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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2022-677

Petitioner,

vs.

FRANK GARY VILLANI,

Respondent.

FILED

SEP 05 2023

REAL ESTATE COMMISSION

BY Kelley Valadez

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on August 23, 2023, at the Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102 (the "Hearing"). The RESPONDENT, FRANK GARY VILLANI (hereinafter, "RESPONDENT" or "VILLANI") appeared with counsel Scott A. Knight, Esq., of the law firm Knight & Ryan. Phil W. Su, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

The Hearing was originally set for May 2-4, 2023, but RESPONDENT requested and was granted a continuance. The hearing was rescheduled for the Commission's August 22-24, 2023, hearing stack.

Division investigator Rebecca Bruce testified regarding review of the records conducted by chief investigator Jan Holle, and the documents that were obtained from that investigation. Upon motion, the Commission admitted the Division's documents into evidence. RESPONDENT testified upon his own behalf, and, upon motion, the Commission admitted RESPONDENT's proffered documents into evidence.

1 After hearing testimony and reviewing the documents presented in this matter and
2 for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of
3 Law, and Order as follows:

4 **FINDINGS OF FACT**

5 The Commission, by unanimous vote, based upon the evidence presented during
6 the Hearing, finds that by a preponderance of the evidence in the record the following
7 facts have been proven.

8 1. RESPONDENT is the Broker of record of Market One Realty LLC.

9 2. During the Division's monthly database review of broker annual reporting
10 submissions for August 2022 it was identified that the Respondent did not submit his trust
11 account reconciliations, which were due by August 31, 2022.

12 3. On September 21, 2022, the Division's Chief Investigator issued a Notice of
13 Violation with the Imposition of Administrative Fine in the amount of \$1,000.00 for failing
14 to timely submit the required trust account reconciliation pursuant to NRS 645.310(5).

15 4. The Notice of Violation and accompanying letter contained notice to
16 RESPONDENT advising him of his appeal rights if he disagreed with the finding of
17 violation and/or imposition of the fine.

18 5. On October 21, 2022, RESPONDENT sent a response through his attorney,
19 Eric Fox, indicating that the delays stemmed "from an accounting software issue that has
20 been addressed," that the RESPONDENT had been 'working diligently since the receipt of
21 the NRED correspondence," and that he would deliver "the final Trust Account
22 reconciliation by October 24, 2022.

23 6. Attorney Fox's letter requested a thirty (30) day extension, until October 24,
24 2022, to comply with the reconciliation submission requirement, and noted that
25 Respondent would timely pay the \$1000 fine.

26 7. The Division subsequently received the \$1,000.00 check to pay the
27 outstanding administrative fine.
28

1 with collection.

2 4. The Commission retains jurisdiction for correcting any errors that may have
3 occurred in the drafting and issuance of this document.

4 5. This Order shall become effective on the 5th day of October, 2023.

5 DATED this 5th day of Sept., 2023.

6 REAL ESTATE COMMISSION
7 STATE OF NEVADA

8
9 By: David R Tina
Acting President/Vice President
Nevada Real Estate Commission

10 Submitted by:
11 AARON D. FORD
Attorney General

12
13 By: /s/ Phil W. Su
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