

FILED

SEP 11 2014

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
Robert H. Smith

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

Case No. RES 14-10-01-115

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

CHRISTINA RODRIGUEZ,

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 CHRISTINA RODRIGUEZ ("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 CHRISTINA RODRIGUEZ was at all relevant times mentioned in this Complaint licensed as a salesperson by the Division under license number S.0070042 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, is licensed as a salesperson by the Division under license number S.0070042 and is currently in an

1 active status and subject to the jurisdiction of the Division and the provisions of NRS chapter
2 645 and NAC chapter 645.

3 2. RESPONDENT represented Juan Carlos Aceves-Orozco as his salesperson in
4 his attempt to purchase property located at 5204 Sweet William Street, North Las Vegas in
5 2010.

6 3. Mr. and Mrs. Aceves-Orozco, through RESPONDENT, put in an offer on the
7 property and deposited \$500 in earnest money.

8 4. Mr. and Mrs. Aceves-Orozco withdrew the offer prior to acceptance.

9 5. RESPONDENT told the Aceves-Orozcos that they lost the deposit to the seller.

10 6. In 2013, the Aceves-Orozcos began their home search again, with a different
11 broker, Vera McCauley.

12 7. Upon hearing their story about the "lost" deposit, Ms. McCauley contacted
13 RESPONDENT to inquire about the earnest money deposit.

14 8. RESPONDENT told Ms. McCauley that Chicago Title kept the Aceves-Orozcos
15 earnest money.

16 9. Ms. McCauley contacted Chicago Title and was informed that the \$500 earnest
17 money refund check issued to Mr. and Mrs. Aceves-Orozcos and mailed to 1712 Firefly
18 Ranch Lane, North Las Vegas on December 30, 2010 and was cashed on January 25, 2011.

19 10. 1712 Firefly Ranch Lane is RESPONDENT's home address.

20 11. On September 1, 2013 RESPONDENT called Ms. McCauley to confess that she
21 had cashed the check.

22 12. The check from Chicago Title is written to Juan Carlos Aceves and Dulce M.
23 Chavez Aceves.

24 13. RESPONDENT forged the signatures of the Aceves-Orozcos to endorse the
25 back of the check to herself.

26 14. On September 11, 2013 RESPONDENT mailed a check to Juan C. Orozcos in
27 the amount of \$500 and marked it "EMD"; earnest money deposit.

VIOLATION

15. RESPONDENT is in violation of NRS 645.630 (1)(f) for failing to remit the earnest money funds within a reasonable time.

16. RESPONDENT is in violation of NRS 645.630(1)(h) for commingling and or converting the money of others by depositing the earnest money into her personal account.

17. RESPONDENT is in violation of NRS 645.630(1)(i) for lying to her clients and to the new broker that the title company retained the earnest money as such conduct is deceitful, fraudulent or dishonest dealing.

18. RESPONDENT is in violation of NRS 645.630(1)(i) for forging the signatures of her clients and endorsing the check to herself as such conduct is deceitful, fraudulent or dishonest dealing.

DISCIPLINE AUTHORIZED

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

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

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on October 14, 2014 commencing at 8:30 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 8:30 a.m. through October 16, 2014, or earlier if the business

1 of the Commission is concluded. The Commission meeting will be held at the Grant
2 Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.
3 The meeting will continue on October 15, 2014 at the Grant Sawyer Building, 555 East
4 Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 8:30 a.m.,
5 and on October 16, 2014, should business not be concluded, starting at 8:30 a.m. at the
6 Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room
7 2450, Las Vegas, Nevada 89101.

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

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

23 As the Respondent, you are specifically informed that you have the right to appear and
24 be heard in your defense, either personally or through your counsel of choice. At the hearing,
25 the Division has the burden of proving the allegations in the complaint and will call witnesses
26 and present evidence against you. You have the right to respond and to present relevant
27 evidence and argument on all issues involved. You have the right to call and examine
28

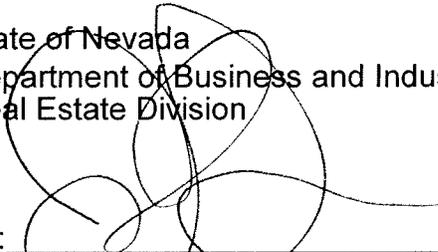
1 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
2 to the issues involved.

3 You have the right to request that the Commission issue subpoenas to compel
4 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
5 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
6 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
7 233B, and NAC 645.810 through 645.875.

8
9 The purpose of the hearing is to determine if the Respondent has violated NRS 645
10 and/or NAC 645 and if the allegations contained herein are substantially proven by the
11 evidence presented and to further determine what administrative penalty is to be assessed
12 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

13 DATED this 11th day of September, 2014.

14 State of Nevada
15 Department of Business and Industry
16 Real Estate Division

17 By: 
18 Joseph D. Decker, Administrator
19 2501 East Sahara Avenue
20 Las Vegas, Nevada 89104-4137
21 (702) 486-4033

22 CATHERINE CORTEZ MASTO
23 Attorney General

24 By: 
25 KIMBERLY A. ARGUELLO
26 Senior Deputy Attorney General
27 555 East Washington Ave., Ste. 3900
28 Las Vegas, Nevada 89101
(702) 486-3094
Attorneys for Real Estate Division