BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. FRANK GARY VILLANI, (B.0143393.LLC, PM.0164636.BKR) Respondent.	**Case No. 2023-939** FILED MAY 30 2024 REAL ESTATE COMMISSION BY Kelley Valadez

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the REAL ESTATE COMMISSION OF THE STATE OF NEVADA (the "Commission") on Thursday, May 16, 2024 (the "Hearing"). RESPONDENT FRANK GARY VILLANI ("RESPONDENT") did not appear in person, through counsel, or otherwise. Phil W. Su, Deputy Attorney General, appeared on behalf of Petitioners SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA ("Division").

Mr. Su advised the Commission that the RESPONDENT did not provide an answer to the properly filed Complaint and his license is currently in active status. Mr. Su advised the Division that Mr. Villani had come before them on a substantially similar matter last year, regarding his failure to file his year 2022 Trust Account Reconciliation documents; this Complaint concerned his failure to file his year 2023 Trust Account Reconciliation documents. Thereafter, the Division proceeded with a default pursuant to NAC 645.810(13). The Division's Section Coordinator, Kelly Valadez, testified that proper service via certified mail was given to the RESPONDENT. After further discussion, the Commission found that the Division issued effective notice of the hearing, the Complaint and notice thereof, the Notice of Documents with documents bates stamped NRED 0001-0038, and took all efforts required by law to inform the RESPONDENT of the matter before the Commission. The Commissioners also admitted the Division's documents NRED 0001-0038 as exhibits to the proceedings.

Therefore, the Commission, having considered the evidence introduced by the Division and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order:

JURISDICTION

RESPONDENT FRANK GARY VILLANI was licensed as a Nevada real estate broker (B.0143393.LLC) at all relevant times mentioned in this Complaint 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

The Commissioners find that the following factual allegations have been proved by default:

1. RESPONDENT has been licensed as a real estate Broker in Nevada since February 28, 2014. **NRED0002.**

2. RESPONDENT has repeatedly failed to file annual trust account reconciliations from 2019 to 2022, resulting in $4,000.00 in administrative fines. **NRED0004.**

3. Although RESPONDENT paid those administrative fines, he nevertheless failed to submit any of the missing trust account reconciliation reports for 2019 through 2022. **NRED0004.**

4. At its August 23, 2023, meeting, the Commission heard Case No. 2022-677 against RESPONDENT, which was prosecuted based on RESPONDENT'S failure to submit his 2022 trust account reconciliations. **NRED0005-0011.**

5. On September 5, 2023, the Commission issued its Findings of Fact, Conclusions of Law, and Order regarding Case No. 2022-677, finding that RESPONDENT committed violations warranting disciplinary action and ordering RESPONDENT to pay an administrative fine of $10,692.63, consisting of a $5,000.00 fine for violations of law and $5,692.63 for the Division's costs and prehearing attorney's fees, and to take nine (9) hours of continuing education in broker management. **NRED0007-0010.**

6. Between September and October 2023, RESPONDENT has had multiple email discussions with Division staff regarding production of his 2023 trust account reconciliations, which he also failed to timely file. **NRED0013-0028.**

7. On November 6, 2023, the Division opened an investigation regarding RESPONDENT'S ongoing failure to file his 2023 trust account reconciliations and requested that RESPONDENT provide

a responsive affidavit explaining why he had not yet produced the trust account reconciliations. **NRED0029-0030.**

8. On January 5, 2024, the Division sent a follow-up letter via certified mail again asking for a response to its investigation regarding the unproduced 2023 trust account reconciliations. **NRED0032-0033.**

9. As of the filing of this Complaint, RESPONDENT has not provided any response to the Division's requests regarding the unsubmitted 2023 trust account reconciliations.

10. On February 15, 2024, the Division sent an NRS 233B letter via certified mail indicating that it obtained sufficient evidence to commence disciplinary charges against him and to seek a formal hearing before the Real Estate Commission. **NRED0037-0038.**

VIOLATIONS OF LAW

The Commissioners find that based upon a preponderance of the evidence, the following violations of law have been proved by default:

11. RESPONDENT violated NRS 645.630(1)(g) pursuant to NAC 645.806, by failing to timely submit his annual trust account reconciliations to the Division for 2023, due by the last day of the expiration month for his broker license.

12. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11), by demonstrating gross negligence or incompetence by impeding the Division's investigation due to RESPONDENT'S failure to comply with repeated requests from the Division for a written response and documents relevant to its investigation.

ORDER (2023-939)

The Commission, being fully apprised of the premises and good cause appearing, hereby **ORDERS:**

1. Respondent Frank Gary Villani's property management permit (PM.0164636.BKR) is hereby revoked;

2. No property management may be conducted under his brokerage firm;

3. Respondent shall pay to the Division administrative fines totaling Twenty Thousand Dollars ($20,000.00);

4. Respondent shall pay pre-hearing costs and fees in the amount of Four Thousand Three Hundred Ninety-Three Dollars and 95/100 cents ($4,393.95), which are actual, reasonable, and necessary;

5. The total amount of Twenty Four Thousand Three Hundred Ninety-Three Dollars and 95/100 cents ($24,393.95), is to be paid in full within sixty (60) days of the effective date of this Order;

6. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent. In the event of default, the unpaid balance of the costs and fees, 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. The Division may institute debt collection proceedings for failure to timely pay the total fine; and

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

DATED this 30 day of May, 2024.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Lee Rix Gurr
Nevada Real Estate Commission

Submitted by:
By: /s/ Phil W. Su
PHIL W. SU (Bar No 10450)
Senior Deputy Attorney General
555 E. Washington Ave., #3900
Las Vegas, NV 89101
(702) 486-3655
psu@ag.nv.gov
Attorneys for Real Estate Division