

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,

Petitioner,

7 vs.

8 SEAN R. MARSHALL,

9 Respondent.

Case No. 2020-821

FILED

JUL 20 2023

REAL ESTATE COMMISSION

BY Kerry Valadez

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT SEAN R. MARSHALL
13 (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE
14 COMMISSION (“Commission”). The hearing will be held pursuant to Chapters 233B and Chapter 645
15 of the Nevada Revised Statutes (“NRS”) and Chapter 645 of the Nevada Administrative Code (“NAC”).
16 The purpose of the hearing is to consider the allegations stated below and to determine if the
17 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS
18 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

19 **JURISDICTION**

20 RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under
21 license number B.0143569.LLC (NRED0005) and is therefore subject to the jurisdiction of the Division
22 and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

23 **FACTUAL ALLEGATIONS**

24 1. On or about September 4, 2020, the Division received a Statement of Fact from
25 COMPLAINANT Kathy Thompson, regarding the actions and conduct of seller’s broker,
26 RESPONDENT SEAN R. MARSHALL, during the sale of the property at 668 Mount Blackburn Ln.,
27 Boulder City, NV 89005 (“the Property”). (NRED0006-NRED0007)

28 2. COMPLAINANT alleged that she and her client relied upon notations in the MLS listing,

1 as prepared by RESPONDENT, that the property contained washer and dryer units, and made two offers
2 to RESPONDENT's client noting that a washer and dryer were to be included in the sale per MLS, and
3 that the garage was full of boxes and furniture, which is where they assumed the units were being stored.

4 **(NRED0007-0011; NRED0015-0016)**

5 3. RESPONDENT'S seller accepted the second offer and escrow was opened on June 16,
6 2020. **(NRED0007; 0020-0021; 0089)**

7 4. The MLS listing for the property was changed later that day, after opening of escrow, to
8 reflect that the property did not include a washer and dryer unit. **(NRED0007; 0010; 0110)**

9 5. When COMPLAINANT asked RESPONDENT about the whereabouts of the washer and
10 dryer units, the RESPONDENT told her that was a mistake and no washer and dryer [go] with the
11 property, but that he could give her buyers a bucket and washboard instead. **(NRED0007; 0025-0026)**

12 6. COMPLAINANT'S broker called RESPONDENT to mediate, and RESPONDENT
13 allegedly told that broker to "F off." *Id.*

14 7. On or about September 15, 2020, the RESPONDENT provided his signed affidavit to the
15 Division responding to its opened investigation and, shortly thereafter, provided his broker file for the
16 transaction. **(NRED0025-0026; NRED0027-0218)**

17 8. In his response to the Division, the RESPONDENT asserted he relied upon the
18 recollections of the granddaughter of seller that the washer and dryer were present, that the
19 COMPLAINANT and her client had an inspector view the property on 6/11/20 and was able to inspect
20 the garage to confirm the washer and dryer were not present. **(NRED0025-0026).**

21 9. RESPONDENT contends that the parties were mutually mistaken about the washer and
22 dryer and that he corrected the MLS listing (although he was not sure about the exact day). *(Id.)*

23 10. RESPONDENT further reported that COMPLAINANT asked for a \$500 credit on behalf
24 of her clients for the missing units, and that he presented that request to his seller, who declined. *(Id.)*

25 11. RESPONDENT contended that the "bucket and washboard" comment was not meant to
26 be a serious counteroffer, but only to demonstrate the difficulty in determining the quality of the units
27 needed to satisfy those contract terms. *(Id.)*

28 12. RESPONDENT agreed that his conversation with COMPLAINANT'S broker became

1 heated and that he hung up to terminate the phone call but denies using a profanity against the broker.

2 **(Id.)**

3 13. On or about September 25, 2020, the Administrator of the Real Estate Division issued
4 RESPONDENT a Notice of Violation with the imposition of an Administrative Fine in the amount of
5 \$1,500.00 for violations of NRS 645.630(1)(a) and NRS 645.633(1)(i) for material misrepresentation and
6 deceitful acts. **(NRED0219-0224)**

7 14. The Notice of Violation with the imposition of an Administrative Fine was properly
8 served upon the RESPONDENT. **(NRED0223)**

9 15. The Notice of Violation with the imposition of an Administrative Fine and accompanying
10 letter from the Division advised RESPONDENT that payment for the fine must be remitted to the
11 Division by October 26, 2020. **(NRED0219-0222)**

12 16. The Notice of Violation with the imposition of an Administrative Fine and accompanying
13 letter from the Division advised RESPONDENT of his appeal rights if he disagreed with the findings of
14 violations and/or fines imposed. **(NRED0219-0220)**

15 17. The Notice of Violation with the imposition of an Administrative Fine and accompanying
16 letter from the Division also properly advised RESPONDENT of the proper address to send any
17 notification that the RESPONDENT wished to appeal the violation and/or imposition of fine. **(Id.)**

18 18. On or about October 8, 2020, the Division received RESPONDENT'S request to appeal
19 the Notice of Violation. **(NRED0225-0226)**

20 19. To date, the RESPONDENT has not paid the \$1,500.00 administrative fine imposed by
21 the Division.

22 20. On October 8, 2020, the Division completed its investigation and issued an NRS 233B
23 letter to RESPONDENT, wherein it determined that it obtained sufficient evidence to commence
24 disciplinary charges against her and to seek a formal hearing before the Real Estate Commission.
25 **(NRED0227)**

26 VIOLATIONS OF LAW

27 RESPONDENT has committed the following violations of law:
28

1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
2 time as part of a regular meeting of the Commission that is expected to last from August 22, 2023
3 through August 24, 2023, or earlier if the business of the Commission is concluded. Thus, your
4 hearing may be continued until later in the day or from day to day. It is your responsibility to be
5 present when your case is called. If you are not present when your hearing is called, a default may
6 be entered against you and the Commission may decide the case as if all allegations in the complaint
7 were true. If you have any questions please call Kelly Valadez, Commission Coordinator (702)
8 486-4606.

9 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
10 meeting under Nevada's open meeting law and may be attended by the public. After the evidence and
11 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
12 professional competence. You are entitled to a copy of the transcript of the open and closed portions of
13 the meeting, although you must pay for the transcription.

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

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

24 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
25 645 and if the allegations contained herein are substantially proven by the evidence presented and to
26 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
27 pursuant to NRS 645.235, 645.633 and or 645.630.

28 DATED this 18 day of JULY, 2023.

