

FILED
NOV 23 2014
REAL ESTATE COMMISSION
Ruben Hernandez

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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3 JOSEPH R. DECKER, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
5 STATE OF NEVADA,

Case No. RES 14-02-116-587

Petitioner,

6 vs.

COMPLAINT AND NOTICE OF HEARING

7 LINDA M. AKIKI,

8 Respondent.
9

10 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND
11 INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel,
12 Catherine Cortez Masto, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy
13 Attorney General, hereby notifies RESPONDENT LINDA M. AKIKI ("RESPONDENT") of an
14 administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION
15 ("COMMISSION") which will be held pursuant to Chapters 233B and Chapter 645 of the
16 Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code
17 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to
18 determine if the RESPONDENT should be subject to an administrative penalty as set forth in
19 NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if
20 violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT LINDA M. AKIKI was at all relevant times mentioned in this Complaint
23 licensed as a Broker by the Division under license numbers B.1000344.INDV and
24 B.0054926.LLC, and as a Property Manager under license number PM.0163803.BKR, and is
25 therefore subject to the jurisdiction of the Division and the provisions of NRS Chapter 645 and
26 NAC Chapter 645.

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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

FACTUAL ALLEGATIONS

GENERAL FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as (a) a Broker, license number B.1000344.INDV, which license is currently in active status, (b) a Broker, license number, B.0054926.LLC, which license is currently in inactive status, and (c) a Property Manager, license number PM.0163803.BKR, which license is currently in inactive status.

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

3. RESPONDENT, at the relevant times mentioned in this Complaint, was a real estate broker for American Realty & Property Management LLC ("American Realty").

MENDOZA PROPERTY

4. Marco Mendoza ("Mendoza") owns real property at 260 East Flamingo Road, #231, Las Vegas, Nevada ("Mendoza Property").

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

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

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

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

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

10. That tenant paid rent to RESPONDENT for the months of January and February 2014.

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1 11. Although RESPONDENT paid Mendoza his portion of that tenant's January 2014
2 rent payment, RESPONDENT failed to remit to Mendoza his portion of that tenant's February
3 2014 rent payment.

4 12. On or about February 21, 2014, Mendoza filed a Statement of Fact with the
5 Division complaining about RESPONDENT's conduct.

6 13. By way of letter dated February 26, 2014, the Division required RESPONDENT to
7 respond to Mendoza's complaint against her.

8 14. RESPONDENT failed to supply a response to the Division's February 26, 2014
9 letter regarding Mendoza's complaint.

10 **MAGGIORE PROPERTIES**

11 15. On or about May 1, 2013, American Realty began managing ten properties for
12 Joyce Maggiore ("Maggiore"), including properties at 5270 South Maryland Parkway, Las
13 Vegas, Nevada ("Maryland Property") and 7448 Parnell Avenue, Las Vegas, Nevada ("Parnell
14 Property").

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

18 17. RESONDENT failed to respond to the Maryland Hacienda HOA notice of fines.

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

22 19. On or about February 24, 2014, Maggiore filed a Statement of Fact with the
23 Division complaining about RESPONDENT's conduct.

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

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

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1 **BRANDON PROPERTIES**

2 22. Timothy W. Brandon ("Brandon") owns real property at 8250 North Grand
3 Canyon, #1101 and #1173, Las Vegas, Nevada ("Brandon Properties").

4 23. Brandon and RESPONDENT entered into a residential property management
5 agreement for American Realty to manage the Brandon Properties.

6 24. The Brandon Properties tenants paid rent to RESPONDENT for the months of
7 February and March 2014.

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

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

13 27. On or about March 26, 2014, Brandon filed a Statement of Fact with the Division
14 complaining about RESPONDENT's conduct.

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

17 29. RESPONDENT failed to supply a response to the Division's March 28, 2014
18 letter regarding Brandon's complaint.

19 **TONNER PROPERTIES**

20 30. Russell Tonner ("Tonner") owns real property at 4516 Cool Valley Drive; 4617
21 Julene Court; and 4960 Larkspur Street, Las Vegas, Nevada ("Tonner Properties").

22 31. Tonner and RESPONDENT entered into a residential property management
23 agreement for American Realty to manage the Tonner Properties.

24 32. RESPONDENT failed to remit to Tonner approximately \$3,326 owed him from
25 the Tonner Properties.

26 33. On or about March 28, 2014, Tonner filed a Statement of Fact with the Division
27 complaining about RESPONDENT's conduct.

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

3 35. RESPONDENT failed to supply a response to the Division's April 1, 2014 letter
4 regarding Tonner's complaint.

5 **BUSHELL PROPERTIES**

6 36. Gregory Bushell ("Bushell") owns real property at 4050 Great Plains Way, and
7 3809 Soda Springs Drive, Las Vegas, Nevada ("Bushell Properties").

8 37. Bushell and RESPONDENT entered into a residential property management
9 agreement for American Realty to manage the Bushell Properties.

10 38. Since January 1, 2014, RESPONDENT has failed to remit to Bushell his portion
11 of the Bushell Properties tenants' rent payments.

12 39. On or about April 2, 2014, Bushell filed a Statement of Fact with the Division
13 complaining about RESPONDENT's conduct.

14 40. By way of letter dated April 2, 2014, the Division required RESPONDENT to
15 respond to Bushell's complaint against her.

16 41. RESPONDENT failed to supply a response to the Division's April 2, 2014 letter
17 regarding Bushell's complaint.

18 **OGUMA RENTAL**

19 42. Wilford Oguma ("Oguma") entered into a lease agreement with American Realty
20 for real property at 7041 Diver Avenue, North Las Vegas, Nevada ("Oguma Rental").

21 43. Pursuant to that lease agreement, Oguma submitted a security deposit of \$1,100
22 and a cleaning deposit of \$150.

23 44. After a new company took over the property management of the Oguma Rental,
24 Oguma requested that RESPONDENT transfer his security deposit and a cleaning deposit to
25 the new property management company.

26 45. RESPONDENT failed to remit Oguma's security deposit and a cleaning deposit
27 to the new property management company.

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1 46. On or about April 10, 2014, Oguma filed a Statement of Fact with the Division
2 complaining about RESPONDENT's conduct.

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

5 48. RESPONDENT failed to supply a response to the Division's April 15, 2014 letter
6 regarding Oguma's complaint.

7 **BUFFINGTON/GIRON PROPERTY**

8 49. Brad Buffington ("Buffington") and Alma Giron ("Giron") own real property at 312
9 North 14th Street, Las Vegas, Nevada ("B/G Property").

10 50. Buffington and Giron entered into a residential property management agreement
11 with RESPONDENT for American Realty to manage the B/G Property.

12 51. RESPONDENT failed to remit to Buffington and Giron their portion of the B/G
13 Property tenants' rent payments and security deposits, which totaled approximately \$3,770.

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

16 53. By way of letter dated April 15, 2014, the Division required RESPONDENT to
17 respond to the complaint against her by Buffington and Giron.

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

20 **MULROONEY PROPERTIES**

21 55. John Mulrooney owns real property at 8088 Chestnut Glen Avenue and 9121
22 Baysinger Drive, Las Vegas, Nevada ("Mulrooney Properties").

23 56. Mulrooney and RESPONDENT entered into a residential property management
24 agreement for American Realty to manage the Mulrooney Properties.

25 57. In or around March 2014, American Dream Realty took over the management of
26 the Mulrooney Properties from American Realty.

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1 58. On or about March 12, 2014, Cynthia Weber ("Weber") from American Dream
2 Realty requested that RESPONDENT transfer the security deposits on the Mulrooney
3 Properties to American Dream Realty.

4 59. RESPONDENT failed to remit the Mulrooney Properties security deposits to
5 Weber at American Dream Realty, which totaled \$1,600 for the Chestnut Glen property and
6 \$1,650 for the Baysinger property.

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

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

11 62. RESPONDENT failed to supply a response to the Division's April 18, 2014 letter
12 regarding Weber's complaint.

13 **SMITH PROPERTY**

14 63. Sylvia Smith ("Smith") owns real property at 1856 Spangle Drive, Las Vegas,
15 Nevada ("Smith Property").

16 64. Smith and RESPONDENT entered into a residential property management
17 agreement for American Realty to manage the Smith Property.

18 65. In or around February 2014, TR Realty took over the management of the Smith
19 Property from American Realty.

20 66. On or about February 10, 2014, Allan Lovinger ("Lovinger") from TR Realty
21 requested that RESPONDENT transfer the tenant deposit on the Smith Property to TR Realty.

22 67. RESPONDENT failed to remit the Smith Property tenant deposit to Lovinger at
23 TR Realty.

24 68. On or about April 17, 2014, Lovinger filed a Statement of Fact with the Division
25 complaining about RESPONDENT's conduct.

26 69. By way of letter dated April 18, 2014, the Division required RESPONDENT to
27 respond to Lovinger's complaint against her.

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1 70. RESPONDENT failed to supply a response to the Division's April 18, 2014 letter
2 regarding Lovinger complaint.

3 **ALL ABOVE COMPLAINTANTS**

4 71. By way of letter dated April 24, 2014, sent certified mail to RESPONDENT's
5 business and home address, the Division required RESPONDENT to respond to all the
6 complaints filed against her by Mendoza, Maggiore, James, Brandon, Tonner, Bushell,
7 Oguma, Buffington, Giron, Weber and Lovinger.

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

9 **TRUST ACCOUNTS**

10 73. RESPONDENT operated five numbered accounts at US Bank on behalf of
11 American Realty.

12 74. Those bank accounts ended in 8314, 0813, 4683, 3175 and 2718.

13 75. RESPONDENT was a signer and owner of all five bank accounts.

14 76. RESPONDENT informed the Division that Account 8314 was her security
15 account, and Account 0813 was her rent account.

16 77. RESPONDENT had a non-licensee as a co-signer of Account 8314.

17 78. Neither Account 8314 nor Account 0813 was identified as a trust account.

18 79. RESPONDENT did not complete and submit Form 513 to the Division for
19 Account 0813.

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

22 81. On or about August 29, 2013, RESPONDENT transferred \$4,500 from Account
23 8314 to Account 4683.

24 82. On or about August 30, 2013, RESPONDENT transferred \$8,000 from Account
25 8314 to Account 2718.

26 83. On or about September 4, 2013, Account 0813 went into overdraft status.

27 84. On or about September 23, 2013, RESPONDENT transferred \$20,000 from
28 Account 2718 to Account 8314.

1 85. On or about December 18, 2013, RESPONDENT transferred \$9,782 from
2 Account 8314 to Account 2718.

3 86. On or about January 9, 2014, RESPONDENT used Account 2718 for a \$210
4 debit purchase for her benefit.

5 **VIOLATIONS**

6 RESPONDENT has committed the following violations of law:

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

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

13 89. RESPONDENT violated NRS 645.252(2) by failing to exercise reasonable skill
14 and care with respect to the Maryland Hacienda HOA and the Maryland Property.

15 90. RESPONDENT violated NAC 645.807 by allowing a non-licensee to be a signer
16 on her security account.

17 91. RESPONDENT violated NRS 645.310(4) by not promptly depositing money
18 belonging to others in a separate checking account located in a bank or credit union in this
19 State designated as a trust account.

20 92. RESPONDENT violated NRS 645.310(6) by failing to notify the Division of the
21 names of the banks and credit unions in which RESPONDENT maintains trust accounts and
22 failing to specify the names of the accounts on forms provided by the Division.

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

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

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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

DISCIPLINE AUTHORIZED

95. 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.

96. 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.

97. 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 January 7, 2015 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 January 9, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on January 7, 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water Street, Henderson, Nevada 89015. The meeting will continue on January 8, 2015, at the Henderson City Hall, Council Chambers Conference Room, 240 Water Street, Henderson, Nevada 89015, commencing at 9:00 a.m., and on January 9, 2015, should business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501 East Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104.

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 January 7 through January 9, 2015, 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

1 day. It is your responsibility to be present when your case is called. If you are not
2 present when your hearing is called, a default may be entered against you and the
3 Commission may decide the case as if all allegations in the complaint were true. If you
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
5 4074.

6 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
7 open meeting under Nevada's open meeting law, and may be attended by the public. After
8 the evidence and arguments, the commission may conduct a closed meeting to discuss your
9 alleged misconduct or professional competence. A verbatim record will be made by a certified
10 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
11 the meeting, although you must pay for the transcription.

12 As the Respondent, you are specifically informed that you have the right to appear and
13 be heard in your defense, either personally or through your counsel of choice. At the hearing,
14 the Division has the burden of proving the allegations in the complaint and will call witnesses
15 and present evidence against you. You have the right to respond and to present relevant
16 evidence and argument on all issues involved. You have the right to call and examine
17 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
18 to the issues involved.

19 You have the right to request that the Commission issue subpoenas to compel
20 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
21 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
22 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
23 233B, and NAC 645.810 through 645.920.

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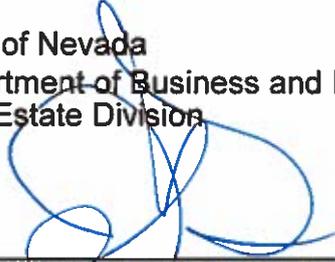
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the
3 evidence presented and to further determine what administrative penalty, if any, is to be
4 assessed against the Respondent, pursuant to NRS 645.235, 645.633 and/or 645.630.

5 DATED this 26th day of November, 2014.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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