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MAY 28 2015

REAL ESTATE COMMISSION
BY *[Signature]*

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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

JOSEPH DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Petitioner,

vs.

LINDA M. AKIKI,

Respondent.

Case Nos. RES 14-04-138-920
RES 14-08-06-046
RES 14-06-02-1162
RES 14-05-67-1047
RES 14-03-132-752
RES 14-02-116-587

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, April 21, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada. Respondent Linda M. Akiki ("RESPONDENT") appeared and testified under oath at the hearing. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following Findings of Fact:

1. RESPONDENT is licensed as a real estate broker, license number B.1000344.INDV, and is in active status.

2. RESPONDENT had previously been licensed as a real estate broker under license number B.0054926.LLC, and as a Property Manager under license number PM.0163803.BKR, both of which are in inactive status.

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Las Vegas, NV 89101

1 3. RESPONDENT is subject to the jurisdiction of the Division and the Commission
2 and the provisions of NRS chapter 645 and NAC chapter 645.

3 **Case No. RES 14-04-138-920**

4 4. On or about January 30, 2014, RESPONDENT notified the Division that her
5 business address would be American Realty Western, 2831 St. Rose Parkway, #332A,
6 Henderson, Nevada.

7 5. On April 8, 2014, a Division investigator went to 2831 St. Rose Parkway,
8 Henderson, Nevada, to check on RESPONDENT's office.

9 6. There were no signs for American Realty Western upon the premises of 2831 St.
10 Rose Parkway, Henderson, Nevada.

11 7. A representative of St. Rose Executives Suites, which manages the building at
12 2831 St. Rose Parkway, Henderson, Nevada, informed the Division investigator that American
13 Realty Western rented a mailbox drop at that building.

14 8. Earlier on April 8, 2014, two Division investigators went to 1810 East Sahara
15 Avenue, Las Vegas, Nevada, after receiving information that RESPONDENT was working
16 from that location.

17 9. There were no signs for American Realty Western upon the premises of 1810
18 East Sahara Avenue, Las Vegas, Nevada.

19 10. The Division investigators discovered one of RESPONDENT's salespersons
20 working out of suite 127 at 1810 East Sahara Avenue, Las Vegas, Nevada.

21 11. The Division investigators discovered a real estate listing transfer form related to
22 American Realty Western in suite 127 at 1810 East Sahara Avenue, Las Vegas, Nevada.

23 **Case No. RES 14-08-06-046**

24 12. By way of letter dated August 5, 2013, the Division required RESPONDENT to
25 respond to a complaint that Ria Savaiinaea had filed against her.

26 13. RESPONDENT failed to supply a response to the Division's August 5, 2013
27 letter.

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1 14. By way of letter dated March 18, 2014, the Division required RESPONDENT to
2 respond to Savaiinaea's complaint.

3 15. RESPONDENT failed to supply a response to the Division's March 18, 2014
4 letter.

5 **Case No. RES 14-06-02-1162**

6 16. On or about September 13, 2012, Paula Lex, a Salesperson, license number
7 S.0169978, associated with RESPONDENT at American Realty Western.

8 17. On or about March 18, 2014, Lex sent an email and a certified letter with return
9 receipt requested to RESPONDENT informing her that Lex was terminating her association
10 with RESPONDENT and requesting that Lex's Salesperson license be sent to the Division.

11 18. RESPONDENT took no action with respect to Lex's March 18, 2014
12 correspondence.

13 19. On or about May 3, 2014, Lex again sent the certified letter with return receipt
14 requested to RESPONDENT informing her that Lex was terminating her association with
15 RESPONDENT and requesting that Lex's Salesperson license be sent to the Division.

16 20. RESPONDENT took no action with respect to Lex's May 3, 2014
17 correspondence.

18 21. On or about June 2, 2014, Lex filed a Statement of Fact with the Division
19 complaining about RESPONDENT's failure to act on her request.

20 22. By way of letter dated June 3, 2014, the Division required RESPONDENT to
21 respond to Lex's complaint.

22 23. RESPONDENT failed to supply a response to the Division's June 3, 2014 letter.

23 24. By way of letter dated June 19, 2014, the Division required RESPONDENT to
24 respond to Lex's complaint.

25 25. RESPONDENT failed to supply a response to the Division's June 19, 2014 letter.

26 **Case No. RES 14-05-67-1047**

27 26. On or about October 31, 2011, Anthony Shawn Noonan, a Broker-Salesperson,
28 license number BS.0143858, associated with RESPONDENT at American Realty Western.

1 27. On or about April 28, 2014, Noonan sent a certified letter with return receipt
2 requested to RESPONDENT requesting that she send Noonan's Broker-Salesperson license
3 to his new broker.

4 28. RESPONDENT took no action with respect to Noonan's April 28, 2014 letter.

5 29. On or about May 14, 2014, Noonan filed a Statement of Fact with the Division
6 complaining about RESPONDENT's failure to act on his request.

7 30. By way of letter dated May 15, 2014, the Division required RESPONDENT to
8 respond to Noonan's complaint.

9 31. RESPONDENT failed to supply a response to the Division's May 15, 2014 letter.

10 32. By way of letter dated June 19, 2014, the Division required RESPONDENT to
11 respond to Noonan's complaint.

12 33. RESPONDENT failed to supply a response to the Division's June 19, 2014 letter.

13 **Case No. RES 14-03-132-752**

14 34. On or about February 7, 2014, escrow closed on the property at 4380 Woodpine
15 Drive, #101, Las Vegas, Nevada.

16 35. Denise Mardesich, a Broker-Salesperson, license number BS.0064873,
17 represented Milos Coso, the seller of the Woodpine Property.

18 36. On or about February 14, 2014, RESPONDENT issued a refund check to Coso,
19 who then deposited the check with a bank.

20 37. On or about February 24, 2014, the bank returned the refund check to Coso as
21 "NSF" because the check was drawn on a "closed account."

22 38. On or about March 13, 2014, Mardesich filed a Statement of Fact with the
23 Division complaining about RESPONDENT's issuance of the refund fund check on a closed
24 account with insufficient funds to Coso.

25 39. By way of letter dated March 14, 2014, the Division required RESPONDENT to
26 respond to Mardesich's complaint.

27 40. RESPONDENT failed to supply a response to the Division's March 14, 2014
28 letter.

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Las Vegas, NV 89101

1 41. By way of letter dated April 22, 2014, the Division required RESPONDENT to
2 respond to Mardesich's complaint.

3 42. RESPONDENT failed to supply a response to the Division's April 22, 2014 letter.

4 Case No. RES 14-02-116-587

5 43. Marco Mendoza owns real property at 260 East Flamingo Road, #231, Las
6 Vegas, Nevada.

7 44. On or about May 23, 2013, Mendoza and RESPONDENT entered into a
8 residential property management agreement for American Realty to manage the Mendoza
9 Property.

10 45. On or about November 1, 2013, a tenant leased the Mendoza Property and paid
11 American Realty \$1,100 for first month rent and another \$1,100 as a security deposit.

12 46. On or about November 7, 2013, RESPONDENT paid Mendoza only \$600 from
13 the tenant's November 1, 2013 payments.

14 47. RESPONDENT failed to remit to Mendoza additional monies he is owed from the
15 tenant's November 1, 2013 payments.

16 48. On or about January 1, 2014, another tenant leased the Mendoza Property.

17 49. That tenant paid rent to RESPONDENT for the months of January and February
18 2014.

19 50. Although RESPONDENT paid Mendoza his portion of that tenant's January 2014
20 rent payment, RESPONDENT failed to remit to Mendoza his portion of that tenant's February
21 2014 rent payment.

22 51. On or about February 21, 2014, Mendoza filed a Statement of Fact with the
23 Division complaining about RESPONDENT's conduct.

24 52. By way of letter dated February 26, 2014, the Division required RESPONDENT to
25 respond to Mendoza's complaint against her.

26 53. RESPONDENT failed to supply a response to the Division's February 26, 2014
27 letter regarding Mendoza's complaint.

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1 54. On or about May 1, 2013, American Realty began managing ten properties for
2 Joyce Maggiore, including properties at 5270 South Maryland Parkway, Las Vegas, Nevada
3 and 7448 Parnell Avenue, Las Vegas, Nevada.

4 55. On or about February 20, 2014, the Maryland Hacienda HOA informed American
5 Realty that it had assessed \$2,200 in fines against the Maryland Property due to the property
6 not being kept in good condition.

7 56. RESPONDENT failed to respond to the Maryland Hacienda HOA notice of fines.

8 57. RESPONDENT received five months of rent payments on the Parnell Property
9 that she failed to remit to Maggiore, which totaled \$7,000 (\$1,400 a month) minus property
10 management fees.

11 58. On or about February 24, 2014, Maggiore filed a Statement of Fact with the
12 Division complaining about RESPONDENT's conduct.

13 59. By way of letter dated February 26, 2014, the Division required RESPONDENT to
14 respond to Maggiore's complaint against her.

15 60. RESPONDENT failed to supply a response to the Division's February 26, 2014
16 letter regarding Maggiore's complaint.

17 61. Timothy W. Brandon owns real property at 8250 North Grand Canyon, #1101 and
18 #1173, Las Vegas, Nevada.

19 62. Brandon and RESPONDENT entered into a residential property management
20 agreement for American Realty to manage the Brandon Properties.

21 63. The Brandon Properties tenants paid rent to RESPONDENT for the months of
22 February and March 2014.

23 64. RESPONDENT failed to remit to Brandon his portion of the Brandon Properties
24 tenants' February and March 2014 rent payments, which totaled approximately \$2,700
25 (\$3,000 minus 10% property management fee).

26 65. RESPONDENT failed to transfer the security and pet deposits for the Brandon
27 Properties to the new management company, which totaled approximately \$1,750.

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1 66. On or about March 26, 2014, Brandon filed a Statement of Fact with the Division
2 complaining about RESPONDENT's conduct.

3 67. By way of letter dated March 28, 2014, the Division required RESPONDENT to
4 respond to Brandon's complaint against her.

5 68. RESPONDENT failed to supply a response to the Division's March 28, 2014
6 letter regarding Brandon's complaint.

7 69. Russell Tonner owns real property at 4516 Cool Valley Drive; 4617 Julene Court;
8 and 4960 Larkspur Street, Las Vegas, Nevada.

9 70. Tonner and RESPONDENT entered into a residential property management
10 agreement for American Realty to manage the Tonner Properties.

11 71. RESPONDENT failed to remit to Tonner approximately \$3,326 owed him from
12 the Tonner Properties.

13 72. On or about March 28, 2014, Tonner filed a Statement of Fact with the Division
14 complaining about RESPONDENT's conduct.

15 73. By way of letter dated April 1, 2014, the Division required RESPONDENT to
16 respond to Tonner's complaint against her.

17 74. RESPONDENT failed to supply a response to the Division's April 1, 2014 letter
18 regarding Tonner's complaint.

19 75. Gregory Bushell owns real property at 4050 Great Plains Way, and 3809 Soda
20 Springs Drive, Las Vegas, Nevada.

21 76. Bushell and RESPONDENT entered into a residential property management
22 agreement for American Realty to manage the Bushell Properties.

23 77. Since January 1, 2014, RESPONDENT has failed to remit to Bushell his portion
24 of the Bushell Properties tenants' rent payments.

25 78. On or about April 2, 2014, Bushell filed a Statement of Fact with the Division
26 complaining about RESPONDENT's conduct.

27 79. By way of letter dated April 2, 2014, the Division required RESPONDENT to
28 respond to Bushell's complaint against her.

1 80. RESPONDENT failed to supply a response to the Division's April 2, 2014 letter
2 regarding Bushell's complaint.

3 81. Wilford Oguma entered into a lease agreement with American Realty for real
4 property at 7041 Diver Avenue, North Las Vegas, Nevada.

5 82. Pursuant to that lease agreement, Oguma submitted a security deposit of \$1,100
6 and a cleaning deposit of \$150.

7 83. After a new company took over the property management of the Oguma Rental,
8 Oguma requested that RESPONDENT transfer his security deposit and a cleaning deposit to
9 the new property management company.

10 84. RESPONDENT failed to remit Oguma's security deposit and a cleaning deposit
11 to the new property management company.

12 85. On or about April 10, 2014, Oguma filed a Statement of Fact with the Division
13 complaining about RESPONDENT's conduct.

14 86. By way of letter dated April 15, 2014, the Division required RESPONDENT to
15 respond to Oguma's complaint against her.

16 87. RESPONDENT failed to supply a response to the Division's April 15, 2014 letter
17 regarding Oguma's complaint.

18 88. Brad Buffington and Alma Giron own real property at 312 North 14th Street, Las
19 Vegas, Nevada.

20 89. Buffington and Giron entered into a residential property management agreement
21 with RESPONDENT for American Realty to manage the 14th Street Property.

22 90. RESPONDENT failed to remit to Buffington and Giron their portion of the 14th
23 Street Property tenants' rent payments and security deposits, which totaled approximately
24 \$3,770.

25 91. On or about April 14, 2014, Buffington and Giron filed a Statement of Fact with
26 the Division complaining about RESPONDENT's conduct.

27 92. By way of letter dated April 15, 2014, the Division required RESPONDENT to
28 respond to the complaint against her by Buffington and Giron.

1 93. RESPONDENT failed to supply a response to the Division's April 15, 2014 letter
2 regarding the complaint against her by Buffington and Giron.

3 94. John Mulrooney owns real property at 8088 Chestnut Glen Avenue and 9121
4 Baysinger Drive, Las Vegas, Nevada.

5 95. Mulrooney and RESPONDENT entered into a residential property management
6 agreement for American Realty to manage the Mulrooney Properties.

7 96. In or around March 2014, American Dream Realty took over the management of
8 the Mulrooney Properties from American Realty.

9 97. On or about March 12, 2014, Cynthia Weber from American Dream Realty
10 requested that RESPONDENT transfer the security deposits on the Mulrooney Properties to
11 American Dream Realty.

12 98. RESPONDENT failed to remit the Mulrooney Properties security deposits to
13 Weber at American Dream Realty, which totaled \$1,600 for the Chestnut Glen property and
14 \$1,650 for the Baysinger property.

15 99. On or about April 15, 2014, Weber filed a Statement of Fact with the Division
16 complaining about RESPONDENT's conduct.

17 100. By way of letter dated April 18, 2014, the Division required RESPONDENT to
18 respond to Weber's complaint against her.

19 101. RESPONDENT failed to supply a response to the Division's April 18, 2014 letter
20 regarding Weber's complaint.

21 102. Sylvia Smith owns real property at 1856 Spangle Drive, Las Vegas, Nevada.

22 103. Smith and RESPONDENT entered into a residential property management
23 agreement for American Realty to manage the Smith Property.

24 104. In or around February 2014, TR Realty took over the management of the Smith
25 Property from American Realty.

26 105. On or about February 10, 2014, Allan Lovinger from TR Realty requested that
27 RESPONDENT transfer the tenant deposit on the Smith Property to TR Realty.

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1 106. RESPONDENT failed to remit the Smith Property tenant deposit to Lovinger at
2 TR Realty.

3 107. On or about April 17, 2014, Lovinger filed a Statement of Fact with the Division
4 complaining about RESPONDENT's conduct.

5 108. By way of letter dated April 18, 2014, the Division required RESPONDENT to
6 respond to Lovinger's complaint against her.

7 109. RESPONDENT failed to supply a response to the Division's April 18, 2014 letter
8 regarding Lovinger complaint.

9 110. By way of letter dated April 24, 2014, sent certified mail to RESPONDENT's
10 business and home address, the Division required RESPONDENT to respond to all the
11 complaints filed against her by Mendoza, Maggiore, Brandon, Tonner, Bushell, Oguma,
12 Buffington, Giron, Weber, Smith and Lovinger.

13 111. RESPONDENT failed to supply a response to the Division's April 24, 2014 letter.

14 112. RESPONDENT operated five numbered accounts at US Bank on behalf of
15 American Realty.

16 113. Those bank accounts ended in 8314, 0813, 4683, 3175 and 2718.

17 114. RESPONDENT was a signer and owner of all five bank accounts.

18 115. RESPONDENT informed the Division that Account 8314 was her security
19 account, and Account 0813 was her rent account.

20 116. RESPONDENT had a non-licensee as a co-signer of Account 8314.

21 117. Neither Account 8314 nor Account 0813 was identified as a trust account.

22 118. RESPONDENT did not complete and submit Form 513 to the Division for
23 Account 0813.

24 119. On or about August 21, 2013, RESPONDENT transferred \$25,000 from Account
25 2718 to Account 8314.

26 120. On or about August 29, 2013, RESPONDENT transferred \$4,500 from Account
27 8314 to Account 4683.

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1 termination occurred, and by not addressing a communication to Lex, advising her that the
2 license has been delivered or mailed to the Division.

3 7. RESPONDENT violated NRS 645.580(1)(a) and (b) by not delivering or mailing
4 by certified mail to the Division Noonan's license, together with a written statement of the
5 circumstances surrounding the termination of their association, within 10 days after the
6 termination occurred, and by not addressing a communication to Noonan, advising him that
7 the license has been delivered or mailed to the Division.

8 8. RESPONDENT violated NAC 645.605(11)(b) on *four* occasions by failing to
9 supply a written response to Division letters.

10 9. RESPONDENT violated NRS 645.630(1)(b) by issuing a refund fund check on a
11 closed account with insufficient funds.

12 10. RESPONDENT violated NRS 645.630(1)(f) on *eleven* occasions by failing,
13 within a reasonable time, to account for or to remit any money which came into her
14 possession and which belongs to others.

15 11. RESPONDENT violated NAC 645.605(11)(b) and/or NAC 645.680(3) on *ten*
16 occasions by failing to disclose all facts and documents pertinent to an investigation to
17 members of the Division's staff conducting the investigation.

18 12. RESPONDENT violated NRS 645.252(2) by failing to exercise reasonable skill
19 and care with respect to the Maryland Hacienda HOA and the Maryland Property.

20 13. RESPONDENT violated NAC 645.807 by allowing a non-licensee to be a signer
21 on her security account.

22 14. RESPONDENT violated NRS 645.310(4) by not promptly depositing money
23 belonging to others in a separate checking account located in a bank or credit union in this
24 State designated as a trust account.

25 15. RESPONDENT violated NRS 645.310(6) by failing to notify the Division of the
26 names of the banks and credit unions in which RESPONDENT maintains trust accounts and
27 failing to specify the names of the accounts on forms provided by the Division.

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16. RESPONDENT violated NRS 645.633(1)(h) by acting grossly negligent or incompetent in allowing her rent account to go into overdraft status.

17. RESPONDENT violated NRS 645.630(1)(h) on six occasions by commingling money of her clients with her own or converting the money of others to her own use.

ORDER

IT IS HEREBY ORDERED, upon a three to two vote, that RESPONDENT shall pay to the Division a total fine of \$225,446.16. The total fine reflects a fine of \$220,000.00 for committing the above violations of law plus \$5,446.16 for hearing and investigative costs. RESPONDENT shall pay the total fine to the Division within ninety (90) days of the effective date of this Order. The Division may institute debt collection proceedings for failure to timely pay the total fine.

IT IS FURTHER ORDERED that RESPONDENT's real estate licenses are hereby REVOKED.

IT IS FURTHER ORDERED that RESPONDENT may not apply for a license from the Division for a period of five (5) years.

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

This Order shall become effective on the 29th day of JUNE, 2015.

DATED this 28th day of May, 2015.

REAL ESTATE DIVISION
STATE OF NEVADA

By: 
PRES. NEV. REAL ESTATE COM.