

FILED

FEB 25 2022

REAL ESTATE COMMISSION
BY *Evelyn Tattler*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2019-829

**COMPLAINT AND NOTICE OF
HEARING**

Petitioner,

vs.

MARY T. HOTCHKISS,
(S.0030376)

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 Alexander Quagge, Deputy Attorney General, hereby notifies RESPONDENT MARY T. HOTCHKISS ("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 645.633 and/or NAC 622.400, 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 **FACTUAL ALLEGATIONS**

2 1. At all times relevant, RESPONDENT held a Nevada Real Estate Salesperson
3 License, S.0030376, issued by the Division on September 28, 1992.

4 2. At all times relevant, RESPONDENT held a Nevada Real Estate Property
5 Management permit, PM.0130376.

6 3. On or about July 19, 2021, the Division received a complaint/statement of fact
7 from Randy Kochis (Complainant) regarding property located at 8232 Cactus Canyon Ct.
8 Las Vegas, NV 89128 (subject property).

9 4. The complaint alleged that RESPONDENT failed to collect three months of
10 rent from the tenant and failed to evict the tenant residing in the subject property.

11 5. RESPONDENT managed the subject property for three years prior to the
12 instant complaint.

13 6. Rent was not paid for the subject property for the months of March, April, and
14 May of 2019.

15 7. On May 22, 2019, RESPONDENT posted a 5-day eviction notice on the subject
16 property's door.

17 8. On May 28, 2019, Complainant arrived at the subject property with the Las
18 Vegas Metropolitan Police Department.

19 9. On May 28, 2019, Complainant found the subject property abandoned with
20 two pets and all the doors unlocked.

21 10. On July 27, 2020, the Division sent RESPONDENT a Notice of Violation with
22 Imposition of Administrative Fine. In the Notice, the Division ordered RESPONDENT to
23 pay an administrative fine in the amount of \$500 for violating NRS 645.633(1)(h).

24 11. RESPONDENT appealed the administrative fine imposed by the Division.

25 **VIOLATIONS ALLEGED**

26 12. RESPONDENT violated NRS 645.633(1)(h), as explained by NAC 645.605(6),
27 for failing to collect three months of rent and/or timely evict the tenants from the subject
28 property; thereby breaching her obligation of absolute fidelity to her principal's interest.

1 **DISCIPLINE AUTHORIZED**

2 13. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
3 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
4 further to suspend, revoke or place conditions on the license of RESPONDENT. The
5 Commission may impose any combination of those actions.

6 14. Additionally, under NRS 622.400, the Commission is authorized to impose
7 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
8 fees, if the Commission otherwise imposes discipline on Respondent.

9 15. Therefore, the Division requests that the Commission take such disciplinary
10 action as it deems appropriate under the circumstances.

11 **NOTICE OF HEARING**

12 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
13 Administrative Complaint against the above-named RESPONDENT in accordance with
14 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
15 Administrative Code.

16 **THE HEARING WILL TAKE PLACE** on March 29, 2022, commencing at 9:00
17 a.m., or as soon thereafter as the Commission is able to hear the matter, and each
18 day thereafter commencing at 9:00 a.m. through March 31, 2022, or earlier if the
19 business of the Commission is concluded. The Commission meeting will be held
20 on March 29, 2022, at the Nevada State Business Center, 3300 West Sahara
21 Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102. The meeting will
22 continue on March 30, 2022, at the Nevada State Business Center, 3300 West
23 Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102, commencing
24 at 9:00 a.m., and on March 31, 2022, should business not be concluded, starting at
25 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th
26 Floor – Tahoe Room, Las Vegas, Nevada 89102.

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

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

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

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

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10 **WEDNESDAY, MARCH 30, 2022 - MEETING NUMBER ACCESS CODE: 2487 420**

11 **4399**

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

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15 **THURSDAY, MARCH 31, 2022 - MEETING NUMBER ACCESS CODE: 2486 415**

16 **0596**

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

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

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

7 As the RESPONDENT you are specifically informed that, you have the right to
8 appear and be heard in your defense, either personally or through your counsel of choice.
9 At the hearing, the Division has the burden of proving the allegations in the complaint and
10 will call witnesses and present evidence against you. You have the right to respond and to
11 present relevant evidence and argument on all issues involved. You have the right to call
12 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
13 matter relevant to the issues involved.

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

19 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
20 645 and/or NAC 645 and if the allegations contained herein are substantially proven by

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1 the evidence presented and to further determine what administrative penalty, if any, is to
2 be assessed against the RESPONDENT.

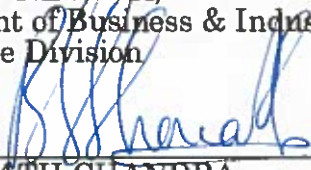
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DATED this 24 day of February, 2022.

DATED this 24th day of February, 2022.

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

AARON D. FORD
Attorney General

By: 
SHARATH CHANDRA
Administrator
3300 W. Sahara Avenue, Ste. 350
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By: /s/ Alexander E. Quagge
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