

LEIGH ALISON CARDWELL

[REDACTED]

VIA UPS OVERNIGHT

Nevada Real Estate Commission  
Attn: Rebecca Hardin  
2501 East Sahara Avenue, Suite 303  
Las Vegas, Nevada 89104

Re: Alison Cardwell License No. 56822  
Case Number RES 14-09-12-089

Dear Ms. Hardin:

Today is the first day I found out about the Complaint and Notice of Hearing that was filed on September 11, 2014. I kindly request a Petition for a Rehearing on this matter.

I moved to Texas in August of 2013 for a new job and to be closer to family. When this matter first arose back in August of 2013 I was in touch with Mr. Jan Holley and I did provide my new contact information and address. I did regularly check in with the Division to find out the outcome of the matter. Unfortunately, the address on file with the Licensing Division is over 4 years old and it had not been updated.

[REDACTED]

Also, I did reach out to and have settled with the clients, The Betesh Group, through their attorney Royi Moas. I settled the matter for \$16,000.00 and have been making \$1200 a month payments to their attorney since September 2013. My last payment is in December 2014.

I kindly request a rehearing so that I can present my case and provide further documentation that the Division does not have in hand.

Thank you for your assistance, Leigh Alison Cardwell

FILED

SEP 11 2014

REAL ESTATE COMMISSION  
*Robert A. L.*

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case No. RES 14-09-12-089

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

ALISON CARDWELL,

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 Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT ALISON CARDWELL ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing 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, NRS 645.235 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

Respondent ALISON CARDWELL was at all relevant times mentioned in this Complaint licensed as a salesperson by the Division under license number S.0056822 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

Kimberly Arguello & Vickie  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

**FACTUAL ALLEGATIONS**

1  
2 1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed  
3 as a salesperson by the Division under license number S.0056822 and is currently in an  
4 inactive status and subject to the jurisdiction of the Division and the provisions of NRS chapter  
5 645 and NAC chapter 645. RESPONDENT engaged in activities which require a property  
6 management permit issued by the Division and is therefore further subject to the jurisdiction of  
7 the DIVISION.

8 2. At all times relevant to the Complaint, RESPONDENT was a salesperson under  
9 broker Tracey Donely at Remax Excellence.

10 3. RESPONDENT has never had a permit to engage in property management  
11 issued by the Division.

12 4. RESPONDENT was the buyers agent for Yossi and Kfir Betesh regarding  
13 properties located at 5055 W. Hacienda Avenue #2209, Las Vegas, Nevada and 829 Rock  
14 Springs Avenue #102, Las Vegas, Nevada.

15 5. After the purchase of the properties, RESPONDENT engaged in the property  
16 management of both of the properties.

17 6. RESPONDENT leased the properties and collected rents.

18 7. RESPONDENT, for a period of time, resided at the Rock Springs address at a  
19 reduced rent in exchange for her property management activities.

20 8. RESPONDENT listed her name on lease agreements as Leigh Cardwell instead  
21 of the name under which she is licensed by the Division, Alison Cardwell.

22 9. The lease agreements require that rent be made payable to Leigh Cardwell and  
23 delivered to her broker's address, 4435 S. Buffalo Drive, Las Vegas Nevada.

24 10. Rent checks were deposited into RESPONDENT's personal checking account  
25 and not into a trust account or given to her broker.

26 11. RESPONDENT failed to remit rents collected to the property owners.

27 12. RESPONDENT did not provide any property management documentation to her  
28 broker.

1 13. Due to unpaid rents and nonpayment of HOA assessments, the owners of the  
2 property engaged a new property manager in August 2013.

3 14. RESPONDENT's broker was contacted and discovered the above activity.

4 **VIOLATIONS**

5 RESPONDENT has committed the following violations of law:

6 15. RESPONDENT has committed two violations of NRS 645.230(1)(b) by  
7 engaging in the business of and acting in the capacity of a Property Manager without a  
8 property management permit issued by the Division.

9 16. RESPONDENT is in violation of NRS 645.633(1)(i) for concealing her property  
10 management activities from her broker which constitutes deceitful, fraudulent or dishonest  
11 dealing.

12 17. RESPONDENT is in violation of NRS 645.633(1)(b) pursuant to NAC 645.650(2)  
13 for failing to provide paperwork relating to the property management to her broker.

14 18. RESPONDENT is in violation of NRS 645.630(f) for failing, within a reasonable  
15 time, to remit rent money which belongs to others.

16 19. RESPONDENT is in violation for NRS 645.630(h) for commingling or converting  
17 the money of others to her own personal use.

18 20. RESPONDENT is in violation of NAC 645.610(1)(e) for conducting business in a  
19 name other than the name under which she is licensed to engage in business.

20 **DISCIPLINE AUTHORIZED**

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

24 22. Pursuant to NRS 645.235, the Commission is empowered to impose an  
25 administrative fine in an amount not to exceed the amount of gain or economic benefit that the  
26 person derived from the violation or \$5,000, whichever amount is greater, against Respondent  
27 for a violation of NRS 645.230.

28 23. Additionally, under NRS Chapter 622, the Commission is authorized to impose

1 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if  
2 the Commission otherwise imposes discipline on Respondent.

3 24. Therefore, the Division requests that the Commission take such disciplinary  
4 action as it deems appropriate under the circumstances.

5 **NOTICE OF HEARING**

6 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
7 Administrative Complaint against the above-named Respondent in accordance with Chapters  
8 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
9 Code.

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

20 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
21 same time as part of a regular meeting of the Commission that is expected to last from  
22 October 14 through October 16, 2014, or earlier if the business of the Commission is  
23 concluded. Thus, your hearing may be continued until later in the day or from day to  
24 day. It is your responsibility to be present when your case is called. If you are not  
25 present when your hearing is called, a default may be entered against you and the  
26 Commission may decide the case as if all allegations in the complaint were true. If you  
27 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
28 4074.

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**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.

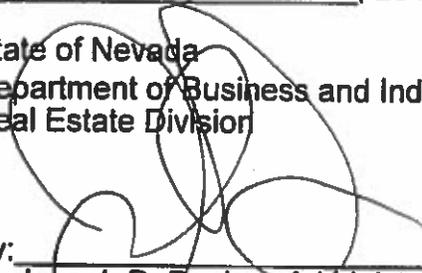
You have the right to request that the Commission issue subpoenas to compel witnesses to testify and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

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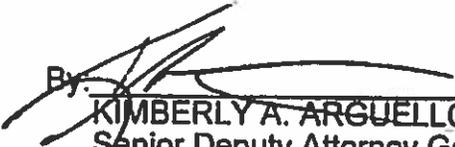
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
3 evidence presented and to further determine what administrative penalty is to be assessed  
4 against the RESPONDENT, if any,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

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

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

9 By:   
10 Joseph D. Decker, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO  
15 Attorney General

16 By:   
17 KIMBERLY A. ARGUELLO  
18 Senior Deputy Attorney General  
19 555 East Washington Ave., Ste. 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3094  
22 Attorneys for Real Estate Division  
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