

FILED

MAR 28 2016

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *Rebecca Hardin*

STATE OF NEVADA

GAIL J. ANDERSON, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. RES 14-07-02-002

Petitioner,

vs.

WILLIAM SC CHIN,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Nevada Real Estate Commission, Department of Business and Industry, State of Nevada ("Commission") on March 26, 2014 at 240 Water Street, Council Chambers, Henderson Nevada, 89015. Present were Commissioners Richard Johnson, Norma Jean Opatik, Sherrie Cartinella, Neil Schwartz and David Boyer. The Respondent, WILLIAM SC SCHIN ("RESPONDENT" or "CHIN"), failed to appear at the Hearing, failed to file an Answer to the Complaint, and failed to request a continuance of the Hearing. Kimberly A. Arguello, Senior Deputy Attorney General appeared on behalf of Petitioner.

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

1           3.     The Commission finds that proper notice of the hearing was given to  
2 RESPONDENT.

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

5           5.     RESPONDENT, at the relevant times mentioned in this Complaint, was licensed  
6 as a Broker, license number B.0037507.LLC and as a property manager under permit number  
7 PM.0164204.BKR and is currently in an active status and subject to the jurisdiction of the  
8 Division and the provisions of NRS chapter 645 and NAC chapter 645.

9           6.     RESPONDENT, at all relevant times, was the broker and property manager for  
10 WC Realty & Property Management.

11          7.     Although required by statute, WC Realty & Property Management held no bank  
12 accounts designated as trust accounts.

13          8.     RESPONDENT was the property manager of property located at 8611 Canfield  
14 Avenue, Las Vegas, Nevada.

15          9.     Joanne Valentine rented the Canfield property until March 31, 2013, when the  
16 lease ended per the lease agreement.

17          10.    Upon the termination of the agreement, Ms. Valentine requested her security  
18 deposit of \$1,200 and a \$300 cleaning deposit be returned to her.

19          11.    RESPONDENT failed to respond to Ms. Valentine's requests and she filed a  
20 statement of fact with the DIVISION on June 28, 2013.

21          12.    It was not until after contact from the DIVISION that RESPONDENT sent a  
22 check to Ms. Valentine in the amount of \$900 for the cleaning deposit and only half of the  
23 security deposit.

24          13.    RESPONDENT was the property manager for property located at 7212 Sun  
25 Cove Circle, Las Vegas, Nevada for the owners David Cleavenger and Charlette Spicer.

26          14.    RESPONDENT failed to remit to Cleavenger and Spicer rents collected from  
27 tenants for the months of June and July 2013. Total rents and tenant deposits owes,  
28 \$6,117.00.

1 15. RESPONDENT failed to respond to the numerous requests of the owners.

2 16. On July 30, 2014, the DIVISION sent a letter to RESPONDENT requesting an  
3 affidavit response to the Cove Circle statement of fact. RESPONDENT failed to submit an  
4 affidavit.

5 17. RESPONDENT was the property manager of property located at 1112 Torington  
6 Drive, Las Vegas, Nevada for owner Phuong Lien Pham.

7 18. RESPONDENT collected rents for May, June and July 2013 in the amount of  
8 \$3,450.

9 19. Despite numerous requests, RESPONDENT failed to remit rents collected of  
10 \$3,450 and \$200 in reserve funds to the owner.

11 20. RESPONDENT was the property manager of properties located at 9813  
12 Panorama Cliff Drive, Las Vegas and 1102 Jewel Springs Lane, North Las Vegas, Nevada for  
13 owners Danny Lam and Nina Tang.

14 21. RESPONDENT collected rents for May through September 2013 in the amount  
15 of \$11,308.77.

16 22. RESPONDENT failed to remit rents collected to the owners, Lam and Tang.

17 23. A subpoena was sent to Wells Fargo Bank for WC Realty & Property  
18 Management bank accounts.

19 24. RESPONDENT was the only signor on all WC Realty & Property Management  
20 bank accounts.

21 25. Bank records for three accounts were received by the Division; accounts ending  
22 3155, 3528 and 3544.

23 26. The bank records show tenant rent checks being deposited into all three WC  
24 Realty & Property Management accounts.

25 27. Between January and July 2013, RESPONDENT withdrew over \$15,000 in cash  
26 from ATMs and casinos.

27 28. As of February 2014, CHIN was replaced as the broker WC Realty and Property  
28 Management.

1 29. Although he initially cooperated in the transition, CHIN contacted existing  
2 tenants and instructed them to pay their rents directly to him via a bank account not  
3 associated with WC Realty & Property Management.

4 30. The tenants of property located at 6180 Glimmering Light Avenue paid CHIN  
5 through his personal company KH Associates \$2,466 for February and March 2014 rents.

6 31. CHIN failed to remit the rents to the owner of the Glimmering Light property.

7 **CONCLUSIONS OF LAW**

8 Based upon NAC 645.860 and the findings of fact, the Commission hereby finds by a  
9 preponderance of the evidence the following violations of law:

10 32. RESPONDENT violated NRS 645.310(4) by failing to maintain designated trust  
11 accounts.

12 33. RESPONDENT committed thirteen violations of NRS 645.630(1)(f) by failing to  
13 account for and remit client funds within a reasonable time.

14 34. RESPONDENT violated NRS 645.630(1)(h) by converting client funds for his  
15 own personal use.

16 35. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by  
17 failing to supply a written response to the Division.

18 **ORDER**

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

21 36. The RESPONDENT shall pay to the Division a total fine of \$161,918.12. The  
22 total fine reflects a fine of \$10,000.00 for each of the above violations of law and plus  
23 \$1,918.12 for hearing and investigative costs. Respondent shall pay the total fine to the  
24 Division within thirty (30) days of the effective date of this Order.

25 37. RESPONDENT'S Brokers license number B.0037507.LLC and property  
26 manager number PM.0164204.BK are hereby **REVOKED**.

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

