 415 0596**

19 **MEETING PASSWORD: MjPpJCFs723 (65775237723 from phones and video systems)**

20 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
21 **time as part of a regular meeting of the Commission that is expected to last from March 29, 2022,**
22 **through March 31, 2022, or earlier if the business of the Commission is concluded. Thus, your**
23 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
24 **present when your case is called. If you are not present when your hearing is called, a default may**
25 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
26 **were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-**
27 **4074.**

28 **YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open**
meeting under Nevada's open meeting law and may be attended by the public. After the evidence and

1 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
2 professional competence. You are entitled to a copy of the transcript of the open and closed portions of
3 the meeting, although you must pay for the transcription.

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

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

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

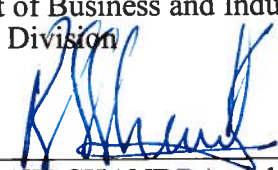
15 The purpose of the hearing is to determine if the RESPONDENT has violated NRS 645 or NAC
16 645 and if the allegations contained herein are substantially proven by the evidence presented and to

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1 further determine what administrative penalty, if any, is to be assessed against the RESPONDENT,
2 pursuant to NRS 645.630, NRS 645.633, NRS 645.235 or NRS 645.230.

3 DATED this 16 day of February, 2022.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 SHARATH CHANDRA, Administrator
9 3300 West Sahara Avenue, Suite 350
10 Las Vegas, Nevada 89102

11 AARON D. FORD
12 Attorney General

13 By: / s / Virginia T. Tomova
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