FILED

AUG 13 2015

REAL ESTATE COMMISSION
BY

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

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| JOSEPH R. DECKER, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA,<br><br>Petitioner,<br>vs.<br><br>WENDY RUDDER,<br><br>Respondent. | **Case No. 2015-1196**<br><br>**COMPLAINT AND NOTICE OF HEARING** |

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 Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT WENDY RUDDER ("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 WENDY RUDDER was at all relevant times mentioned in this Complaint licensed as a Broker Salesperson by the Division under license number BS.0039156 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

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## FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Broker Salesperson by the Division under license number BS.0039156 and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

2. On December 1, 2014, Respondent pled guilty to Misconduct of a Public Officer, a category E felony, NRS 197.110.

3. Respondent's guilty plea is based upon the following facts: Respondent, while public guardian for Rex Lawson, did make withdrawals from the guardianship account of Rex Lawson for the private benefit or gain of the Respondent or of another person.

4. Respondent did not notify the Division of her plea of guilty until April 27, 2015.

5. On April 10, 2015, a final judgment of conviction was entered against Respondent and she was sentenced to a maximum term of thirty-two (32) months within the Nevada Department of Corrections and a minimum parole eligibility after twelve (12) months. Sentence suspended. Respondent is placed on Probation for a term not to exceed sixty (60) months. Respondent shall completely abstain from the consumption or possession of alcoholic beverages and controlled substance, including marijuana, throughout the entire term of probation and submit to unscheduled random testing to determine whether the Respondent has been using alcoholic beverages or controlled substances. Respondent shall not have any control over public monies during her probationary period.

6. The above crime is one involving fraud, deceit, misrepresentation or moral turpitude.

## VIOLATIONS

RESPONDENT has committed the following violations of law:

7. RESPONDENT violated NRS 645.633 (1)(d)(2) by entering a guilty plea and being found guilty of a crime involving fraud, deceit, misrepresentation or moral turpitude.

8. RESPONDENT violated NRS 645.995 by failing to notify the Division not more than 10 days after plea of guilty.

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## DISCIPLINE AUTHORIZED

9. 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.

10. 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.

11. 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 September 15, 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 September 17, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on September 15, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada 89101. The meeting will continue on September 16, 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 September 17, 2015, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.**

**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 September 15 through September 17, 2015, or earlier if the business of the Commission**

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

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

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

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

The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty is to be assessed

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against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

DATED this 13 day of August, 2015.

State of Nevada
Department of Business and Industry
Real Estate Division

By: _____
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