

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. 2023-533

Petitioner,

7 vs.

8 MARSHALL CARRASCO,
(B.1000579.INDV)

9 Respondent.

FILED

OCT 03 2023

REAL ESTATE COMMISSION

BY Kelley Valadez

10
11 **COMPLAINT AND NOTICE OF HEARING**

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

20 **JURISDICTION**

21 RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as a
22 Broker under license number B.1000579.INDV. RESPONDENT is, therefore, subject to the jurisdiction
23 of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645. As
24 of the date of this Complaint, RESPONDENT’S broker’s license is in active/pending revocation status.

25 **FACTUAL ALLEGATIONS**

26 1. On or about January 11, 2021, RESPONDENT commenced as the listing agent for
27 Complainant’s real property located at 783 Ahwanee in Sparks, Nevada (the “Property”).
28 *NRED 000031 – NRED 000034.*

1 2. At all times relevant to the Complaint, the RESPONDENT was aware that his client
2 Complainant seller intended any buyers to assume the leased solar panels on the Property. *NRED 000043,*
3 *NRED 000085.*

4 3. But the RESPONDENT marketed the solar panels were included and publicly withheld
5 information of buyer's obligation to assume the solar system. *NRED 000042.*

6 4. On or about January 27, 2021, Complainants' sellers contracted to sell their Property to
7 the buyers. *NRED 000052 – NRED 000061.*

8 5. But during the transaction, the RESPONDENT failed to address solar financing or the
9 exclusion of solar panels from fixtures anywhere within the contract documents. *NRED 000052 – NRED*
10 *000061, NRED 000064.*

11 6. On or about February 26, 2021, despite the RESPONDENT knowing the buyers did not
12 sign the solar transfer paperwork, he allowed the sale to close without the signed paperwork.
13 *NRED 000092, NRED 000093, NRED 0000104, NRED 000115, NRED 000117.*

14 7. Then, weeks later after the closing, RESPONDENT unsuccessfully attempted to follow
15 up on "loose end[s]" with the buyers' agent regarding the solar. *NRED 000093 – NRED 000104.*

16 8. On May 31, 2023, the Complainant's case went to arbitration, and as is relevant to this
17 complaint, the arbitrator decided as follows:

18 a. "Testimony of both Realtors revealed that the "Private Remarks" could not be seen
19 by the seller or the buyer, but was only seen by them as MLS subscribers".
20 *NRED 000015, lines 7-8.*

21 b. "There is no express language referring to the financing at all. The MLS language is
22 generic without context, especially in the real context of assumption of the seller's
23 debt and is, therefore, vague and ambiguous." *NRED 000015, lines 12-14.*

24 c. "There is no wording in the contract documents or communications leading up to the
25 Close that even hint there was an encumbrance on the solar system or a debt that was
26 to be paid by the Buyers. The O&A clearly states that the solar system was part of
27 the purchase and all fixtures associated with the Property were to be free of liens and
28 encumbrances." *NRED 000015, lines 26-28, continuing to NRED 000016, lines 1-2.*

1 d. "Marshall Carrasco was personally in Mexico during February 18 – 26 and
2 communications between parties were with Marshall's associate agents. The parties
3 agreed to proceed with the Close and that the Tesla transfer problem was to be
4 resolved outside of escrow." *NRED 000017, lines 3–6.*

5 9. Therefore, the Arbitrator awarded \$19,169.64 against the Complainant, which is the
6 amount representing the damages the RESPONDENT caused his client. *NRED 000018.*

7 **VIOLATIONS OF LAW**

8 RESPONDENT committed the following violations of law:

9 1. RESPONDENT violated NAC 645.610(1)(a) by failing to adequately advertise that the
10 Property's solar systems were subject to assumption of financing, which was false and/or misleading.

11 2. RESPONDENT violated NRS 645.252(2) by failing to exercise reasonable skill and care
12 with respect to all parties when he failed to ensure the solar panel material terms were included and/or
13 correctly represented within the contract.

14 3. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) by failing to
15 ensure his client sellers' interests were protected with regards to the solar, which ultimately resulted in
16 his client being damaged in an amount of \$19,169.64.

17 **DISCIPLINE AUTHORIZED**

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

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

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

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1 **NOTICE OF HEARING**

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

5 **THE HEARING WILL TAKE PLACE on November 7, 2023, commencing at 9:00 a.m., or**
6 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
7 **commencing at 9:00 a.m. through November 9, 2023, or earlier if the business of the Commission**
8 **is concluded at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada**
9 **Room, Las Vegas, Nevada 89102 with video conferencing to Nevada Division of Insurance,**
10 **1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.**

11 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
12 **time as part of a regular meeting of the Commission that is expected to last from November 7, 2023**
13 **through November 9, 2023, or earlier if the business of the Commission is concluded. Thus, your**
14 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
15 **present when your case is called. If you are not present when your hearing is called, a default may**
16 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
17 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at**
18 **(702) 486-4606.**

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

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

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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.

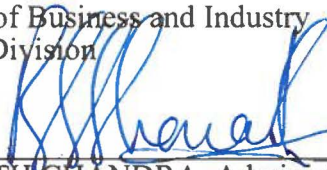
7 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
8 645 and if the allegations contained herein are substantially proven by the evidence presented and
9 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
10 pursuant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


11
12 DATED this 2 day of October 2023.

DATED this 2nd day of October 2023.

13
14 STATE OF NEVADA
15 Department of Business and Industry
16 Real Estate Division

AARON D. FORD
Attorney General

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