

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS AND INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 THOMAS BUCKNER,
10 (S.196063.LLC – INACTIVE),

11 Respondent.

Case No. 2023-1078

FILED

JUL 05 2024

REAL ESTATE COMMISSION

BY Kelcy Valadey

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 THOMAS BUCKNER
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
20 NRS 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.196063.LLC. RESPONDENT is, therefore, subject to the
24 jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC
25 chapter 645.

26 **FACTUAL ALLEGATIONS**

27 1. At all times relevant to the Complaint, RESPONDENT was the real estate agent on both
28 sides of the transaction for the property located at 3737 Westeros Landing Ave., Las Vegas, NV 89141
(the “Property”). NRED 000092 - NRED 000093.

1 2. On or about July 27, 2023, the RESPONDENT and Complainant Seller entered into an
2 exclusive listing agreement for the Property with a listing price of \$479,800. *NRED 000072 -*
3 *NRED 000081.*

4 3. The Property was allegedly appraised for \$458,000. *NRED 000043.*

5 4. On or about October 14, 2023, RESPONDENT presented an all-cash offer for \$450,000
6 on behalf of buyers, Randolph and Cynthia Buckner Trust, with a six (6) day closing. *NRED 000083 -*
7 *NRED 000093.*

8 5. The Complainant Seller relied on representations from the RESPONDENT that the low
9 offer was firm, but that the RESPONDENT would cover the difference to the Seller with his
10 commissions. *NRED 000043.*

11 6. The Complainant Seller accepted the offer that same day. *NRED 000093.*

12 7. The RESPONDENT Thomas Buckner indicated he “DOES NOT” have an interest in the
13 Buyers Randolph and Cynthia Buckner Trust or a family or firm relationship with the Buyers in the
14 Residential Purchase Agreement. *NRED 000092.*

15 8. The RESPONDENT indicated he “DOES NOT” have an interest to, or firm relationship
16 with, his close friend the Seller. *NRED 000093.*

17 9. On or about October 17, 2023, Complainant Seller confirmed RESPONDENT would pay
18 Complainant the negotiated commissions amount of \$6,500 outside of escrow. *NRED 000046.*

19 10. At all times relevant, RESPONDENT’S Brokerage did not condone the practice of
20 exchanging funds outside of escrow. *NRED 000059 – NRED 000060.*

21 11. On or about October 17, 2023, the Commission Instructions identified RESPONDENT as
22 the agent and indicated a total of \$22,500 commissions to be paid (\$11,250 at 2.5% for Seller’s and
23 Buyers’ Agent’s Commission). *NRED 000106.*

24 12. On or about October 18, 2023, in Addendum No. 1 presented by the RESPONDENT,
25 parties signed the prepared amendment language to the Purchase Agreement waiving the HOA Resale
26 Package. *NRED 000105.*

27 13. Sometime between October 20, 2023, to October 24, 2023, RESPONDENT’S Broker
28 “Paid [his] agent after paying his commission advance to eCommission.” *NRED 000059.*

1 principal's interest and/or to deal fairly with all parties to the real estate transaction by failing to disclose
2 his firm relationships with the parties.

3 **DISCIPLINE AUTHORIZED**

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

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

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

12 **NOTICE OF HEARING**

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

16 **THE HEARING WILL TAKE PLACE on August 13, 2024, commencing at 9:00 a.m., or as**
17 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
18 **at 9:00 a.m. through August 15, 2024, or earlier if the business of the Commission is concluded.**
19 **The Commission meeting will be held on August 13, 2024, at the Nevada Division of Insurance,**
20 **1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, with video conference to the**
21 **Nevada State Business Center 3300 West Sahara Avenue, 4th Floor, Nevada Room, Las Vegas,**
22 **Nevada 89102. The meeting will continue on each day thereafter commencing at 9:00 a.m. through**
23 **August 15, 2024, until the business of the Commission is concluded.**

24 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
25 **time as part of a regular meeting of the Commission that is expected to last from August 13, 2024,**
26 **through August 15, 2024, or earlier if the business of the Commission is concluded. Thus, your**
27 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
28 **present when your case is called. If you are not present when your hearing is called, a default may**

1 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
2 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at**
3 **(702) 486-4606.**

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

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

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

19 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
20 645 and if the allegations contained herein are substantially proven by the evidence presented and to

21 ...

22 ...

23 ...

24

25

26

27

28

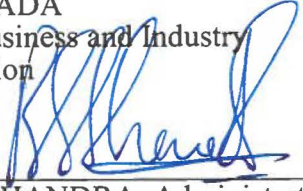
1 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
2 pursuant to NRS 645.235, 645.633 and or 645.630.

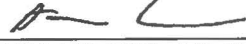
3 DATED this 3 day of July, 2024.

DATED this 3rd day of July, 2024.

4
5 STATE OF NEVADA
6 Department of Business and Industry
Real Estate Division

AARON D. FORD
Attorney General

7
8 By: 
9 SHARATH CHANDRA, Administrator
10 CHARVEZ FOGER, Deputy Administrator
11 3300 West Sahara Avenue, Suite 350
12 Las Vegas, Nevada 89102

By: 
ARJAN LUHAR (Level 2 Certification
of Limited Practice Under SCR 49.3
dated June 10, 2024)
CHRISTAL P. KEEGAN, ESQ.
Deputy Attorney General
Bar No. 12725
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorneys for Real Estate Division