

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. 2022-677

FILED

MAR 31 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

Petitioner,

vs.

FRANK GARY VILLANI,

Respondent.

COMPLAINT AND NOTICE OF HEARING

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

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.0143393.LLC and holds a Property Management Permit under Credential Number PM.0164636.BKR, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT is the Broker of record of Market One Realty LLC. **NRED 0001-0002.**
2. During the Division's monthly database review of broker annual reporting submissions for August 2022 it was identified that the Respondent did not submit his trust account reconciliations, which were due by August 31, 2022. **NRED 0003-0006.**

1 3. On September 21, 2022, the Division's Chief Investigator issued a Notice of Violation
2 with the Imposition of Administrative Fine in the amount of \$1,000.00 for failing to timely submit the
3 required trust account reconciliation pursuant to NRS 645.310(5). **NRED 0005-0006.**

4 4. The Notice of Violation and accompanying letter contained notice to RESPONDENT
5 advising him of his appeal rights if he disagreed with the finding of violation and/or imposition of the
6 fine. ***Id.***

7 5. On October 21, 2022, RESPONDENT sent a response through his attorney, Eric Fox,
8 indicating that the delays stemmed “from an accounting software issue that has been addressed,” that the
9 RESPONDENT had been ‘working diligently since the receipt of the NRED correspondence,’ and that
10 he would deliver “the final Trust Account reconciliation by October 24, 2022. **NRED 0007-0009.**

11 6. Attorney Fox's letter requested a thirty (30) day extension, until October 24, 2022, to
12 comply with the reconciliation submission requirement, and noted that Respondent would timely pay the
13 \$1000 fine. ***Id.***

14 7. The Division subsequently received the \$1,000.00 check to pay the outstanding
15 administrative fine. **NRED 0010.**

16 8. On December 5, 2022, the Division's Chief Investigator and Attorney Fox had a brief
17 follow-up email exchange, wherein Attorney Fox conceded that his client had not submitted the
18 reconciliation and the Division's chief investigator warned that failure to submit the reconciliation would
19 result in a hearing before the Commission. **NRED 0011-0014.**

20 9. On or about January 10, 2023, the Division sent an NRS 233B letter, return receipt
21 requested, to RESPONDENT through his counsel, noting that the Division still had not received the trust
22 account reconciliations and would be pursuing a Commission hearing. **NRED 0016-0018.**

VIOLATIONS OF LAW

24 RESPONDENT has committed the following violations of law:

25 1. RESPONDENT violated NRS 645.630(5) pursuant to NAC 645.806(1) and 806(2),
26 by failing to timely submit their annual Trust Account Reconciliation to the Division for 2022, due by
27 the last day of the expiration month for their broker license.

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1 **DISCIPLINE AUTHORIZED**

2 Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an
3 administrative fine up to \$10,000 per violation and suspend, revoke or place conditions on
4 RESPONDENT’S license if warranted.

5 Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
6 proceeding upon RESPONDENT, including investigative costs and attorney’s fees if the Commission
7 otherwise imposes discipline on RESPONDENT.

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

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
12 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
13 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

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

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

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

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

18 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
19 645 and if the allegations contained herein are substantially proven by the evidence presented and
20 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,

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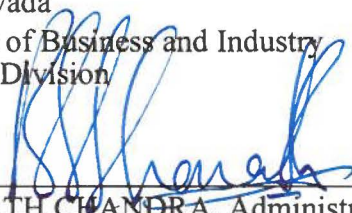
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1 pursuant to NRS 645.235, 645.633 and or 645.630.

2 DATED this 30 day of MARCH, 2023.

3 State of Nevada
4 Department of Business and Industry
5 Real Estate Division

6 By: 
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8 3300 West Sahara Avenue, Suite 350
9 Las Vegas, Nevada 89102

10 AARON D. FORD
11 Attorney General

12 By: /s/ Phil W. Su
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