

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,

Case No. 2021-818

7 Petitioner,

FILED

8 vs.

MAR 27 2023

9 SEAN R. MARSHALL,
(B.0143569.LLC, BS.0143569,
10 PM.0163683.BKR, S.0071724)

REAL ESTATE COMMISSION

BY Kelley Valadez

11 Respondent.

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 SEAN R. MARSHALL
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 645.235 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 actively licensed as a
23 Broker under license number B.0143569.LLC, and Property Manager under permit number
24 PM.0163683.BKR. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the
25 Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

26 **FACTUAL ALLEGATIONS**

27 1. At all times relevant to this Complaint, RESPONDENT was the Broker for Marshall
28 Stearns Real Estate LLC. *NRED 000002.*

1 2. At all times relevant to this Complaint, RESPONDENT’S Broker license number was
2 B.0143569. *NRED 000002.*

3 3. RESPONDENT’S Broker’s license number is advertised on the last page of the Onerent,
4 Inc, dba Poplar Homes website. *NRED 000014.*

5 4. Poplar Homes is not licensed to do property management in Nevada. *NRED 000003,*
6 *NRED 000027, NRED 000022 – NRED 000023.*

7 5. On or about July 20, 2021, a fully executed Renewal Addendum for Residential Lease
8 Agreement for the real property located at 1371 Airglow Ct., Henderson, NV 89014 (the “Property”),
9 provided Marshall Stearns Real Estate as Manager. *NRED 000028.*

10 6. The Renewal Addendum for the Residential Lease Agreement for the Property did not
11 provide Onerent, Inc. dba Poplar Homes as Manager. *NRED 000028.*

12 7. About a week later, in an email dated July 27, 2021, from RESPONDENT’S Brokerage
13 informed Complainant that all communications are now going through Poplar Homes. *NRED 000029.*

14 8. In the same email, RESPONDENT’S Brokerage provided point of contact numbers with
15 California area codes. *NRED 000029.*

16 9. In a letter dated August 2, 2021, Complainant requested termination of property
17 management services for her Property because she did not authorize the transfer from RESPONDENT’S
18 brokerage to the California Company. *NRED 000030.*

19 10. In email exchanges dated August 5, 2021, from the alleged owner of Poplar Homes to
20 Complainant, confirmed the contract with “Marshall Stearns/Poplar Homes” is terminated effective from
21 the date of the email and would transfer all funds within 30 days. *NRED 000031 – 000032.*

22 11. On or about August 16, 2021, the Division notified RESPONDENT that it had opened an
23 investigation against him and requested his complete broker’s file for the Property. *NRED 000011.*

24 12. RESPONDENT provided his response and documents, and this complaint now comes
25 herewith.

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1 **VIOLATIONS OF LAW**

2 RESPONDENT committed the following violations of law:

3 1. RESPONDENT violated NRS 645.235(1)(b) when he allowed a non-Nevada licensee to
4 communicate with Complainant regarding the property management contract, terms and/or conditions.

5 **DISCIPLINE AUTHORIZED**

6 2. Pursuant to NRS 645.235(2), the Commission is empowered to impose an administrative
7 fine not to exceed the amount of any gain or economic benefit that the person derived from the violation
8 or \$5,000, whichever is greater.

9 3. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
10 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
11 otherwise imposes discipline on RESPONDENT.

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

14 **NOTICE OF HEARING**

15 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
16 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
17 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

26 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
27 **time as part of a regular meeting of the Commission that is expected to last from May 2, 2023**
28 **through May 4, 2023, or earlier if the business of the Commission is concluded. Thus, your hearing**

1 **may be continued until later in the day or from day to day. It is your responsibility to be**
2 **present when your case is called. If you are not present when your hearing is called, a default may**
3 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
4 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702)**
5 **486-4606**

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

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

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

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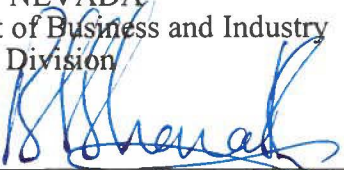
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant to NRS 645.235, 645.633 and or 645.630.

5
6 DATED this 27 day of March 2023.

DATED this 24th day of March 2023.

7
8 STATE OF NEVADA
9 Department of Business and Industry
Real Estate Division

AARON D. FORD
Attorney General

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