

MAR 28 2016

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case Nos. RES 14-09-36-113
RES 14-01-36-374

Petitioner,

vs.

JANIE HILARIO,

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 October 14, 2014 at 555 E. Washington Avenue, Room 4401, Las Vegas Nevada, 89101. Present were Commissioners David Boyer, Norma Jean Opatik, Sherrie Cartinella, Neil Schwartz, and Richard Johnson. The Respondent, JANIE HILARIO ("RESPONDENT" or "HILARIO"), 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 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 was licensed as a Salesperson, license
6 number S.0050734 and as a property manager under permit PM.0164291, and is currently
7 inactive and subject to the jurisdiction of the Division and the provisions of NRS chapter 645
8 and NAC chapter 645.

9 6. At all times relevant hereto, RESPONDENT was the owner of Eagle One Realty
10 and held a salesperson license and a property manager permit.

11 7. At all times relevant hereto, Kenneth Divich was the broker for Eagle One Realty
12 and resided in Michigan.

13 8. RESPONDENT was the property manager of property located at 7706 Trails
14 Village Place, Las Vegas for the owner Lei Fang.

15 9. RESPONDENT failed to remit to the owner rents collected for May, July and
16 August 2013 in the total amount of \$1,900.

17 10. RESPONDENT submitted an affidavit response to the Division claiming that she
18 only owes Fang \$1,200.

19 11. RESPONDENT was the property manager of four properties for owners Hong
20 Zhao and Ge Wu.

21 12. Zhao and Wu terminated their management agreement with RESPONDENT in
22 July 2013 due to poor service and late remittance of rents.

23 13. RESPONDENT failed to remit to Zhao and Wu rents collected for the Moreno
24 Mountain property in the amount of \$1,600.

25 14. RESPONDENT provided the owners with a check in the amount of \$1,600, but
26 told them not to cash it because she did not have the funds to cover it. The owners have not
27 been paid this amount.

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1 15. Although requested numerous times, RESPONDENT failed to transfer any
2 security deposits or any of the files regarding the three transferred properties to the new
3 property manager.

4 16. RESPONDENT failed to provide to the Division the requested affidavit response
5 to the Zhao/Wu statement of fact.

6 17. RESPONDENT was the property manager of six properties for owner Jasmine
7 White.

8 18. RESPONDENT failed to remit to Ms. White six months of rent for all six
9 properties totaling \$18,000.

10 19. RESPONDENT also failed to pay HOA assessments on the White properties
11 pursuant to her contract.

12 20. RESPONDENT failed to provide to the Division the requested affidavit response
13 to the White statement of fact.

14 21. RESPONDENT was the property manager of property located at 3583 Hamock
15 Street, Las Vegas for property owner Susana Moritz.

16 22. RESPONDENT failed to remit to Ms. Moritz rents collected for June, July,
17 August and September 2013 in the amount of \$4,000.

18 23. After numerous requests, RESPONDENT gave Ms. Moritz a check for \$3,000 in
19 September 2013 that was returned for insufficient funds.

20 24. RESPONDENT failed to provide to the Division the requested transaction
21 documents and affidavit response to the Moritz statement of fact.

22 25. RESPONDENT was the property manager of property located at 9720
23 Wickstead Street, Las Vegas for owner Sargon Hasso.

24 26. Due to progressively late rental payments and poor service, Mr. Hasso
25 terminated the management agreement with RESPONDENT on July 1, 2013.

26 27. Although requested numerous times, RESPONDENT failed to transfer the
27 \$2,000 tenant security deposit to the new property manager for the Hasso property.

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1 39. RESPONDENT committed four violations of NRS 645.633(1)(h) by failing to
2 supply a written response to the Division.

3 ORDER

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

6 40. The RESPONDENT shall pay to the Division a total fine of \$221,769.46. The
7 total fine reflects a fine of \$10,000.00 for each of the above violations of law and plus
8 \$1,769.46 for hearing and investigative costs. Respondent shall pay the total fine to the
9 Division within ninety (90) days of the effective date of this Order.

10 41. RESPONDENT'S salesperson license number S.0050734 and property
11 manager permit PM.0164291 are hereby REVOKED.

12 42. The Division may institute debt collection proceedings for failure to timely pay
13 the total fine pursuant to NRS 645.630.

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

16 This Order shall become effective on the 29th day of APRIL, 2016.

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18 Dated this 28th day of JULY, 2016.

19 NEVADA REAL ESTATE COMMISSION

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21 By: Rayma Ganch
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