

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2024-1074

FILED

APR 03 2026

REAL ESTATE COMMISSION

BY 

Petitioner,

vs.

ROBERT JOEL KUSHNER,
(B.1002978.INDV)

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 ROBERT JOEL KUSHNER ("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 645.235 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT, at all relevant times pertinent to the violations in this Complaint, either held a Nevada real estate broker license # B.1002978.INDV or engaged in the business of acting as a real estate broker within the meaning of NRS 645.030 (1), 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. At all times relevant to this Complaint, RESPONDENT ROBERT JOEL KUSHNER ("RESPONDENT" or "KUSHNER") engaged in the business of real estate

1 brokerage actions without a license, or, at other relevant times, held a real estate broker
2 license, B.1002978.INDV, issued by the Nevada Real Estate Division (“NRED” or the
3 “Division”) “Broker License”), [NRED0003-0005].

4 2. On or about June 30, 2024, RESPONDENT’s Broker License lapsed.
5 [NRED0004].

6 3. On or about November 17, 2024, while RESPONDENT’S Broker License
7 remained lapsed, RESPONDENT entered into a listing agreement for real property in
8 Carson City, Nevada. Shortly thereafter, COMPLAINANT Katherine Vaughan, without
9 aid of a separate real estate broker, tendered an offer for the property, located at 2580
10 Scotch Pine, in Carson City, Nevada (“Scotch Pine Property”). [NRED0020-0034]

11 4. On November 23, 2024, the Division received a Statement of Fact from
12 COMPLAINANT regarding the conduct of RESPONDENT, who represented the sellers of
13 the Scotch Pine Property, (“SELLERS”), and, after convincing her to be dually represented
14 by him, Ms. Vaughan as buyer. [NRED0001-0010; 032-0043].

15 5. COMPLAINANT contends, among other allegations, that RESPONDENT did
16 not send the Purchase Agreement to the SELLERS, even after representing to her that the
17 SELLERS had agreed to the terms of her offer; misspelled her name on purchase
18 documents and would not correct the error upon her request; did not accept her stated
19 wishes to represent herself in the real estate transaction; and, most significantly, failed to
20 clearly and adequately explain to COMPLAINANT the nature of the dual representation
21 relationship he was entering into with her. [NRED0001-0002; 0032-0033].

22 6. On information and belief, RESPONDENT sent to COMPLAINANT a two-
23 page “Consent to Act” form, signed and dated December 6, 2024, by the SELLERS, but for
24 which copy signed by COMPLAINANT exists within RESPONDENT’S transaction file or
25 documents provided to the Division. [NRED0032-0033].

26 7. Based on the transaction file provided by RESPONDENT, he never furnished
27 a “Duties Owed By A Nevada Real Estate Licensee” document to COMPLAINANT.
28 [NRED0016-0073].

1 8. On December 2, 2024, the Division issued an open investigation letter to
2 RESPONDENT regarding the COMPLAINANT'S Statement of Fact and requesting his
3 response, supporting materials, and transaction file via affidavit by December 16, 2024.
4 [NRED0008-0009].

5 9. On December 2, 2024, RESPONDENT sent the Division his response via the
6 affidavit form, initially, unsworn, as well as his transaction file for the Scotch Pine
7 Property. [NRED 0013-0015; 0016-0073].

8 10. In his response, RESPONDENT contended that COMPLAINANT suffered no
9 damages and, therefore, has no recourse; that, because of the recent global NAR lawsuit,
10 COMPLAINANT was confused and believed she would have to pay a buyer's agent
11 commission in addition to the amount of her offer when, in fact, the seller would pay all
12 commissions owed to RESPONDENT for his dual representation. [NRED 0014-0015].

13 11. In an email exchange on December 3, 2024, with Investigator Shaun McLean,
14 RESPONDENT admitted that he was unaware that his Nevada broker's license had
15 expired and stated that he would "not do any more real estate activity in Nevada until" he
16 renewed his license. At this point, RESPONDENT'S Nevada broker's license had been
17 expired for over five months, and RESPONDENT had now, at minimum, engaged in the
18 transaction involving the Scotch Pine Property, including the listing of that property, and
19 the negotiation of COMPLAINANT'S purchase offer with the SELLERS, the opening of
20 escrow and, various amendments to the original purchase agreement. [NRED0074-0077].

21 12. In the "Exclusive Right to Sell Agreement" RESPONDENT and SELLERS
22 agreed to list the property for \$599,900.00, with compensation to listing broker to be 5% of
23 the purchase price, and compensation to selling broker to be 2.5% of the purchase price.
24 [NRED0021].

25 13. The property ultimately sold for \$574,900.00, of which RESPONDENT
26 received 7.5%, or \$41,175.00, in commissions. [NRED0026].

27 14. On December 15, 2024, Division Investigator McLean submitted a Cease-and-
28 Desist Order Form, requesting the Division to order RESPONDENT to cease conducting

1 all real estate broker activity as defined under NRS 645.030 and property management as
2 defined under NRS 645.6054 due to the expiration of his license. [NRED0078].

3 15. On December 18, 2024, while unlicensed, RESPONDENT prepared and sent
4 an addendum postponing closing until December 20, 2024. [NRED0035].

5 16. On December 20, 2024, RESPONDENT'S real estate license was reinstated.
6 [NRED0005].

7 17. On December 21, 2024,¹ the Division mailed an NRS 233B letter via certified
8 mail to RESPONDENT, stating the Division's intent to file a complaint with the
9 Commission for violations of NRS 645.230.1. [NRED0079-0082].

10 VIOLATIONS OF LAW

11 RESPONDENT has committed the following violations of law:

12 1. RESPONDENT violated NRS 645.230(1)(a) by willfully and/or knowingly
13 acting in the capacity of a real estate broker when he performed activities requiring an
14 active real estate license, when his license was expired, in a transaction where he received
15 \$41,175.00 in commissions.

16 DISCIPLINE AUTHORIZED

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

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

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

25 NOTICE OF HEARING

26 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the
27 Administrative Complaint against the above-named Respondent in accordance with

28

¹ The 233B letter is erroneously dated October 21, 2024.

1 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
2 Administrative Code.

3 **THE HEARING WILL TAKE PLACE on May 5, 2026, commencing at 9:00**
4 **a.m., or as soon thereafter as the Commission is able to hear the matter, and each**
5 **day thereafter commencing at 9:00 a.m. through May 7, 2026, or earlier if the**
6 **business of the Commission is concluded. The Commission meeting will be held**
7 **at the Nevada State Business Center, 3300 West Sahara Avenue. 4th floor Nevada**
8 **Room, Las Vegas Nevada, 89102 with video conference to Nevada Division of**
9 **Insurance, 1818 College Parkway, Suite 103, Carson City, Nevada 89706.**

10 **STACKED CALENDAR: Your hearing is one of several hearings scheduled**
11 **at the same time as part of a regular meeting of the Commission that is expected**
12 **to last from May 5, 2026, through May 7, 2026, or earlier if the business of the**
13 **Commission is concluded. Thus, your hearing may be continued until later in**
14 **the day or from day to day. It is your responsibility to be present when your case**
15 **is called. If you are not present when your hearing is called, a default may be**
16 **entered against you, and the Commission may decide the case as if all allegations**
17 **in the complaint were true. If you have any questions, please call Amy**
18 **Reveyrand, Commission Coordinator, at (702) 486-4606.**

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

24 As the Respondent, you are specifically informed that you have the right to appear
25 and be heard in your defense, either personally or through your counsel of choice. At the
26 hearing, the Division has the burden of proving the allegations in the complaint and will
27 call witnesses and present evidence against you. You have the right to respond and to
28 present relevant evidence and argument on all issues involved. You have the right to call

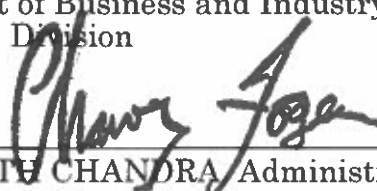
1 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
2 matter relevant to the issues involved.

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

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

13 DATED the 3rd day of April, 2026.

14 State of Nevada
15 Department of Business and Industry
16 Real Estate Division

17 By: 
18 For SHARATE CHANDRA Administrator
19 3300 West Sahara Avenue, Suite 350
20 Las Vegas, Nevada 89102

21 AARON D. FORD
22 Attorney General

23 By: /s/ Phil W. Su
24 PHIL W. SU (Bar No. 10450)
25 Senior Deputy Attorney General
26 1 State of Nevada Way #100
27 Las Vegas, Nevada 89119
28 (702) 486-3655
Attorneys for Nevada Real Estate Division