

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2023-505

Petitioner,

FILED

vs.

JAN 17 2024

JAMES J. MANARINO,
B.0046634.CORP,

REAL ESTATE COMMISSION
BY *Kelly Valadez*

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT JAMES J. MANARINO (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION (“Commission”). The hearing will be held pursuant to Chapter 233B and Chapter 645 of the Nevada Revised Statutes (“NRS”), and Chapter 645 of the Nevada Administrative Code (“NAC”). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.806 (3), and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as a Broker (B.0046634.CORP). RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645. As of the date of this Complaint, RESPONDENT’S broker’s license is in “active” status.

FACTUAL ALLEGATIONS

1. RESPONDENT’S Nevada Real Estate Broker license was first issued in May of 2000. [NRED0002].
2. In 2021, RESPONDENT failed to submit his mandatory broker annual reporting by the last day of the expiration month of his broker’s license (May 31, 2021). [NRED0005].

1 3. Therefore, on June 16, 2021, as a courtesy, the Division informed the RESPONDENT it
2 would not issue an administrative fine if he submitted his form as soon as possible. [NRED0005].

3 4. On or about June 21, 2021, the RESPONDENT submitted his Form 546A for calendar
4 year 2021 in response to the Division's letter. [NRED0004].

5 5. On May 11, 2022, the Division received RESPONDENT'S Form 546A for calendar year
6 2022. [NRED0004].

7 6. However, in 2023 the RESPONDENT again failed to timely submit his mandatory broker
8 annual reporting Form 546A to the Division. [NRED0006].

9 7. Therefore, on or about June 23, 2023, the Division sanctioned the RESPONDENT for his
10 failure to timely submit his Form 546A and issued an administrative fine of \$250. [NRED0007-0008].

11 8. On or about August 2, 2023, the Division once again informed RESPONDENT, via email,
12 of the Notice of Violation and his obligation to remit fine payment and completed form 546A.
13 [NRED0009-0010].

14 9. On September 13, 2023, the Division sent an NRS 233B letter via certified mail, return
15 receipt requested, to RESPONDENT stating the Division's intent to file a complaint with the
16 Commission for violation of NAC 645.804(3) due to his failure to submit the required Form 546A and
17 nonpayment of the \$250 administrative fine. [NRED0011-0013].

18 10. On or about September 22, 2023, the Division's letter was subsequently returned to the
19 Division as "Unclaimed/Unable to Forward." [NRED0014].

20 VIOLATIONS OF LAW

21 RESPONDENT has committed the following violations of law:

22 1. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.806(3) by failing
23 to timely submit his annual Form 546A Affidavit to the Division for 2023, due by the last day of the
24 expiration month for his broker license.

25 2. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.695 by failing to
26 pay the \$250.00 administrative fine levied by the Division for failure to timely submit the 2023 Form
27 546A Affidavit.

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1 **DISCIPLINE AUTHORIZED**

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

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

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

10 **NOTICE OF HEARING**

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

14 **THE HEARING WILL TAKE PLACE on February 20, 2024, commencing at 9:00 a.m., or**
15 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
16 **commencing at 9:00 a.m. through February 22, 2024, or earlier if the business of the Commission**
17 **is concluded. The Commission meeting will be held on February 20, 2024, at the Nevada State**
18 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102**
19 **with video conferencing to Nevada Division of Insurance, 1818 E. College Parkway, Suite 103,**
20 **Carson City, Nevada 89706. The meeting will continue on February 21, 2024, at the Nevada State**
21 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102**
22 **with video conferencing to the Office of the Labor Commissioner, Labor Commission – Conference**
23 **Room, 1818 E. College Parkway, Carson City, Nevada 89706, commencing at 9:00 a.m., and on**
24 **February 22, 2024, should the business of the Commission not be concluded, starting at 9:00 a.m.**
25 **at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las**
26 **Vegas, Nevada 89102 with video conferencing to the Division of Insurance, 1818 E. College**
27 **Parkway, Suite 103, Carson City, Nevada 89706, until the business of the Commission is concluded.**

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 February 20, 2024**
3 **through February 22, 2024, or earlier if the business of the Commission is concluded. Thus, your**
4 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
5 **present when your case is called. If you are not present when your hearing is called, a default may**
6 **be 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 (702)**
8 **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. You are entitled to a copy of the transcript of the open and closed portions of the meeting,
13 although you must pay for the transcription.

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

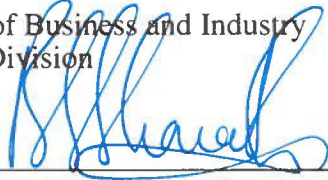
20 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
21 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
22 the relevance of the witness’ testimony and/or evidence. Other important rights you have are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

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

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1 DATED this 16 day of JANUARY, 2024.

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

5 By: 
6 SHARATH CHANDRA, Administrator
7 3300 West Sahara Avenue, Suite 350
8 Las Vegas, Nevada 89102

9 AARON D. FORD
10 Attorney General

11 By: /s/ Phil W. Su
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