

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 AJAY GERALD DAYAL,
10 (S.0172484)

11 Respondent.

Case No. 2022-49

FILED

JAN 20 2023

REAL ESTATE COMMISSION

BY Kelley Valadez

12 **COMPLAINT AND NOTICE OF HEARING**

13 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
14 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT AJAY GERALD DAYAL
15 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE
16 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
17 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
18 The purpose of the hearing is to consider the allegations stated below and to determine if the
19 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or NRS
20 622.400, and the discipline to be imposed, if violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT, at all relevant times mentioned in this Complaint, was and is actively licensed
23 as a Salesperson under license number S.0172484, with license first issuance date of December 13, 2012.
24 RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the
25 provisions of NRS chapter 645 and NAC chapter 645.

26 **FACTUAL ALLEGATIONS**

27 1. During the times relevant to this Complaint, RESPONDENT, associated with the
28 following brokerages: Nationwide Realty LLC until June 15, 2015, Aargon Real Estate Group LLC from
July 9, 2015 to August 25, 2015, then finally with Quantified Investment Group from August 25, 2015
to the present. NRED 000002 - NRED 000003.

1 2. On April 15, 2015, a Residential Purchase Agreement (“RPA”) was fully executed on the
2 real property 3659 Bufflehead Street, Las Vegas, NV 89122 (the “Bufflehead Property”) for \$315,600
3 between Buyer RESPONDENT and Seller Complainant, with financing terms which, included a balance
4 of \$306,000 by promissory note secured by a deed of trust. NRED 000014 – NRED 000037.

5 3. The Bufflehead Property transaction also included an Agreement to Occupy Prior to the
6 Close of Escrow indicating RESPONDENT would take possession of the Property on April 25, 2015 for
7 no cost with no security deposit down. NRED 000026 – NRED 000027.

8 4. An RPA dated October 24, 2015 was fully executed on October 25, 2015 at 4:10 PM on
9 the real property at 4998 Philadelphia Avenue, Las Vegas, NV 89104 APN 161-05-710-344 (the
10 “Philadelphia Property”) for the purchase price of \$192,000 between Buyer Jack Wan and Seller
11 Complainant with a close of escrow date within six days of the date of the RPA or October 30, 2015.
12 NRED 000039 – NRED 000057.

13 5. The RPA on the Philadelphia Property lacks care and skill, specifically: RESPONDENT
14 as Buyer’s Agent left blank the Earnest Money Receipt section, and RESPONDENT indicated under the
15 Confirmation of Representation section RESPONDENT’s former brokerage: 2780 S Jones Blvd Ste 215,
16 Las Vegas, NV 89146. NRED 000039 – NRED 000051.

17 6. The RPA on the Philadelphia Property does not disclose RESPONDENT’s interest in a
18 principal in the transaction; RESPONDENT failed to indicate his partnership relationship with Buyer
19 Mr. Wan, managing members of Quantified Investment Group LLC and of Quantified Development
20 Group LLC, to which the Philadelphia Property conveyed; NRED 000039 – NRED 000051, NRED
21 000077 – NRED 000080, and NRED 000071 - NRED 000072.

22 7. On October 25, 2015, Complainant signed a Notice of Broker Compensation and Invoice
23 presented by RESPONDENT with the flat fee amount of \$5,760.00 (3%) to broker Quantified Investment
24 Group, whereby the 3% undermined that the fee is a flat fee, because the parties had not indicated
25 anywhere within the transaction to forego any addendums or amendments which could change the
26 purchase price. NRED 0000057, and NRED 000039 – NRED 000056.

1 8. On October 25, 2015, the Seller Complainant signed the State mandatory Duties Owed by
2 a Nevada Real Estate Licensee (“Duties Owed”) form over six months after the Bufflehead Property
3 RPA. NRED 000038.

4 9. On October 25, 2015 at 4:10 PM, the Seller Complainant signed the Duties Owed at the
5 exact date and time that the RPA for the Philadelphia Property was signed. NRED 000038, and NRED
6 000050.

7 10. Further, the Duties Owed was deficient; Seller Complainant did not indicate with his
8 initials permission for RESPONDENT to act for both parties, the buyer and seller. There is no evidence
9 the mandatory Consent to Act form in this multiple representation instance was ever completed and
10 signed by the parties. NRED 000038.

11 11. On October 26, 2015, Buyer Mr. Wan and Seller Complainant completed and signed a
12 Financing Addendum on the Philadelphia Property instructing escrow to prepare a Promissory Note
13 secured by Deed of Trust for the principal balance of \$172,000. NRED 000052 – NRED 000056.

14 12. The Clark County Assessor’s Office demonstrates APN #161-05-710-344 the
15 Philadelphia Property never transferred to Buyer Mr. Wan; instead, the Philadelphia Property transferred
16 from Complainant directly to Quantified Development Group LLC. NRED 000071 – NRED 000072.

17 13. On January 25, 2022, RESPONDENT recorded frivolous claims (two notices of *lis*
18 *pendens*) on the Bufflehead and Philadelphia Properties. NRED 000059 – NRED 000070.

19 14. On February 4, 2022 a Trustee’s Deed Upon Sale was recorded identifying that Quantified
20 Development Group, LLC defaulted on its Deed of Trust. NRED 000073 – NRED 000076.

21 15. On February 11, 2022, the Clark County District Court denied RESPONDENT’S lawsuits
22 filed on the Philadelphia and Bufflehead Properties (Ex Parte Emergency Application for Temporary
23 Restraining Order *and* Preliminary Injunction). NRED 000059 – NRED 000070.

24 16. On February 1, 2022, the Division notified RESPONDENT that it was in receipt of a
25 complaint against him and requested his sworn statement by February 16, 2022. NRED 000005.

26 17. The RESPONDENT did not supply his statement to the Division; on March 18, 2022, the
27 Division sent RESPONDENT a follow-up correspondence via certified mail, noting a new 10 day
28

1 deadline from the date of the letter to respond to avoid potential disciplinary action. NRED 000006 –
2 NRED 000009.

3 18. The RESPONDENT continued to not supply his sworn statement as required by the
4 Division, instead, on April 29, 2022, RESPONDENT’S attorney, Brandon L. Phillips, represented he
5 would formally respond to the Division “next week” and included attachments demonstrating a lawsuit
6 filed by RESPONDENT against Complainant. No formal response from RESPONDENT’S attorney was
7 received. NRED 000083.

8 VIOLATIONS OF LAW

9 RESPONDENT has committed the following violations of law:

10 1. RESPONDENT violated NRS 645.252(2) by failing to exercise reasonable care and
11 skill with respect to all parties, when he, after holding an active real estate license for nearly three years,
12 demonstrated recklessness in presenting contracts and preparing boiler plate forms, specifically: the
13 October 25, 2015 Notice of Broker Compensation and Invoice RESPONDENT inserted a flat fee of
14 “\$5,760.00 (3%)” whereby the 3% in parenthesis undermines that the fee is a flat fee, and on the same
15 form leaving the Agent’s Name section of the form blank; in the RPA for the Philadelphia Property,
16 RESPONDENT as Buyer’s Agent left blank the Earnest Money Receipt section, and RESPONDENT
17 indicated under the Confirmation of Representation section that RESPONDENT is the agent for both the
18 Buyer and Seller but misrepresented his association with his former brokerage.

19 2. RESPONDENT violated NRS 645.252(1)(c) by failing to disclose to the parties in the
20 Philadelphia Property transaction that he had an interest in a principal, the Buyer, Quantified
21 Development Group LLC.

22 3. RESPONDENT violated NRS 645.630(1)(d) by representing or attempting to represent
23 a real estate broker other than the one he is associated with as demonstrated in the Philadelphia Property
24 RPA executed on October 25, 2015 under the Confirmation of Representation section where
25 RESPONDENT misrepresents his association with his former brokerage: 2780 S Jones Blvd Ste 215,
26 Las Vegas, NV 89146.

27 4. RESPONDENT violated NRS 645.252(2) when he failed to provide the Duties Owed
28 form to his client Complainant before he signed the RPA for the Bufflehead Property.

1 5. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.253 when he
2 completely failed to provide the Consent to Act to his clients, the Buyer Mr. Wan and the Seller
3 Complainant, and proceeded to provide unconsented multiple representation in the Philadelphia Property
4 transaction.

5 6. RESPONDENT violated NRS 645.633(1)(i) when he committed such acts of
6 dishonesty, when he did not disclose to the Seller Complainant that he had an interest in a principal to
7 the transaction, the Buyer, Quantified Development Group LLC.

8 7. RESPONDENT violated NRS 645.630(1)(a) when he made material
9 misrepresentations about the status of the buyer being an individual when the buyer was an LLC.

10 8. RESPONDENT violated NRS 645.633(1)(l) when, through his direct acts, caused liens
11 (*lis pendens*) to be recorded against the Properties and filed frivolous lawsuits against his client which
12 the Court denied.

13 9. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(a) when
14 he impeded or attempted to impede any investigation of the Division by failing to comply or delay his
15 compliance with numerous requests by the Division to provide documents.

16 10. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) when
17 he failed to provide a written response as requested by the Division on numerous occasions.

18 **DISCIPLINE AUTHORIZED**

19 11. Pursuant to NRS 645.630 and NRS 645.633, the commission is empowered to impose
20 and administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further
21 to suspend, revoke or place conditions on the license of RESPONDENT;

22 12. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
23 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
24 otherwise imposes discipline on RESPONDENT.

25 13. Therefore, the Division requests that the Commission take such disciplinary action as
26 it deems appropriate under the circumstances.

27 **NOTICE OF HEARING**

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

4 **THE HEARING WILL TAKE PLACE on February 21, 2023, commencing at 9:00 a.m., or**
5 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
6 **commencing at 9:00 a.m. through February 23, 2023, or earlier if the business of the Commission**
7 **is concluded. The Commission meeting will be held on February 21, 2023, at the Nevada State**
8 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.**
9 **The meeting will continue on each day thereafter commencing at 9:00 a.m. through February 23,**
10 **2023, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room,**
11 **Las Vegas, Nevada 89102, until the business of the Commission is concluded.**

12 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
13 time as part of a regular meeting of the Commission that is expected to last from February 21, 2023
14 through February 23, 2023, or earlier if the business of the Commission is concluded. Thus, your
15 hearing may be continued until later in the day or from day to day. It is your responsibility to be
16 present when your case is called. If you are not present when your hearing is called, a default may
17 be entered against you and the Commission may decide the case as if all allegations in the complaint
18 were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702)
19 486-4606.

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

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

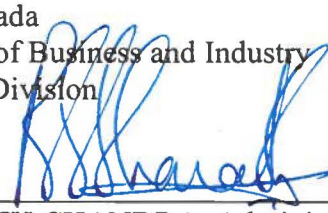
1 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
2 witnesses on any matter relevant to the issues involved.

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

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

11
12 DATED this 19 day of January 2023.

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

16 By: 
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