

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

SEP 11 2014

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

Case Nos. RES 14-06-02-1162 and  
RES 14-05-67-1047

REAL ESTATE COMMISSION  
*[Signature]*

Petitioner,

vs.

LINDA M. AKIKI,

COMPLAINT AND NOTICE OF HEARING

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.

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**FACTUAL ALLEGATIONS**

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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 **PAULA LEX, Case No. RES 14-06-02-1162**

8 2. On or about September 13, 2012, Paula Lex ("Lex"), a Salesperson, license  
9 number S.0169978, associated with RESPONDENT at American Realty Western.

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

13 4. RESPONDENT took no action with respect to Lex's March 18, 2014  
14 correspondence.

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

18 6. RESPONDENT took no action with respect to Lex's May 3, 2014  
19 correspondence.

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

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

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

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

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

28 ...

1 **ANTHONY SHAWN NOONAN, Case No. RES 14-05-67-1047**

2 12. On or about October 31, 2011, Anthony Shawn Noonan ("Noonan"), a Broker-  
3 Salesperson, license number BS.0143858, associated with RESPONDENT at American  
4 Realty Western.

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

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

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

11 16. By way of letter dated May 15, 2014, the Division required RESPONDENT to  
12 respond to Noonan's complaint.

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

14 18. By way of letter dated June 19, 2014, the Division required RESPONDENT to  
15 respond to Noonan's complaint.

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

17 **VIOLATIONS**

18 RESPONDENT has committed the following violations of law:

19 20. RESPONDENT violated NRS 645.580(1)(a) and (b) by not delivering or mailing  
20 by certified mail to the Division Lex's license, together with a written statement of the  
21 circumstances surrounding the termination of their association, within 10 days after the  
22 termination occurred, and by not addressing a communication to Lex, advising her that the  
23 license has been delivered or mailed to the Division.

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

1 22. RESPONDENT violated NAC 645.605(11)(b) on *four* occasions by failing to  
2 supply a written response to the Division letters referenced above.

3 **DISCIPLINE AUTHORIZED**

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

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

10 25. Therefore, the Division requests that the Commission take such disciplinary  
11 action as it deems appropriate under the circumstances.

12 **NOTICE OF HEARING**

13 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the  
14 Administrative Complaint against the above-named Respondent in accordance with Chapters  
15 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
16 Code.

17 **THE HEARING WILL TAKE PLACE on October 14, 2014 commencing at 8:30 a.m.,**  
18 **or as soon thereafter as the Commission is able to hear the matter, and each day**  
19 **thereafter commencing at 8:30 a.m. through October 16, 2014, or earlier if the business**  
20 **of the Commission is concluded. The Commission meeting will be held at the Grant**  
21 **Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.**  
22 **The meeting will continue on October 15, 2014 at the Grant Sawyer Building, 555 East**  
23 **Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 8:30 a.m.,**  
24 **and on October 16, 2014, should business not be concluded, starting at 8:30 a.m. at the**  
25 **Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room**  
26 **2450, Las Vegas, Nevada 89101.**

27 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
28 same time as part of a regular meeting of the Commission that is expected to last from

1 **October 14 through October 16, 2014, or earlier if the business of the Commission is**  
2 **concluded. Thus, your hearing may be continued until later in the day or from day to**  
3 **day. It is your responsibility to be present when your case is called. If you are not**  
4 **present when your hearing is called, a default may be entered against you and the**  
5 **Commission may decide the case as if all allegations in the complaint were true. If you**  
6 **have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-**  
7 **4074.**

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

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

21 You have the right to request that the Commission issue subpoenas to compel  
22 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
23 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
24 ~~Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter~~  
25 ~~233B, and NAC 645.810 through 645.920.~~

26 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
27 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
28

1 evidence presented and to further determine what administrative penalty, if any, is to be  
2 assessed against the Respondent, pursuant to NRS 645.235, 645.633 and/or 645.630.

3 DATED this 11<sup>th</sup> day of September, 2014.

4 State of Nevada  
5 Department of Business and Industry  
6 Real Estate Division

7 By:   
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