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REAL ESTATE COMMISSION
BY *[Signature]*

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.

ALISON CARDWELL,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for rehearing before the Nevada Real Estate Commission, Department of Business and Industry, State of Nevada ("Commission") on September 17, 2015 at 555 E. Washington Avenue, Room 2450, Las Vegas Nevada, 89101. Present were Commissioners Richard Johnson, Norma Jean Opatik, Sherrie Cartinella. Neil Schwartz and Devin Reiss. Kimberly A. Arguello, Senior Deputy Attorney General appeared on behalf of Petitioner.

Respondent had previously filed a motion for rehearing of the above referenced case which was heard by the Commission on October 15, 2014. The Motion for rehearing was granted. However, just prior to the date scheduled for the rehearing, Respondent, through counsel, informed the Commission that she no longer intended to pursue rehearing. Therefore, the original order of the Commission stands and is the final Order as follows.

FINDINGS OF FACT

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

1. Counsel for Petitioner made an offer of proof that RESPONDENT was given proper Notice of the Hearing.

2. Rebecca Hardin, Commission Coordinator for the Division, testified that the

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1 Complaint, Notice of Complaint and Notice of Documents were mailed via certified and regular
2 mail more than 30 days prior to the Hearing to RESPONDENT at the last known address
3 RESPONDENT provided to the Division.

4 3. The Commission finds that proper notice of the hearing was given to
5 RESPONDENT.

6 4. Pursuant to NAC 645.860, the Commission finds that the following facts
7 specified in the Complaint are true.

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

14 6. At all times relevant to the Complaint, RESPONDENT was a salesperson under
15 broker Tracey Donely at Remax Excellence.

16 7. RESPONDENT has never had a permit to engage in property management
17 issued by the Division.

18 8. RESPONDENT was the buyers agent for Yossi and Kfir Betesh regarding
19 properties located at 5055 W. Hacienda Avenue #2209, Las Vegas, Nevada and 829 Rock
20 Springs Avenue #102, Las Vegas, Nevada.

21 9. After the purchase of the properties, RESPONDENT engaged in the property
22 management of both of the properties.

23 10. RESPONDENT leased the properties and collected rents.

24 11. RESPONDENT, for a period of time, resided at the Rock Springs address at a
25 reduced rent in exchange for her property management activities.

26 12. RESPONDENT listed her name on lease agreements as Leigh Cardwell instead
27 of the name under which she is licensed by the Division, Alison Cardwell.

28 13. The lease agreements require that rent be made payable to Leigh Cardwell and

1 delivered to her broker's address, 4435 S. Buffalo Drive, Las Vegas Nevada.

2 14. Rent checks were deposited into RESPONDENT's personal checking account
3 and not into a trust account or given to her broker.

4 15. RESPONDENT failed to remit rents collected to the property owners.

5 16. RESPONDENT did not provide any property management documentation to her
6 broker.

7 17. Due to unpaid rents and nonpayment of HOA assessments, the owners of the
8 property engaged a new property manager in August 2013.

9 18. RESPONDENT's broker was contacted and discovered the above activity.

10 **CONCLUSIONS OF LAW**

11 Based upon the findings of fact, the Commission hereby finds by a
12 preponderance of the evidence the following violations of law:

13 19. RESPONDENT has committed two violations of NRS 645.230(1)(b) by
14 engaging in the business of and acting in the capacity of a Property Manager without a
15 property management permit issued by the Division.

16 20. RESPONDENT is in violation of NRS 645.633(1)(i) for concealing her property
17 management activities from her broker which constitutes deceitful, fraudulent or dishonest
18 dealing.

19 21. RESPONDENT is in violation of NRS 645.633(1)(b) pursuant to NAC 645.650(2)
20 for failing to provide paperwork relating to the property management to her broker.

21 22. RESPONDENT is in violation of NRS 645.630(f) for failing, within a reasonable
22 time, to remit rent money which belongs to others.

23 23. RESPONDENT is in violation for NRS 645.630(h) for commingling or converting
24 the money of others to her own personal use.

25 24. RESPONDENT is in violation of NAC 645.610(1)(e) for conducting business in a
26 name other than the name under which she is licensed to engage in business.

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ORDER

The Commission being fully apprised in the premises, and good cause appearing to the Commission, IT IS HEREBY ORDERED THAT:

1. The RESPONDENT CARDWELL shall pay to the Division a total fine of \$70,719.35. The total fine reflects a fine of \$10,000.00 for each of the above seven violations of law and plus \$719.35 for hearing and investigative costs. Respondent shall pay the total fine to the Division within ninety (90) days of the effective date of this Order.

2. RESPONDENT'S salesperson license number S.0056822 is hereby REVOKED.

3. The Division may institute debt collection proceedings for failure to timely pay the total fine.

4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting or issuance of this Order.

This Order shall become effective on the 23rd day of December, 2015.

Dated this 27 day of October, 2015.

NEVADA REAL ESTATE COMMISSION

By: Richard K. Johnson, Pres
RICHARD K. JOHNSON

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