

FILED

NOV 28 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Petitioner,

vs.

MARSHALL CARRASCO (B100579.INDIV),

Respondent

Case Nos: 21-1122; 22-120

**MOTION FOR RECONSIDERATION OF DISCIPLINE AND, ALTERNATIVELY
PETITION FOR REHEARING**

I. INTRODUCTION

Mr. Carrasco respectfully brings this Petition to seek relief from the penalties levied against him. Those penalties, which are the maximum allowable under the law, have stripped Mr. Carrasco of his license and – by extension – his career, his hard-earned reputation and his ability to earn a living. At a minimum, Mr. Carrasco is requesting that the Commission consider the foregoing as a motion for reconsideration of the discipline levied against him pursuant to NRS 622A.390. Indeed, at the November 7, 2023 hearing, Commissioner Plummer stated on the record that he would consider such a request.

In addition and in the alternative, Mr. Carrasco respectfully requests that the Commission consider the grounds, causes, facts, law and arguments set forth herein and grant him a rehearing of the November 7, 2023 proceedings. The November 15, 2023 Order stemming from that hearing erroneously stated that the Petition that gave rise to the November 7 hearing failed to present any grounds or causes for a rehearing; however, this finding ignored the plain language of the Petition and Mr. Carrasco's Response to Opposition to the Request for Rehearing. Indeed, those filings made clear the irregularities of the August 22, 2023 hearing pursuant to which he sought a rehearing. These irregularities include that despite Mr. Carrasco's reasonable request prior to the

1 August 22, 2023 hearing for a continuance in light of a family matter that necessitated him
2 travelling out of the country, he was not afforded that continuance, and that the August 22, 2023
3 hearing proceeded without Mr. Carrasco and in contravention of well-settled principles of due
4 process and without regard to the Complaint's prayer for discipline *lesser* than revocation.

5 Yet, on November 7, 2023, the Commission – aided by Deputy Attorney General Keegan
6 (“DAG Keegan”) – denied Mr. Carrasco's Petition. The audio record of that November 7, 2023
7 reveals that, once again, timing issues took precedent over the merits of Mr. Carrasco's defenses.

8 The applicable law and rules favor the adjudication of these matters on their merits, as
9 opposed to technicalities. As set forth herein, Mr. Carrasco respectfully requests that the
10 Commission consider the grounds and causes set forth herein and grant him a rehearing.

11 **II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

12 At the outset, a recitation of the factual and procedural posture of this matter is appropriate:

- 13 1. On March 28, 2023, the Commission filed a Complaint against Mr. Carrasco in Case
14 No. 2021-1122 (hereinafter the “2021 Case”), alleging that he failed to supervise an
15 agent, Tyler Richardson (“Richardson”) related to Richardson having a seller sign a
16 listing agreement while Richardson did not have an active license.
17
- 18 2. On March 29, 2023, the Commission filed another Complaint against Mr. Carrasco in
19 Case No. 2022-120 (hereinafter the “2022 Case”) (the 2021 Case and 2022 Case,
20 collectively, the “Complaints” or “Cases”), alleging he failed to supervise Richardson
21 related to Richardson's activities with respect to seven (7) real estate transactions.
22
- 23 3. On April 18, 2023, Mr. Carrasco submitted his “response and points for contesting this
24 case.” (See, G. Ex. C at NRED OPP 000015).
25
- 26 4. The Complaints were set for hearing on May 2-4, 2023, but Mr. Carrasco requested,
27 and was granted, a continuance on April 26, 2023 such that he could more fully prepare.
28
- 29 5. The Cases were re-set for hearing during the Commission session commencing August
30 22, 2023. On August 18 and August 21, 2023, Mr. Carrasco requested continuances.
31 Mr. Carrasco's requests for continuance were made because he had to travel to Costa
32 Rica to tend to an ill family member. (See, Affidavit of Marshall Carrasco attached as
33 **Exhibit A** at ¶¶10-13). Despite that he could participate remotely, Mr. Carrasco was
34 desirous of: (1) being able to attend the hearing in person; (2) being able to devote his
35 full attention to the hearing (*i.e.*, not concurrently tending to a family matter); (3)

1 avoiding any potential technical problems in light of the inconsistent internet and cell
2 phone service in Costa Rica; and (4) having the benefit of certain documents in Reno,
3 as he anticipated being back in Nevada before the August 22 hearing, but the family
4 matter required him to stay longer. (See, Ex. A at ¶14). On August 21, 2023 – one day
5 prior to the hearing – the Commission denied the request.

6 **August 22, 2023 Hearing**

- 7 6. On August 22, 2023, both Cases were called, DAG Keegan read the allegations into
8 the record, noting that she “would like to read the charges in the Complaint, which the
9 Commission may take as true.” (Aud. of 8/22/23 Hearing at 3:21:40 and 3:57:33¹).
10
11 7. At no point were Mr. Carrasco’s answers or assertions in support of his defense of the
12 Complaints (*i.e.*, those matters set forth in Mr. Carrasco’s affidavit attached as Exhibit
13 A and previously communicated) acknowledged or mentioned on the record.
14
15 8. On August 22, 2023, the Commission found that the Complaints’ allegations were
16 proven by a preponderance of evidence (Aud. at 3:30:25; 4:03:41). Thereafter, the
17 maximum monetary and disciplinary (revocation of license) penalties were sought and
18 approved without discussion of any lesser penalty, despite that the Complaints
19 authorized the Commission to suspend or place conditions on Mr. Carrasco’s license,
20 in addition to the option to revoke it. Neither suspension nor conditions on Mr.
21 Carrasco’s license were discussed. (See, Complaints attached as **Exhibit B** at ¶5 (2022
22 Complaint) at p. 3, lines 14-15) (2021 Complaint).
23
24 9. On September 15, 2023, Mr. Carrasco (through prior counsel) filed a Petition for
25 Request for Rehearing.
26
27 10. On September 22, 2023, the Division filed an Opposition to Mr. Carrasco’s Petition for
28 Rehearing. (See, Petition for Rehearing, Opposition, and Response to Opposition
29 attached as **Group Exhibit C**). In the Opposition, the Division, *inter alia*, takes issue
30 with emails Mr. Carrasco sent after the second request for continuance was denied.
31
32 11. In Mr. Carrasco’s Response to the Opposition (“Response to Opposition”), he asserts
33 that the Opposition’s contention that Mr. Carrasco’s ability to email equated to his
34 ability to participate in the hearing remotely were based on assumption and that,
35 therefore, the inference that Mr. Carrasco somehow *chose* to not participate in the
36 hearing and that Mr. Carrasco did not appreciate the serious nature of the Cases was
37 erroneous.

38 **November 7, 2023 Hearing**

- 39 12. On November 7, 2023, the Commission addressed the Petition for Rehearing. At the
40 outset, DAG Keegan took issue with the Response to Opposition being filed only three
41 (3) business days prior, and requests that it be ignored. (Aud. at 00:14:15, *et seq.*).

¹ Mr. Carrasco, through counsel, has requested transcripts of the August 22 and November 7 hearings. Those transcripts have not yet been received, therefore, the Audio is relied upon and citations thereto may not be completely accurate down to the second or the word.

1 Notably, the Response to Opposition contained Mr. Carrasco's substantive responses
2 to the claims that he *chose* to not participate in the hearing and that he did not appreciate
3 the serious nature of the Cases. In any event, DAG Keegan also noted that the rules did
4 not allow for oral argument at that time. (*Id.*).
5

6 13. The Commission did not make clear on November 7, 2023, whether it would consider
7 Mr. Carrasco's Response in Opposition as part of the record, nor did it indicate whether
8 it considered the Response in Opposition when making its decision on November 7.
9

10 14. Cognizant of the rule preventing oral argument, counsel for Mr. Carrasco noted that the
11 Response to Opposition (filed by undersigned counsel, different from who drafted the
12 Petition for Rehearing) made clear that Mr. Carrasco was merely seeking an
13 opportunity to present facts in mitigation of the discipline levied upon him. (*Id.* at
14 00:17:00, *et seq.*).
15

16 15. At 00:26:21, *et seq.*, and 00:29:20, DAG Keegan argues that "this is not a criminal
17 case" where Mr. Carrasco would have a right to counsel, and argues that the
18 Commission should stand by its "default order." (*Id.* at 00:29:20).
19

20 16. At 00:31:47, Mr. Carrasco requested the opportunity to speak, and was denied.
21

22 17. At various times between 00:33:00-00:37:00, certain Commissioners characterized the
23 discipline as "severe," "harsh," and Commissioner Plummer stated "I hate to see his
24 license as an operator of a brokerage firm revoked..."
25

26 18. Nonetheless, the Commission denied the Petition for Rehearing on November 7, 2023.
27

28 19. On November 17, 2023, a copy of the Order from the November 7, 2023 hearing was
29 emailed to Attorney Hal Taylor.
30

31 **III. Request for Reconsideration of Disciplinary Action**

32 As Mr. Carrasco set forth in his Response to Opposition, in acknowledgement that there
33 may have been violations, on November 7, 2023, he sought the opportunity to have the
34 Commission reconsider the disciplinary action in the event the Commission would not grant a full
35 rehearing. In fact, on November 7, 2023, Commissioner Plummer stated that "[i]f this was in front
36 of us as a reconsideration of the disciplinary terms, I'd consider that." (Aud. at 00:34:20).

37 Therefore, as a threshold matter, Mr. Carrasco hereby submits the foregoing and this
38 Section III a motion to reconsider the disciplinary terms, pursuant to NRS 645.820, and further

1 submits the matters in the Response to the Opposition and the matters in Mr. Carrasco's affidavit
2 attached as Exhibit A in support thereof. Mr. Carrasco has registered for CLE courses on his own
3 accord. (*See*, Ex. A at ¶3 and at Ex. 1).

4 **IV. REQUEST FOR REHEARING – NOVEMBER 7, 2023 HEARING**

5 As an additional and alternative request to Section III, Mr. Carrasco requests a rehearing
6 related to the November 7, 2023 hearing.

7 On November 17, 2023, Attorney Taylor received *via* email the Order Denying Motion for
8 Rehearing related to the November 7, 2023 hearing. (*See*, 11/15/23 Order attached as **Exhibit D**).
9 The Commission denied the Petition because it “failed to demonstrate any causes or grounds for a
10 rehearing.” It bears repeating that the Petition for Rehearing and the Response to Opposition were
11 filed by separate counsel for Mr. Carrasco. Indeed, the Response to Opposition, Mr. Carrasco,
12 through his current counsel, sought to make clear that Mr. Carrasco was only seeking an
13 opportunity to present factors in mitigation of the discipline imposed against him.

14 Mr. Carrasco respectfully requests that he be granted a rehearing of the November 7, 2023
15 hearing for the reasons set forth herein. Within ten (10) days after the receipt of the Commission's
16 decision, the licensee may petition for a rehearing. (NAC 645.820(1)). A rehearing may be granted
17 by the Commission for any of the following causes or grounds:

- 18 (a) Irregularity in the proceedings in the original hearing;
19 (b) Accident or surprise which ordinary prudence could not have guarded against;
20 (c) Newly discovered evidence of a material nature which the applicant could not
21 with reasonable diligence have discovered and produced at the original hearing;
22 **or**
23 (d) Error in law occurring at the hearing and objected to by the applicant during the
24 earlier hearing.

25 (NAC 645.820(7)(a)-(d)) (emphasis added).

26 **A. Irregularity in the Proceedings**

1 While the Nevada Administrative Regulations do not expressly define what may constitute
2 “[i]rregularit[ies] in the proceedings...,” the audio of the November 7, 2023 hearing reveals certain
3 irregularities that Mr. Carrasco contends supports his request for a rehearing.

4 **First**, despite the admonition that no oral argument would be entertained, DAG Keegan
5 orally argued in opposition to the contentions in the Response to Opposition at, *inter alia*,
6 00:26:21, 00:26:21, *et seq.*, and 00:29:20. Moreover, the November 15, 2023 Order, expressly
7 notes that the decision was “based on the Commission’s consideration of the **oral arguments**
8 **presented during the hearing** and the filed documents...” (Ex. D at p. 1) (emphasis added).

9 **Second**, as the Response to Opposition made clear, Mr. Carrasco acknowledged that some
10 violations may have occurred, but asserted that the denial of his requested continuance prevented
11 him from presenting “circumstances that might have allowed for some mitigation in this matter,”
12 and sought to have the opportunity to have the Commission hear these circumstances and
13 potentially reconsider portions of the discipline. (Resp. to Oppo. at pp. 2-4).

14 Yet, it is unclear whether the Commission ever considered the narrow request for review
15 of the discipline requested in the Response to Opposition, and the oral argument of DAG Keegan
16 largely criticized Mr. Carrasco’s decision to represent himself through the August continuance
17 requests, and that Mr. Carrasco “chose not to appear” on August 22, 2023. (Aud. at 00:26:21;
18 00:30:42). This oral argument (already irregular) ignored that Mr. Carrasco’s request for
19 continuance complied with NAC 645.830. As asserted in the Response to Opposition, Mr.
20 Carrasco’s family emergency constituted good cause shown, Mr. Carrasco’s request for
21 continuance was made with an apology for the inconvenience (*see*, request for continuance
22 attached as at Exhibit A at Ex. 4), and therefore was not requested for purposes of delay, and was
23 served upon DAG Keegan prior to the hearing. These are all of the requirements of NAC 645.830.

1 In this regard, it was irregular for the Commission to evidently rely on DAG Keegan's oral
2 argument because those arguments did not address whether NAC 645.830 was complied with;
3 rather, those arguments merely addressed the apparent position that Mr. Carrasco should not have
4 been granted a continuance and, by extension, a rehearing because he opted to represent himself
5 and "chose not to appear." Likewise, the Opposition to the Request set forth those same arguments
6 (*see, e.g.*, Oppo. at p. 3). Neither the Opposition nor DAG Keegan's oral argument set forth how
7 or why Mr. Carrasco's family emergency did not constitute "good cause." Instead, the Opposition
8 merely stated that NAC 645.830 "does not require the Commission to provide any explanation as
9 to why a continuance is denied." (Oppo. at p. 7). In this regard, the November 7 hearing was
10 irregular insofar as it did not focus on the actual requirements of NAC 645.830, but rather it
11 focused on the anecdotal arguments of DAG Keegan that the continuance was properly denied and
12 that the Commission need not explain that decision any further. As such, a rehearing is appropriate.

13 **B. Accident or surprise which ordinary prudence could not have guarded against**

14 Similarly, the Commission's admitted reliance on oral argument – despite the prohibition
15 against such oral argument – constituted surprise that ordinary prudence could not have guarded
16 against. NAC 645.820(4) expressly prohibits oral argument, yet the Commission admittedly relied
17 on that oral argument. Neither the ordinary prudence of Mr. Carrasco nor his counsel could have
18 guarded against the potential that NAC 645.820(4) would be ignored during the November 7
19 hearing and, therefore, Mr. Carrasco respectfully requests that a rehearing be granted.

20 **C. Newly discovered evidence of a material nature which the applicant could not with**
21 **reasonable diligence have discovered and produced at the original hearing.**
22

23 While Mr. Carrasco acknowledges that the material evidence presented in connection with
24 the original petition for rehearing and that which is presented in the affidavit attached as Exhibit
25 A could have been produced previously (except for the evidence of his registration for CLE

1 classes), Mr. Carrasco nonetheless notes that the audio of the hearing is unclear if that evidence
2 was, in fact, considered. Moreover, Mr. Carrasco acknowledges that this evidence would have
3 been presented at a hearing subsequent to November 7 had the Petition been granted, and further
4 notes that he is presenting evidence that has become available subsequent to the August 22 and
5 November 7 hearings (*i.e.*, the audio and CLE proof of registration), which is presented as a means
6 to stay within the evidentiary limitations for a hearing to determine whether a rehearing would be
7 granted Mr. Carrasco respectfully requests that this evidence be considered.

8 Moreover, Mr. Carrasco notes that the grounds for a rehearing set forth in NAC
9 645.820(7)(a)-(d)) are **disjunctive** and, therefore, respectfully requests that a rehearing be granted
10 in light of the other three (3) bases being shown herein.

11 **D. Error in law occurring at the hearing and objected to by the applicant during the**
12 **earlier hearing.**
13

14 ***First***, as set forth herein and expressly incorporated in this section by reference, it was an
15 error of law for the Commission to admittedly consider oral argument when deciding to deny Mr.
16 Carrasco's request for rehearing. Moreover, as set forth in Section IV(A) above and expressly
17 incorporated in this section by reference, the arguments as to why Mr. Carrasco's request for a
18 continuance was denied themselves employed an erroneous analysis of the law because it did not
19 focus on whether Mr. Carrasco's request complied with NAC 645.830, but rather it focused on the
20 anecdotal arguments of DAG Keegan that the continuance was properly denied and that the
21 Commission need not explain that decision. Accordingly, the Commission erred at the November
22 7 hearing as described, and the November 15 order's reliance on oral argument was in error.

23 ***Second***, the Commission, in denying the request for rehearing presented at the November
24 7 hearing erred in its application of the law in finding the Petition "failed to demonstrate any causes
25 or grounds for a rehearing." NAC 645.820(3) requires such petitions to "state with particularity

1 the point of law or fact which in the opinion of the licensee the Commission has overlooked or
2 misconstrued and must contain every argument in support of the application that the licensee
3 desires to present.” The Petition for Rehearing complied with this requirement (the only
4 requirement regarding the substance of such a petition) and, therefore, the finding that the Petition
5 did not demonstrate any causes or grounds for a rehearing is an erroneous application of law.

6 The Petition for Rehearing identified numerous points of law and fact that were
7 overlooked, in Mr. Carrasco’s view. (*See*, G. Ex. C at Pet. at §C(1)-(d); §§(d)-(e)(1)-(2)). These
8 points of fact and law, and the arguments related thereto, were stated with particularity. Therefore,
9 it is a plainly erroneous application of the law for the Commission to have ruled that the Petition
10 failed to present any grounds or causes for a rehearing. Importantly, the Commission did *not* hold
11 that the grounds and causes in support of the rehearing request were unpersuasive; the Commission
12 held that no grounds or causes in support *were presented*. In this regard, the Commission made a
13 clear misapplication of the law and Mr. Carrasco respectfully requests a rehearing accordingly.

14 ***Third***, NAC 645.845 requires “[a]ny evidence offered at a hearing” to be “material and
15 relevant to the issues of the hearing.” (NAC 645.845(2)). Relevant to the November 7 hearing was
16 whether Mr. Carrasco’s Petition for Rehearing set forth causes or grounds, as set forth in NAC
17 645.820(a)-(d), that would warrant a rehearing. Indeed, this was the sole issue. In the Petition, Mr.
18 Carrasco identified such causes or grounds.

19 Specifically, Mr. Carrasco identified the irregularities in the August 22, 2023 proceeding
20 in that: (1) his request for continuance for a family emergency was denied, despite its compliance
21 with NAC 645.830; (2) the proceedings went forward without opposition or any mention of Mr.
22 Carrasco’s answer to the Complaints or factual defenses thereto previously communicated to the
23 Commission, thereby largely eschewing Mr. Carrasco’s due process rights in favor of the decision

1 to deny the continuance request; and (3) that the penalty levied was the maximum monetary fine,
2 along with the **revocation** of his license with no mention of a suspension or condition(s) placed
3 on his license, despite those possibilities being expressly plead in the Complaint. (*See*, Ex. C at
4 Pet at §(e)(1); *see also*, Ex. B at ¶5 (2022 Complaint) at p. 3, lines 14-15) (2021 Complaint).

5 Because whether Mr. Carrasco had established grounds warranting a rehearing was the sole
6 issue to be decided at the November 7 hearing, the Commission erred in its application of NAC
7 645.845(2) because it considered evidence (that largely came in the form of argument) regarding,
8 *inter alia*, the length of time the Cases *generally* had been pending (*see*, Aud. at 00:23:20) (“...six
9 months is enough time...”), whether there had been settlement offers extended relative to the Cases
10 (*see*, Aud. at 00:24:00, *et seq.*) (Commissioner Plummer asking if offers to settle have been made),
11 and the nature and extent of the alleged violations (*see*, Aud. at 00:36:18) (Commissioner Ruthie
12 noting “the violations were quite harsh also...”). Therefore, Mr. Carrasco respectfully submits that
13 the Commission made an error of law (specifically, NAC 645.845(2)), in considering and/or
14 discussing evidence decidedly *not material and relevant* to the sole issue of whether the Petition
15 presented grounds that would warrant a rehearing.

16 Accordingly, Mr. Carrasco respectfully requests that the Commission GRANT his request
17 for a rehearing of the November 7, 2023 hearing for the reasons stated and incorporated herein.

18 **AFFIRMATION PURSUANT TO NRS 239B.030**

19 By signature below, the undersigned affirms that the preceding document does not
20 contain the social security number of any person.

21 Dated: November 27, 2023

22 Signed: 
23 Hal Taylor, Esq., Attorney For Respondent
24 2551 W. Lakeridge Shores
25 Reno, NV 89519
26 (775) 825-2223
Haltaylorlawyer@gbis.com

EXHIBIT
A
AFFIDAVIT OF
MARHSALL CARRASCO

AFFIDAVIT OF MARSHALL CARRASCO

I, Marshall Carrasco, being duly sworn on oath pursuant to the laws of the United States and the State of Nevada, hereby states and avers the following:

1. I am over eighteen years old and could competently testify to the following if called to do so.

2. I state that the following factual matters are true and accurate to the best of my personal knowledge and recollection.

3. I have registered and plan to participate in the following continuing education courses (*see*, proof of payment for those courses attached as **Exhibit 1**): (1) Nevada Risk Management for Brokers; (2) Nevada Risk Reduction; (3) Top Policy Issues Facing Brokerages Today; and (4) Real Estate Safety: Protect Yourself and Your Clients.

4. Agent Tyler Richardson informed me in January 2021 that he had completed his licensing requirements and that his license was then active.

5. In February 2021, I verified on red.nv.gov that Tyler Richardson's license was active.

6. In February 2021, Northern Nevada Regional Multiple Listing Service (NNRMLS) verified that Mr. Richardson's license was active. I paid for Tyler Richardson's RSAR state and local fees (*see*, proof of payment attached as **Exhibit 2**), as well monthly MLS account access (*see*, MLS proofs of payment attached as **Exhibit 3**). It was and remains my understanding that there is no way for an unlicensed agent to access the MLS, and the MLS does a monthly audit to verify license status.

7. In March of 2021, I called the Division asking for copies of my agents' licenses (including Tyler Richardson's), and was advised that it would take longer than anticipated due to pandemic-related delays.

8. In December 2021, Brylle Ireland received a continuing education email and then looked up our agents' licenses for renewals and notice that Tyler Richardson's license was not renewed. Upon learning of this, I immediately notified Tyler Richardson to stop all real estate activities and immediately take the steps needed to reinstate his license, and Tyler Richardson thereafter took the steps needed to reinstate his license.

9. After the Complaints were filed, on April 26, 2023, I received a continuance for the initial hearing on those complaints to get more prepared.

10. The hearings were continued to August 22-24, 2023, but prior to those hearings in August 2023, I had to travel out of the Country to tend to family matters.

11. On August 18, 2023, I formally requested a continuance. (*See*, Continuance Request emails attached as **Exhibit 4**).

12. On August 21, 2023, I was informed that my request for continuance was denied. (*Id.*).

13. During the August 22, 2023, hearing I was still out of the Country, tending to family matters and in an area where an internet and/or phone connection clear and consistent enough to participate in a Webex conference was unavailable.

14. With respect to the August 22, 2023 hearing, I was desirous of: attending the hearing in person, being able to devote my whole attention to the hearing without concurrently tending to a family matter, of avoiding any potential technical problems in light of the inconsistent internet and cell phone service in Costa Rica and having the benefit of certain documents in Reno, as I anticipated being back in Nevada before the August 22 hearing, but the family matter required me to stay longer.

FURTHER AFFIANT SAYETH NAUGHT

DATED: 11/27/2023

SIGNED:

DocuSigned by:

MARSHALL CARRASCO

ABF067644C84E8

MARSHALL CARRASCO

Exhibits to Marshall Carrasco Affidavit

EXHIBIT
1
PROOF OF PAYMENT –
CLE COURSES

From: **McKissock Learning** <info@mckissock.com>
Date: Mon, Nov 27, 2023 at 8:29 AM
Subject: Thank You For Your Order!
To: <marshall@marshallrealty.net>



Dear Marshall,

**Thank you for allowing McKissock to fulfill
your education needs!**

*(Note: The base price of each course includes one certificate. Additional
certificates prices depend on the credit that is requested.)*

Your order summary is as follows:

On-Line Course	Nevada Risk Management for Brokers	\$34.00
On-Line Course	Nevada Risk Reduction	\$34.00
On-Line Course	Top Policy Issues Facing Brokerages Today	\$34.00
On-Line Course	Real Estate Safety: Protect Yourself and Your Clients	\$34.00
Sub-Total:		\$136.00
Discount:		\$0.00

Credit Card: **** * 6761

Confirmation Number:
7011025712336056004073

The following link will take you to the
McKissock Sign In Page. If you need
assistance, our customer service and
support staff is available by phone or
email:

Hours:

Monday - Friday: 8am - 8pm EST

Saturday - Sunday: 12pm - 3:30pm EST

Phone: 800-328-2008

Email: info@mckissock.com

Thanks, and have a great day!
The McKissock team, your education solution.

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218 Liberty Street, Warren, PA 16365
www.mckissock.com



Marshall Carrasco B.1000579
Broker Owner

O 775-787-7400 E marshall@marshallrealty.net W MarshallRealtyTeam.com

Exhibits to Marshall Carrasco Affidavit

EXHIBIT

2

**PROOF OF PAYMENT –
RSAR STATE AND LOCAL
FEES**

Reno Sparks Association of REALTORS, Inc.**5650 Riggins Ct., Suite 200****Reno NV 89502****Office Phone: (775) 823-8800**

Tyler Richardson
Marshall Realty
1895 Plumas St. Suite 3
Reno NV 89509

Invoice Date 10/14/21
Invoice # 1674087
Member # 12555
Office # 1812

Item	Unit	Extended
Qty Code Description	Price	Amount Taxable
1 22141 2022 Natl dues/ad campaign	185.000	185.00
1 22142 2022 State dues	210.000	210.00
1 22143 2022 Local dues	290.000	290.00
Total		685.00
Amount Paid		685.00
Balance Due		0.00

Payments made by credit card will appear on your credit card statement as Realtor Association/MLS 312-329-8245 IL Please include member # on payment.

Reno Sparks Association of REALTORS, Inc.**5650 Riggins Ct., Suite 200****Reno NV 89502****Office Phone: (775) 823-8800**

Tyler Richardson
Marshall Realty
1895 Plumas St. Suite 3
Reno NV 89509

Invoice Date 10/30/20
Invoice # 1667494
Member # 12555
Office # 1812

Item		Description	Unit Price	Extended Amount-Taxable
Qty	Code			
1	21141	2021 Natl dues/ad campaign	185.000	185.00
1	21142	2021 State dues	210.000	210.00
1	21143	2021 Local dues	290.000	290.00
Total				685.00
Amount Paid				685.00
Balance Due				0.00

Payments made by credit card will appear on your credit
card statement as Realtor Association/MLS 312-329-8245 IL Please include member # on
payment.

Exhibits to Marshall Carrasco Affidavit

EXHIBIT
3
PROOFS OF PAYMENT –
MLS



NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5320650
Invoice Date Jan 01, 2021
Invoice Amount **\$64.50 (USD)**
Customer ID 12555
Payment Terms **Due Upon Receipt**
PAID

SUBSCRIPTION
Billing Period Jan 01 to Feb 01, 2021
Next Billing Date Feb 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
	Total \$64.50
	Payments (\$64.50)
	Amount Due (USD) \$0.00

PAYMENTS

\$64.50 was paid on 05 Jan, 2021 20:42 PST by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

Please make checks payable to NNRMLS and indicate your Member # on the check or include a copy of this invoice with payment. A \$25 fee will be assessed for all returned checks.



NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

INVOICE

Invoice # 5324487
Invoice Date Feb 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

SUBSCRIPTION
Billing Period Feb 01 to Mar 01, 2021
Next Billing Date Mar 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Feb, 2021 09:23 PST by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg # : 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5328299
Invoice Date Mar 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

SUBSCRIPTION
Billing Period Mar 01 to Apr 01, 2021
Next Billing Date Apr 01, 2021

DESCRIPTION

AMOUNT (USD)

NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50

Total \$64.50

Payments (\$64.50)

Amount Due (USD) \$0.00

PAYMENTS

\$64.50 was paid on 01 Mar, 2021 09:23 PST by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

Please make checks payable to NNRMLS and indicate your Member # on the check or include a copy of this invoice with payment. A \$25 fee will be assessed for all returned checks.



NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

INVOICE

Invoice # 5332119
Invoice Date Apr 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

SUBSCRIPTION
Billing Period Apr 01 to May 01, 2021
Next Billing Date May 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Apr, 2021 09:24 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO

Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5336003

Invoice Date May 01, 2021

Invoice Amount \$64.50 (USD)

Customer ID 12555

Payment Terms Due Upon Receipt

PAID

SUBSCRIPTION

Billing Period May 01 to Jun 01, 2021

Next Billing Date Jun 01, 2021

DESCRIPTION**AMOUNT (USD)**

NNRMLS Member Subscriber Monthly Plan

\$48.00

Monthly eKey Fee

\$16.50

Total \$64.50

Payments (\$64.50)

Amount Due (USD) \$0.00

PAYMENTS

\$64.50 was paid on 01 May, 2021 09:21 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

Please make checks payable to NNRMLS and indicate your Member # on the check or include a copy of this invoice with payment. A \$25 fee will be assessed for all returned checks.



NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5339965
Invoice Date Jun 01, 2021
Invoice Amount **\$64.50 (USD)**
Customer ID 12555
Payment Terms **Due Upon Receipt**
PAID

SUBSCRIPTION
Billing Period Jun 01 to Jul 01, 2021
Next Billing Date Jul 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Jun, 2021 09:22 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

*Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be **SUSPENDED**; a \$50 reactivation fee will apply.*

Please make checks payable to NNRMLS and indicate your Member # on the check or include a copy of this invoice with payment. A \$25 fee will be assessed for all returned checks.



NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

INVOICE

Invoice # 5343946
Invoice Date Jul 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

SUBSCRIPTION
Billing Period Jul 01 to Aug 01, 2021
Next Billing Date Aug 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Jul, 2021 09:24 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5347974
Invoice Date Aug 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt

PAID

SUBSCRIPTION
Billing Period Aug 01 to Sep 01, 2021
Next Billing Date Sep 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Aug, 2021 09:21 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5352036
Invoice Date Sep 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt

PAID

SUBSCRIPTION
Billing Period Sep 01 to Oct 01, 2021
Next Billing Date Oct 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Sep, 2021 09:23 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrms.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO

Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5356138

Invoice Date Oct 01, 2021

Invoice Amount \$64.50 (USD)

Customer ID 12555

Payment Terms Due Upon Receipt

PAID

SUBSCRIPTION

Billing Period Oct 01 to Nov 01, 2021

Next Billing Date Nov 01, 2021

DESCRIPTION**AMOUNT (USD)****NNRMLS Member Subscriber Monthly Plan****\$48.00****Monthly eKey Fee****\$16.50****Total \$64.50****Payments (\$64.50)****Amount Due (USD) \$0.00****PAYMENTS**

\$64.50 was paid on 01 Oct, 2021 09:24 PDT by MasterCard card ending 0709.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg # : 71-0915123

BILLED TO
Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5360370
Invoice Date Nov 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

SUBSCRIPTION
Billing Period Nov 01 to Dec 01, 2021
Next Billing Date Dec 01, 2021

DESCRIPTION	AMOUNT (USD)
NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50
Total	\$64.50
Payments	(\$64.50)
Amount Due (USD)	\$0.00

PAYMENTS

\$64.50 was paid on 01 Nov, 2021 09:35 PDT by Visa card ending 4095.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO

Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5364329
Invoice Date Dec 01, 2021
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

SUBSCRIPTION

Billing Period Dec 01, 2021 to Jan 01, 2022
Next Billing Date Jan 01, 2022

DESCRIPTION**AMOUNT (USD)**

NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50

Total \$64.50**Payments (\$64.50)****Amount Due (USD) \$0.00****PAYMENTS**

\$64.50 was paid on 01 Dec, 2021 09:26 PST by Visa card ending 4095.



NNRMLS Billing | info@nnrms.com | 775-623-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg # : 71-0915123

BILLED TO

Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5368437
Invoice Date Jan 01, 2022
Invoice Amount \$64.50 (USD)
Customer ID 12555
Payment Terms Due Upon Receipt
PAID

SUBSCRIPTION

Billing Period Jan 01 to Feb 01, 2022
Next Billing Date Feb 01, 2022

DESCRIPTION**AMOUNT (USD)**

NNRMLS Member Subscriber Monthly Plan	\$48.00
Monthly eKey Fee	\$16.50

Total	\$64.50
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Payments	(\$64.50)
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Amount Due (USD)	\$0.00
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PAYMENTS

\$64.50 was paid on 01 Jan, 2022 09:23 PST by Visa card ending 4095.



NNRMLS Billing | info@nnrms.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED, a \$50 reactivation fee will apply.

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NNRMLS | 691 Sierra Rose Dr, Ste A | Reno, Nevada 89511
Tax Reg #: 71-0915123

BILLED TO

Tyler Richardson
Marshall Realty
3255 S. Virginia St.
Reno, Nevada 89502
United States

INVOICE

Invoice # 5372506
Invoice Date Feb 01, 2022
Invoice Amount **\$64.50 (USD)**
Customer ID 12555
Payment Terms **Due Upon Receipt**
PAID

SUBSCRIPTION

Billing Period Feb 01 to Mar 01, 2022
Next Billing Date Mar 01, 2022

DESCRIPTION**AMOUNT (USD)****NNRMLS Member Subscriber Monthly Plan****\$48.00****Monthly eKey Fee****\$16.50****Total \$64.50****Payments (\$64.50)****Amount Due (USD) \$0.00****PAYMENTS**

\$64.50 was paid on 01 Feb, 2022 09:26 PST by Visa card ending 4095.



NNRMLS Billing | info@nnrmls.com | 775-823-8838

IMPORTANT MESSAGE

Payment is due by the 15th of the month. Members who have enrolled in AutoPay will receive an invoice receipt marked "PAID" upon successful payment processing. AutoPay payment processing occurs on the first day of each month. Invoices NOT PAID by the 45th day are delinquent, and services will automatically be SUSPENDED; a \$50 reactivation fee will apply.

Please make checks payable to NNRMLS and indicate your Member # on the check or include a copy of this invoice with payment. A \$25 fee will be assessed for all returned checks.

Exhibits to Marshall Carrasco Affidavit

EXHIBIT
4
EMAILS REGARDING
CONTINUANCE

From: Christal P. Keegan
To: Marshall Realty
Subject: RE: Pre-hearing Disclosures RE: Real Estate Division Cases Against M. Carrasco NRED Case Nos. 2021-1122 and 2022-120
Date: Thursday, August 3, 2023 12:43:00 PM

Hi, Mr. Marshall:

I'm sorry to hear about your family concerns. Thank you for stipulating to the documents, and for your witness disclosures despite your overwhelmed conditions.

Sincerely,
Christal

Christal Park Keegan, Esq.
Deputy Attorney General

State of Nevada
Office of the Attorney General
Department of Business & Industry
Real Estate Division
5420 Kietzke Lane #202
Reno, Nevada 89511

E: ckeegan@ag.nv.gov | T: 775.687.2141



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From: Marshall Realty <marshall@marshallrealty.net>
Sent: Thursday, August 3, 2023 12:29 PM
To: Christal P. Keegan <ckeegan@ag.nv.gov>
Subject: Re: Pre-hearing Disclosures RE: Real Estate Division Cases Against M. Carrasco NRED Case Nos. 2021-1122 and 2022-120



NRED OPP 000033

2022-120 NRED 000001-NRED000454
Exhibit A – Division's Documents
Exhibit B – Complainant's Documents
Exhibit C – Mr. Richardson's documents
Exhibit D – Your broker documents

Hello Christal-Yes we can use the same documents and no witnesses on my end.

Sorry for the late reply but I am having family concerns now so I am overwhelmed at the moment.

Let me know if I need anything else.

Thanks,
Marshall

On Fri, Jul 28, 2023 at 2:09 PM Christal P. Keegan <ckeegan@ag.nv.gov> wrote:

Hi, Mr. Marshall:

Thank you –

I want to make sure the hearing runs smoothly for the Commissioners. In line with those efforts, please let me know if you plan to include additional documents not included in the Division's Exhibits. If so, please be aware of NAC 645.850.

Otherwise, if you do not have any other documents you plan to use, then let me know if you agree to stipulate to the Division's documents. To clarify, a stipulation to the Division's exhibits does not mean you are admitting to what they state. This just saves us time and allows us to work from the same set of documents. Please let me know – thank you.

2022-120 NRED 000001-NRED000454
Exhibit A – Division's Documents
Exhibit B – Complainant's Documents
Exhibit C – Mr. Richardson's documents
Exhibit D – Your broker documents

2021-1122 NRED 000001-000073
Exhibit A – Division's Documents
Exhibit B – Complainant's Documents
Exhibit C – Your broker documents

Also - please let me know if you intend to call any witnesses. At this time, the State intends to call the following witnesses for both cases:

Chief Investigator Jan Holle
Licensing Manager Sandra Saenz

NRED OPP 000034



Marshall Realty <solutions@marshallrealty.net>

Fwd: Continuance DENIED

1 message

From: Marshall Personal <marshall@marshallrealty.net>
Date: August 21, 2023 at 4:04:33 PM PDT
To: Kelly Valadez <KValadez@red.nv.gov>
Cc: "Christal P. Keegan" <ckeegan@ag.nv.gov>, "Rebecca J. Bruce" <rjbruce@red.nv.gov>
Subject: **Re: Continuance DENIED**

So What is the commissions reason for denying my request?

I'm out of the country with a family emergency. I will not be able to attend this hearing or be prepared to defend myself.

I am dismayed that is not sufficient for a continuance.

Marshall

On Aug 21, 2023, at 4:26 PM, Kelly Valadez <KValadez@red.nv.gov> wrote:

Good afternoon Mr. Carrasco,

Your request for a second continuance remains DENIED.

You must be present in person or virtually during the August 22-24, 2023, meetings when your case is called. If you are not present when your case is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true.

Regarding your questions below, second continuances are granted by the Commission at their discretion and on a case-by-case basis following NAC 645.830.

Thank you,

Kelly Valadez

Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, Nevada 89102

Office Hours: Monday-Thursday 7:00am to 6:00pm

Phone: (702) 486-4606

Fax: (702) 486-4275

www.red.nv.gov

From: Marshall Personal <marshall@marshallrealty.net>

Sent: Friday, August 18, 2023 3:35 PM

To: Kelly Valadez <KValadez@red.nv.gov>

Cc: Christal P. Keegan <ckeegan@ag.nv.gov>; Rebecca J. Bruce <rjbruce@red.nv.gov>

Subject: Re: Continuance DENIED

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mrs. Valadez-

Can you please help me with these questions.

1. On what parameters does the State Grant a second Continuance?
2. How many 2nd Continuances has the state Granted in the last 36 months.

I am looking for some clarification because obviously this will hurt my case and cause me damages.

I appreciate your response to these questions.

Marshall

On Aug 18, 2023, at 2:08 PM, Kelly Valadez
<KValadez@red.nv.gov> wrote:

Good afternoon Mr. Carrasco,

The second continuance request for Marshall Carrasco Case
Nos. 2021-1122 and 2022-120 has been **DENIED**.

You are required to appear in person or virtually during the Real
Estate Commission (REC) meetings scheduled for August 22-24,
2023, beginning each day at 9:00 a.m..

For your reference, the REC August 22-24, 2023 meeting agenda
is attached.

The physical locations and virtual links for August 22-24, 2023 are
listed on the agenda and below.

Division of Insurance – Northern Nevada Location

1818 E. College Parkway, Suite 103

Carson City, NV 89706

Or

Nevada State Business Center – Southern Nevada Location

3300 W. Sahara Ave., 4th Floor, Nevada Room

Las Vegas, NV 89102

Below are the Webex virtual links (green boxes) to join the Real
Estate Commission meetings scheduled for August 22-24, 2023.

Please note that there is a separate link and meeting information
for each day that the meetings are scheduled.

To join the meeting by video, click on the green "Join meeting" box below for the appropriate day and follow the prompts to allow access to your camera and audio.

Or dial 1-844-621-3956 or go to Webex.com and enter the Access Code/Meeting number and Password listed for the particular meeting date.

You will have access to join the meeting(s) approximately 30 minutes prior to the start time.

Tuesday, August 22, 2023 Beginning at 9:00 a.m.

**1-844-621-3956 ACCESS CODE/MEETING
NUMBER: 2496 336 4922##**

**WEBEX.COM MEETING NUMBER: 2496 336
4922 MEETING PASSWORD: S2NriZdcu79**



Wednesday, August 23, 2023 Beginning at 9:00 a.m.

**1-844-621-3956 ACCESS CODE/MEETING
NUMBER: 2491 799 9511##**

**WEBEX.COM MEETING NUMBER: 2491 799
9511 MEETING PASSWORD: 52rY5Pubkk3**



Thursday, August 24, 2023 Beginning at 9:00 a.m.

**1-844-621-3956 ACCESS CODE/MEETING
NUMBER: 2487 924 2296##**

**WEBEX.COM MEETING NUMBER: 2487 924 2296
MEETING PASSWORD: f2ZbyspWQ39**



Please let me know if you have any questions.

Thank you,

Kelly Valadez

Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, Nevada 89102

Office Hours: Monday-Thursday 9:00am to 6:00pm

Phone: (702) 486-4606

Fax: (702) 486-4275

www.red.nv.gov

image001.jpg

-----Original Message-----

From: Marshall Personal <marshall@marshallrealty.net>

Sent: Friday, August 18, 2023 8:44 AM

To: Kelly Valadez <KValadez@red.nv.gov>; Christal P. Keegan
<ckeegan@ag.nv.gov>

Subject: Real estate hearing

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Mrs. Valadez,

Unfortunately I had to leave the country for family matters. I was hoping to come back this weekend to attend the hearing but it looks like I will not be able to come back in time.

I am requesting an extension for this hearing.

I am very sorry for the inconvenience.

Marshall



Marshall Carrasco B.1000579

Broker Owner

O 775-787-7400 E marshall@marshallrealty.net

W MarshallRealtyTeam.com

2 attachments



Nevada Real Estate Division

Nevada Department of Business and Industry

"Growing business in Nevada"

image001.jpg

7K



Nevada Real Estate Division

Nevada Department of Business and Industry

"Growing business in Nevada"

image001.jpg

7K

**EXHIBIT
B
COMPLAINTS**

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 MARSHALL CARRASCO,
10 (B.1000579.INDV)

11 Respondent.

Case No. 2021-1122

FILED

MAR 28 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 MARSHALL
15 CARRASCO ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL
16 ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and
17 Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative
18 Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine
19 if the 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 Broker under license number B.1000579.INDV. RESPONDENT is, therefore, subject to the jurisdiction
24 of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

25 **FACTUAL ALLEGATIONS**

26 1. At all times relevant to this Complaint, RESPONDENT was the listing agent for
27 Complainant's real property located at 2219 Kadden, Dayton, Nevada 89403 (the "Property"). NRED
28 000033 – 000036.

 2. On or about September 2, 2021, RESPONDENT'S agent, Tyler Richardson, met with the
 Complainant in person to sign an Exclusive Right to Sell Contract for the Property. NRED 000069.

1 3. On April 4, 2022, in an email to the Division, RESPONDENT admitted his agent, Mr.
2 Richardson, met Complainant to sign the Exclusive Right to Sell Contract. *NRED 000006.*

3 4. Yet, the Exclusive Right to Sell Contract was executed electronically. *NRED 000033 –*
4 *000036.*

5 5. On June 7, 2022, RESPONDENT represented to the Division that his agent, Mr.
6 Richardson, was an active licensee at all times relevant. *NRED 000020 – 000021.*

7 6. But, RESPONDENT'S agent, Tyler Richardson, did not have an active license when he
8 met with the Complainant to sign the Exclusive Right to Sell Contract. *NRED 000004.*

9 7. On October 6, 2021, RESPONDENT'S inactive licensee, Mr. Richardson, emailed
10 Complainant listing information for comparables. *NRED 000064.*

11 8. On November 23, 2021, RESPONDENT'S inactive licensee, Mr. Richardson, emailed
12 Complainant listing information and links. *NRED 000073.*

13 9. But, RESPONDENT'S agent, Mr. Richardson, did not have an active license when he
14 emailed Complainant listing information. *NRED 000004.*

15 10. On or about September 2, 2021, the Complainant signed a Duties Owed by a Nevada Real
16 Estate Licensee (the "Duties Owed"). *NRED 000037.*

17 11. The Duties Owed only identified RESPONDENT as the licensee in the real estate
18 transaction. *NRED 000037.*

19 12. A Supplemental List of Licensees Party to the Duties Owed was not included.

20 13. From about September 28, 2021, to October 28, 2021, RESPONDENT'S licensee, Brylle
21 Ireland, sent numerous emails to Complainant regarding the Property transaction. *NRED 000028 –*
22 *000063, and NRED 000065 – 000072.*

23 14. During which, on October 11, 2021, RESPONDENT's licensee, Ms. Ireland, emailed
24 Complainant details of an offer to purchase the Property. *NRED 000065 – 000066.*

25 15. But, RESPONDENT'S licensee, Ms. Ireland, was not included on a Supplemental List of
26 Licensees Party to the Duties Owed.

1 16. On or about June 10, 2022, the Division noticed RESPONDENT of an Amended Notice
2 of Violation with Imposition of Administrative Fine in the amount of \$1,000.00 due by July 11, 2022.
3 *NRED 000012 – NRED 000019.*

4 17. On July 8, 2022, RESPONDENT appealed the Notice of Violation, and as such, this
5 Complaint now comes herewith. *NRED 000020.*

6 **VIOLATIONS OF LAW**

7 RESPONDENT committed the following violations of law:

8 1. RESPONDENT violated NRS 645.633 1 (h) pursuant to NAC 645.600 (1) by failing to
9 supervise his inactive licensed agent's activities acting in the capacity of a real estate licensee.

10 2. RESPONDENT violated NRS 645.252 (3) by failing to list additional licensee involved
11 in the transaction for the Property on the Supplemental List of Licensees Party to the Duties Owed.

12 **DISCIPLINE AUTHORIZED**

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

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

19 5. Therefore, the Division requests that the Commission take such disciplinary action as it
20 deems appropriate under the circumstances.

21 **NOTICE OF HEARING**

22 **PLEASE TAKE NOTICE,** that a disciplinary hearing has been set to consider the
23 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
24 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

25 **THE HEARING WILL TAKE PLACE** on May 2, 2023, commencing at 9:00 a.m., or as
26 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
27 at 9:00 a.m. through May 4, 2023, or earlier if the business of the Commission is concluded. The
28 Commission meeting will be held on May 2, 2023, at the Nevada State Business Center, 3300 West

1 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue
2 on each day thereafter commencing at 9:00 a.m. through May 4, 2023, at the Nevada State Business
3 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, until the
4 business of the Commission is concluded. To attend the Commission meeting virtually or by
5 telephone, go to Webex.com or dial 1-844-621-3956 and enter the meeting information below:

6
7 **TUESDAY, MAY 2, 2023**

8 1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2498 351 9155##

9 WEBEX.COM MEETING NUMBER: 2498 351 9155 MEETING PASSWORD: Td4KAXu9A3n

10 **WEDNESDAY, MAY 3, 2023**

11 1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2494 419 1083##

12 WEBEX.COM MEETING NUMBER: 2494 419 1083 MEETING PASSWORD: Z8Gj6VJH8W3

13 **THURSDAY, MAY 4, 2023**

14 1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2482 634 9998##

15 WEBEX.COM MEETING NUMBER: 2482 634 9998 MEETING PASSWORD: uxWgkUka243

16
17 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
18 time as part of a regular meeting of the Commission that is expected to last from May 2, 2023
19 through May 4, 2023, or earlier if the business of the Commission is concluded. Thus, your hearing
20 may be continued until later in the day or from day to day. It is your responsibility to be present
21 when your case is called. If you are not present when your hearing is called, a default may be
22 entered against you and the Commission may decide the case as if all allegations in the complaint
23 were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702)
24 486-4606.

25 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
26 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,
27 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
28

1 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
2 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

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

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

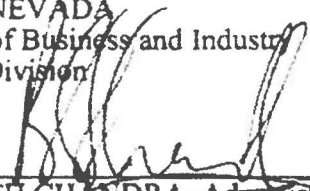
13 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and or NAC
14 645 and if the allegations contained herein are substantially proven by the evidence presented and
15 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
16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

17 DATED this 20 day of March 2023.

DATED this 9th day of March 2023.

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

AARON D. FORD
Attorney General

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

By: 
CHRISTAL P. KEEGAN, ESQ.
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(775) 687-2141
ckeegan@ag.nv.gov
Attorney for Real Estate Division

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. 2022-120

6 Petitioner,

7 vs.

8 MARSHALL CARRASCO,
9 (B.1000579.INDV)

10 Respondent.

FILED

MAR 29 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

11 COMPLAINT AND NOTICE OF HEARING

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
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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.

24 FACTUAL ALLEGATIONS

25 1. At all times relevant to this Complaint, RESPONDENT was the broker for his agent,
26 licensee Tyler Scott Richardson (S.0183650). NRED 000004, NRED 000014.

27 2. RESPONDENT failed to supervise his agent, Mr. Richardson, during periods of inactive
28 licensed status between January 31, 2021, to February 2, 2022. NRED 000040 – 000041, NRED 000031

1 - 000032, NRED 000004, NRED 000017 - 000030, NRED 000169 - 000171, NRED 000409 - 000420,
2 NRED 000423 - 000426, NRED 000446, and NRED 000450 - 000452.

3 3. RESPONDENT's agent represented buyers in the transaction for the purchase of real
4 property located at 7115 Banbury Court, Reno, Nevada 89523 ("Property #1"). NRED 000025.

5 4. On June 22, 2021, the Property #1 sale closed. NRED 000418 - 000420.

6 5. On or about June 23, 2021, sales commissions for Property #1 were disbursed to
7 RESPONDENT'S brokerage in the total amount of \$23,375.00. NRED 000420

8 6. At all times relevant to the Property #1 transaction, RESPONDENT'S agent did not hold
9 an active real estate license. NRED 000004.

10 7. RESPONDENT's agent represented buyers in the transaction for the purchase of real
11 property located at 135 Blair Place, Reno, Nevada 89509 ("Property #2"). NRED 000025.

12 8. On July 21, 2021, the Property #2 sale closed. NRED 000409 - 000410.

13 9. On or about July 22, 2021, sales commissions for Property #2 were disbursed to
14 RESPONDENT'S brokerage in the total amount of \$21,747.50. NRED 000409.

15 10. At all times relevant to the Property #2 transaction, RESPONDENT'S agent did not hold
16 an active real estate license. NRED 000004.

17 11. RESPONDENT's agent represented buyers in the transaction for the purchase of real
18 property located at 900 South Meadows Parkway, Reno, Nevada 89521 ("Property #3"). NRED 000018.

19 12. On July 21, 2021, the Property #3 sale closed. NRED 000414 - 000415.

20 13. On or about July 26, 2021, sales commissions for Property #3 were disbursed to
21 RESPONDENT'S brokerage in the total amount of \$8,125.00. NRED 000414.

22 14. At all times relevant to Property #3 transaction, RESPONDENT'S agent did not hold an
23 active real estate license. NRED 000004.

24 15. RESPONDENT's agent represented buyers in the transaction for the purchase of real
25 property located at 4301 Numaga Pass, Carson City, Nevada 89703 ("Property #4"). NRED 000018.

26 16. On July 30, 2021, the Property #4 sale closed. NRED 000446.

27 17. Sales commissions for Property #4 were disbursed to RESPONDENT'S brokerage in the
28 total amount of \$27,279.69. NRED 000446.

1 18. At all times relevant to Property #4 transaction, RESPONDENT'S agent did not hold an
2 active real estate license. *NRED 000004.*

3 19. RESPONDENT's agent represented Complainants in the transaction for the purchase of
4 real property located at 992 Bench Road, Fallon, Nevada 89406 ("Property #5"). *NRED 000018.*

5 20. On August 30, 2021, the Property #5 sale closed. *NRED 000305 - 000311.*

6 21. Sales commissions for Property #5 were disbursed to RESPONDENT'S brokerage in the
7 total amount of \$17,737.50. *NRED 000306.*

8 22. At all times relevant to Property #5 transaction, RESPONDENT'S agent did not hold an
9 active real estate license. *NRED 000004.*

10 23. RESPONDENT'S agent represented buyers in the transaction for the purchase of real
11 property located at 204 Agate Drive, Carson City, Nevada 89706 ("Property #6"). *NRED 000018.*

12 24. On September 15, 2021, the Property #6 sale closed. *NRED 000412 - 000413.*

13 25. Sales commissions for Property #6 were disbursed to RESPONDENT'S brokerage in the
14 total amount of \$9,551.25. *NRED 000411.*

15 26. At all times relevant to Property #6 transaction, RESPONDENT'S agent did not hold an
16 active real estate license. *NRED 000004.*

17 27. RESPONDENT's agent represented buyers in the transaction for the purchase of real
18 property located at 5304 Bentgrass Drive, Stagecoach, Nevada 89429 ("Property #7"). *NRED 000018.*

19 28. On December 10, 2021, the Property #7 sale closed. *NRED 000423 - 000424.*

20 29. Sales commissions for Property #7 were disbursed to RESPONDENT'S brokerage in the
21 total amount of \$27,775.00. *NRED 000424.*

22 30. At all times relevant to Property #7 transaction, RESPONDENT'S agent did not hold an
23 active real estate license. *NRED 000004.*

24 31. It was not until December 16, 2021, that RESPONDENT allegedly came to know that Mr.
25 Richardson's real estate license had not been renewed. *NRED 000429 - 000430.*

26 32. Such knowledge is alleged to have come by and through RESPONDENT'S licensee,
27 Brylle Ireland's (S.189837), "piqued" interest to check the renewal status of her coworkers. *NRED*
28 *000425 - 000426.*

33. Yet, RESPONDENT'S agent still made \$75,775.45 in sales commissions during his periods of inactive license status from February 2021 to February 2022. *NRED 000450 - 000452.*

34. Even further, RESPONDENT admitted he paid his agent \$23,279.49 towards the seven (7) transactions in which his agent acted as a real estate salesperson without a valid license. NRED 000453.

35. Finally, on February 2, 2022, RESPONDENT'S real estate salesperson license was renewed. *NRED 000004*.

36. In a certified mailed letter dated May 16, 2022, the Division notified the RESPONDENT that it had sufficient evidence to commence disciplinary action against him, and as such, now comes herewith. *NRED 000015, and NRED 000031- 000034.*

VIOLATIONS OF LAW

RESPONDENT committed the following violations of law:

1. RESPONDENT violated NAC 645.600(1) for demonstrating lack of established policy, procedures and/or systems to responsibly supervise his licensees' activities.

2. RESPONDENT violated NRS 645.280(1) for paying his agent for acting as a real estate licensee in transactions while the agent did not hold an active real estate license.

3. RESPONDENT violated NRS 645.235(1)(b) when he assisted his agent to engage in real estate activities without an active license.

DISCIPLINE AUTHORIZED

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

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

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

1 7. 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
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13 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, until the
14 business of the Commission is concluded. To attend the Commission meeting virtually or by
15 telephone, go to Webex.com or dial 1-844-621-3956 and enter the meeting information below:

16
17 **TUESDAY, MAY 2, 2023**

18 1-844-621-3956 **ACCESS CODE/MEETING NUMBER:** 2498 351 9155##

19 **WEBEX.COM** **MEETING NUMBER:** 2498 351 9155 **MEETING PASSWORD:** Td4KAXu9A3n

20 **WEDNESDAY, MAY 3, 2023**

21 1-844-621-3956 **ACCESS CODE/MEETING NUMBER:** 2494 419 1083##

22 **WEBEX.COM** **MEETING NUMBER:** 2494 419 1083 **MEETING PASSWORD:** Z8Gj6VJH8W3

23 **THURSDAY, MAY 4, 2023**

24 1-844-621-3956 **ACCESS CODE/MEETING NUMBER:** 2482 634 9998##

25 **WEBEX.COM** **MEETING NUMBER:** 2482 634 9998 **MEETING PASSWORD:** uxWgkUka243

1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
2 time as part of a regular meeting of the Commission that is expected to last from May 2, 2023
3 through May 4, 2023, or earlier if the business of the Commission is concluded. Thus, your hearing
4 may be continued until later in the day or from day to day. It is your responsibility to be present
5 when your case is called. If you are not present when your hearing is called, a default may be
6 entered against you and the Commission may decide the case as if all allegations in the complaint
7 were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702)
8 (702) 486-4606.

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

14 ///

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

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

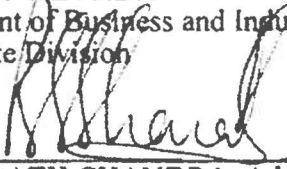
25 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
26 645 and if the allegations contained herein are substantially proven by the evidence presented and
27 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
28 pursuant to NRS 645.235, 645.633 and or 645.630.


1
2 DATED this 28 day of March 2023.

DATED this 27th day of March 2023.

3
4 STATE OF NEVADA
5 Department of Business and Industry
6 Real Estate Division

AARON D. FORD
Attorney General

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

**GROUP EXHIBIT
C
PETITION FOR
REHEARING, OPPOSITION
THERE TO AND RESPONSE
TO OPPOSITION**

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

1 SHARATH CHANDRA, Administrator,)
2 REAL ESTATE DIVISION,)
3 DEPARTMENT OF BUSINESS &) Case Nos.:
4 INDUSTRY,) 2021-1122
5 STATE OF NEVADA) 2022-120
6 Petitioner)
7 vs.)
8 MARSHALL CARRASCO,)
9 (B 1000579.INDV))
10 RESPONDENT.)

FILED

SEP 15 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

PETITION REQUEST FOR REHEARING

11 The Respondent in the cases identified above, Marshall Carrasco, requests a Rehearing
12 as to the specifics and seriousness of the discipline imposed in the Findings of Fact,
13 Conclusions of Law, and Order pursuant to NAC 645.820(7) entered in these two cases.

14 I, Robert G. Kilroy, Esquire, with the BPE Law Group, represent Marshall Carrasco. On
15 his behalf, we respectfully request Mr. Chandra, as the Administer of the NVRED, and, Mr.
16 Lee Gurr, as President of NVREC. to *please* reconsidered those Findings of Fact,
17 Conclusions of Law and Orders for both cases [2021-1122 & 2022-120](hereinafter
18 "Matters") with newly scheduled hearing, a stay of the Orders' enforcement, and, also in
19 the alterative, consider negotiations for an equitable and reasonable settlement to prevent
20 a costly Judicial Review.

21 Based upon NAC 645.820, Mr. Carrasco humbly submits this petition, requesting the
22 following:

- 23 a) Pursuant to NAC 645.820 (1), Mr. Carrasco, as the licensee, petitions for a new
24 rehearing;
25 b) Pursuant to NAC 645.820 (2), Mr. Carrasco seeks the Commission to stay its
26 decisions (Orders);
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c) Pursuant to NAC 645.820 (3), Mr. Carrasco believes several points of law and facts were overlooked:

1. Particularly, and most importantly, the point of law overlooked was the constitutional due process protections regarding the property right in professional's license. He was denied a continuance. Thus, the NVREC denied his opportunity to present his defense and actively address the Commission's concerns, issues and alleged violations. But rather, he was forced to choose between attending the August 2023 scheduled hearing or neglecting his out of country family emergency.¹

2. Additionally, the Orders are ambiguous and vague regarding the fines of \$20,000. Case 2022-120 states "Respondent shall pay an administrative fine...of \$20,000 for violations of the law,..." See Order Page 5, Lines 8-11. Here, in this specific Matter, the language of a singular "law" is confusing, because there is no justification for such a massive amount of fines applied to the violations. The Order lists three violations, so that calculates to approximately \$6,666.67 for each violation of law. How is such a fine justified? Whereas, Case 2021-1122, states "Respondent shall pay an administrative fine...of \$20,000 for violation of law on five occasions..." See Order, Page 3, lines 25-28. Here, the language is specific for the number of violations five (5), but he was only found to have violated NRS 645.633 (i)(h) and NRS 645.252 (3) In that Matter, the \$20,000 fine is based on five violations, so that calculates to \$5000 for each law violation. Regarding these fines, it appears that the Commission's imposition of such fines without specific justification could reasonable viewed is arbitrary and capricious. Arbitrary and

1 The family emergency occurred in Costa Rica. Mr. Carrasco's son's grandmother refused medical attention in the bigger cities as she remained in a rural hospice care facility, which was located in the mountains without cellular phone service.. Because he believed that she was near death, he needed to be by her side as she was like a mother to him. For years, he assumed financial responsibility and medical care for her well-being.

1 Capricious government conduct would be sufficient and persuasive in a District
2 Court Judicial Review because the imposed fines are variable, unpredictable, and
3 without reasonableness in light of fact previous offers to settle were at \$1000 for
4 fines.

5 3. Regarding a Fact overlooked by the Commission, Mr. Carrasco requested a
6 second continuance² based upon a family emergency taking him out of
7 opportunity to be heard in the hearings. What was the justification for such a
8 denial? Now, he is available and ready to present his case.

9 d) Pursuant to NAC 645 (6), Mr. Carrasco's petition seeks the Orders enforcement be
10 stayed until either new hearings are scheduled, or in the cost savings alternative, the
11 parties of NVRED, NVREC, and Mr. Carrasco engage in good faith negotiations to resolve
12 the aforementioned Matters and avoid a costly Judicial Review.

13 Mr. Carrasco's petition is timely. It alleges both grounds and cause for a rehearing on
14 the merits.

15 e) Pursuant to NAC 645 (7), Mr. Carrasco appeals to the discretion of the NVREC for a
16 rehearing based on the following causes and grounds.

17 1. Pursuant to NAC 645 (7)(a), the original hearings' irregularities were Mr.
18 Carrasco's request for a continuance being denied, which created a dilemma of
19 choosing between his family's well-being or participating in a hearing regarding
20 his professional conduct as a licensed broker. Additionally, because his was
21 denied due process constitutional protections, he did not have a chance to present
22 evidence for the NVREC's consideration. Perhaps the most important irregularity -
23 NVREC took away his broker license without an opportunity to be heard.
24 Generally, licensed professionals possess a property right in such license. Such a
25

26 ² First continuance request was on August 18, 2023; NVREC did not grant such reasonable request. Second
27 continuance request was on August 21, 2023; again, NVREC denied such reasonable request without any
28 explanation. It appears this second continuance denial is arbitrary and capricious misconduct, subject to
Judicial Review resulting in a remand back to the NREC for a new hearing consistent with Mr. Carrasco's due
process protections regarding his property right in his NREC issued Broker's License.

1 license revocation substantially, significantly and negatively impacts his family
2 because such revocations deny his opportunity to work and generate income to
3 tend to his family in Washoe County and in Costa Rica. How do the revocations in
4 both Matter match the harm of his violations? Mr. Carrasco believes the
5 revocations of his Broker's license is another act by NVREC in an arbitrary and
6 capricious manner, which could be sufficient and persuasive in a District Court's
7 Judicial Review.

8 2. Pursuant to NAC 645 (7)(c), Mr. Carrasco discovered evidence that indicates a
9 conflict of interest with the prosecuting attorney as she was a licensed real estate
10 agent - licensed by the very governmental entity upon which imposed such harsh
11 and punitive punishments upon him. Her license was with a competitor of Mr.
12 Carrasco. It appears this attorney placed her license in an inactive status during
13 the month of August 2023, prior to the scheduled hearing.

14 At this point the Division is not prejudiced by this request as the deadline for
15 payments of fines, etc., is still in the future.

16 On behalf of Respondent,

17 *ROBERT G KILROY*

18 Robert G. Kilroy, Esquire, NVBAR 8529
19
20
21
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27
28

AFFIRMATION PURSUANT TO NRS 239B.030

By signature below, the undersigned affirms that the preceding document does not contain the social security number of any person.

Dated: September 15, 2023. Robert G. KILROY, Esquire

ROBERT G KILROY

Attorney for Respondent

Pursuant to NRCP 5(b), I certify that I am an employee of BPE Law Group and that on the 15th of September 2023, I served a true and correct copy of the preceding document entitled **PETITION REQUEST FOR REHEARING** as follows:

Kelly Valadez, Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Ste 350

Las Vegas, NV 89102

Deputy Attorney General Keegan

Department of Business & Industry

5420 Kietzke Land #202

Reno, NV 89511

Robert G. KILROY, Esquire

ROBERT G KILROY

Attorney for Respondent

LII > State Regulations > Nevada Administrative Code
> Chapter 645 - Real Estate Brokers and Salespersons
> PROCEEDINGS BEFORE COMMISSION
> Nev. Admin. Code § 645.810 - Procedure at hearing; receipt of evidence; date of decision

Nev. Admin. Code § 645.810 - Procedure at hearing; receipt of evidence; date of decision

State Regulations Compare

1. The presiding officer of a hearing shall:

(a) Ascertain whether all persons commanded to appear under subpoena are present and whether all documents, books, records and other evidence under subpoena are present in the hearing room.

(b) Administer the oath to the reporter as follows:

Do you solemnly swear or affirm that you will report this hearing to the best of your stenographic ability?

(c) Administer the oath to all persons whose testimony will be taken:

Do you and each of you solemnly swear or affirm to tell the truth and nothing but the truth in these proceedings?

(d) Ascertain whether either party wishes to have a witness excluded from the hearing except during the testimony of the witness. A witness may be excluded upon the motion of the Commission or upon the motion of either party. If a witness is excluded, the witness will be instructed not to discuss the case during

the pendency of the proceeding. The respondent will be allowed to remain present at the hearing. The Division may designate a person who is a member of the staff of the Division and who may also be a witness to act as its representative. Such a representative will be allowed to remain present at the hearing.

(e) Ascertain whether a copy of the complaint or decision to deny has been filed and whether an answer has been filed as part of the record in the proceedings.

(f) Hear any preliminary motions, stipulations or orders upon which the parties agree and address any administrative details.

(g) Have the discretion to limit the opening and closing statements of the parties.

(h) Request the Division to proceed with the presentation of its case.

2. The Division may not submit any evidence to the Commission before the hearing except for the complaint and answer.

3. The respondent may cross-examine witnesses in the order that the Division presents them.

4. Witnesses or counsel may be questioned by the members of the Commission at any time during the proceeding.

5. Evidence which is to be introduced:

(a) Must first be marked for identification; and

(b) May be received by the Commission at any point during the proceeding.

6. When the Division has completed its presentation, the presiding officer shall request the respondent to proceed with the introduction of evidence and calling of witnesses on his or her behalf.

7. The Division may cross-examine witnesses in the order that the respondent presents them.

8. When the respondent has completed his or her presentation, the Division may call any rebuttal witnesses.

9. When all testimony for the Division and respondent has been given and all evidence submitted, the presiding officer may request the Division and the respondent to summarize their presentations.

10. The Commission may waive any provision of this section if necessary to expedite or ensure the fairness of the hearing.

11. The date of decision for the purpose of subsection 2 of NRS 645.760 is the date the written decision is signed by a Commissioner or filed with the Commission, whichever occurs later.

12. In the absence of the President of the Commission, any matter which must be acted upon may be submitted to the Vice President or to the Secretary.

13. Upon the presentation of evidence that the respondent received notice of the hearing and has not filed an answer within the time prescribed pursuant to NRS 645.685, the respondent's default may be entered and a decision may be issued based upon the allegations of the complaint.

Notes

Nev. Admin. Code § 645.810

Real Estate Adv. Comm'n, § XVII subsecs. 1 & 2 pars. b-q, eff. 10-31-75-NAC A by Real Estate Comm'n, 8-21-81; 4-27-84; 6-3-86; A by Real Estate Div., 11-30-87; A by Real Estate Comm'n by R111-01, 12-17-2001; R031-04, 11-30-2004; R123-06, 6-1-2006
NRS 645.190



State Regulations Toolbox

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LII > State Regulations > Nevada Administrative Code
> Chapter 645 - Real Estate Brokers and Salespersons
> PROCEEDINGS BEFORE COMMISSION
> Nev. Admin. Code § 645.860 - Failure of party to appear at hearing

Nev. Admin. Code § 645.860 - Failure of party to appear at hearing

State Regulations Compare

If a party fails to appear at a hearing scheduled by the Commission and a continuance has not been requested or granted, upon an offer of proof by the Division that the absent party was given proper notice and upon a determination by the Commission that proper notice was given, the Commission may proceed to consider the case without the participation of the absent party and may dispose of the matter on the basis of the evidence before it. If the respondent fails to appear at the hearing or fails to reply to the notice, the charges specified in the complaint may be considered as true.

Notes

Nev. Admin. Code § 645.860

Added to NAC by Real Estate Comm'n by R031-04, eff. 11-30-2004

NRS 645.190

West's Nevada Revised Statutes Annotated

Title 54. Professions, Occupations and Businesses (Chapters 622-656a)

Chapter 645. Real Estate Brokers and Salespersons (Refs & Annos)

Disciplinary and Other Actions

N.R.S. 645.770

645.770. Restrictions on issuance of new license, permit or registration after revocation

Currentness

After the revocation of any license, permit or registration by the Commission as provided in this chapter, no new license, permit or registration may be issued to the same licensee, permittee or registrant, as appropriate, within 1 year after the date of the revocation, nor at any time thereafter except in the sole discretion of the Real Estate Division, and then only provided that the licensee, permittee or registrant satisfies all the requirements for an original license, permit or registration.

Credits

Added by Laws 1947, c. 150, §§ 14 (part), 24. Amended by Laws 1949, p. 433; NRS amended by Laws 1963, p. 677; Laws 2005, c. 347, § 16.

N. R. S. 645.770, NV ST 645.770

Current through legislation of the 82nd Regular Session (2023) effective through October 1, 2023. Text subject to revision and classification by the Legislative Counsel Bureau.

End of Document

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498 P.3d 1288 (Table)

Unpublished Disposition

This is an unpublished disposition. See Nevada Rules of Appellate Procedure, Rule 36(c) before citing. Court of Appeals of Nevada.

Terry NELSON, Appellant,

v.

Sharath CHANDRA, Administrator, the
State of Nevada Department of Business
and Industry, Real Estate Division; and the
Nevada Real Estate Commission, Respondents.

No. 81019-COA

I

FILED NOVEMBER 15, 2021

Terry Nelson appeals from a district court order denying a petition for judicial review. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Attorneys and Law Firms

Terry Nelson

Attorney General/Carson City

Attorney General/Las Vegas

Karissa D. Neff

ORDER OF AFFIRMANCE

*1 Nelson was a licensed real estate broker, subject to the jurisdiction of the Nevada Real Estate Division (Division) and the provisions of NRS Chapter 645 and NAC Chapter 645. In response to a complaint filed by another Nevada licensed real estate agent, the Division opened an investigation and ultimately commenced disciplinary proceedings against Nelson before the Nevada Real Estate Commission (Commission) for violating NRS Chapter 645 and NAC Chapter 645 in numerous transactions representing sellers. As relevant here, after conducting an evidentiary hearing, the Commission concluded that Nelson violated: (1) NRS 645.633(1)(h) and/or NAC 645.605(6) on 21 occasions by obstructing the fair market and limiting prospective buyers by offering an undesirable buyer's broker's commission,

thereby not representing her clients with absolute fidelity; (2) NRS 645.252 and/or NRS 645.630(1)(k) on 18 occasions by failing to exercise reasonable skill and care to ensure that the buyers' earnest money was timely deposited; and (3) NRS 645.630(1)(f) and/or NRS 645.252(2) on 3 occasions by failing to exercise reasonable skill and care to ensure that the buyers' earnest money was accounted for and remitted to the title company within a reasonable time. As a result, the Commission revoked Nelson's real estate broker's license and fined her \$222,489.22 (representing a \$5,000 penalty per violation plus the Division's investigation and hearing costs). The district court denied Nelson's petition for judicial review, finding that substantial evidence supported the Commission's order, such that the Commission did not abuse its discretion. This appeal followed.

On appeal, Nelson challenges the district court's denial of her petition for judicial review, asserting that evidence did not support the Commission's ruling and that she did not violate any of the rules governing licensed real estate brokers. Like the district court, we review an administrative agency's decision to determine whether it was affected by an error of law, or was arbitrary or capricious, and thus, an abuse of discretion. NRS 233B.135(3)(d), (f); *State Tax Comm'n v. Am. Home Shield of Nev., Inc.*, 127 Nev. 382, 385-86, 254 P.3d 601, 603 (2011). We review the agency's factual findings for clear error or an abuse of discretion, and will only overturn those findings if they are not supported by substantial evidence. NRS 233B.135(3)(e), (f); *City of N. Las Vegas v. Warburton*, 127 Nev. 682, 686, 262 P.3d 715, 718 (2011). Substantial evidence is that "which a reasonable mind might accept as adequate to support a conclusion." NRS 233B.135(4); *Nev. Pub. Emps. Ret. Bd. v. Smith*, 129 Nev. 618, 624, 310 P.3d 560, 564 (2013).

As to the first violation—that Nelson obstructed the fair market and limited prospective buyers by offering an undesirable buyer's broker's commission—Nelson contends that she is not required to offer a specific buyer's broker's commission and, therefore, she did not violate any rule by offering a low commission. NRS 645.633(1)(h) provides that the Commission may discipline a licensee, like Nelson, if the broker is grossly negligent or incompetent in performing his or her duties. And NAC 645.605 provides certain factors for the Commission to consider when determining whether a licensee was grossly negligent or incompetent pursuant to NRS 645.633(1)(h).

*2 Based on our review of the record, the Commission did not conclude that Nelson violated NRS 645.633(1)(h) or NAC 645.605(6) simply because she offered a low buyer's broker's commission. Rather, the Commission concluded that Nelson initially offering a low buyer's broker's commission, along with failing to include what the commission would be in the exclusive right to sell contract signed by her client and subsequently changing the buyer's broker's commission on the property listings numerous times and the timing of those changes, together, indicated that Nelson was attempting to discourage buyers' brokers from making offers to ensure that her husband, another licensed realtor, could find a buyer for her listings. The Commission concluded that this conduct violated Nelson's duty of absolute fidelity to her clients, pursuant to NAC 645.605(6), because it limited the market to which her clients' properties were exposed, as other buyer's brokers were discouraged from contacting her regarding the properties she listed. While Nelson contends that she was not engaging in such conduct to discourage any buyer's broker and that other buyers had the ability to view her listings, and that she testified to the same during the hearing, we do not reweigh the evidence or witness credibility on appeal. *State Dep't of Commerce v. Soeller*, 98 Nev. 579, 587, 656 P.2d 224, 229 (1982). Thus, we cannot conclude that the Commission abused its discretion in concluding that Nelson's conduct, taken together, constituted a violation of NRS 645.633 or NAC 645.605. See NRS 233B.135(3)(d), (f); *Am. Home Shield of Nev., Inc.*, 127 Nev. at 385-86, 254 P.3d at 603.

Next, Nelson challenges the Commission's conclusion that she violated NRS 645.252(2) and/or NRS 645.630(1)(k) by failing to exercise reasonable skill and care to ensure that buyers' earnest monies were timely deposited, NRS 645.252 provides duties that a licensee owes when acting as an agent in a real estate transaction, including the duty to "exercise reasonable skill and care with respect to all parties to the real estate transaction." NRS 645.252(2). NRS 645.630(1)(k) provides that the Commission may discipline a licensed broker who fails "to deposit any check or cash received as earnest money before the end of the next banking day unless otherwise provided in the purchase agreement."

Here, the Commission concluded that Nelson failed to exercise reasonable skill and care to ensure that the earnest monies were deposited within one banking day, and Nelson concedes the earnest monies were not deposited within one banking day. Nelson contends, however, that the Commission abused its discretion in concluding she violated any rules because she never received the earnest monies and the

buyers took responsibility for depositing their earnest monies with the title companies themselves. But NRS 645.630(1)(k) requires a licensed broker, such as Nelson, to ensure deposit of monies received as earnest money by the next banking day, while NRS 645.252(2) requires licensees to exercise reasonable skill and care, and Nelson conceded that the earnest monies were not timely deposited. Although we agree that NRS 645.630(1)(k) does not specifically provide for a situation such as this, where the buyers purportedly took on the responsibility to deposit the funds themselves, the statute contemplates a licensee's duty to ensure the money is timely deposited. And we cannot say that the Commission abused its discretion in interpreting the statute to require Nelson to ensure the earnest monies were timely deposited in the transactions at issue here. See *Taylor v. Dep't of Health and Human Servs.*, 129 Nev. 928, 930, 314 P.3d 949, 951 (2013) ("Although statutory construction is generally a question of law reviewed de novo, this court defers to an agency's interpretation of its governing statutes or regulations if the interpretation is within the language of the statute." (internal quotations and alterations omitted)).

As to the last violation, the Commission concluded that Nelson violated NRS 645.630(1)(f) and/or NRS 645.252(2) on three occasions by failing to exercise reasonable skill and care to ensure that the buyers' earnest money was accounted for and remitted to the title company within a reasonable time. NRS 645.630(1)(f) provides that the Commission may discipline a licensee for "[f]ailing, within a reasonable time, to account for or to remit any money which comes into his or her possession and which belongs to others." Nelson again argues that she could not have violated any statutes because she did not physically receive any funds. But based on our review of the record, as to the transactions at issue in this violation, the Division presented evidence that the earnest money checks were made payable to Nelson's company; that at least one of the earnest money checks was indorsed by Nelson, such that it was in Nelson's possession at some point; and that the offer and acceptance agreements—signed by Nelson—specified that the earnest money checks were received and made payable to Nelson's company, and that they would be deposited within one business day of acceptance. Based on these facts, substantial evidence supports the Commission's conclusion and we cannot conclude that it abused its discretion. See *Warburton*, 127 Nev. at 686, 262 P.3d at 718.

*3 For the foregoing reasons, we

From: Robert G. Kilroy <rgkilroy@bpelaw.com>
Sent: Friday, September 15, 2023 4:10 PM
To: Kelly Valadez <KValadez@red.nv.gov>
Cc: Marshall Realty <marshall@marshallrealty.net>
Subject: Petition Request for Rehearing & Stay Marshall Carrasco

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please find attached and forward to your legal department. Paper copies served via USMail to DAG Keegan and to you.
Respectfully, RGK



Marshall Carrasco B.1000579
Broker Owner

O 775-787-7400 E marshall@marshallrealty.net
W MarshallRealtyTeam.com

4 attachments



Nevada Real Estate Division
Nevada Department of Real Estate and Public Affairs
"Growing business in Nevada"

image001.jpg
7K



Nevada Real Estate Division
Nevada Department of Real Estate and Public Affairs
"Growing business in Nevada"

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Carrasco, Marshall Case Nos. 2021-1122 & 2022-120 Letter Rec'd & Filed 9.15.23.pdf
117K



Carrasco, Marshall Case Nos. 2021-1122 & 2022-120 Petition Request for Rehearing Rec'd & Filed 9.15.23.pdf
160K

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,

Petitioner,

7 vs.

8 MARSHALL CARRASCO,
(B.1000579.INDV)

9 Respondent.

Case Nos. 2021-1122 and 2022-120

FILED

SEP 22 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

10
11 **OPPOSITION TO RESPONDENT'S PETITION REQUEST FOR REHEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
14 Attorney General, and Christal P. Keegan, Deputy Attorney General, brings this Opposition to
15 Respondent's Petition Request for Rehearing.

16 DATED this 21st day of September 2023.

17 AARON D. FORD
18 Attorney General

19 By: epkeegan
20 CHRISTAL P. KEEGAN, ESQ.
21 Deputy Attorney General
22 Nevada Bar No. 12725
23 5420 Kietzke Lane, #202
24 Reno, Nevada 89511
25 (775) 687-2141
26 ckeegan@ag.nv.gov

27 *Attorney for Real Estate Division*
28

1 **I. Background**

2 The Division's Complaints against Respondent Marshall Carrasco were filed on March 28, 2023
3 for Case No. 2021-1122 and March 29, 2023 for Case No. 2022-120, and both were set to be heard by
4 the State of Nevada Real Estate Commission ("Commission") at its meeting commencing on May 2,
5 2023 through May 4, 2023. *NRED OPP 000002-NRED OPP 000013.*

6 On or about April 11, 2023, with settlement approval from the Division, its attorney presented
7 settlement offers to Mr. Carrasco which he rejected and decidedly contested the cases against him.
8 *NRED OPP 000036.*

9 On April 18, 2023, Mr. Carrasco filed his response and points for contesting case nos. 2021-1122
10 and 2022-120 with the Division's attorney, which as a courtesy, was forwarded on to the commission's
11 coordinator for filing with the Division. *NRED OPP 000015-NRED OPP 000016.* Included within Mr.
12 Carrasco's response were requests made upon the Division to audit the licensees of his brokerage and a
13 request for production of the Division's systems and policies for notifying licensees of their license status.
14 *NRED OPP 000015.* That same day, the Division provided Mr. Carrasco with responses to his requests.
15 *NRED OPP 000024.*

16 On April 25, 2023, the Division's attorney reached out to Mr. Carrasco requesting clarification if
17 he was still asking for a continuance since his request for more time to research was resolved by the
18 Division's response provided on April 18, 2023. *NRED OPP 000023.* As a courtesy, the Division
19 reminded Mr. Carrasco that any request for a continuance had to be submitted in writing to the
20 commission's coordinator, otherwise his appearance at the hearing next week would be expected.
21 *NRED OPP 000022.*

22 On April 26, 2023, three (3) working days before the hearing, Mr. Carrasco requested a
23 continuance to hire an attorney, which the Secretary of the Commission granted, and the Deputy Attorney
24 General did not object to. *NRED OPP 000021, NRED OPP 000020.* Mr. Carrasco was notified that his
25 hearings would be scheduled for the next Commission hearings August 22-24, 2023. *NRED OPP*
26 *000020.*

27 On or about June 26, 2023, the Division re-noticed Mr. Carrasco for the Commission hearings in
28 August. *NRED OPP 000028-NRED OPP 000031.* On July 28, 2023, the Division's attorney asked Mr.

1 Carrasco if he had hired an attorney yet so that pre-hearing disclosures could be appropriately directed.
2 *NRED OPP 000036*. Mr. Carrasco stated he would be representing himself. *NRED OPP 000036*.
3 Therefore, the Division's attorney made its witness disclosures and asked if Mr. Carrasco would
4 stipulate to the Division's documents. *NRED OPP 000034-NRED OPP 000035*. Mr. Carrasco
5 said he would not be calling any witnesses and he agreed to the Division's documents.
6 *NRED OPP 000033-NRED OPP 000034*.

7 On August 18, 2023, the Friday before the hearings, Mr. Carrasco asked for his second
8 hearing extension, stating he had to leave the country for family matters and "was hoping to come
9 back this weekend to attend the hearing but it looks like I will not be able to come back in time."
10 *NRED OPP 000047-NRED OPP 000048*. Mr. Carrasco's second request for a continuance was denied,
11 and Mr. Carrasco was provided with links to attend the Commission meeting by virtual means.
12 *NRED OPP 000046-NRED OPP 000047*.

13 The same day, at 3:35 PM, Mr. Carrasco then asked the Division questions against the State:

- 14 1. On what parameters does the State Grant a second Continuance?
15 2. How many 2nd Continuances has the state Granted in the last 36 months.

16 *NRED OPP 000043*.

17 At 4:05 PM, Mr. Carrasco then asked the Division questions against the Commission:

18 So What is the commissions reason for denying my request?

19 and further stated he "will not be able to attend this hearing or be prepared to defend himself."
20 *NRED OPP 000042*.

21 But Mr. Carrasco had had nearly four months since his first continuance request to prepare.
22 *NRED OPP 000018*. Mr. Carrasco demonstrated he was in a place that had access as he continued to
23 communicate with the Division and its attorney via email, therefore Mr. Carrasco's ability to appear by
24 virtual means was not demonstrated to be impaired. *NRED OPP 000039-NRED OPP 000048*.

25 Because Mr. Carrasco chose not to appear on August 22, 2023 at the commencement
26 of the Commission's hearings, on August 31, 2023 a default order was entered against him.
27 *NRED OPP 000052-NRED OPP 000055, and NRED OPP 000058-NRED OPP 000063*.

1 On Monday, September 18, 2023, the Division's attorney received Mr. Carrasco's
2 Petition Request for Rehearing dated September 15, 2023, submitted by his attorney.
3 *NRED OPP 000073-NRED OPP 000078*. The Division denied Mr. Carrasco's request to stay the
4 enforcement of the Commission's decision. *NRED OPP 000079*.

5 Pursuant to NAC 645.820(5), the Division, by and through its attorneys, timely submits its answer
6 in opposition to Mr. Carrasco's request for a rehearing for the reasons set forth below.

7 **II. Legal Argument**

8 NAC 645.820 sets forth the procedures for a rehearing and provides that the following procedures
9 are to be used for a rehearing in a case where a ruling or decision of the Commission is against the
10 licensee. It provides as follows:

- 11 1. The licensee may within 10 days after his or her receipt of the decision petition the
12 Commission for a rehearing.
- 13 2. The petition does not stay any decision of the Commission unless the Commission so orders.
- 14 3. The petition must state with particularity the point of law or fact which in the opinion of the
15 licensee the Commission has overlooked or misconstrued and must contain every argument in
16 support of the application that the licensee desires to present.
- 17 4. Oral argument in support of the petition is not permitted.
- 18 5. The Division may file and serve an answer to a petition for a rehearing within 10 days after
19 it has received service of the petition.
- 20 6. If a petition for rehearing is filed and the Commission is not scheduled to meet before the
21 effective date of the penalty, the Division may stay enforcement of the decision appealed from.
22 When determining whether a stay is to be granted, the Division shall determine whether the
23 petition was timely filed and whether it alleges a cause or ground which may entitle the licensee
24 to a rehearing.
- 25 7. A rehearing may be granted by the Commission for any of the following causes or grounds:
 - 26 (a) Irregularity in the proceedings in the original hearing;
 - 27 (b) Accident or surprise which ordinary prudence could not have guarded against;
 - 28 (c) Newly discovered evidence of a material nature which the applicant could not with
reasonable diligence have discovered and produced at the original hearing; or
 - (d) Error in law occurring at the hearing and objected to by the applicant during the earlier
hearing.
8. A petition for a rehearing may not exceed 10 pages of standard printing.
9. The filing of a petition for rehearing, or the decision therefrom, does not stop the running of
the 30-day period of appeal to the district court from the date of the decision of the Commission
for the purpose of subsection 2 of NRS 645.760.

1 A. The Division opposes Respondent's petition request for a rehearing because
2 Respondent has failed to state with particularity the reasons why he should be
3 granted a rehearing.

4 NAC 645.820(3) requires that Mr. Carrasco's petition for a rehearing "state with particularity
5 the point of law or fact which in the opinion of the licensee the Commission has overlooked or
6 misconstrued and must contain every argument in support of the application that the licensee desires to
7 present."

8 Response to Respondent's Point #1. Mr. Carrasco falsely states his opportunity to present his
9 case was denied due process. conveniently fails to acknowledge the opportunities afforded and that he
10 chose not to attend *NRED OPP 000074*. Mr. Carrasco's first continuance was granted, and although his
11 second continuance was denied, he was notified he could attend virtually, by which means he clearly had
12 the ability to appear. *NRED OPP 000018, and NRED OPP 000039-NRED OPP 000048*. As Mr.
13 Carrasco admits in his Point #1, he made a choice not to attend. *NRED OPP 000074, Lines 6-7*.

14 Response to Respondent's Point #2. Mr. Carrasco falsely states the administrative fines set forth
15 in the Orders for case nos. 2022-120 and 2021-112 are ambiguous and vague, and makes threats that the
16 Commission possibly acted in an arbitrary and capricious manner. *NRED OPP 000074-*
17 *NRED OPP 000075*. The Commission's justification is firmly planted under NAC 645.860, and because
18 Mr. Carrasco chose not to appear at his hearing, the Commission considered the charges specified in the
19 Division's complaint as true.

20 For Case No. 2022-120, the Division charged three (3) violations of law, with such discipline
21 authorized pursuant to NRS 645.235(2) which provides:

22 2. If the Commission imposes an administrative fine against a person pursuant to this section,
23 the amount of the administrative fine may not exceed *the amount of any gain or economic benefit*
24 *that the person derived from the violation* or \$5,000, *whichever amount is greater*.

25 for violations of law under NRS 645.235(1)(b), therefore, the Division recommended the \$52,520.50 for
26 the commission Mr. Carrasco benefited, and so properly ordered by the Commission.

27 Further, with discipline authorized pursuant to NRS 645.630 and NRS 645.633,

28 **NRS 645.630** 1. The Commission may require a licensee, property manager or owner-developer to pay *an administrative fine of not more than \$10,000 for each violation* he or she commits or *suspend, revoke, deny the renewal of or place conditions upon his or her license, permit or registration, or impose any combination of those actions*, at any time if the licensee, property manager or owner-developer has, by false or fraudulent representation, obtained a license, permit or registration, or the licensee, property manager or owner-developer, whether or not acting as such, is found guilty of:

1 **NRS 645.633** 1 The Commission may take action pursuant to **NRS 645.630** against any
2 person subject to that section who is guilty of any of the following acts:

3 ...
4 (b) Violating any order of the Commission, any agreement with the Division, any of the
5 provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or *any*
6 **regulation adopted pursuant thereto.**

7 (c) ***Paying a commission, compensation or a finder's fee to any person for performing the***
8 ***services of a broker, broker-salesperson or salesperson who has not secured a license pursuant***
9 ***to this chapter.*** This subsection does not apply to payments to a broker who is licensed in his or
10 her state of residence.

11 for violations of law NRS 645.280(1) and NAC 645.600(1), therefore, the Division recommended an
12 administrative fine of \$20,000 (\$10,000 per violation of law), and so properly ordered by the
13 Commission. NRS 645.630(1) permits revocation of all Mr. Carrasco's licenses in combination with the
14 administrative fine, and therefore is fully within the Commission's statutory authority. The Division
15 underscores, that these statutorily defined authorized disciplinary actions were included in its original
16 complaint filed on March 29, 2023, so Mr. Carrasco cannot pretend he was not aware that his license
17 could be revoked by his choosing not to show up. *NRED OPP 000010.*

18 For Case No. 2021-1122, the Division charged two violations of law, pursuant to NRS 645.630
19 and NRS 645.633 as laid out above, therefore the administrative fine of \$20,000 for violations of law
20 (NRS 645.633(1)(b) pursuant to NAC 645.600(1) for \$10,000, and NRS 645.252(3) for \$10,000) is fully
21 within the Commission's statutory authority. The Order language includes "on five occasions" was a
22 clerical pasting error which ultimately rendered no error upon the administrative fine so ordered. *NRED*
23 *OPP 000054.* Further, under Order Term #4, the Commission retains jurisdiction for correcting any
24 errors that may have occurred in drafting the documents, but again, no such error has occurred with the
25 material term that being the administrative fine amount of \$20,000 stands as it is statutory supported
26 within NRS 645.630 and NRS 645.633. *NRED OPP 000055.*

27 Response to Respondent's Point #3. First, Mr. Carrasco misstates the first continuance request
28 was on August 18, 2023, and the second request was on August 21, 2023. *NRED OPP 000075, Footnote*
29 *2.* As stated in section **I. Background** above, Mr. Carrasco's first request for a continuance was actually
30 on April 26, 2023, which the Secretary of the Commission granted, and the Deputy Attorney General did
31 not object to. *NRED OPP 000019, and NRED OPP 000018.* Then on August 18, 2023, Mr. Carrasco

asked for his second continuance, which was denied. *NRED OPP 000046–NRED OPP 000048*. On August 21, 2023, without any new information submitted, Mr. Carrasco's second request for a continuance remained denied. *NRED OPP 000042*.

Further, Mr. Carrasco falsely states the Commission overlooked the fact he requested a second continuance. *NRED OPP 000075*. The Commission was not only aware that Mr. Carrasco requested a second continuance because it had to review and decide upon his request, but the Division's attorney provided that fact at the hearing when informing the Commissioners of the procedural history of the case. Further, pursuant to NAC 645.830, which provides the procedures to grant continuances:

1. The time of the hearing may be continued by the Commission upon the written petition of the licensee or upon the written petition of the Division for good cause shown, or by stipulation of the parties to the hearing.

2. A continuance will not be granted unless it is made in good faith and not merely for delay.

3. A request for a continuance made before the hearing must be served upon the Commission as set forth in subsection 4 of NRS 645.050. If the Secretary of the Commission is not available to review and rule upon the continuance before the hearing, the continuance must be reviewed and ruled upon by the:

- (a) President of the Commission; or

- (b) If the President is unavailable, the Vice President of the Commission.

does not require the Commission to provide any explanation as to why a continuance is denied. Mr. Carrasco not only failed to identify any such law in his Point #3, but under NAC 645.830 he has failed to articulate any violation of the procedure for granting continuances by the Commission.

Lastly, it is flagrant for Mr. Carrasco to represent that "Now, he is available and ready to present his case" which undermines the procedures set forth for hearings scheduled by the Commission, and an abuse of the Division's staff, attorneys, and commissioners' time. *NRED OPP 000075, Line 7*.

In summary, Mr. Carrasco's Petition Request is insufficient and fails to articulate any such law or demonstrate any fact to support his request for a hearing because as stated the Commission has not overlooked or misconstrued any law or fact, and such request should be denied.

B. The State opposes Respondent's request for a stay because he fails to allege a cause or grounds which entitle him to a rehearing.

The Division, pursuant to its authority granted under NAC 645.820(6), has denied Mr. Carrasco's request to stay the enforcement of the Commission's decision. *NRED OPP 000079*. Mr. Carrasco's Petition will be placed on the agenda for the next commission meetings scheduled for November 7-9,

1 2023, and in the meantime, the Commission's Order shall take effect October 2, 2023. *NRED OPP*
2 *000079*. Mr. Carrasco received the Orders on September 5, 2023. *NRED OPP 000066*, *NRED OPP*
3 *000070*. The Order's future effective date provides an adequate amount of time for Mr. Carrasco to get
4 his business affairs in order and therefore he cannot reasonably claim to be prejudiced.

5 Mr. Carrasco also claimed a stay is needed to allegedly engage in the "cost savings alternative"
6 of settlement negotiations, but conveniently fails to mention the Division extended such offers to no avail,
7 and the time period for that has effectively passed. *NRED OPP 000075*, and *NRED OPP 000036*.

8 **C. Respondent has failed to articulate a reason set forth in NAC 645.820(7) regarding**
9 **why the Commission should grant his request for a rehearing.**

10 Last, Mr. Carrasco has failed to demonstrate why the Commission should grant his request for a
11 rehearing. As stated above, NAC 645.820(7) sets forth the reasons when the Commission may grant a
12 respondent a rehearing. Mr. Carrasco alleges a rehearing based on NAC 645.820(7)(a) and (c) which the
13 Division will take each in turn.

14 Response to Respondent's Claim under NAC 645.820(7)(a) Irregularity in the proceedings in
15 the original hearing. Mr. Carrasco erroneously advances arguments claiming irregularities in the
16 hearing and his accusations that the Commission acted in an arbitrary or capricious manner completely fail.
17 *NRED OPP 000075-NRED OPP 000076*. The simple fact is - Mr. Carrasco chose not to show up at his
18 hearing. He cannot even explain why at a very minimum he did not appear virtually and make his
19 requests upon the Commissioners despite his demonstrated technological capability to do so.

20 NAC 645.860 provides the statutory procedure and authority of the agency to proceed upon the
21 failure of a party to appear at a hearing. Accordingly, the Division through its counsel presented
22 testimony that proper notice was effectuated and read the filed complaint to the Commissioners. The
23 Commission, as permitted by statute, accepted the charges specified in the complaint as true. The hearing
24 was conducted adequately to support the Commission's conclusion. In summary, the Commission
25 followed precisely the statutory framework in exercising its lawful authority to revoke Mr. Carrasco's
26 licenses and the imposition of administrative fines. Therefore, the Commission should not grant a rehearing
27 because no irregularity in the proceedings in the original hearing has been demonstrated.
28

1 Response to Respondent's Claim under NAC 645.820(7)(c) Newly discovered evidence of a
2 material nature which the applicant could not with reasonable diligence have discovered and produced at
3 the original hearing. Now Mr. Carrasco personally attacks the Division's attorney Mrs. Keegan claiming
4 he discovered evidence of a conflict of interest. *NRED OPP 000076*. Mr. Carrasco erroneously states
5 Mrs. Keegan's license was with a competitor and placed on inactive status just prior to the scheduled
6 hearing, when the fact is, Mrs. Keegan placed her real estate salesperson license on voluntary inactive
7 status in December of 2022 where it remained in constant inactive status. *NRED OPP 000082*.
8 Therefore, Mrs. Keegan's could not and was not associated with any alleged competitor of Mr. Carrasco.

9 Further, upon accessing the Division's publicly available real estate license lookup tool it does
10 not represent Ms. Keegan's license went inactive in August 2023 as Mr. Carrasco so recklessly
11 misrepresents. *NRED OPP 000083*. The Division underscores, that the real estate license lookup tool
12 provides the following disclaimer under the Division's contact information:

13 *The License Look-up is for informational purposes only. Please take all steps necessary to*
14 *ascertain that information you receive from the License Look-up is correct and has been verified.*

15 There is no evidence presented that Mr. Carrasco called the Division to verify this information before
16 making such accusations against the Division's attorney.

17 These cases are not about the Division's attorney and further undermine Mr. Carrasco's claims
18 that he is willing to accept professional responsibility. Therefore, the Commission should not grant a
19 rehearing because the alleged newly discovered evidence was distorted and with reasonable diligence Mr.
20 Carrasco, and even his attorney¹, could have discovered the truth of, and given its falsity, had zero material
21 effect on the hearing.

22 //

23
24 ¹ Further, Robert G. Kilroy (NV Bar # 8529), Mr. Carrasco's licensed and practicing attorney, should be
25 well aware of Nevada Rules of Civil Procedure's (NRCP) Rule 11's mandate that every pleading, motion,
26 and other paper signed by an attorney certifies it is not presented for improper purpose such as to harass
27 (NRCP Rule 11(b)(1)), that the claims, defenses and other legal contentions are nonfrivolous (NRCP
28 Rule 11(b)(2)), and the factual contentions have evidentiary support (NRCP Rule 11(b)(3)). The
Division's attorney asserts Attorney Kilroy has violated Rule 11(b) in this instance and acknowledges
that while we are not in civil court where such sanctions would otherwise be formally sought, the
improper contentions concern the underlying administrative proceeding, and the Commission should
consider directing Attorney Kilroy to pay the Division's attorney fees incurred to oppose such frivolity
as authorized by NRS 622.400.

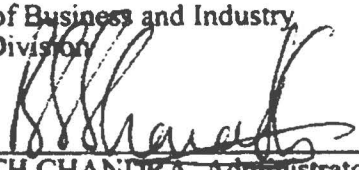
1 The Division moves the Commission to strike from Mr. Carrasco's Petition Section e) 2. on the
2 grounds that it is insufficient, immaterial, impertinent, attempts to create scandal, harassing and plainly
3 wrong.

4 **III. Conclusion**

5 Based on the foregoing, the Division respectfully respects the Commission deny Mr. Carrasco's
6 Petition Request for Rehearing, and if his rehearing request is for some reason permitted, that the
7 Commission deny his request to stay its decision, that this Commission's Order should remain in full
8 force and effect until such time. Thank you.

9
10 DATED this 21 day of September 2023.

11 STATE OF NEVADA
12 Department of Business and Industry
13 Real Estate Division

14 By: 
15 SHARATH CHANDRA, Administrator
16 CHARVEZ FOGER, Deputy Administrator
17 3300 West Sahara Avenue, Suite 350
18 Las Vegas, Nevada 89102

DATED this 21st day of September 2023.

AARON D. FORD
Attorney General

By: 
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BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator,)
REAL ESTATE DIVISION,)
DEPARTMENT OF BUSINESS &) Case Nos.: 2021-1122
INDUSTRY,) 2022-120
STATE OF NEVADA)
Petitioner)
vs.)
MARSHALL CARRASCO,)
(B 1000579.INDV))
RESPONDENT.)

RESPONSE TO OPPOSITION TO REQUEST FOR REHEARING

The Respondent, Marshall Carrasco, has requested a Rehearing as to the specifics and seriousness of the discipline imposed in the Findings of Fact, Conclusions of Law, and Order pursuant to NAC 645.820(7) entered in these two cases. The Real Estate Division of the Department of Business and Industry of the State of Nevada ("Division") filed an Opposition to Respondent's Petition Request for Rehearing ("Opposition"), to which this Response is addressed.

Respondent acknowledges that some violations occurred in the underlying matters for which discipline may be imposed. However, because of his unfamiliarity with nature of the disciplinary hearing process, including possible settlement options, he was unable to properly present matters in mitigation, which were at least partly summarized in his Response to the allegations of his failing to properly supervise an agent in his office whose license had lapsed. Specifically he was given to believe by the representations of third parties that the agent did in fact have an active license. If so, to this lay person, the terms of NRS 645.660(1) would seem to provide a basis for the Real Estate Commission ("Commission") to consider these facts in mitigation of the discipline imposed. So that it is very clear, Respondent only wishes to address the possible mitigation of discipline imposed in these cases in any rehearing that may be granted.

1 Because of serious family emergencies out of the county, the Respondent
2 requested a second hearing continuance, which was denied.

3 The argument against Rehearing in the Opposition rests primarily on one
4 salient assumption: That because the Respondent was able to communicate by with
5 the Division by email, that he was also able to participate in the August 22, 2023,
6 hearing by electronic means. From that assumption the Division further infers that
7 his failure to participate was based on Respondent's *purposely choosing* to not
8 appear.

9 It would not be unreasonable therefore to conclude that the severity of the
10 discipline imposed on the Respondent took into account his conscious "choice" to
11 not appear. That is why the Respondent needs to provide information about his
12 situation on August 22, 2023, that the Division could have taken into account in
13 arguing that the hearing should go forward before the Real Estate Commission
14 ("Commission") in default.

15 Respondent acknowledges that he did not give the Division information that
16 in retrospect might have affected the Division's handling of his request for a second
17 continuance. His lack of legal expertise worked against him.

18 Respondent should have provided like detail as presented below to assist the
19 Division in making its determination of how to proceed. Respondent submits in
20 support of his Request for Rehearing (And request for continuance of the August
21 22, 2023, hearing.) the following:

22 "I found out my grandmother was Very ill and she needed to go to the
23 hospital. On August 3, I notified Mrs. Keegan that I had a family emergency.

24 Once I realized the severity of the my grandmother's situation, I flew down to
25 Costa Rica to be there for my family and to help out financially

26 My intentions were to fly down for a week and come back for the hearing. I
27 left town on August 14 with the intention of coming back before the hearing.
28

1 Since the situation was more serious than I anticipated, and my grandmother
2 refused to go to the hospital, we got her set up in a hospice situation where she'd
3 have 24-hour care.

4 My grandmother lives in a rural mountainous area of Costa Rica, which is
5 about 2 ½ hours away from any city or town with internet access.
6

7 So it is true that I was within driving distance of a place with some internet
8 access. But the internet access in any other city or town in the area is very weak
9 and inconsistent to say the least. When you send out an email, it goes out delayed,
10 and it definitely will not go out with any big attachments.

11 As to alternate means of communication: Phone calls often get dropped and
12 the majority are delayed. Video calls are virtually impossible without dropping
13 every 30 seconds or so.
14

15 So while I was able to send emails on a couple of occasions to the Division
16 by driving for at least a couple of hours to a town with internet access, those emails
17 do not reflect an ability to adequately participate in an electronic hearing.

18 I can see now that I should have made these extenuating circumstances
19 clearer to the Division. Had I done so, the Division might not have assumed that I
20 was purposely not participating in the hearing.
21

22 But even if I had been able to electronically participate, because I anticipated
23 returning back to the United States in time for the hearing, I didn't have any of my
24 files for this case. Unfortunately, because of the situation with my grandmother in
25 Costa Rica, I was not able to return to Nevada in time for the hearing."
26
27
28

1 Therefore, the Respondent, a non-attorney, was not able to present more
2 specific factual background information to the Commission that would have aided
3 the Commission in reaching its decision as to discipline in these cases. Therefore
4 the Commission lacked knowledge of circumstances that might have allowed for
5 some mitigation in this matter.
6

7 Because of these unfortunate circumstances, the Respondent believes that a
8 basis for granting a rehearing exists under NAC 645.820(7), and that the
9 Commission would, hopefully, be willing to allow the Respondent to present such
10 evidence in mitigation as might provide a basis for the Commission to reconsider
11 portions of the imposed discipline.

12 Therefore, Respondent requests a Rehearing as to discipline imposed in
13 which the Commission will be given additional information as to the specific
14 circumstances that led, unfortunately, to the Respondent's failure to recognize that
15 the agent in his office was in error in representing that he was properly licensed to
16 act in connection with the cited real estate matters.
17

18 Given the unusual nature of the procedural discussions prior to the hearing in
19 this matter, and the impossibility of the Respondent participating by internet
20 connection in the hearing, (In part because of his lack of knowledge about the
21 procedures used in the Commission's hearing process.), the Respondent believes
22 that a Rehearing is appropriate under NAC 645.820(7) and such other NRSs and
23 NACs as may be relevant.
24

25 Of course Respondent's biggest error may have been in attempting to
26 represent himself in this matter without legal representation. As an example, it is
27 true, as stated in the Opposition, that Respondent did not accept settlement options
28 presented to him by the Division. However, as a non-attorney, he did not have any

1 knowledge of the ability to negotiate admissions language that would not require
2 him to accept what he considered an admission of "fraudulent knowledge of doing
3 business with an inactive licensee." Had he had such advice, these matters might
4 not have even gone to hearing.

5 Therefore, if this Request is granted, the Respondent will be able to secure
6 counsel to assist in discussions with the Commission's counsel to limit the matters
7 and evidence to be considered in the Rehearing,, and the Rehearing will not
8 present an undue burden to the Commission and be limited to mitigation factors and
9 issues. There is also the possibility of reaching a stipulated resolution as to
10 discipline and admissions, negating the necessity of having a full Rehearing.

11 Therefore, the Respondent requests that he be granted a Rehearing in these
12 cases, so that the Commission may be adequately advised of the full background
13 to make fully informed decisions as the appropriate discipline to be imposed.

14 **AFFIRMATION PURSUANT TO NRS 239B.030**

15 By signature below, the undersigned affirms that the preceding document
16 does not contain the social security number of any person.

17 Dated: November 2, 2023.

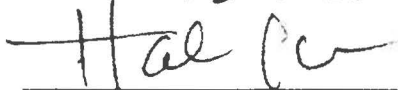
18 Hal Taylor, Esq.

19 2551 W. Lakeridge Shores

20 Reno, NV 89519

21 Tel: (775) 825-2223

22 Email: haltaylorlawyer@gbis.com

23 

24 Respondent's Representative

**EXHIBIT
D
NOVEMBER 15, 2023
ORDER**

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 MARSHALL CARRASCO,
10 (B.1000579.INDV)

11 Respondent.

Case Nos. 2021-1122 and 2022-120

FILED

NOV 15 2023

REAL ESTATE COMMISSION

BY *Kelly Valadez*

12 **ORDER DENYING MOTION FOR REHEARING**

13 On September 15, 2022, Respondent Marshall Carrasco filed his Petition Request for Rehearing.
14 On September 22, 2023, the Petitioner Sharath Chandra, Administrator of the Real Estate Division,
15 Department of Business and Industry of the State of Nevada ("Division") timely filed its Opposition to
16 Respondent's Petition Request for Rehearing. On November 2, 2023, Respondent filed his Response to
17 Opposition to Request for Rehearing.

18 The matter came before the Nevada Real Estate Commission ("Commission") for hearing on
19 Tuesday, November 7, 2023. Respondent appeared and was represented by counsel Hal Taylor. Deputy
20 Attorney General, Christal P. Keegan, appeared on behalf of the Division.

21 The matter having been submitted for decision based on the Commission's consideration of the
22 oral arguments presented during the hearing and the filed documents, the Commission now enters
23 its Order.

24 **ORDER**

25 **IT IS HEREBY ORDERED** that Respondent's Petition Request for Rehearing is DENIED
26 pursuant to NAC 645.820(7) because the Respondent's Petition failed to demonstrate any causes or
27 grounds for a rehearing.
28 ...
...

IT IS FURTHER ORDERED that the Commission's Findings of Fact, Conclusions of Law, and Orders filed on August 31, 2023 in Case Nos. 2021-1122 and 2022-120 is **AFFIRMED**.

DATED this 13th day of November 2023.

NEVADA REAL ESTATE COMMISSION

By:

Paul Rex Jucker
President, Nevada Real Estate Commission