

FILED

MAR 20 2015

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *Adam Paul Laxalt*

STATE OF NEVADA

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

Case No. RES 14-05-80-1060

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

ELSIE P. BROWN,

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 ELSIE P. BROWN ("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 ELSIE P. BROWN was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0069366 and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

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**FACTUAL ALLEGATIONS**

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1. RESPONDENT has been licensed by the Division as a Salesperson under license number S.0069366, since January 23, 2006, and is in inactive status.
2. RESPONDENT is subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.
3. At all times relevant to the Complaint, RESPONDENT was associated with broker John M. Brown Jr. at Ameri-Dream Realty LLC.
4. Ameri-Dream Realty LLC had a General Account, XXXXXX787, at JPMorgan Chase Bank.
5. Ameri-Dream Realty LLC had a Security Deposit Account, XXXXXX795, at JPMorgan Chase Bank.
6. On or about February 27, 2013, RESPONDENT transferred \$25,000 from the General Account to Unibank Inc. Metro Philippines.
7. On or about March 14, 2013, RESPONDENT transferred \$50,000 from the Security Deposit Account to Unibank Inc. Metro Philippines.
8. On or about April 10, 2013, RESPONDENT transferred \$49,263 from the Security Deposit Account to Unibank Inc. Metro Philippines.
9. On or about April 17, 2013, RESPONDENT transferred \$24,600 from the Security Deposit Account to Unibank Inc. Metro Philippines.
10. On or about May 17, 2013, RESPONDENT transferred \$97,930 from the Security Deposit Account to Unibank Inc. Metro Philippines.
11. On or about May 24, 2013, RESPONDENT transferred \$49,000 from the Security Deposit Account to Unibank Inc. Metro Philippines.
12. On or about June 25, 2013, RESPONDENT transferred \$71,500 from the Security Deposit Account to Unibank Inc. Metro Philippines.
13. On or about July 18, 2013, RESPONDENT transferred \$35,000 from the Security Deposit Account to Unibank Inc. Metro Philippines.

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1 14. On or about September 10, 2013, RESPONDENT transferred \$7,670 from the  
2 Security Deposit Account to Unibank Inc. Metro Philippines.

3 15. On or about September 23, 2013, RESPONDENT transferred \$18,700 from the  
4 Security Deposit Account to Unibank Inc. Metro Philippines.

5 16. On or about September 27, 2013, RESPONDENT transferred \$23,255 from the  
6 Security Deposit Account to Unibank Inc. Metro Philippines.

7 17. On or about October 9, 2013, RESPONDENT transferred \$10,020 from the  
8 Security Deposit Account to Unibank Inc. Metro Philippines.

9 18. On or about October 22, 2013, RESPONDENT transferred \$13,960 from the  
10 Security Deposit Account to Unibank Inc. Metro Philippines.

11 19. On or about October 24, 2013, RESPONDENT transferred \$11,700 from the  
12 Security Deposit Account to Unibank Inc. Metro Philippines.

13 20. On or about December 20, 2013, RESPONDENT transferred \$8,000 from the  
14 Security Deposit Account to Unibank Inc. Metro Philippines.

15 21. On or about May 16, 2014, John M. Brown Jr. filed a Statement of Fact with the  
16 Division, complaining about RESPONDENT's conduct.

17 **VIOLATIONS**

18 RESPONDENT has committed the following violations of law:

19 22. RESPONDENT violated NRS 645.630(1)(h) by converting money from the  
20 General Account to her own use.

21 23. RESPONDENT violated NRS 645.630(1)(h) **on fourteen occasions** by  
22 converting money from the Security Deposit Account to her own use.

23 24. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(1), by  
24 failing to do her utmost to protect the public against fraud, misrepresentation or unethical  
25 practices related to real estate.

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**DISCIPLINE AUTHORIZED**

25. 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.

26. 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.

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

**STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from April 21 through April 23, 2015, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to**

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

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

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

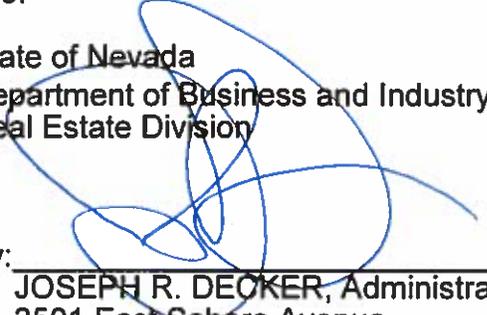
19 You have the right to request that the Commission issue subpoenas to compel  
20 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
21 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
22 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
23 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 20<sup>th</sup> day of March, 2015.

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

9 By:   
10 JOSEPH R. DECKER, Administrator  
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12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 ADAM PAUL LAXALT  
15 Attorney General

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