BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

OCT 04 2019

REAL ESTATE COMMISSION

BY

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. ALEXEY DOLGINOV, Respondent.	**Case No. 2017-1462**

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT ALEXEY DOLGINOV ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 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 645.633 and/or NRS 645.630 or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a broker 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 relevant times mentioned in this Complaint, RESPONDENT held a broker's real estate license with the State of Nevada, license number B.1001858.INDV. His license is now expired.

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2. RESPONDENT as a broker represented the buyer on a residential purchase agreement ("the Agreement") concerning 6476 Bristlecone Circle, Las Vegas, Nevada.

3. The Agreement was executed on or about May 9, 2017.

4. The Agreement had a ten day escrow period

5. The Agreement had a seven day due diligence period.

6. RESPONDENT held the $10,000 earnest money deposit to be deposited under the Agreement in escrow.

7. RESPONDENT never deposited the earnest money deposit with escrow.

8. RESPONDENT, through his assistant, notified seller's agent that buyer was cancelling on or about May 22, 2017.

9. The seller's agent submitted a statement of fact complaining about RESPONDENT's conduct in the transaction.

10. On or about June 27, 2017, the Division sent the RESPONDENT a letter notifying RESPONDENT of the complaint.

11. The letter requested the transaction file for 6476 Bristlecone Circle.

12. The letter requested other information in affidavit form concerning said transaction.

13. RESPONDENT first responded by email to the Division on October 26, 2017.

14. RESPONDENT did not submit an affidavit documenting the information in his response.

15. RESPONDENT did not provide the Division the transaction file for 6476 Bristlecone Circle.

VIOLATIONS

RESPONDENT has committed the following violation of law:

1. RESPONDENT violated NRS 645.630(1)(k) or NAC 645.605(6), by failing to deposit the earnest money deposit.

2. RESPONDENT violated NRS 645.633(1)(h) or NAC 645.632 by his delayed notice of cancellation.

3. RESPONDENT violated NRS 645.635 or NAC 645.605(11)(a) by failing to produce to the Division the transaction file on request of the Division.

DISCIPLINE AUTHORIZED

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

5. Additionally, under NRS Chapter 622, 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 5, 2019 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 7, 2019 or earlier if the business of the Commission is concluded. The Commission meeting will be held on November 5, 2019, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on November 6, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on November 7, 2019, should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

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 5, 2019 through November 7, 2019, 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 Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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to further determine what administrative penalty is to be assessed against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

DATED this 3 day of October, 2019.

State of Nevada
Department of Business and Industry
Real Estate Division

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