

NOV 25 2014

REAL ESTATE COMMISSION
Debra Harder

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RES 12-05-39-363

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

BRIAN THOMAS WARREN,

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 BRIAN THOMAS WARREN ("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 was at all relevant times mentioned in this Complaint licensed as a Salesperson by the Division under license number S.0078381.LLC and a property manager under permit number PM.0164174 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, was licensed as a Salesperson, license number S.0078381.LLC, and a property manager under permit

1 number PM.0164174 and is currently active and subject to the jurisdiction of the Division and
2 the provisions of NRS chapter 645 and NAC chapter 645.

3 2. At all relevant times RESPONDENT's broker was Jackie Akester at Real Estate
4 by Design, LLC.

5 3. On or about January 16, 2012 RESPONDENT entered into a Residential
6 Property Management Agreement for the management of property located at 2389 Exeter
7 Drive, Las Vegas Nevada ("Exeter property") for owners A and J Investing, LLC.

8 4. The Agreement lists Real Estate By Design as the broker and RESPONDENT
9 as its authorized agent and is signed by RESPONDENT.

10 5. RESPONDENT, pursuant to the management agreement, entered into a lease
11 agreement to lease Unit 1 of the Exeter property on September 1, 2011.

12 6. RESPONDENT failed to provide any documents relating to the management
13 and lease of the Exeter property to his broker.

14 7. RESPONDENT collected rents and coordinated repairs to the Exeter property.

15 8. Tenants deposited rents directly into RESPONDENT's bank account.

16 9. RESPONDENT deducted his management fee of 8% from the rents he collected
17 and was not paid through his broker.

18 10. RESPONDENT failed to place any funds, including security deposits or rents
19 collected, in the custody of his broker.

20 VIOLATIONS

21 RESPONDENT has committed the following violations of law:

22 11. RESPONDENT violated NRS 645.630(1)(c) by accepting compensation from
23 someone other than his broker.

24 12. RESPONDENT violated NRS 645.630(1)(i) by failing to place security deposits
25 and rents collected in the custody of his broker.

26 13. RESPONDENT violated NAC 645.650(2) by failing to provide transaction
27 documents and paperwork to his broker.

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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.

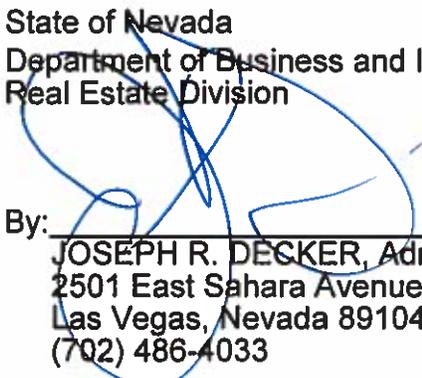
24 The purpose of the hearing is to determine if the Respondent has violated NRS 645
25 and/or NAC 645 and if the allegations contained herein are substantially proven by the

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1 evidence presented and to further determine what administrative penalty is to be assessed
2 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

3 DATED this 25 day of November, 2014.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
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