

FILED

AUG 01 2016

REAL ESTATE COMMISSION
BY *Rubén*

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 14-03-48-668

Petitioner,

vs.

DECISION

BORIS JAKUBCZACK,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, July 13, 2016, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. Respondent Boris Jakubczack ("RESPONDENT") and Ariana Popescu appeared and testified under oath at the hearing. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. RESPONDENT has been licensed by the Division as a real estate salesperson under license number S.0171381, since February 6, 2012.

2. At all times relevant to the Complaint, RESPONDENT was associated with broker Ariana Popescu ("Popescu") at Ameropan Realty and Property Management ("Ameropan Realty").

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1 3. Carine Jakubczack ("Carine") has been licensed as a real estate salesperson,
2 license number S.0171226, since December 16, 2011, and as a property manager, license
3 number PM.0165190, since January 3, 2012.

4 4. At all times relevant to the Complaint, Carine was also associated with Popescu
5 at Ameropan Realty.

6 5. RESPONDENT and Carine are the managers of Carbor Ltd.

7 6. RESPONDENT is the manager of Home Deco, LLC, a/k/a Home Deco Ltd.
8 ("Home Deco").

9 7. On or about March 27, 2013, Carol Jacques ("Jacques") paid \$1,200 to
10 RESPONDENT and Carine to establish CLI Invest LLC, and three other limited liability
11 companies, for Jacques.

12 8. At or around that same time, RESPONDENT and Carine convinced Jacques to
13 give \$57,000 to them for the purchase of 6800 East Lake Mead Blvd., Unit #2022, Las Vegas,
14 Nevada ("Unit 2022"), in the name of CLI Invest LLC.

15 9. At or around that same time, RESPONDENT and Carine told Jacques that she
16 would be able to "flip" Unit 2022 for a profit.

17 10. Unbeknownst to Jacques, RESPONDENT and Carine, through Carbor Ltd., had
18 just purchased Unit 2022 on or about March 12, 2013.

19 11. RESPONDENT and Carine did not put the title to Unit 2022 into CLI Invest
20 LLC's name until or about September 5, 2013.

21 12. Jacques was informed that CLI Invest LLC's purchase price of Unit 2022 was
22 only \$51,422.67.

23 13. When Jacques inquired about her remaining money, she learned that
24 RESPONDENT paid himself an extra \$1,890 in salesperson commission.

25 14. RESPONDENT did not have authorization from Jacques to take that extra
26 compensation.

27 15. RESPONDENT billed Jacques \$5,077 for alleged property repairs made by
28 Home Deco to Unit 2022.

- 1 16. RESPONDENT did not have authorization from Jacques to make those repairs.
- 2 17. RESPONDENT did not inform Jacques that RESPONDENT had an interest in
3 Home Deco.
- 4 18. Home Deco is not licensed to perform air conditioning repair, but
5 RESPONDENT charged Jacques \$850 for Home Deco's alleged repair to Unit 2022's air
6 conditioning unit.
- 7 19. RESPONDENT and Carine have not accounted for the remaining \$500 of
8 Jacques's \$57,000 expenditure.
- 9 20. On or about March 6, 2014, Jacques filed a Statement of Fact with the Division,
10 complaining about RESPONDENT's conduct.
- 11 21. On or about March 21, 2013, Robert Morin-Larochette ("Mr. Larochette") paid
12 \$950 to RESPONDENT and Carine to establish Pool'n'Care LLC for Mr. Larochette.
- 13 22. On or about that same day, Mr. Larochette gave \$63,000 to RESPONDENT and
14 Carine for the purchase 6800 East Lake Mead Blvd., Unit #1065, Las Vegas, Nevada ("Unit
15 1065") in the name of Pool'n'Care LLC.
- 16 23. Unbeknownst to Mr. Larochette, RESPONDENT and Carine instead purchased
17 Unit 1065 in the name of Carbor Ltd. on or about April 15, 2013.
- 18 24. RESPONDENT and Carine paid only \$55,000 for their April 15, 2013 purchase
19 of Unit 1065.
- 20 25. RESPONDENT paid himself an extra \$2,440 in salesperson commission.
- 21 26. RESPONDENT did not have authorization from Mr. Larochette to take that extra
22 compensation.
- 23 27. RESPONDENT billed Mr. Larochette \$3,401 for alleged property repairs made
24 by Home Deco to Unit 1065.
- 25 28. RESPONDENT did not have authorization from Mr. Larochette to make those
26 repairs.
- 27 29. RESPONDENT did not inform Mr. Larochette that RESPONDENT had an
28 interest in Home Deco.

1 30. RESPONDENT and Carine did not put the title to Unit 1065 into Pool'n'Care
2 LLC's name until or about December 12, 2013.

3 31. During the time Carbor Ltd. owned Unit 1065, RESPONDENT and Carine paid
4 for repairs and utilities at that property from Mr. Larochette's bank account, without permission
5 from Mr. Larochette.

6 32. On or about February 17, 2014, Mr. Larochette filed a Statement of Fact with the
7 Division, complaining about RESPONDENT's conduct.

8 33. On or about February 23, 2013, Christiany Bray ("Bray") paid \$950 to
9 RESPONDENT and Carine to establish CHB Vegas LLC for Bray.

10 34. On or about that same day, RESPONDENT and Carine told Bray that they could
11 help Bray purchase a condominium that could be rented at a profit.

12 35. On or about that same day, Bray gave \$1,500 to RESPONDENT and Carine as
13 earnest money for the purchase of 4516 West Lake Mead Blvd., Unit #101, Las Vegas,
14 Nevada ("Lake Mead Unit 101") in the name of CHB Vegas LLC.

15 36. On or about April 5, 2013, Bray gave \$47,210 to RESPONDENT and Carine to
16 complete the purchase of Lake Mead Unit 101 in the name of CHB Vegas LLC.

17 37. RESPONDENT and Carine never effectuated the purchase of Lake Mead Unit
18 101 for CHB Vegas LLC or Bray.

19 38. Despite requests from Bray, RESPONDENT and Carine failed to return Bray's
20 money.

21 39. Instead, on or about August 26, 2013, RESPONDENT and Carine informed Bray
22 that they had purchased 3969 Rebecca Raiter, Unit #101, Las Vegas, Nevada ("Rebecca
23 Raiter Unit 101") in the name of CHB Vegas LLC.

24 40. Unbeknownst to Bray, RESPONDENT and Carine, through Carbor Ltd., had
25 owned Rebecca Raiter Unit 101 since January 24, 2013.

26 41. RESPONDENT and Carine did not put the title to Rebecca Raiter Unit 101 into
27 CHB Vegas LLC's name until or about December 12, 2013.

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1 42. When RESPONDENT and Carine purchased Rebecca Raiter Unit 101 on behalf
2 of CHB Vegas, LLC, the purchase price was only \$39,000.

3 43. With respect to remaining money received from Bray, RESPONDENT billed
4 CHB Vegas LLC for alleged property repairs made by Home Deco to Rebecca Raiter Unit
5 101.

6 44. RESPONDENT did not have authorization from Bray to make those repairs.

7 45. RESPONDENT did not inform Bray that RESPONDENT had an interest in Home
8 Deco.

9 46. On or May 5, 2014, CHB Vegas LLC filed a Statement of Fact with the Division,
10 complaining about RESPONDENT's conduct.

11 47. Claudine Morin-Larochette ("Ms. Larochette") and Philippe Barbot ("Barbot") own
12 BML Purple Shadow 7, LLC ("BML").

13 48. In or about December 2012, RESPONDENT and Carine contacted Ms.
14 Larochette and Barbot and told them that they (RESPONDENT and Carine) could buy real
15 estate properties on behalf of BML, and then sell them for a profit.

16 49. On or about March 21, 2013, Ms. Larochette and Barbot sent \$62,000 to
17 RESPONDENT and Carine for the purchase of 517 Indian Bluff, Unit #202, Las Vegas,
18 Nevada ("Unit 202") in the name of BML.

19 50. RESPONDENT and Carine told Ms. Larochette and Barbot that Unit 202 could
20 "flipped" for \$72,900.

21 51. Unbeknownst to Ms. Larochette and Barbot, RESPONDENT and Carine instead
22 purchased Unit 202 in the name of Carbor Ltd. on or about March 25, 2013.

23 52. RESPONDENT and Carine did not put the title to Unit 202 into BML's name until
24 or about May 8, 2013.

25 53. On or about July 8, 2013, Ms. Larochette and Barbot gave \$70,844 to
26 RESPONDENT and Carine to purchase 4555 East Sahara Avenue, Unit #209, Las Vegas,
27 Nevada ("Unit 209"), in the name of BML.

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1 54. Unbeknownst to Ms. Larochette and Barbot, Carbor Ltd. had just bought Unit
2 209 on or about June 25, 2013.

3 55. In or about October 2013, Ms. Larochette and Barbot came to Las Vegas and
4 RESPONDENT and Carine gave them an unrecorded deed in the name of BML for Unit 209.

5 56. On or about January 31, 2014, RESPONDENT and Carine finally transferred
6 title to Unit 209 to BML.

7 57. Ms. Larochette and Barbot also own Hair Management LLC.

8 58. On or about March 27, 2013, Ms. Larochette and Barbot gave \$37,500 to
9 RESPONDENT and Carine for the purchase of 6800 East Lake Mead Blvd., Unit #1051, Las
10 Vegas, Nevada ("Unit 1051"), in the name of Hair Management LLC.

11 59. Unbeknownst to Ms. Larochette and Barbot, RESPONDENT and Carine instead
12 purchased Unit 1051 in the name of Carbor Ltd. on or about April 8, 2013.

13 60. RESPONDENT and Carine did not put the title to Unit 1051 into Hair
14 Management LLC's name until or about June 27, 2013.

15 61. Without approval from Ms. Larochette and Barbot, RESPONDENT made himself
16 the managing member of Hair Management LLC on or about July 2, 2013.

17 62. On or about July 3, 2013, RESPONDENT and Carine sold Unit 1051 to a third
18 party without authorization from Ms. Larochette and Barbot.

19 63. Without permission from Ms. Larochette and Barbot, RESPONDENT paid
20 himself an extra \$2,310 in broker fees or salesperson commission.

21 64. On or May 5, 2014, Ms. Larochette and Barbot filed a Statement of Fact with the
22 Division, complaining about RESPONDENT's conduct.

23 65. In or about August 2012, RESPONDENT and Carine convinced Magalie Simon
24 ("Simon") to purchase 6800 East Lake Mead Blvd., Unit #2127, Las Vegas, Nevada ("Unit
25 2127").

26 66. Simon paid RESPONDENT and Carine to establish DMS US LLC for Simon's
27 planned purchase of Unit 2127.

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