

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2023-939

Petitioner,

**FILED**

APR 11 2024

vs.

FRANK GARY VILLANI,  
(B.0143393.LLC, PM.0164636.BKR)

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

**JURISDICTION**

RESPONDENT FRANK GARY VILLANI was licensed as a Nevada real estate broker (B.0143393.LLC) at all relevant times mentioned in this Complaint and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

**FACTUAL ALLEGATIONS**

1. RESPONDENT has been licensed as a real estate Broker in Nevada since February 28, 2014. **NRED0002.**

1           2.     RESPONDENT has repeatedly failed to file annual trust account  
2 reconciliations from 2019 to 2022, resulting in \$4,000.00 in administrative fines.  
3 **NRED0004.**

4           3.     Although RESPONDENT paid those administrative fines, he nevertheless  
5 failed to submit any of the missing trust account reconciliation reports for 2019 through  
6 2022. **NRED0004.**

7           4.     At its August 23, 2023, meeting, the Commission heard Case No. 2022-677  
8 against RESPONDENT, which was prosecuted based on RESPONDENT'S failure to  
9 submit his 2022 trust account reconciliations. **NRED0005-0011.**

10          5.     On September 5, 2023, the Commission issued its Findings of Fact,  
11 Conclusions of Law, and Order regarding Case No. 2022-677, finding that RESPONDENT  
12 committed violations warranting disciplinary action and ordering RESPONDENT to pay  
13 an administrative fine of \$10,692.63, consisting of a \$5,000.00 fine for violations of law and  
14 \$5,692.63 for the Division's costs and prehearing attorney's fees, and to take nine (9) hours  
15 of continuing education in broker management. **NRED0007-0010.**

16          6.     Between September and October 2023, RESPONDENT has had multiple  
17 email discussions with Division staff regarding production of his 2023 trust account  
18 reconciliations, which he also failed to timely file. **NRED0013-0028.**

19          7.     On November 6, 2023, the Division opened an investigation regarding  
20 RESPONDENT'S ongoing failure to file his 2023 trust account reconciliations and  
21 requested that RESPONDENT provide a responsive affidavit explaining why he had not  
22 yet produced the trust account reconciliations. **NRED0029-0030.**

23          8.     On January 5, 2024, the Division sent a follow-up letter via certified mail  
24 again asking for a response to its investigation regarding the unproduced 2023 trust  
25 account reconciliations. **NRED0032-0033.**

26          9.     As of the filing of this Complaint, RESPONDENT has not provided any  
27 response to the Division's requests regarding the unsubmitted 2023 trust account  
28 reconciliations.

1           10.    On February 15, 2024, the Division sent an NRS 233B letter via certified mail  
2 indicating that it obtained sufficient evidence to commence disciplinary charges against  
3 him and to seek a formal hearing before the Real Estate Commission. **NRED0037-0038.**

4                                   **VIOLATIONS OF LAW**

5           RESPONDENT has committed the following violations of law:

6           11.       RESPONDENT violated NRS 645.630(1)(g) pursuant to NAC 645.806, by  
7 failing to timely submit his annual trust account reconciliations to the Division for 2023,  
8 due by the last day of the expiration month for his broker license.

9           12.       RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11), by  
10 demonstrating gross negligence or incompetence by impeding the Division's investigation  
11 due to RESPONDENT'S failure to comply with repeated requests from the Division for a  
12 written response and documents relevant to its investigation.

13                                   **DISCIPLINE AUTHORIZED**

14           Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to  
15 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and,  
16 further, to suspend, revoke or place conditions on the license of RESPONDENT.

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

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

22                                   **NOTICE OF HEARING**

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

27           **THE HEARING WILL TAKE PLACE on May 14, 2024, commencing at 9:00**  
28 **a.m., or as soon thereafter as the Commission is able to hear the matter, and each**

1 day thereafter commencing at 9:00 a.m. through May 16, 2024, or earlier if the  
2 business of the Commission is concluded. The Commission meeting will be held  
3 on May 14, 2024, at the Nevada State Business Center, 3300 West Sahara Avenue,  
4 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to  
5 Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City,  
6 Nevada 89706. The meeting will continue on each day thereafter commencing at  
7 9:00 a.m. through May 16, 2024, at the Nevada State Business Center, 3300 West  
8 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video  
9 conferencing to Nevada Division of Insurance, 1818 E. College Parkway, Suite  
10 103, Carson City, Nevada 89706, until the business of the Commission is  
11 concluded.

12 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled  
13 at the same time as part of a regular meeting of the Commission that is expected  
14 to last from May 14, 2024, through May 16, 2024, or earlier if the business of the  
15 Commission is concluded. Thus, your hearing may be continued until later in  
16 the day or from day to day. It is your responsibility to be present when your case  
17 is called. If you are not present when your hearing is called, a default may be  
18 entered against you and the Commission may decide the case as if all allegations  
19 in the complaint were true. If you have any questions please call Kelly Valadez,  
20 Commission Coordinator (702) 486-4606.

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

26 As the Respondent, you are specifically informed that you have the right to appear  
27 and be heard in your defense, either personally or through your counsel of choice. At the  
28 hearing, the Division has the burden of proving the allegations in the complaint and will

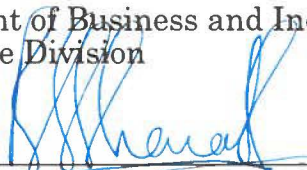
1 call witnesses and present evidence against you. You have the right to respond and to  
2 present relevant evidence and argument on all issues involved. You have the right to call  
3 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any  
4 matter relevant to the issues involved.

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

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

15 DATED this 10 day of APRIL, 2024.

16 State of Nevada  
17 Department of Business and Industry  
18 Real Estate Division

19 By:   
20 SHARATH CHANDRA, Administrator  
21 3300 West Sahara Avenue, Suite 350  
22 Las Vegas, Nevada 89102

23 AARON D. FORD  
24 Attorney General

25 By: /s/ Phil W. Su  
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