

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

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

7 Petitioner,

8 vs.

9 BRAD MARTIN,

10 Respondent.

Case No. 2020-1033

FILED

AUG 19 2022

REAL ESTATE COMMISSION
BY 

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT BRAD MARTIN
14 (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE
15 COMMISSION (“Commission”). The hearing will be held pursuant to Chapters 233B and Chapter 645
16 of the Nevada Revised Statutes (“NRS”) and Chapter 645 of the Nevada Administrative Code (“NAC”).
17 The purpose of the hearing is to consider the allegations stated below and to determine if the
18 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and/or NRS
19 622.400, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

21 RESPONDENT, at all relevant times mentioned in this Complaint, held himself out and/or
22 otherwise performed acts as a person licensed as a Broker/Salesperson. RESPONDENT is, therefore,
23 subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645
24 and NAC chapter 645.

25 **FACTUAL ALLEGATIONS**

26 1. On or around July 2020, Brad Martin (“RESPONDENT”) of Stetson Earhart represented
27 the buyer of real property located at 9420 West Lake Mead Boulevard, Las Vegas Nevada 89134 (the
28 “Property”). BTS 000097-120.

1 2. RESPONDENT is licensed as a broker in California, under license number 00867650.
2 BTS 000017-19; BTS 000002.

3 3. At all times relevant to this Complaint, RESPONDENT did not hold any real estate license
4 with the State of Nevada. BTS 000002.

5 4. At all times relevant to this Complaint, RESPONDENT was the managing director of
6 Stetson Earhart brokerage. BTS 000017-19.

7 5. Buyer is a California limited liability company. BTS 000088; BTS 000097.

8 6. The buyer and seller, through their respective agents, entered into a Purchase and Sale
9 Agreement on July 16, 2020 (“PSA”), for the purchase of the Property. BTS 000097-120.

10 7. Section 11 of the PSA provides “Buyer represents that it is represented by Brad Martin of
11 Stetson Earhart (‘Buyer’s Broker’) in connection with this agreement . . .” and if closing occurs “Seller
12 shall pay a commission . . . to Buyer’s Broker in an amount equal to one percent (1%) of the Purchase
13 Price.” BTS 000108.

14 8. The Affidavit as to Broker Lien Rights lists RESPONDENT brokerage, Stetson Earhart,
15 as the selling agent/broker and provides for a “\$88,000 commission owed.” BTS 00036-37.

16 9. The Seller’s Settlement Statement provides for a total commission of \$88,000 for the
17 “Broker to Stetson Earhart.” BTS 00051-52.

18 10. RESPONDENT advertised on his brokerage website the Property was “SOLD!” by
19 RESPONDENT and noted the Property was located in “Las Vegas, Nevada.” BTS 000017-20.

20 11. On November 18, 2020, the Division sent RESPONDENT correspondence via certified
21 mail requesting the complete transaction file for the transaction/listing 9420 W. Lake Mead Blvd., Las
22 Vegas, NV 89134 with a deadline of December 2, 2020. BTS 000007.

23 12. On December 1, 2020, the Division sent RESPONDENT a “CEASE AND DESIST
24 ORDER” for Case No. 2020-1033 via certified mail, noting that the Division Administrator found that
25 RESPONDENT did not hold an active real estate broker, broker-salesperson or salesperson license, and
26 instructing RESPONDENT to “cease and desist from engaging in the business of, acting in the capacity
27 of or any form of advertisement and/or sale of property, assume to act as a real estate agent or any other
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1 position that requires a license in the State of Nevada from the Nevada Real Estate Division.” BTS
2 000010-12.

3 13. On November 24, 2020, RESPONDENT submitted an affidavit to the Division explaining
4 that it was his understanding the seller of the Property was represented by Kase Group, the principal of
5 which is a Nevada licensee, and as such, believed he did not need a Nevada real estate license as he was
6 only representing the buyer who lives in California. RESPONDENT voluntarily provided the division
7 with a complete transaction file. BTS 000088.

8 **VIOLATIONS OF LAW**

9 RESPONDENT has committed the following violations of law:

10 14. RESPONDENT violated NRS 645.230(1)(a) as he acted as a real estate salesperson, as
11 defined by NRS 645.040, or real estate broker as defined by NRS 645.030, without an appropriate license
12 when he represented buyer in a transaction for real property located in Nevada and advertised his
13 brokerage services by referencing the recent sale of 9420 W. Lake Mead Blvd., Las Vegas, NV 89134.

14 **DISCIPLINE AUTHORIZED**

15 15. Pursuant to NRS 645.235(2), the Commission is empowered to impose an administrative
16 fine not to exceed the amount of any gain or economic benefit that the person derived from the violation
17 or \$5,000, whichever amount is greater.

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

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

23 **NOTICE OF HEARING**

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

27 **THE HEARING WILL TAKE PLACE on September 27, 2022, commencing at 9:00 a.m.,**
28 **or as soon thereafter as the Commission is able to hear the matter, and each day thereafter**

1 commencing at 9:00 a.m. through September 29, 2022, or earlier if the business of the Commission
2 is concluded. The Commission meeting will be held on September 27, 2022, at the Nevada State
3 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.
4 The meeting will continue on each day thereafter commencing at 9:00 a.m. through September 29,
5 2022, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room,
6 Las Vegas, Nevada 89102, until the business of the Commission is concluded.

7 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
8 time as part of a regular meeting of the Commission that is expected to last from September 27,
9 2022, through September 29, 2022, or earlier if the business of the Commission is concluded. Thus,
10 your hearing may be continued until later in the day or from day to day. It is your responsibility
11 to be present when your case is called. If you are not present when your hearing is called, a default
12 may be entered against you and the Commission may decide the case as if all allegations in the
13 complaint were true. If you have any questions, please call Shareece Bates Administration Section
14 Manager at (702) 486-4036.

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

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4 DATED this 19 day of August, 2022.

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

8 By: 
9 SHARATH CHANDRA, Administrator
10 CHARVEZ FOGER, Deputy Administrator
11 3300 West Sahara Avenue, Suite 350
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13 AARON D. FORD
14 Attorney General

15 By: /s/ Alma R. Orozco
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