BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

REDA MARIA GUDEN,

Respondent.

Case No. 2019-51

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY

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 REDA MARIA GUDEN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE 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, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

In the conduct alleged herein, RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, under the provisions of NRS chapter 645 and NAC chapter 645.

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FACTUAL ALLEGATIONS

1. RESPONDENT was issued a real estate broker license from the Division, B.0046866, LLC from June 6, 2000, and held a property management permit, PM.0163582.BKR, conducting her business under the name American First Realty, LLC.

2. On or about September 21, 2017, after a hearing held in case no. 2016-2130 on August 16, 2017, the Commission issued a decision that fined RESPONDENT and revoked RESPONDENT's broker license and property management permit.

3. On or about October 2017, RESPONDENT requested and the Division agreed to a stay of the revocation of her broker's license, but not her permit, while she petitioned for rehearing.

4. After rehearing held on September 10, 2018 in case no. 2016-2130, the Commission, in a decision issued November 16, 2018, once again fined her and ordered that her real estate license and permit be revoked, with an effective date of December 17, 2018.

5. On or about December 16, 2018, RESPONDENT filed a petition for judicial review in the Eighth Judicial District of the State of Nevada concerning the Commission's November 16, 2018 decision.

6. Along with her petition for judicial review, RESPONDENT requested that the court stay her license revocation.

7. On or about January 19, 2019, RESPONDENT presented, as buyer's broker, an offer on behalf of one Aleksandr Melikov for him to purchase a single family residence located at 7016 Diver Avenue, North Las Vegas.

8. The offer contemplated RESPONDENT receiving a commission in the event of a sale.

9. On or about January 23, 2019, Respondent's request for a stay was heard by the Honorable Judge Gloria Sturman.

10. By written order dated February 1, 2019, Judge Sturman granted RESPONDENT limited stay relief ("interim stay order"), pending the outcome of the petition for judicial review, allowing RESPONDENT "to be employed and work as a licensed real estate salesperson under a licensed brokerage of an unrelated third party who has an existing brokerage during the pendency of this case subject to the conditions that:

(1) she shall not handle or manage any client or transactional funds or monies arising or resulting from such work as a licensed real estate salesperson; (2) she shall not manage property; (3) she shall not manage or supervise any other people including any other real estate salesperson under the broker's license by which she shall be so employed; (4) prior to conducting any activity as allowed in this paragraph, she will provide the Administrator of the Nevada Real Estate Division with a letter from the broker under whose brokerage she will be working indicating his or her intent to so employ Ms. Guden; and (5) she will provide the Administrator notice of any termination of or other change in such affiliation, along with, prior to conducting any activity under the new broker's license, the new broker's letter of intent as in number (4) above."

11. On or about February 17, 2019, RESPONDENT was issued a salesperson's license pursuant to the interim stay order.

12. On or about September 6, 2019, Judge Sturman reversed and remanded the Commission's decision revoking Respondent's license and imposing fines, for rehearing by the Commission, leaving in place the interim stay order that allowed RESPONDENT to be licensed as a salesperson.

VIOLATIONS

RESPONDENT committed the following violations of law:

13. RESPONDENT violated NRS 645.235(1)(a), by engaging or offering to engage in an activity for which a real estate license is required, without an active license in place, or NRS 645.633(1)(b), by violating the order of the commission revoking her real estate license.

DISCIPLINE AUTHORIZED

14. Pursuant to NRS 645.235(2), the Commission may impose an administrative fine that may not exceed the amount of gain or economic benefit the RESPONDENT received or $5,000, whichever is greater. 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.

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15. 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.

16. 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 June 16, 2020 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 June 18, 2020, or earlier if the business of the Commission is concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on June 17, 2020, 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 June 18, 2020, 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 June 16, 2020, through June 18, 2020, 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 645.920.

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

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determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS 645.633 or 645.630.

DATED this 12 day of May, 2020.

State of Nevada
Department of Business and Industry
Real Estate Division

By: _____
SHARATH CHANDRA, Administrator
3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

AARON D. FORD
Attorney General

By: / s / Dennis L. Belcourt
DENNIS L. BELCOURT (Bar No. 2658)
Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
(702) 486-3326
Attorneys for Real Estate Division