

FILED
NOV 13 2015
REAL ESTATE COMMISSION
Rob. Fick

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2014-3233

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

DARYL BYRON DeSHAW,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT DARYL BYRON DeSHAW ("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 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0066553 and as a property manager under permit PM.0166120 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Salesperson under license number S.0066553 and as a property manager under permit

1 PM.0166120 and is currently inactive and subject to the jurisdiction of the Division and the
2 provisions of NRS chapter 645 and NAC chapter 645.

3 2. RESPONDENT was an owner and salesperson of WC Realty and Property
4 Management, under broker William Chin.

5 3. Chin's broker's license was revoked by the Commission for embezzlement of
6 client funds.

7 4. Thereafter, RESPONDENT formed Trust Realty & Property Management, LLC
8 and hired broker Donald B. Parker.

9 5. RESPONDENT assumed the ownership of all of WC Realty management
10 contracts without the consent of the property owners.

11 6. RESPONDENT removed all of the licenses, property management files, tenant
12 checks and closed files from the offices of Trust Realty without the consent or knowledge of
13 broker Parker.

14 7. RESPONDENT collected rents in the amount of \$5,250 from tenants and failed
15 to remit the rents to the owners, ANCALA USA.

16 8. RESPONDENT failed to turn over to his broker the client funds he collected.

17 9. RESPONDENT signed a management agreement to manage property located
18 at 4111 Elvira Road, Pahrump, NV for owner Jody Todd.

19 10. The management agreement was not signed by the broker.

20 11. RESPONDENT failed to remit rents to Ms. Todd.

21 12. Three complaints were filed against RESPONDENT.

22 13. The Division sent letters requesting a written affidavit response to each of the
23 filed complaints.

24 14. RESPONDENT has failed to provide any written response to the Division.

25 VIOLATIONS

26 RESPONDENT has committed the following violations of law:

27 15. RESPONDENT violated NRS 645.310(2) by failing to turn client funds over to
28 his broker.

1 89104. The meeting will continue on December 17, 2015, should business not be
2 concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240
3 South Water Street, Henderson, Nevada 89015.

4 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
5 same time as part of a regular meeting of the Commission that is expected to last from
6 December 16 through December 17, 2015, or earlier if the business of the Commission
7 is concluded. Thus, your hearing may be continued until later in the day or from day to
8 day. It is your responsibility to be present when your case is called. If you are not
9 present when your hearing is called, a default may be entered against you and the
10 Commission may decide the case as if all allegations in the complaint were true. If you
11 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
12 4074.

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

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

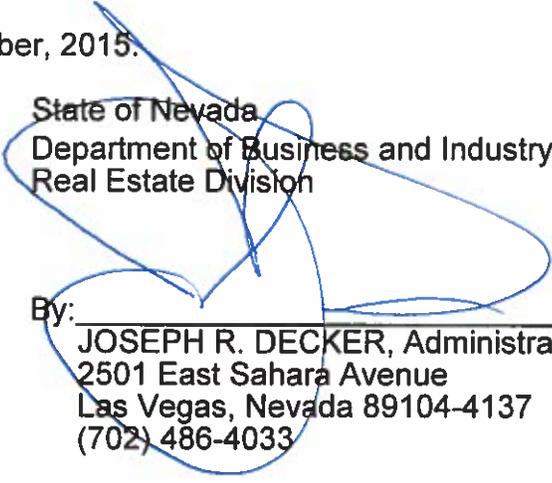
26 You have the right to request that the Commission issue subpoenas to compel
27 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
28 may be required to demonstrate the relevance of the witness' testimony and/or evidence.

1 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
2 233B, and NAC 645.810 through 645.875.

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 is to be assessed
6 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

7 DATED this 12th day of November, 2015.

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

11 By: 
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