

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

MARK A. HALL,

Respondent.

Case No. 2020-962

FILED

MAR 3 1 2023

REAL ESTATE COMMISSION

BY Kelley Valadez

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT MARK A. HALL (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION (“Commission”). The hearing will be held pursuant to Chapter 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 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.0042782.LLC and holds a Property Management Permit under Credential Number PM.0142782.BRK, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645. **NRED 0001-0002; 0004.**

FACTUAL ALLEGATIONS

1. RESPONDENT is the Broker and owner of Southwestern Management And Realty Team (“SMART”). **NRED 0001-0004; 0008-0010.**

2. RESPONDENT’S brokerage, SMART, managed the following nine properties: (a) 700 Carnegie St. #3814, Henderson, NV 89002 (“Property #1”); (b) 10593 Valdosta Ave. Las Vegas, NV 89129 (“Property #2”); (c) 917 Wanger Valley Henderson, NV 89052 (“Property #3”); (d) 1351 Silver

1 Sierra Las Vegas, NV 89032 (“Property #4”); (e) 9132 Palatial Palette Las Vegas, NV 89032 (“Property
2 #5”); (f) 4630 E. Wyoming Ave. Las Vegas, NV 89104 (“Property #6”); (g) 2524 Vista Mar Dr. Las
3 Vegas, NV 89128 (“Property #7”); (h) 1559 Dusty Canyon Henderson, NV 89052 (“Property #8”); and
4 (i) 11001 Sonoma Creek Ct. Las Vegas, NV 89149 (“Property, #9”) (collectively the “Properties”).

5 3. On December 4, 2017, Catania & Son Plumbing invoiced SMART for services performed
6 at Property #4 related to a sink backup in the kitchen, a total amount due of \$125. **NRED 0187.**

7 4. RESPONDENT’s Statement of Account for Property #4 provides that on December 6,
8 2017, the property owner was charged \$179.00 for the kitchen sink repair. **NRED 0208.**

9 5. On June 24, 2018, 702AC invoiced SMART a total amount due of \$885 for repairs related
10 to the AC System at Property #1. **NRED 0026.**

11 6. On July 5, 2018, SMART billed Property #1 a total amount of \$895 for the AC System
12 repairs at Property #1. **NRED 0025.**

13 7. On October 7, 2018, Catania & Son invoiced SMART, for repairs to a leaking kitchen
14 faucet at Property #1, a total amount due of \$225. **NRED 0054; 0065; 0070.**

15 8. RESPONDENT’s Statement of Account for Property #1 shows that October 10, 2018, the
16 property owner was charged and paid \$279 for the kitchen faucet repair. **NRED 0065; 0070.**

17 9. On January 14, 2019, GSE Handyman Services invoiced SMART for “rent ready” repairs
18 and repairs to the guest shower valve at Property #1, a total amount due of \$125. **NRED 0061; 0066;
19 0067.**

20 10. RESPONDENT’s Statement of Account for Property #1 provides that on January 16,
21 2019, the property owners were charged and paid \$249 for the “rent ready” and guest shower repairs.
22 **NRED 0066; 0072.**

23 11. On April 22, 2019, GSE Handyman Services invoiced SMART for services performed at
24 Property #9 related to a bathroom toilet leak, dishwasher leak and garage door malfunction, a total amount
25 due of \$150.00. **NRED 0092.**

26 12. RESPONDENT’s Statement of Account for Property #9 provides that on May 3, 2019,
27 the property owners were charged and paid \$227.14 for the services and repairs related to the bathroom
28 toilet, dishwasher, and garage door. **NRED 0106.**

1 13. On May 30, 2019, Catania & Son Plumbing invoiced SMART for services performed at
2 Property #4 related to dishwasher drain hose being blocked, a total amount of \$125. **NRED 0188.**

3 14. RESPONDENT's Statement of Account for Property #4 provides that on June 7, 2019,
4 the property owner was charged and paid \$139.00. **NRED 0209.**

5 15. On August 27, 2019, Mario Solano invoiced SMART a total amount due of \$695.00 for
6 services performed at Property #6 related the garage door replacement. **NRED 0024.**

7 16. On August 30, 2019, SMART invoiced Property #6 a total amount due of \$895.00 for the
8 garage door repair and related service. **NRED 0023.**

9 17. On August 31, 2019, AC Captain invoiced SMART for services performed at Property #4
10 related to the repairs to the AC system and replacement of "40 uf capacitor" at Property #4, for a total
11 amount due of \$300.00. **NRED 0022.**

12 18. On September 4, 2019, SMART billed \$426.49 to Property #4 for the services performed
13 related to the AC system. **NRED 0021.**

14 19. On November 18, 2019, GSE Handyman Services invoiced SMART for services
15 performed at Property #9 related to a garbage disposal motor failure and a faucet base, a total amount
16 due of \$300. **NRED 0094.**

17 20. RESPONDENT's Statement of Account for Property #9 provides that on November 15,
18 2019, the property owners were charged and paid \$279.36 for services performed related to the garbage
19 disposal, and on November 20, 2019, the property owners were charged and paid \$425.00 for the repairs
20 related to the faucet base and valves failing. **NRED 0107.**

21 21. On November 18, 2019, GSE Handyman Services invoiced SMART for services related
22 to the repair of the garbage disposal at Property #9, totaling an amount due of \$300. **NRED 0020.**

23 22. On November 20, 2019, SMART billed \$425.00 to Property #9 for the repairs related to
24 the garbage disposal. **NRED 0019.**

25 23. On December 8, 2019, Catania & Son Plumbing invoiced SMART for services performed
26 at Property #5 related to the repair of leaking kitchen faucet and replacement with a new faucet a total of
27 \$295. **NRED 0015.**

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1 24. On December 10, 2019, SMART billed Property #5 for the kitchen faucet repair and
2 related services a total of \$394.76. **NRED 0016.**

3 25. RESPONDENT's Statement of Account for Property #5 provides that on December 10,
4 2019, the property owner was charged and paid \$394.76 for the kitchen faucet repairs. **NRED 0154.**

5 26. On December 8, 2019, Catania & Son Plumbing invoiced SMART a total due of \$300 for
6 services performed on November 8, 2019, related to the replacement of the kitchen faucet at Property #8.
7 **NRED 0017.**

8 27. On December 10, 2019, SMART invoiced Property #8 for the replacement of the kitchen
9 faucet and related services a total due amount of \$349.10. **NRED 0018.**

10 28. On December 15, 2019, GSE Handyman Services invoiced SMART for services provided
11 at Property # 4 related to the garage light, a total amount due of \$120.00. **NRED 0191.**

12 29. RESPONDENT's Statement of Account for Property #4 provides that on December 17,
13 2019, property owner was charged and paid \$267.19 for the repairs to the garage. **NRED 0210.**

14 30. On January 10, 2020, GSE Handyman Services invoiced SMART, for services performed
15 at Property #9 related to a water leak and wet carpet, a total amount due of \$270.63. **NRED 0095.**

16 31. RESPONDENT's Statement of Account for Property #9 provided that on January 20,
17 2020, the property owner was charged and paid \$450.00 for services related to the water leak. **NRED**
18 **0107.**

19 32. On January 10, 2020, GSE Handyman Services invoiced SMART for services performed
20 at Property #9 related to the shower knob/handle repair and installation, a total amount of \$130.00. **NRED**
21 **0096.**

22 33. RESPONDENT's Statement of Account for Property #9 provide that on January 3, 2020,
23 the property owners were charged and paid \$497.14 for the repairs related to the shower handle. **NRED**
24 **0107.**

25 34. On June 26, 2020, Prestige Garage Door Services billed SMART for services performed
26 at Property #2 related to the door repair, for a total balance of \$360.00. **NRED 0012.**

27 35. On July 1, 2020, SMART billed Property #2 for the door repair and related services a total
28 balance due of \$560.00. **NRED 0011.**

1 36. RESPONDENT's Statement of Account for Property #2 provides that on July 1, 2020, the
2 property owner was charged and paid \$560.00 for the door repairs. **NRED 0267.**

3 37. On July 14, 2020, ASAP Security billed SMART for rekeying four locks at Property #3 a
4 total balance of \$80. **NRED 0014.**

5 38. On July 16, 2020, SMART billed Property #3 for the rekey package and related services
6 a total of \$169.00. **NRED 0013.**

7 39. RESPONDENT explains that on July 25, 2020, he fired all employees, including Shannon
8 Gardner ("Gardner"), the principal property manager for SMART, for action related to the property
9 management of the Properties under RESPONDENT's brokerage. **NRED 0032.**

10 40. On July 25, 2020, RESPONDENT sent correspondence to all property owners noting that
11 SMART closed its "in-house maintenance department" and disclosed that "SMART did make money
12 doing routine maintenance jobs from late 2017 through this past week when [RESPONDENT] closed the
13 department." **NRED 0032.**

14 41. On July 29, 2020, RESPONDENT filed a police report with Las Vegas Metropolitan
15 Police Department ("LVMPD") claiming former employees, including Gardner, had stolen and/or were
16 destroying business documents, and misused company property. **NRED 0036; 0041-0046.**

17 42. RESPONDENT reported to LVMPD and the Division that he had made several requests
18 to the former employees demanding that they return RESPONDENT's brokerage documents, but the
19 former employees only returned empty filing cabinets. **NRED 0036.**

20 43. On July 31, 2020, RESPONDENT filed a complaint with the Division against Gardner,
21 alleging, among other things, stolen property, misuse of company property, commingling funds, and
22 overcharging property owners. **NRED 0039-0040.**

23 44. On October 23, 2020, the Division sent RESPONDENT correspondence, noting the
24 Division was in receipt of information against RESPONDENT and opened an investigation on
25 RESPONDENT, and requested the complete transaction file/broker's file for each of the Properties and
26 Trust Account Reconciliations and Bank Statements for the Operating Accounts for the August through
27 December 2019, January, February, July, August, September, and October of 2020 by November 6, 2020.
28 **NRED 005-0006.**

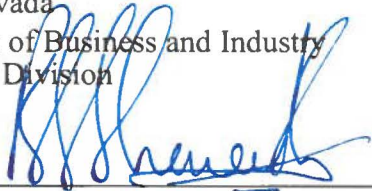
1 As the Respondent, you are specifically informed that you have the right to appear and be heard
2 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
3 burden of proving the allegations in the complaint and will call witnesses and present evidence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

7 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
8 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
9 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
10 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
12 645 and if the allegations contained herein are substantially proven by the evidence presented and
13 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
14 pursuant to NRS 645.235, 645.633 and or 645.630.

15 DATED this 30 day of March, 2023.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

19 By: 
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