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SEP 11 2014

REAL ESTATE COMMISSION
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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. RES 14-09-12-089

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

ALISON CARDWELL,

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 ALISON CARDWELL ("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, NRS 645.235 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

Respondent ALISON CARDWELL was at all relevant times mentioned in this Complaint licensed as a salesperson by the Division under license number S.0056822 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

FACTUAL ALLEGATIONS

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2 1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed
3 as a salesperson by the Division under license number S.0056822 and is currently in an
4 inactive status and subject to the jurisdiction of the Division and the provisions of NRS chapter
5 645 and NAC chapter 645. RESPONDENT engaged in activities which require a property
6 management permit issued by the Division and is therefore further subject to the jurisdiction of
7 the DIVISION.

8 2. At all times relevant to the Complaint, RESPONDENT was a salesperson under
9 broker Tracey Donely at Remax Excellence.

10 3. RESPONDENT has never had a permit to engage in property management
11 issued by the Division.

12 4. RESPONDENT was the buyers agent for Yossi and Kfir Betesh regarding
13 properties located at 5055 W. Hacienda Avenue #2209, Las Vegas, Nevada and 829 Rock
14 Springs Avenue #102, Las Vegas, Nevada.

15 5. After the purchase of the properties, RESPONDENT engaged in the property
16 management of both of the properties.

17 6. RESPONDENT leased the properties and collected rents.

18 7. RESPONDENT, for a period of time, resided at the Rock Springs address at a
19 reduced rent in exchange for her property management activities.

20 8. RESPONDENT listed her name on lease agreements as Leigh Cardwell instead
21 of the name under which she is licensed by the Division, Alison Cardwell.

22 9. The lease agreements require that rent be made payable to Leigh Cardwell and
23 delivered to her broker's address, 4435 S. Buffalo Drive, Las Vegas Nevada.

24 10. Rent checks were deposited into RESPONDENT's personal checking account
25 and not into a trust account or given to her broker.

26 11. RESPONDENT failed to remit rents collected to the property owners.

27 12. RESPONDENT did not provide any property management documentation to her
28 broker.

1 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if
2 the Commission otherwise imposes discipline on Respondent.

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

5 **NOTICE OF HEARING**

6 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
7 Administrative Complaint against the above-named Respondent in accordance with Chapters
8 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
9 Code.

10 **THE HEARING WILL TAKE PLACE** on October 14, 2014 commencing at 8:30 a.m.,
11 or as soon thereafter as the Commission is able to hear the matter, and each day
12 thereafter commencing at 8:30 a.m. through October 16, 2014, or earlier if the business
13 of the Commission is concluded. The Commission meeting will be held at the Grant
14 Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.
15 The meeting will continue on October 15, 2014 at the Grant Sawyer Building, 555 East
16 Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 8:30 a.m.,
17 and on October 16, 2014, should business not be concluded, starting at 8:30 a.m. at the
18 Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room
19 2450, Las Vegas, Nevada 89101.

20 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
21 same time as part of a regular meeting of the Commission that is expected to last from
22 October 14 through October 16, 2014, or earlier if the business of the Commission is
23 concluded. Thus, your hearing may be continued until later in the day or from day to
24 day. It is your responsibility to be present when your case is called. If you are not
25 present when your hearing is called, a default may be entered against you and the
26 Commission may decide the case as if all allegations in the complaint were true. If you
27 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
28 4074.

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

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

14 You have the right to request that the Commission issue subpoenas to compel
15 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
16 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
17 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
18 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 645.235, 645.633 and or 645.630.

5 DATED this 11th day of September, 2014.

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

9 By: 
10 Joseph D. Decker, Administrator
11 2501 East Sahara Avenue
12 Las Vegas, Nevada 89104-4137
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO
15 Attorney General

16 By: 
17 KIMBERLY A. ARGUELLO
18 Senior Deputy Attorney General
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