

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 WAYNE TANG,
10 (S.0172416, PM.0165609)

11 Respondent.

Case No. 2022-100

FILED

MAR 24 2023

REAL ESTATE COMMISSION

BY Kelly 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 WAYNE TANG
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 actively licensed as a
23 Salesperson under license number S.0172416, and Property Manager under permit number PM.0165609.
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. At all times relevant to this Complaint, RESPONDENT was the buyer’s agent for the real
28 property located at 4909 El Este Lane, North Las Vegas, Nevada (the “Property”). NRED 000018 –
000027.

1 2. On or about January 26, 2022, RESPONDENT presented a Residential Purchase
2 Agreement (“RPA”) for the buyer on the Property. *NRED 000018 – 000027.*

3 3. The RPA’s financial terms and conditions provided for a \$10,000 deposit earnest money
4 deposit (“EMD”) wired into open escrow. *NRED 000018.*

5 4. On February 10, 2022, the buyer emailed RESPONDENT that she had reservations about
6 moving forward with purchasing the Property. *NRED 000054.*

7 5. To keep his buyer in the deal, RESPONDENT emailed his buyer an Agreement between
8 RESPONDENT and his buyer regarding the Property (“Agreement”). *NRED 000055 – 000056.*

9 6. The Agreement’s terms provided RESPONDENT would lend all the money and fees for
10 his buyer to purchase the Property, and in return, RESPONDENT would purchase the Property at the
11 original purchased price within three months after closing. *NRED 000056.*

12 7. There is no evidence the buyer agreed to the Agreement. *NRED 000056.*

13 8. Yet, on February 11, 2022, RESPONDENT transferred the EMD amount directly to his
14 buyer without authorization. *NRED 000059 – 000060.*

15 9. On the same day, following RESPONDENT’s transfer of the unauthorized EMD,
16 RESPONDENT changed his mind, and emailed his buyer that he decided not to buy the Property through
17 her because he did not trust her. *NRED 000059 – 000060.*

18 10. In the February 11, 2022 email, RESPONDENT acknowledged his buyer hoped
19 RESPONDENT would get his commission, and his response to that was: “I don’t give a shit about
20 commission or you going to pay me.” *NRED 000059 – 000060.*

21 11. RESPONDENT knew his buyer didn’t want to proceed with the purchase of the Property.
22 *NRED 000059 – 000060.*

23 12. As such, RESPONDENT requested his buyer return his unauthorized EMD wired funds
24 back to him, and in return RESPONDENT would provide buyer with the requested cancellation
25 instructions for the Property. *NRED 000036 – 000037.*

26 13. On February 11, 2022, not RESPONDENT himself, but RESPONDENT’S Broker
27 (“Complainant”), successfully obtained cancelation of the purchase for the property. *NRED 000014.*

28 *///*

1 14. RESPONDENT was terminated from the brokerage that same day. *NRED 000064 –*
2 *000069,*

3 15. Upon Complainant's review of RESPONDENT'S Property transaction file, she
4 discovered documents were not included in the file that should have been included in RESPONDENT'S
5 file. *NRED 000011.*

6 16. There is no evidence that a Duties Owed was ever presented. *NRED 000011.*

7 17. There is no evidence the Seller's Real Property Disclosure was acknowledged by his
8 buyer. *NRED 000049 – 000053.*

9 **VIOLATIONS OF LAW**

10 RESPONDENT committed the following violations of law:

11 1. RESPONDENT violated NAC 645.650(2) for failing to timely provide his broker with
12 the paperwork related to the transaction.

13 2. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(4) for failing to
14 disclose, in writing, his interest or contemplated interest in the Property.

15 3. RESPONDENT violated NRS 645.633(1)(i) for engaging in deceitful, fraudulent and/or
16 dishonest dealings by attempting to get a potential buyer to make a loan and purchase the above-
17 mentioned property for him.

18 4. RESPONDENT violated NRS 645.252(2) by failing to exercise reasonable skill and care
19 with all parties when he wired the EMD to his buyer.

20 5. RESPONDENT violated NRS 645.252(3) by failing to provide the Duties Owed to his
21 client.

22 **DISCIPLINE AUTHORIZED**

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

26 7. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
27 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
28 otherwise imposes discipline on RESPONDENT; and

1 8. Therefore, the Division requests that the Commission take such disciplinary action as it
2 deems appropriate under the circumstances.

3 NOTICE OF HEARING

4 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
5 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
6 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

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

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

28 ///

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.

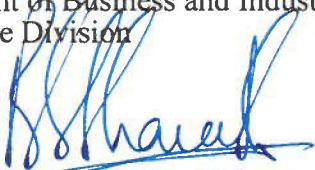
11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
12 645 and if the allegations contained herein are substantially proven by the evidence presented and
13 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
14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

15 DATED this 24 day of March 2023.

DATED this 20th day of March 2023.

17 STATE OF NEVADA
18 Department of Business and Industry
19 Real Estate Division

AARON D. FORD
Attorney General

20 By: 
21 SHARATH CHANDRA, Administrator
22 CHARVEZ FOGER, Deputy Administrator
23 3300 West Sahara Avenue, Suite 350
24 Las Vegas, Nevada 89102

By: 
CHRISTAL P. KEEGAN, ESQ.
Deputy Attorney General
Bar No. 12725
5420 Kietzke Lane #202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division