

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

*Debra H. ...*

GAIL J. ANDERSON, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. RES 13-07-18-018

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

IMA JEAN NIKOLICH,

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 Christopher Eccles, Deputy Attorney General, hereby notifies RESPONDENT Ima Jean Nikolich ("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 as a real estate broker by the Division under license number B.0013331.INDV 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  
2 1. Respondent, at the relevant times mentioned in this Complaint, was licensed as  
3 a real estate broker, license number B.0013331.INDV from on or about July 12, 1990, through  
4 on or about May 31, 2013, and her license is currently inactive.

5 2. Respondent is subject to the jurisdiction of the Division and the Commission and  
6 the provisions of NRS Chapter 645 and NAC Chapter 645.

7 3. On or about June 2012, Respondent represented her client, Mitchell B. Radney  
8 ("Radney"), regarding the purchase of real property located at 27 Eagles Landing Lane, Las  
9 Vegas, Nevada 89141 (the "Eagles Landing property").

10 4. Radney, through Respondent, offered to purchase the Eagles Landing property  
11 on June 26, 2012.

12 5. The closing date for the Eagles Landing property was set for July 6, 2012.

13 6. On or about July 12, 2012, Robert Barnhart ("Barnhart") filed a Statement of  
14 Fact with the Division regarding Respondent.

15 7. Barnhart represented the seller of the Eagles Landing property.

16 8. The Residential Purchase Agreement for the Eagles Landing property provides  
17 that Radney shall wire \$250,000 earnest money within two days, but Radney never wired any  
18 money into escrow.

19 9. Barnhart complained that because of the quick closing date his client began  
20 moving out his personal belongings.

21 10. On or about November and December 2011, Respondent represented her client,  
22 Radney, regarding the purchase of real property located at 7 Falcon View Court, Las Vegas,  
23 Nevada (the "Falcon View property").

24 11. Radney, through Respondent, offered to purchase the Falcon View property on  
25 November 3, 2011.

26 12. The closing date for the Falcon View property was set for December 23, 2011.

27 13. On or about July 17, 2012, Daniel Coletti ("Coletti") filed a Statement of Fact with  
28 the Division regarding Respondent.

1 14. Coletti represented the seller of the Falcon View property.

2 15. The Residential Purchase Agreement for the Falcon View property provides that  
3 Radney shall wire \$1,000,000 earnest money into escrow on December 5, 2011, but Radney  
4 never wired any money into escrow.

5 16. Respondent promised to Coletti that Radney would wire the earnest money into  
6 escrow.

7 17. On or about July 2012, Respondent, without informing the Division, moved her  
8 office from 6623 Las Vegas Blvd., Ste. 250, Las Vegas, NV 89119 to 871 Coronado Center  
9 Drive, Ste. 200, Henderson, NV 89052.

10 **VIOLATIONS**

11 Respondent has committed the following violations of law:

12 18. Respondent violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) when she  
13 breached her obligation to deal fairly with the seller regarding the Eagles Landing property.

14 19. Respondent violated NRS 645.630(1)(a) when she misrepresented to Coletti  
15 that Radney would wire the earnest money into escrow.

16 20. Respondent violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) when she  
17 breached her obligation to deal fairly with the seller regarding the Falcon View property.

18 21. Respondent violated NRS 645.570(1) by moving her office location without  
19 informing the Division.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...



1           **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the**  
2 **same time as part of a regular meeting of the Commission that is expected to last from**  
3 **July 16 through July 18, 2013.** Thus, your hearing may be continued until later in the day or  
4 from day to day. It is your responsibility to be present when your case is called. If you are not  
5 present when your hearing is called, a default may be entered against you and the  
6 Commission may decide the case as if all allegations in the complaint were true. If you need  
7 to negotiate a more specific time for your hearing in advance because of coordination with out  
8 of state witnesses or the like, please call Rebecca Hardin, Commission Coordinator (702)  
9 486-4074.

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

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

23 ...  
24 ...  
25 ...  
26 ...  
27 ...  
28 ...

1 You have the right to request that the Commission issue subpoenas to compel  
2 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
3 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
4 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
5 233B, and NAC 645.810 through 645.875.

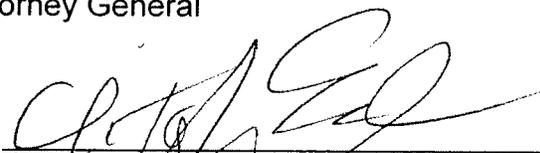
6 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
7 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
8 evidence presented and to further determine what administrative penalty is to be assessed  
9 against the RESPONDENT, if any,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

10 DATED this 14<sup>th</sup> day of June, 2013.

11 State of Nevada  
12 Department of Business and Industry  
13 Real Estate Division

14 By:   
15 Gail J. Anderson, Administrator  
16 2501 East Sahara Avenue  
17 Las Vegas, Nevada 89104-4137  
18 (702) 486-4033

19 CATHERINE CORTEZ MASTO  
20 Attorney General

21 By:   
22 CHRISTOPHER ECCLES  
23 Deputy Attorney General  
24 555 East Washington Ave., Ste. 3900  
25 Las Vegas, Nevada 89101  
26 (702) 486-3105  
27 Attorneys for Real Estate Division  
28