BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

SEP 11 2014

STATE COMMISSION

JOSEPH DECKER, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. LINDA M. AKIKI, Respondent.	Case Nos. RES 14-03-132-752 **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, Catherine Cortez Masto, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT LINDA M. AKIKI ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which 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 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

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

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FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Broker, license numbers B.1000344.INDV and B.0054926.LLC since 2008, and as a Property Manager, license number PM.0163803.BKR since 2008, is currently in inactive status, and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. On or about February 7, 2014, escrow closed on the property at 4380 Woodpine Drive, #101, Las Vegas, Nevada ("Property").

3. Denise Mardesich ("Mardesich"), a Broker-Salesperson, license number BS.0064873, represented Milos Coso ("Coso"), the seller of the Property.

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

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

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

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

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

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

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

VIOLATIONS

RESPONDENT has committed the following violations of law:

11. RESPONDENT violated NRS 645.635(6) and NAC 645.680(3) on *two* occasions by failing to produce any document, book or record in her possession or under her control,

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concerning a real estate transaction under investigation by the Division, and by failing to disclose all facts and documents pertinent to that investigation to the Division's staff conducting the investigation.

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

DISCLIPLINE AUTHORIZED

13. 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.

14. 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.

15. 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 October 14, 2014 commencing at 8:30 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 8:30 a.m. through October 16, 2014, or earlier if the business of the Commission is concluded. The Commission meeting will be held at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on October 15, 2014 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 8:30 a.m., and on October 16, 2014, should business not be concluded, starting at 8:30 a.m. at the

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Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada 89101.

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 October 14 through October 16, 2014, 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 Rebecca Hardin, 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. A verbatim record will be made by a certified court reporter. 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.

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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 and/or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS 645.235, 645.633 and/or 645.630.

DATED this 11th day of September, 2014.

State of Nevada
Department of Business and Industry
Real Estate Division

By:_____
JOSEPH DECKER, Administrator
2501 East Sahara Avenue
Las Vegas, Nevada 89104-4137
(702) 486-4033

CATHERINE CORTEZ MASTO
Attorney General

By:_____
KEITH E. KIZER
Deputy Attorney General
555 East Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3326
Attorneys for Real Estate Division

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