

FILED

MAR 20 2015

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. RES 14-05-76-1056

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

DAUNSHARI WONG-CULOTTA,

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 Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT DAUNSHARI WONG-CULOTTA ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The 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 DAUNSHARI WONG-CULOTTA engaged in activities which require a real estate license and a property management permit issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT had been licensed by the Division as a broker under license number B.0015620.CORP, and as a salesperson under license number S.0015620.

1 2. RESPONDENT voluntarily surrendered her broker license and her salesperson
2 license effective February 14, 2012, in lieu of disciplinary action.

3 3. RESPONDENT has not been licensed by the Division since her voluntary
4 surrenders.

5 4. At all times relevant to the Complaint, Michael Jessup was the sole officer and
6 registered agent of Thomas Jessup LLC.

7 5. At all times relevant to the Complaint, RESPONDENT was the principal of CSC
8 Acquisitions & Holdings LLC ("CSC").

9 6. On or about May 15, 2012, RESPONDENT purchased real property at 6421
10 Beechcrest Road, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
11 \$1,500 commission for the purchase.

12 7. On or about May 15, 2012, RESPONDENT purchased real property at 3808
13 Bach Way, North Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
14 \$1,500 commission for the purchase.

15 8. On or about June 6, 2012, Thomas Jessup LLC granted RESPONDENT and Bo
16 Jones power of attorney to: "Purchase real property, with the power to bid and purchase real
17 property, and endorse any and all cashier's checks over to the selling trustee."

18 9. On or about June 8, 2012, RESPONDENT purchased real property at 588 Bugle
19 Bluff Drive, Henderson, Nevada, on behalf of Thomas Jessup LLC, and received a \$1,500
20 commission for the purchase.

21 10. On or about June 8, 2012, RESPONDENT purchased real property at 3733
22 Solitude Road, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a \$1,500
23 commission for the purchase.

24 11. On or about June 15, 2012, RESPONDENT purchased real property at 9108
25 Bushy Tail Avenue, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
26 \$1,500 commission for the purchase.

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1 12. On or about June 15, 2012, RESPONDENT purchased real property at 6590
2 Gertrude Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a \$1,500
3 commission for the purchase.

4 13. On or about September 12, 2012, RESPONDENT purchased real property at
5 9179 Smugglers Beach Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and
6 received a \$1,500 commission for the purchase.

7 14. On or about September 14, 2012, RESPONDENT purchased real property at
8 1163 Grass Pound Place, #101, Henderson, Nevada, on behalf of Thomas Jessup LLC, and
9 received a \$1,500 commission for the purchase.

10 15. On or about October 3, 2012, RESPONDENT purchased real property at 3988
11 Button Creek Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
12 \$1,500 commission for the purchase.

13 16. On or about October 10, 2012, RESPONDENT purchased real property at 2053
14 Quartz Cliff Street, #203, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received
15 a \$1,500 commission for the purchase.

16 17. On or about December 28, 2012, RESPONDENT purchased real property at
17 5855 Valley Drive, #1054, North Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and
18 received a \$1,500 commission for the purchase.

19 18. On or about January 9, 2013, RESPONDENT purchased real property at 3400
20 Cabana Drive, #2117, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
21 \$1,500 commission for the purchase.

22 19. On or about January 11, 2013, RESPONDENT purchased real property at 5111
23 Pioneer Avenue, #103, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a
24 \$1,500 commission for the purchase.

25 20. RESPONDENT referred Thomas Jessup LLC to Powerhouse Platinum Realty
26 ("Powerhouse") for property management services for the above properties.

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1 21. On or about February 28, 2013, RESPONDENT sent an email to property
2 owners stating that CSC, in conjunction with Powerhouse, would be enacting "an additional
3 administrative fee of \$45 per month, per files," effective March 1, 2013.

4 22. In that February 28, 2013 correspondence, RESPONDENT explains that CSC
5 has "been forced to add additional personnel to manage the number of bills and invoices
6 associated with these homes" and that "[t]his fee will help offset additional man hours
7 necessary to manage the various entities; sewer, water, HOA fee, general maintenance,
8 electric, etcetera, common to all property owners."

9 23. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a
10 \$300 rehab fee for the Beechcrest property.

11 24. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a
12 \$300 rehab fee for the Bushy Tail property.

13 25. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a
14 \$300 rehab fee for the Gertrude Court property.

15 26. On or about September 30, 2014, the Division sent a *Cease and Desist Order* to
16 RESPONDENT, ordering RESPONDENT to cease and desist "from acquiring interests in
17 properties for others for a fee and property management, which requires licensees."

18 **VIOLATIONS**

19 RESPONDENT has committed the following violations of law:

20 27. RESPONDENT violated NRS 645.230(1)(a) *on thirteen occasions* by engaging
21 in the business of, acting in the capacity of, advertising or assuming to act as, a real estate
22 broker, real estate broker-salesperson or real estate salesperson within the State of Nevada
23 without first obtaining the appropriate license from the Division.

24 28. RESPONDENT violated NRS 645.230(1)(b) *on three occasions* by engaging in
25 the business of, acting in the capacity of, advertising or assuming to act as, a property
26 manager within the State of Nevada without first obtaining from the Division a license as a real
27 estate broker, real estate broker-salesperson or real estate salesperson and a permit to
28 engage in property management.

1 **DISCIPLINE AUTHORIZED**

2 29. Pursuant to NRS 645.235, the Commission is empowered to impose an
3 administrative fine in an amount not to exceed the amount of gain or economic benefit that the
4 person derived from the violation or \$5,000, whichever amount is greater, against
5 RESPONDENT for each violation of NRS 645.230.

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

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

11 **NOTICE OF HEARING**

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

16 **THE HEARING WILL TAKE PLACE on April 21, 2015 commencing at 9:00 a.m., or**
17 **as soon thereafter as the Commission is able to hear the matter, and each day**
18 **thereafter commencing at 9:00 a.m. through April 23, 2015, or earlier if the business of**
19 **the Commission is concluded. The Commission meeting will be held on April 21, 2015,**
20 **at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue,**
21 **Room 2450, Las Vegas, Nevada 89101. The meeting will continue on April 22, 2015, at**
22 **the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room**
23 **2450, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on April 23, 2015,**
24 **should business not be concluded, starting at 9:00 a.m. at the Bradley Building, 2501**
25 **East Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104.**

26 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the**
27 **same time as part of a regular meeting of the Commission that is expected to last from**
28 **April 21 through April 23, 2015, or earlier if the business of the Commission is**

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

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

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

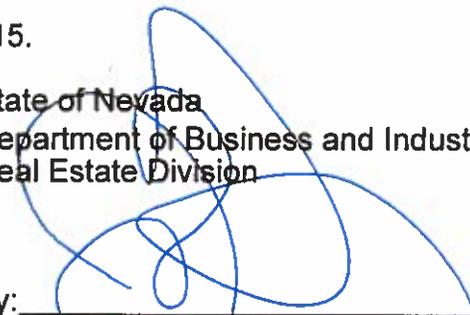
20 You have the right to request that the Commission issue subpoenas to compel
21 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
22 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
23 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
24 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 645.633 and/or NRS 645.630.

5 DATED this 08 day of March, 2015.

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

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