

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

FILED

BEFORE THE REAL ESTATE COMMISSION

SEP 12 2014

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case Nos. RES 14-04-138-920

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

LINDA M. AKIKI,

Respondent.

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.

...

...

FACTUAL ALLEGATIONS

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

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

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

12 4. There were no signs for American Realty Western upon the premises of 2831 St.
13 Rose Parkway, Henderson, Nevada.

14 5. A representative of St. Rose Executives Suites, which manages the building at
15 2831 St. Rose Parkway, Henderson, Nevada, informed the Division investigator that American
16 Realty Western rented a mailbox drop at that building.

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

20 7. There were no signs for American Realty Western upon the premises of 1810
21 East Sahara Avenue, Las Vegas, Nevada.

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

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

26 ...
27 ...
28 ...

1 VIOLATIONS

2 RESPONDENT has committed the following violations of law:

3 10. RESPONDENT violated NRS 645.560 and NAC 645.615 by failing to erect and
4 maintain a sign in a conspicuous place upon the premises of her place of business.

5 11. RESPONDENT violated NRS 645.550 and NAC 645.627 by failing to have and
6 maintain a definite place of business within the State.

7 DISCIPLINE AUTHORIZED

8 12. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
9 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
10 further to suspend, revoke or place conditions on the license of RESPONDENT.

11 13. Additionally, under NRS Chapter 622, the Commission is authorized to impose
12 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
13 fees, if the Commission otherwise imposes discipline on RESPONDENT.

14 14. Therefore, the Division requests that the Commission take such disciplinary
15 action as it deems appropriate under the circumstances.

16 NOTICE OF HEARING

17 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
18 Administrative Complaint against the above-named Respondent in accordance with Chapters
19 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
20 Code.

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

1 Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room
2 2450, Las Vegas, Nevada 89101.

3 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
4 same time as part of a regular meeting of the Commission that is expected to last from
5 October 14 through October 16, 2014, or earlier if the business of the Commission is
6 concluded. Thus, your hearing may be continued until later in the day or from day to
7 day. It is your responsibility to be present when your case is called. If you are not
8 present when your hearing is called, a default may be entered against you and the
9 Commission may decide the case as if all allegations in the complaint were true. If you
10 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
11 4074.

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

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

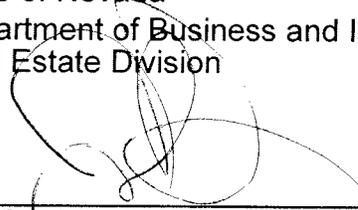
25 You have the right to request that the Commission issue subpoenas to compel
26 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
27 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
28

1 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
2 233B, and NAC 645.810 through 645.920.

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

7 DATED this 12th day of September, 2014.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
12 JOSEPH R. DECKER, Administrator
13 2501 East Sahara Avenue
14 Las Vegas, Nevada 89104-4137
15 (702) 486-4033

16 CATHERINE CORTEZ MASTO
17 Attorney General

18 By: 
19 KEITH E. KIZER
20 Deputy Attorney General
21 555 East Washington Ave., Ste. 3900
22 Las Vegas, Nevada 89101
23 (702) 486-3326
24 Attorneys for Real Estate Division
25
26
27
28