

FILED

MAR 28 2016

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Rhonda J. ...*

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

Case No. RES 14-09-30-107

Petitioner,

vs.

**ORDER APPROVING STIPULATION FOR
SETTLEMENT OF DISCIPLINARY ACTION**

DAVID J. JOHNSON,

Respondent.

The Stipulation for Settlement of Disciplinary Action having come before Nevada Real Estate Commission (Commission) on December 10, 2013, and the Commission being fully apprised in the premises, and good cause appearing to the Commission,

IT IS HEREBY ORDERED that the Stipulation for Settlement of Disciplinary Action, attached hereto as Exhibit "A" and incorporated herein, be and is hereby approved.

The Stipulation was effective December 10, 2013, the day it was approved by the Commission.

DATED this 16th day of MARCH, 2016

NEVADA REAL ESTATE COMMISSION

By: *Rhonda J. ...*

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

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EXHIBIT “A”

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REAL ESTATE COMMISSION
R. Anderson

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RE 14-09-30-107

Petitioner,

vs.

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

DAVID J. JOHNSON,

Respondent.

This Stipulation for Settlement of Disciplinary Action (Stipulation) is entered into between the Petitioner, State of Nevada, Department of Business and Industry, Real Estate Division (Division), through its Administrator, Gail J. Anderson, and Respondent, DAVID J. JOHNSON ("Respondent" or "JOHNSON").

JURISDICTION

1. Respondent stipulates and agrees that he was at all relevant times, licensed in Nevada by the Division as alleged in the Complaint. Respondent agrees that he is subject to Nevada Revised Statutes (NRS) Chapter 645 and Nevada Administrative Code (NAC) Chapter 645 and to the jurisdiction of the Division and the Commission.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

2. RESPONDENT is licensed as a salesperson, license number S.0053303 and is currently in an active status and subject to the jurisdiction of the Division and provisions of NRS and NAC Chapter 645.

3. At all times relevant hereto, RESPONDENT also held a property management permit number PM.0164445 which is currently inactive.

4. At all times relevant hereto, RESPONDENT's broker was Michael A. Vannozi, Vegas One Realty.

5. At all times relevant hereto, RESPONDENT's mother, Ronda Matthews-Wolfe, was a broker salesperson and the designated property manager with Vegas One Realty.

1 6. RESPONDENT and Ms. Matthews-Wolfe conducted property management
2 activities for Vegas One Realty.

3 7. Both Michael Vannozzi and Ronda Matthews-Wolfe were signors on the
4 property management security deposit trust account and the property management operating
5 trust account.

6 8. RESPONDENT converted client trust account funds for his own personal use on
7 or about April 23, 2012 by depositing a \$1,000 check from the Vegas One Realty Security
8 Deposit trust account into his personal account.

9 9. RESPONDENT converted client trust account funds for his own personal use on
10 or about August 16, 2012 by depositing a \$1,500 check from the Vegas One Realty Security
11 Deposit trust account into his personal account.

12 10. RESPONDENT converted client trust account funds for his own personal use on
13 or about September 26, 2012 by depositing a \$5,000 check from the Vegas One Realty
14 Security Deposit trust account into his personal account.

15 11. RESPONDENT converted client trust account funds for his own personal use on
16 or about November 14, 2012 by depositing a \$1,400 check from the Vegas One Realty
17 Security Deposit trust account into his personal account.

18 12. RESPONDENT admits that he removed \$8,900 from the security deposit trust
19 account for himself.

20 13. RESPONDENT also used Ms. Matthews-Wolfe's signature stamp on checks
21 written from the operating trust account to owners whose properties were vacant between
22 March and July 2013.

23 14. Ms. Matthews-Wolfe deposited approximately \$25,000 of her own money into
24 the trust accounts to replace the missing funds.

25 **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

26 15. RESPONDENT committed **four** violations of NRS 645.630(1)(h) by commingling
27 and converting client trust account funds by transferring client trust account monies into his
28 own personal account for his personal use.

1 23. The first payment of \$415.00 shall be due within 90 days of the effective date of
2 the Commission's Order Approving Stipulation. Then thirty five additional installment
3 payments of \$415.00 and one last payment of \$60.00 shall be due on the 15th day of each
4 month following the initial payment until the administrative fine is paid in full. No grace period
5 is permitted. Any installment payment not actually received by the Division on or before its
6 due date may be construed as an event of default by the Respondent.

7 24. In the event of default, Respondent agrees that the unpaid balance of the
8 administrative fine shall become immediately accelerated, and the unpaid balance, shall be
9 due in full to the Division within ten calendar days of the date of default. Further, debt
10 collection actions for unpaid monetary assessments in this case may be instituted by the
11 Division.

12 25. The Division agrees not to pursue any other or greater remedies or fines in
13 connection with Respondent's alleged conduct referenced herein.

14 26. Respondent and the Division agree that by entering into this Stipulation, the
15 Division does not concede any defense or mitigation Respondent may assert and that once
16 this Stipulation is approved and fully performed, the Division will close its file in this matter.

17 27. Respondent agrees that if the administrative fine is not paid within the time
18 period set forth hereinabove, the Division may, at its option, rescind this Stipulation and
19 proceed with prosecuting the Complaint before the Commission.

20 28. Respondent agrees and understands that by entering into this Stipulation,
21 Respondent is waiving his right to a hearing at which Respondent may present evidence in his
22 defense, his right to a written decision on the merits of the complaint, his rights to
23 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may
24 be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate Brokers
25 and Salespersons statutes and accompanying regulations, and the federal and state
26 constitutions. Respondent understands that this Agreement and other documentation may be
27 subject to public records laws. The Commission members who review this matter for approval
28 of this Stipulation may be the same members who ultimately hear, consider and decide the

1 Complaint if this Stipulation is either not approved by the Commission or is not timely
2 performed by Respondent. Respondent fully understands that he has the right to be
3 represented by legal counsel in this matter at his own expense.

4 29. Each party shall bear its own attorney's fees and costs.

5 30. Stipulation is Not Evidence. Neither this Stipulation nor any statements made
6 concerning this Stipulation may be discussed or introduced into evidence at any hearing on
7 the Complaint, if the Division must ultimately present its case based on the Complaint filed in
8 this matter.

9 31. Approval of Stipulation. Once executed, this Stipulation will be filed with the
10 Commission and will be placed on the agenda for approval at its December 2013 public
11 meeting. The Division will recommend to the Commission approval of the Stipulation.
12 Respondent agrees that the Commission may approve, reject, or suggest amendments to this
13 Stipulation that must be accepted or rejected by Respondent before any amendment is
14 effective.

15 32. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
16 amendments unacceptable to Respondent, Respondent may withdraw from this Stipulation
17 and the Division may pursue its Complaint before the Commission at the Commission's next
18 regular public meeting.

19 33. Release. In consideration of execution of this Stipulation, the Respondent for
20 himself or herself, his or her heirs, executors, administrators, successors, and assigns, hereby
21 release, remise, and forever discharge the State of Nevada, the Department of Business and
22 Industry and the Division, and each of their respective members, agents, employees and
23 counsel in their individual and representative capacities, from any and all manner of actions,
24 causes of action, suits, debts, judgments, executions, claims, and demands whatsoever,
25 known and unknown, in law or equity, that the Respondent ever had, now has, may have, or
26 claim to have, against any or all of the persons or entities named in this section, arising out of
27 or by reason of the Division's investigation, this disciplinary action, and all other matters
28 relating thereto.

1 34. Indemnification. Respondent hereby indemnifies and holds harmless the State
2 of Nevada, the Department of Business and Industry, the Division, and each of their
3 respective members, agents, employees and counsel in their individual and representative
4 capacities against any and all claims, suits, and actions brought against said persons and/or
5 entities by reason of the Division's investigation, this disciplinary action and all other matters
6 relating thereto, and against any and all expenses, damages, and costs, including court costs
7 and attorney fees, which may be sustained by the persons and/or entities named in this
8 section as a result of said claims, suits, and actions.

9 35. Respondent has signed and dated this Stipulation only after reading and
10 understanding all terms herein.

11
12 Dated: December 10, 2013

By: 

DAVID J. JOHNSON, Respondent

13
14 Dated: 12/10/13

State of Nevada
Department of Business and Industry
Real Estate Division

By: 

Gail J. Anderson, Administrator

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18 Approved as to form:

19 Dated: 12/10/13

20 CATHERINE CORTEZ MASTO
21 Attorney General

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23 By: 

Kimberly A. Arguello
24 Senior Deputy Attorney General
25 Attorney for the Real Estate Division
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