BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

VS.

MICHAEL DALAN ULMER, (S.0181655)

Respondent.

Case No. 2024-505



OCT 0 1 2024

REAL ESTATE COMMISSION
BY Kelly Valader

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 MICHAEL DALAN ULMER ("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, at all relevant times mentioned in this Complaint, was actively licensed as a salesperson (S.0181655). 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 currently in "active" status.

FACTUAL ALLEGATIONS

 At all times relevant, RESPONDENT placed solicitation flyers on doors within a gated community that allegedly restricts such acts. NRED 000023 - NRED 000025.

28 ||...

25

26

27

3. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.695 for failing to pay the \$500 administrative fine levied by the Division.

DISCIPLINE AUTHORIZED

- 4. 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.
- 5. 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.
- 6. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

NOTICE OF HEARING

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

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

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from November 19, 2024 through November 21, 2024, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing 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. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702) 486-4606.

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

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

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

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

. . .

1	to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,	
2	pursuant to 645.633 and or 645.630.	
3		
4	DATED this 30 day of September, 2024.	DATED this 27th day of September, 2024.
5	STATE OF NEVADA Department of Business and Industry	AARON D. FORD Attorney General
6	Real Estate Division	Attorney General
7	KXXXV	
8	By: SHARATH CHANDRA, Administrator	By: QOKUGAN CHRISTAL P. KEEGAN (Bar No. 12725)
9	3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102	Deputy Attorney General 5420 Kietzke Lane, Suite 202 Reno, Nevada 89511
11		(775) 687-2141 ckeegan@ag.nv.gov
12		Attorney for Real Estate Division
13		
14		
15		
16	The state of the s	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		