

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

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

7 Petitioner,

8 vs.

9 JAMES SHARKEY,  
10 (S.0195534 – INACTIVE, BUSB.0007200 –  
11 INACTIVE, B – DENIED, PROV.0001300-  
12 TSA – CLOSED, TS.3007674-AGEN –  
13 CLOSED, TS.3012578-REP – CLOSED,  
14 TS.3017714-REP - CLOSED),

15 Respondent.

Case No. 2024-749

**FILED**

OCT 02 2024

REAL ESTATE COMMISSION

BY *Kelley Valadez*

16 **COMPLAINT AND NOTICE OF HEARING**

17 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY  
18 OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT JAMES SHARKEY  
19 (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE  
20 COMMISSION (“Commission”). The hearing will be held pursuant to Chapter 233B and Chapter 645  
21 of the Nevada Revised Statutes (“NRS”) and Chapter 645 of the Nevada Administrative Code (“NAC”).  
22 The purpose of the hearing is to consider the allegations stated below and to determine if the  
23 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235, NRS 645.630  
24 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

25 **JURISDICTION**

26 RESPONDENT, at all relevant times mentioned in this Complaint, held himself out and/or  
27 otherwise performed acts as a person licensed as a broker, salesperson, and/or business broker permit  
28 holder. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and  
the provisions of NRS Chapter 645 and NAC Chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 1. Starting from about April 30, 2024, the RESPONDENT’S business broker permit was  
3 inactive. NRED 000005, and NRED 000006.

4 2. Starting from about June 13, 2024, the RESPONDENT’S real estate salesperson license  
5 was inactive. NRED 000003 – NRED 000004, and NRED 000006.

6 3. Yet, on or about July 19, 2024, the RESPONDENT reached out to the listing agent  
7 (Complainant #1) to show his client the commercial property located at 229 S. Las Vegas Blvd., Las  
8 Vegas, NV (the “Property”). NRED 000191, and NRED 000183.

9 4. The inactive licensed RESPONDENT also negotiated the commercial lease with the  
10 listing agent by text: “Can we do 3 years?” NRED 000192.

11 5. Further, the next day, on July 20, 2024, the RESPONDENT requested the Property  
12 brochure from the listing agent and stated, “**I’m gonna draw up the LOI.**” (emphasis added). NRED  
13 000193, NRED 000186, and NRED 000128 – NRED 000130.

14 6. On or about July 23, 2024, the RESPONDENT texted the listing agent stating, “I am  
15 still working on getting the LOI signed by the tenant. We might have a deal here but has some work.”  
16 NRED 000194.

17 7. On July 24, 2024, the listing agent sent RESPONDENT “the LOI with all of the changes”  
18 and stated, “Please have your client sign.” NRED 000189.

19 8. Approximately 1.5 hours later, the RESPONDENT sent the listing agent the Signed LOI  
20 “See attached”. NRED 000188, and NRED 000238.

21 9. About Thirty (30) minutes thereafter, the RESPONDENT emailed the listing agent along  
22 with Audrey Sharkey (S.0195760), stating his broker’s application was still being processed but that his  
23 wife would be processing all transactions through the brokerage Viking REI. NRED 000190.

24 10. But the RESPONDENT’S email also stated, “I will be remaining the point of contact.”  
25 NRED 000190.

26 11. Furthermore, the RESPONDENT’S email was erroneously signed in the capacity as  
27 “Principle Broker.” NRED 000190, NRED 000006, NRED 000178, and NRED 000239.

28 ...

1 12. Importantly, the RESPONDENT'S email also included his real estate salesperson license  
2 number and business broker permit number, both of which were inactive at the time. NRED 000189,  
3 NRED 000177, NRED 000003 – NRED 000005, and NRED 000239.

4 13. On or about July 29, 2024, the listing agent asked another agent (Complainant #2)  
5 to handle the commercial Property transaction while she was out of the country for two weeks.  
6 NRED 000203.

7 14. That day, the RESPONDENT texted the agent covering: "did you guys develop the lease  
8 yet?" NRED 000204.

9 15. When the agent responded "No", the RESPONDENT texted: "**If you need to have me**  
10 **draw up a commercial lease, I can absolutely do that.** If you guys prefer to drop the lease yourself,  
11 let me know let's get a closing..." (**emphasis added**). NRED 000204, and NRED 000205.

12 16. Towards the end of the transaction, on or about August 5, 2024, the agent texted the  
13 RESPONDENT: "First of all, why am I even dealing with you if you are not the agent on this? You need  
14 to have your wife call me." NRED 000227, and NRED 000216 – NRED 000219.

15 17. In response, the RESPONDENT texted: "If you want me to have my wife call you while  
16 I sit next to her and speak I will when she gets home." NRED 000227.

17 18. On August 23, 2024, the Division sent an opening investigation letter to  
18 RESPONDENT'S broker (Complainant #3). NRED 000009 – NRED 000010.

19 19. On or about September 3, 2024, the Broker allegedly informed RESPONDENT'S wife he  
20 would not pay an entity that does not have a licensed broker, a real estate commission. NRED 000230,  
21 and NRED 000232.

22 20. Thereafter, on September 11, 2024, the RESPONDENT sent the Broker an attacking  
23 email calling him "a weak broker" and threatening "Your welcome for not filing a complaint against you,  
24 for not going after our commission and leaving us out to dry." NRED 000230.

25 21. Importantly, in this email the RESPONDENT acknowledged his expectation of receiving  
26 a commission on the commercial Property: "**We had a verbal commission agreement** I want to  
27 acknowledge for 10% to Viking REI and **90% to James Sharkey INC. for the leasing of commercial**  
28 **property.**" (**emphasis added**). NRED 000230.

1 22. Also, on or about August 23, 2024, the Division sent an opening investigation letter to  
2 RESPONDENT. NRED 000007.

3 23. Suddenly, the RESPONDENT switched from using his james@sharkeyfamilyrealtor.com  
4 email to his MasterTrade Painters email. NRED 000198, and NRED 000083.

5 24. But his construction email included a link to his MasterTrade Painters website  
6 which displayed a giant logo claiming to be a broker: "Broker – Sharkey Realty Group James Sharkey  
7 [sic]". NRED 000051, NRED 000053 – NRED 000054, NRED 000060 – NRED 000065, NRED 000068  
8 – NRED 000072, NRED 000074, NRED 000076 – NRED 000080, NRED 000085 – NRED 000088,  
9 NRED 000091 – NRED 000094, NRED 000095 – NRED 000097, NRED 000097 – NRED 000099,  
10 NRED 000102 – NRED 000103, NRED 000107 and NRED 000135.

11 25. Accordingly, on or about September 13, 2024, the Division issued a Cease-and-Desist  
12 Order against the RESPONDENT. NRED 000014 – NRED 000015.

13 26. Despite the Cease-and-Desist, the RESPONDENT continued to hold himself out as an  
14 active real estate licensee. NRED 000112, NRED 000135, NRED 000156, and NRED 000163.

15 27. The RESPONDENT also continued to make misrepresentations that the  
16 RESPONDENT was actually a Las Vegas REALTOR member Public ID#874250527  
17 NRDS#629069762. NRED 000112, NRED 000142, NRED 000163, NRED 000172, and NRED 000174.

18 28. Therefore, on or about September 25, 2024, the Division informed the RESPONDENT it  
19 would proceed formally against him. NRED 000180.

## 20 VIOLATIONS OF LAW

21 RESPONDENT committed the following violations of law:

22 1. RESPONDENT violated NRS 645.230(1)(a), on the First Count (Count #1) when he  
23 engaged in the business of, acted in the capacity of, and/or advertised or assumed to act as a real estate  
24 salesperson without an active license.

25 2. RESPONDENT violated NRS 645.230(1)(a), on the Second Count (Count #2) when he,  
26 or by and through his MasterTrade Painters and/or James Sharkey, Inc., engaged in the business of, acted  
27 in the capacity of, and/or advertised or assumed to act in the capacity as a real estate broker when he  
28 never had a broker's license.





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

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

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

9 **NOTICE OF HEARING**

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

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

21 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**  
22 **time as part of a regular meeting of the Commission that is expected to last from November 19,**  
23 **2024 through November 21, 2024, or earlier if the business of the Commission is concluded. Thus,**  
24 **your hearing may be continued until later in the day or from day to day. It is your responsibility**  
25 **to be present when your case is called. If you are not present when your hearing is called, a default**  
26 **may be entered against you and the Commission may decide the case as if all allegations in the**  
27 **complaint were true. If you have any questions, please call Kelly Valadez, Commission**  
28 **Coordinator, at (702) 486-4606.**

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

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

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

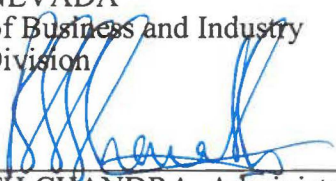
16 The purpose of the hearing is to determine if the RESPONDENT has violated NRS 645 and/or  
17 NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and  
18 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,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


20  
21 DATED this 1 day of October, 2024.

DATED this 1st day of October, 2024.

22 STATE OF NEVADA  
23 Department of Business and Industry  
Real Estate Division

AARON D. FORD  
Attorney General

24  
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