

FILED

MAR 28 2016

REAL ESTATE COMMISSION
BY *Robert Hardin*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2014-3233

Petitioner,

vs.

DARYL BYRON DeSHAW,

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 December 17, 2015 at 240 Water Street, Council Chambers, Henderson Nevada, 89015. Present were Commissioners Norma Jean Opatik, Sherrie Cartinella, Neil Schwartz, Devin Reiss and Lee Barrett. The Respondent, DARYL BYRON DeSHAW ("RESPONDENT" or "DeSHAW"), 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.

FACTUAL ALLEGATIONS

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 mail more than 30 days prior to the Hearing to RESPONDENT at the last known address RESPONDENT provided to the Division.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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, was licensed as a Salesperson under
6 license number S.0066553 and as a property manager under permit PM.0166120 and is
7 currently inactive and subject to the jurisdiction of the Division and the provisions of NRS
8 chapter 645 and NAC chapter 645.

9 6. RESPONDENT was an owner and salesperson of WC Realty and Property
10 Management, under broker William Chin.

11 7. Chin's broker's license was revoked by the Commission for embezzlement of
12 client funds.

13 8. Thereafter, RESPONDENT formed Trust Realty & Property Management, LLC
14 and hired broker Donald B. Parker.

15 9. RESPONDENT assumed the ownership of all of WC Realty management
16 contracts without the consent of the property owners.

17 10. RESPONDENT removed all of the licenses, property management files, tenant
18 checks and closed files from the offices of Trust Realty without the consent or knowledge of
19 broker Parker.

20 11. RESPONDENT collected rents in the amount of \$5,250 from tenants and failed
21 to remit the rents to the owners, ANCALA USA.

22 12. RESPONDENT failed to turn over to his broker the client funds he collected.

23 13. RESPONDENT signed a management agreement to manage property located
24 at 4111 Elvira Road, Pahrump, NV for owner Jody Todd.

25 14. The management agreement was not signed by the broker.

26 15. RESPONDENT failed to remit rents to Ms. Todd.

27 16. Three complaints were filed against RESPONDENT.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

occurred in the drafting or issuance of this Order.

This Order shall become effective on the 28th day of APRIL, 2016.

Dated this 16th day of MARCH, 2016.

NEVADA REAL ESTATE COMMISSION

By: 