

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 MARK A. HALL,

10 Respondent.

Case No. 2021-220

**FILED**

MAR 31 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

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 MARK A. HALL  
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 645.630 and/or NRS  
19 622.400, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

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

25 **FACTUAL ALLEGATIONS**

26 1. On March 10, 2021, the Division received a complaint against RESPONDENT from  
27 RESPONDENT's former employee, Echo Wood ("Complainant"), alleging overcharging property  
28 owners and commingling funds. **NRED 0012.**

1           2.       RESPONDENT is the Broker and owner of Southwestern Management And Realty Team  
2 (“SMART”).

3           3.       SMART maintained a Chase Bank Owners Trust Account, ending in 9887, wherein  
4 SMART maintained all property owners’ monies of properties managed by SMART. **NRED 0031.**

5           4.       SMART also maintained a Bank of Nevada Tenant Trust account, which appears to be  
6 another account maintaining the funds of several SMART property owners. **NRED 0250-0329.**

7           5.       RESPONDENT owns 3155 Casey Drive #203, Las Vegas, NV 89120 (the “Casey  
8 Property”). **NRED 0093-0102.**

9           6.       The Residential Property Agreement dated August 1, 2019 (the “RPA”) for the Casey  
10 Property between RESPONDENT and RESPONDENT’s wife, as property owners, and RESPONDENT  
11 as broker for SMART, was on a Great Las Vegas Association of Realtors form revised in November  
12 2019. **NRED 0060-0071.**

13          7.       RESPONDENT did not provide another property management agreement for the Casey  
14 Property.

15          8.       RESPONDENT leased the Casey Property to the first tenant from June 3, 2019 to  
16 September 30, 2019, and the second tenant from December 27, 2019 to March 31, 2021. **NRED 0080-**  
17 **0082.**

18          9.       On March 2, 2020, the second tenant of the Casey Property executed SMART’s  
19 Additional Terms and Conditions Addendum, a SMART’s Rent Payments informational form, SMART’s  
20 Lease Renewals form, and initialed SMART’s Tenants House Rules form. **NRED 0085-0091.**

21          10.      On May 11, 2020, RESPONDENT received a distribution from SMART’s Owner’s Trust  
22 Account in the amounts of \$1,075.00 and \$1,235.00. **NRED 0014.**

23          11.      RESPONDENT’s Statement of Account for the Casey Property provide that as of June 3,  
24 2019, through March 31, 2021, SMART collected the rental monies for the Casey Property, deposited  
25 those funds into SMART’s Owners Trust Account, and distributed said funds to RESPONDENT. **NRED**  
26 **0030-0031; 0080-0082.**

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1           12.     RESPONDENT's Trust Account Reconciliations for the Chase Bank Owner Trust  
2 Account show RESPONDENT had personal funds in the Owners Trust Account with funds of other  
3 property owners. **NRED 0182; 0212; 0243.**

4           13.     RESPONDENT's Trust Account Reconciliations for the Nevada Bank Tenant Trust  
5 Account show RESPONDENT had personal funds in the account with funds of other property owners.  
6 **NRED 0263; 0283; 0303; 0323.**

7           14.     On June 17, 2020, the City of Henderson issued a utility refund check made out to SMART  
8 for \$210.08. **NRED 0019.**

9           15.     On June 22, 2020, RESPONDENT emailed Complainant, regarding a NV Energy Check  
10 for the property located at 2912 Ivorybill Way, North Las Vegas, NV 89084, to inform her that "this  
11 check came in the mail this morning. We are depositing it to the BON Gen Acct today." **NRED 0016-**  
12 **0019.**

13           16.     The NV Energy Check was made out "To The Order of Southwestern Management Team  
14 LLC for \$62.80, and was a "CREDIT BALANCE REFUND." **NRED 0017.**

15           17.     On July 10, 2020, Complainant received an email from SMART Admin stating "This  
16 refund check came in the mail today from NV Energy. I will be putting it in the General Account here  
17 shortly." **NRED 0018.**

18           18.     On March 10, 2021, the Division sent RESPONDENT correspondence, noting that it  
19 received a complaint against RESPONDENT and RESPONDENT's wife, and requested the complete  
20 transaction/broker file for the Casey Property and trust account reconciliations due by March 24, 2021.  
21 **NRED 0010.**

22           19.     On April 16, 2021, RESPONDENT, through his attorney, emailed the Division a complete  
23 transaction/broker file for the Casey Property, and explained that former employees, including  
24 Complainant were responsible for the property owners' utilities, tenant account balances, owner's  
25 account balances, and financial recordkeeping, among other responsibilities, and because of his disability,  
26 i.e. a visual impairment, RESPONDENT relied on former employees and was not aware of any of the  
27 financial irregularities or utility accounts. **NRED 0028-0037.**

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1 **NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
3 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and  
4 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

5 **THE HEARING WILL TAKE PLACE on May 2, 2023, commencing at 9:00 a.m., or as**  
6 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**  
7 **at 9:00 a.m. through May 4, 2023, or earlier if the business of the Commission is concluded. The**  
8 **Commission meeting will be held on May 2, 2023, at the Nevada State Business Center, 3300 West**  
9 **Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue**  
10 **on each day thereafter commencing at 9:00 a.m. through May 4, 2023, at the Nevada State Business**  
11 **Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, until the**  
12 **business of the Commission is concluded.**

13 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**  
14 **time as part of a regular meeting of the Commission that is expected to last from May 2, 2023**  
15 **through May 4, 2023, or earlier if the business of the Commission is concluded. Thus, your hearing**  
16 **may be continued until later in the day or from day to day. It is your responsibility to be present**  
17 **when your case is called. If you are not present when your hearing is called, a default may be**  
18 **entered against you and the Commission may decide the case as if all allegations in the complaint**  
19 **were true. If you have any questions please call Kelly Valadez, Commission Coordinator (702)**  
20 **486-4606.**

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

26 As the Respondent, you are specifically informed that you have the right to appear and be heard  
27 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the  
28 burden of proving the allegations in the complaint and will call witnesses and present evidence against



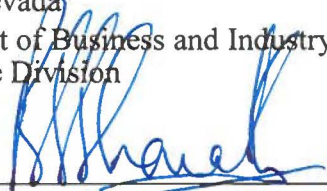
1 you. You have the right to respond and to present relevant evidence and argument on all issues involved.  
2 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing  
3 witnesses on any matter relevant to the issues involved.

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

8 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
9 645 and if the allegations contained herein are substantially proven by the evidence presented and  
10 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
11 pursuant to NRS 645.235, 645.633 and or 645.630.

12 DATED this 30 day of March, 2023.

13 State of Nevada  
14 Department of Business and Industry  
15 Real Estate Division

16 By:   
17 SHARATH CHANDRA, Administrator  
18 3300 West Sahara Avenue, Suite 350  
19 Las Vegas, Nevada 89102

20 AARON D. FORD  
21 Attorney General

22 By: /s/ Phil W. Su  
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28 Attorneys for Real Estate Division