BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

MARSHALL CARRASCO,
(B.1000579.INDV)

Respondent.

Case No. 2021-1122

FILED

AUG 3 1 2023

REAL ESTATE COMMISSION
BY Kelly Valadez

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda set for a three-day stack commencing August 22, 2023 (the "Hearing"). RESPONDENT Marshall Carrasco ("RESPONDENT") did not appear in person, through counsel, or otherwise. Christal Park Keegan, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

The Division's counsel advised the Commission that RESPONDENT was aware of his attendance at the hearing, and that his hearing was scheduled for the May 2-4, 2023 hearings, but the RESPONDENT requested a continuance, which the Commission granted. The Division sent the RESPONDENT Meeting Re-Notices no later than 30 days prior to the August 22-24, 2023 hearings. The RESPONDENT asked for a second continuance, which the Commission denied. The RESPONDENT submitted his request for a second continuance again, which remained denied by the Commission.

Therefore, the Division proceeded with a default pursuant to NAC 645.860. The Division's Commission Coordinator testified regarding proper notice to the RESPONDENT. The Commission found proof of service of the Complaint and Notice of Hearing, Notice of Complaint and Obligation to Respond, and Notice of Documents with documents numbered NRED 000001-000073 was made.

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After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law and Order against RESPONDENT as follows:

JURISDICTION

RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as a Broker under license number B.1000579.INDV. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FINDINGS OF FACT

At all times relevant to this Complaint, RESPONDENT was the listing agent for Complainant's real property located at 2219 Kadden, Dayton, Nevada 89403 (the "Property"). *NRED 000033 – 000036.*

On or about September 2, 2021, RESPONDENT'S unlicensed agent, Tyler Richardson, met with the Complainant in person to sign an Exclusive Right to Sell Contract for the Property. *NRED 000069.*

On April 4, 2022, in an email to the Division, RESPONDENT admitted his agent, Mr. Richardson, met Complainant to sign the Exclusive Right to Sell Contract. *NRED 000006.*

Yet, the Exclusive Right to Sell Contract was executed electronically. *NRED 000033 – 000036.*

On June 7, 2022, RESPONDENT represented to the Division that his agent, Mr. Richardson, was an active licensee at all times relevant. *NRED 000020 – 000021.*

But, RESPONDENT'S agent, Tyler Richardson, did not have an active license when he met with the Complainant to sign the Exclusive Right to Sell Contract. *NRED 000004.*

On October 6, 2021, RESPONDENT'S inactive licensee, Mr. Richardson, emailed Complainant listing information for comparables. *NRED 000064.*

On November 23, 2021, RESPONDENT'S inactive licensee, Mr. Richardson, emailed Complainant listing information and links. *NRED 000073.*

But, RESPONDENT'S agent, Mr. Richardson, did not have an active license when he emailed Complainant listing information. *NRED 000004.*

On or about September 2, 2021, the Complainant signed a Duties Owed by a Nevada Real Estate Licensee (the "Duties Owed"). *NRED 000037.*

The Duties Owed only identified RESPONDENT as the licensee in the real estate transaction. *NRED 000037.*

A Supplemental List of Licensees Party to the Duties Owed was not included.

From about September 28, 2021, to October 28, 2021, RESPONDENT'S licensee, Brylle Ireland, sent numerous emails to Complainant regarding the Property transaction. *NRED 000028 – 000063, and NRED 000065 – 000072.*

During which, on October 11, 2021, RESPONDENT'S licensee, Mr. Ireland, emailed Complainant details of an offer to purchase the Property. *NRED 000065 – 000066.*

But, RESPONDENT'S licensee, Mr. Ireland, was not included on a Supplemental List of Licensees Party to the Duties Owed.

On or about June 10, 2022, the Division noticed RESPONDENT of an Amended Notice of Violation with Imposition of Administrative Fine in the amount of $1,000.00 due by July 11, 2022. *NRED 000012 – NRED 000019.*

On July 8, 2022, RESPONDENT appealed the Notice of Violation, and as such, this Complaint now comes herewith. *NRED 000020.*

CONCLUSIONS OF LAW

Whereas the Commission found that the Division proved by a preponderance of the evidence the foregoing findings of fact, and concludes by unanimous vote that the RESPONDENT committed the following violations of law, as presented in the Complaint:

1. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.600(1) by failing to supervise his inactive licensed agent's activities acting in the capacity of a real estate licensee.

2. RESPONDENT violated NRS 645.252(3) by failing to list additional licensee involved in the transaction for the Property on the Supplemental List of Licensees Party to the Duties Owed.

ORDER

The Commission, being fully apprised in the premises, and good cause appearing to the Commission, by unanimous vote, ORDERS as follows:

1. RESPONDENT shall pay an administrative fine to the Division in the total amount of $25,166.61 ("Amount Due"), which includes a fine of $20,000 for violations of law on five occasions and $5,166.61 for the Division's costs and attorney's fees, within ninety (90) days from the effective date of this Order.

2. All RESPONDENT'S licenses shall be revoked on the effective date of this Order.

3. If payment is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT. In the event of default, the unpaid balance of the administrative fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten (10) calendar days of the date of default, and the Division may obtain a judgment for the amount owed, including collection fees and costs.

4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this document.

5. This Order shall become effective thirty (30) days after the date of this Order.

Dated this 31 day of August, 2023.

NEVADA REAL ESTATE COMMISSION

By: David Tanner
Vice President, Nevada Real Estate Commission

Dated this 24th day of August, 2023

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