FILED

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REAL ESTATE COMMISSION
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BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

JOSEPH R. DECKER, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. DAUNSHARI WONG-CULOTTA, Respondent.	**Case No. RES 14-05-76-1056** **DECISION**

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, April 22, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada. Respondent Daunshari Wong-Culotta ("RESPONDENT") failed to appear at the hearing, failed to file an answer to the Complaint, and failed to request a continuance of the Hearing. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following Findings of Fact:

1. RESPONDENT had been licensed by the Division as a broker under license number B.0015620.CORP, and as a salesperson under license number S.0015620.

2. RESPONDENT voluntarily surrendered her broker license and her salesperson license effective February 14, 2012, in lieu of disciplinary action.

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3. RESPONDENT has not been licensed by the Division since her voluntary surrenders.

4. At all times relevant to the Complaint, Michael Jessup was the sole officer and registered agent of Thomas Jessup LLC.

5. At all times relevant to the Complaint, RESPONDENT was the principal of CSC Acquisitions & Holdings LLC ("CSC").

6. On or about May 15, 2012, RESPONDENT purchased real property at 6421 Beechcrest Road, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

7. On or about May 15, 2012, RESPONDENT purchased real property at 3808 Bach Way, North Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

8. On or about June 6, 2012, Thomas Jessup LLC granted RESPONDENT and Bo Jones power of attorney to: "Purchase real property, with the power to bid and purchase real property, and endorse any and all cashier's checks over to the selling trustee."

9. On or about June 8, 2012, RESPONDENT purchased real property at 588 Bugle Bluff Drive, Henderson, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

10. On or about June 8, 2012, RESPONDENT purchased real property at 3733 Solitude Road, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

11. On or about June 15, 2012, RESPONDENT purchased real property at 9108 Bushy Tail Avenue, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

12. On or about June 15, 2012, RESPONDENT purchased real property at 6590 Gertrude Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

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13. On or about September 12, 2012, RESPONDENT purchased real property at 9179 Smugglers Beach Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

14. On or about September 14, 2012, RESPONDENT purchased real property at 1163 Grass Pound Place, #101, Henderson, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

15. On or about October 3, 2012, RESPONDENT purchased real property at 3988 Button Creek Court, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

16. On or about October 10, 2012, RESPONDENT purchased real property at 2053 Quartz Cliff Street, #203, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

17. On or about December 28, 2012, RESPONDENT purchased real property at 5855 Valley Drive, #1054, North Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

18. On or about January 9, 2013, RESPONDENT purchased real property at 3400 Cabana Drive, #2117, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

19. On or about January 11, 2013, RESPONDENT purchased real property at 5111 Pioneer Avenue, #103, Las Vegas, Nevada, on behalf of Thomas Jessup LLC, and received a $1,500 commission for the purchase.

20. RESPONDENT referred Thomas Jessup LLC to Powerhouse Platinum Realty ("Powerhouse") for property management services for the above properties.

21. On or about February 28, 2013, RESPONDENT sent an email to property owners stating that CSC, in conjunction with Powerhouse, would be enacting "an additional administrative fee of $45 per month, per files," effective March 1, 2013.

22. In that February 28, 2013 correspondence, RESPONDENT explains that CSC has "been forced to add additional personnel to manage the number of bills and invoices

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associated with these homes" and that "[t]his fee will help offset additional man hours necessary to manage the various entities; sewer, water, HOA fee, general maintenance, electric, etcetera, common to all property owners."

23. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a $300 rehab fee for the Beechcrest property.

24. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a $300 rehab fee for the Bushy Tail property.

25. On or about June 20, 2013, RESPONDENT charged Thomas Jessup LLC a $300 rehab fee for the Gertrude Court property.

26. On or about September 30, 2014, the Division sent a *Cease and Desist Order* to RESPONDENT, ordering RESPONDENT to cease and desist "from acquiring interests in properties for others for a fee and property management, which requires licensees."

27. RESPONDENT engaged in activities which require a real estate license and a property management permit issued by the Division 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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CONCLUSIONS OF LAW

The Commission, based upon the preponderance of the evidence, makes the following legal conclusions:

1. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters 645 and 233B and NAC Chapter 645.

2. Pursuant to NAC 645.860, the Commission finds that the following charges specified in the Complaint are true and supported by substantial evidence.

3. RESPONDENT violated NRS 645.230(1)(a) on thirteen occasions by engaging in the business of, acting in the capacity of, advertising or assuming to act as, a real estate broker, real estate broker-salesperson or real estate salesperson within the State of Nevada without first obtaining the appropriate license from the Division.

4. RESPONDENT violated NRS 645.230(1)(b) on three occasions by engaging in the business of, acting in the capacity of, advertising or assuming to act as, a property manager within the State of Nevada without first obtaining from the Division a license as a real estate broker, real estate broker-salesperson or real estate salesperson and a permit to engage in property management.

ORDER

IT IS HEREBY ORDERED that RESPONDENT shall pay a fine in the amount of $80,000.00 to the Division.

IT IS FURTHER ORDERED that RESPONDENT shall pay hearing and investigative costs in the amount of $967.27 to the Division.

IT IS FURTHER ORDERED that Respondent shall pay the above-referenced monies, which total $80,967.27, to the Division within ninety (90) days of the effective date of this Decision.

The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this Decision.

DATED this 6th day of May, 2015.

REAL ESTATE DIVISION
STATE OF NEVADA

By: _____
RICHARD K. JOHNSON, PRESIDENT

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