

FILED

MAR 28 2016

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. RES 12-04-19-317
RES 13-08-08-042
RES 13-08-09-043

Petitioner,

vs.

**ORDER APPROVING VOLUNTARY
SURRENDER IN LIEU
OF OTHER DISCIPLINARY ACTION**

GORDON D. VICIAN ,

Respondent.

The Voluntary Surrender in Lieu of Other Discipline 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 Voluntary Surrender in Lieu of Other Discipline, 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: *[Signature]*

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

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EXHIBIT "A"

FILED

MAR 28 2016

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Rebecca A. K.*

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

Case No. RES 12-04-19-317
RES 12-08-08-042
RES 13-08-09-043

Petitioner,

vs.

**VOLUNTARY SURRENDER IN LIEU
OF OTHER DISCIPLINARY ACTION**

GORDON D. VICIAN ,

Respondent.

I, GORDON D. VICIAN, wish to voluntarily surrender my Broker's License No. B.0049444.INDV in lieu of other disciplinary action by the Real Estate Division. I freely admit that the Division has sufficient evidence to establish the allegations in the Complaints and Notices of Hearing attached as Exhibit A. By signing this voluntary surrender I am not admitting to any criminal conduct.

I am aware of, understand, and have been advised of the effect of this Agreement, which I have carefully read and fully acknowledge. No coercion has been exerted on me to enter into this agreement. I acknowledge my right to an attorney at my own expense. I have had the benefit at all times of advice from competent legal counsel of my choice if I so elected.

I am aware of my rights including the right to a hearing on any charges and/or allegations, the right to examine witnesses who would testify against me, the right to present evidence in my favor and call witnesses on my behalf, or to testify myself, the right to contest the charges and allegations, the right to reconsideration, appeal or any other type of formal judicial review of this matter, and any other rights which may be accorded to me pursuant to the Nevada Administrative Procedures Act and the provision of Chapter 645 of the Nevada Revised Statutes and the Nevada Administrative Code. I agree to waive the foregoing rights upon acceptance of this agreement by the Commission.

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

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Las Vegas, NV 89101

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I understand that this action is subject to the public records laws. I understand that this
surrender is effective the day it is accepted by the Real Estate Commission of Nevada, however,
I agree to immediately cease and desist practicing as a licensed real estate broker..

Dated: 12-10-13

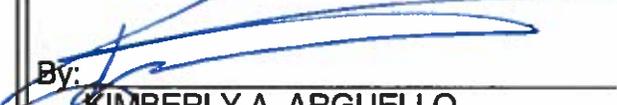

GORDON D. VICIAN, Respondent

Dated: 12-10-13

STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
REAL ESTATE DIVISION

By: 
GAIL J. ANDERSON, Administrator

Approved as to form:
CATHERINE CORTEZ MASTO
Attorney General

By: 
KIMBERLY A. ARGUELLO
Senior Deputy Attorney General
555 East Washington Ave., Ste. 3900
Las Vegas, NV 89101
Counsel for the Real Estate Division

FILED

JAN 24 2013

REAL ESTATE COMMISSION
[Signature]

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RES 12-04-19-317

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

GORDON D. VICIAN,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT GORDON D. VICIAN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

Respondent GORDON D. VICIAN was at all relevant times mentioned in this Complaint licensed as a broker by the DIVISION under license number B.0049444.INDV and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed as a broker by the DIVISION under license number B.0049444.INDV since 2001, currently active,

1 and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and
2 NAC chapter 645

3 2. At all times relevant, RESPONDENT was the broker for Maverick Real Estate.

4 3. Nancy L. Anderson, licensed as a broker-salesperson (license number
5 BS.0020897.MGR) as a property manager (permit number PM.0162642.DES) was at all times
6 relevant to the complaint associated with Maverick Real Estate and RESPONDENT broker.

7 4. On or about October 1, 2009, Nancy L. Anderson, as the agent for Maverick
8 Real Estate, entered into a Residential Property Management Agreement with Andrea and
9 Matt Sparrow, the owners, for the management of property located at 10784 Vineyard Pass
10 Street, Las Vegas, Nevada 89141 ("Vineyard Pass property").

11 5. On or about October 1, 2009, Nancy L. Anderson entered into a Residential
12 Lease Agreement with tenants for the Vineyard Pass property.

13 6. During the course of Nancy L. Anderson management of the property, she
14 allowed the tenants to pay rent late and failed to collect any late fees pursuant to the terms of
15 the lease agreement.

16 7. Nancy L. Anderson failed to collect rent from the tenants and allowed them to
17 live in the property rent-free from May 2011 through February 2012.

18 8. Nancy L. Anderson failed to initiate timely eviction proceedings.

19 9. Nancy L. Anderson failed to communicate with the owners of the property; would
20 not accept telephone calls, return voicemail messages or return email messages.

21 10. The property owners were forced to hire a new property manager in February
22 2012 in order to evict the tenants.

23 11. As a result of the prolonged non-payment of rent, the owners were unable to
24 meet their mortgage obligation on the property and were force to short sell the property.

25 12. RESPONDENT collected a security deposit of \$1,995 from the tenants.

26 13. RESPONDENT has failed to remit the security deposit to the owners or to the
27 new property manager.

28 14. RESPONDENT failed in his duty to supervise Nancy L. Anderson.

1 ...
2 15. On April 23, 2012, the DIVISION sent a letter to RESPONDENT requesting a
3 notarized affidavit response to the allegations in the complaint by May 7, 2012.

4 16. RESPONDENT failed to respond to the DIVISION's April 23, 2012 request.

5 17. On May 17, 2012, the DIVISION sent a certified letter to RESPONDENT
6 requesting a response.

7 18. To date, RESPONDENT has failed to provide a written response regarding the
8 allegations to the DIVISION.

9 19. RESPONDENT has failed to submit required trust account reconciliations to the
10 DIVISION for years 2010, 2011 and 2012.

11 VIOLATIONS

12 RESPONDENT has committed the following violations of law:

13 20. RESPONDENT violated NAC 645.600 (1) for failing to supervise Nancy L.
14 Anderson regarding the above referenced property management.

15 21. RESPONDENT violated NRS 645.630 (1)(f) for failing to remit the tenant
16 security deposit to the owner or the new property manager.

17 22. RESPONDENT violated NRS 645.633 (1)(h) pursuant to NAC 645.605 (11)(b)
18 by failing to supply a written response to the DIVISION and impeding the investigation of the
19 DIVISION.

20 23. RESPONDENT is in violation of **three counts** NRS 645.310 for failing to provide
21 the DIVISION with trust account reconciliations for the years 2010, 2011 and 2012.

22 DISCIPLINE AUTHORIZED

23 24. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
24 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
25 further to suspend, revoke or place conditions on the license of RESPONDENT.

26 25. Additionally, under NRS Chapter 622, the Commission is authorized to impose
27 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if
28 the Commission otherwise imposes discipline on Respondent.

1 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
2 the meeting, although you must pay for the transcription.

3 As the Respondent, you are specifically informed that you have the right to appear and
4 be heard in your defense, either personally or through your counsel of choice. At the hearing,
5 the Division has the burden of proving the allegations in the complaint and will call witnesses
6 and present evidence against you. You have the right to respond and to present relevant
7 evidence and argument on all issues involved. You have the right to call and examine
8 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
9 to the issues involved.

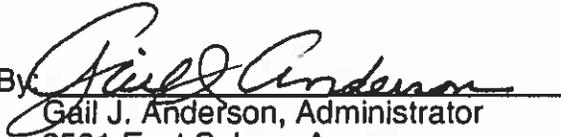
10 You have the right to request that the Commission issue subpoenas to compel
11 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
12 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
13 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
14 233B, and NAC 645.810 through 645.875.

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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the
3 evidence presented and to further determine what administrative penalty is to be assessed
4 against the RESPONDENT, if any, pursuant to NRS 645.633 and/or NRS 645.630.

5 DATED this 24 day of January, 2013.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 

10 Gail J. Anderson, Administrator
11 2501 East Sahara Avenue
12 Las Vegas, Nevada 89104-4137
13 (702) 486-4033

14 CATHERINE CORTEZ MASTO
15 Attorney General

16 By: 

17 KIMBERLY A. ARGUELLO
18 Senior Deputy Attorney General
19 555 East Washington Ave., Ste. 3900
20 Las Vegas, Nevada 89101
21 (702) 486-3094
22 Attorneys for Real Estate Division
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FILED

JAN 23 2013

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. RES 13-08-08-042

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

GORDON D. VICIAN,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT GORDON D. VICIAN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

Respondent GORDON D. VICIAN was at all relevant times mentioned in this Complaint licensed as a broker by the DIVISION under license number B.0049444.INDV and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed as a broker by the DIVISION under license number B.0049444.INDV since 2001, currently

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

1 active, and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645
2 and NAC chapter 645.

3 2. At all times relevant, RESPONDENT was the broker for Maverick Real Estate.

4 3. Nancy L. Anderson, licensed as a broker-salesperson (license number
5 BS.0020897.MGR) as a property manager (permit number PM.0162642.DES) was at all times
6 relevant to the complaint associated with Maverick Real Estate and RESPONDENT broker.

7 4. Nancy L. Anderson was the listing agent for a property located at 10301 Rainy
8 Breeze, Las Vegas, Nevada in January 2012.

9 5. The property was a short sale and Yvette Mejia, through her agent, made an
10 offer on the property on January 25, 2012.

11 6. The offer was accepted by the seller on January 28, 2012.

12 7. Ms. Mejia's agent made contact with Nancy L. Anderson on a weekly basis
13 thereafter, but RESPONDENT failed to communicate regarding the transaction.

14 8. On or about April 10, 2012, the bank holding the first lien approved the sale.

15 9. Nancy L. Anderson did not communicate the first lienholder's approval to Ms.
16 Mejia and her agent until May 7, 2012.

17 10. The approval closing date was May 14, 2012, so an extension was requested
18 due to the late notice from Nancy L. Anderson.

19 11. Then Ms. Mejia and her agent learned that there was a second lienholder on the
20 property. Nancy L. Anderson failed to communicate this fact to Ms. Mejia or her agent.

21 12. Thereafter, Nancy L. Anderson failed to respond to Ms. Mejia or her agent.

22 13. On June 13, 2012, the DIVISION sent a letter to RESPONDENT requesting a
23 written response to Ms. Mejia's complaint and a copy of the broker transaction file by June 27,
24 2012.

25 14. RESPONDENT failed to respond to the DIVISION's June 13, 2012 request.

26 15. On July 12, 2012, the DIVISION sent a certified letter to RESPONDENT
27 requesting a response and the documents.

28 . . .

1 16. To date, RESPONDENT has failed to provide a written response regarding the
2 allegations and has failed to provide any of the requested documents to the DIVISION.

3 **VIOLATIONS**

4 RESPONDENT has committed the following violations of law:

5 17. RESPONDENT violated NAC 645.600 (1) for failing to supervise Nancy L.
6 Anderson regarding the above referenced transaction.

7 18. RESPONDENT violated NRS 645.633 (1)(h) pursuant to NAC 645.605 (11)(b)
8 by failing to supply a written response to the DIVISION and impeding the investigation of the
9 DIVISION.

10 19. RESPONDENT violated NRS 645.633 (1)(h) pursuant to NAC 645.605 (11)(a)
11 by failing to produce documents requested by the DIVISION and impeding the investigation of
12 the DIVISION.

13 **DISCIPLINE AUTHORIZED**

14 20. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
15 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
16 further to suspend, revoke or place conditions on the license of RESPONDENT.

17 21. Additionally, under NRS Chapter 622, the Commission is authorized to impose
18 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if
19 the Commission otherwise imposes discipline on Respondent.

20 22. Therefore, the Division requests that the Commission take such disciplinary
21 action as it deems appropriate under the circumstances.

22 **NOTICE OF HEARING**

23 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
24 Administrative Complaint against the above-named Respondent in accordance with Chapters
25 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
26 Code.

27 **THE HEARING WILL TAKE PLACE on February 26, 2013 commencing at 8:30**
28 **a.m., or as soon thereafter as the Commission is able to hear the matter, at the**

1 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,
2 Henderson, Nevada 89015. The meeting will continue on February 27, 2013 at the
3 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,
4 Henderson, Nevada 89015, commencing at 8:30 a.m. and on February 28, 2013, starting
5 at 8:30 a.m. at the Henderson City Hall, Council Chambers Conference Room, 240
6 Water Street, Henderson, Nevada 89015.

7 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
8 same time as part of a regular meeting of the Commission that is expected to last from
9 February 26 through February 28, 2013. Thus, your hearing may be continued until later in
10 the day or from day to day. It is your responsibility to be present when your case is called. If
11 you are not present when your hearing is called, a default may be entered against you and the
12 Commission may decide the case as if all allegations in the complaint were true. If you need
13 to negotiate a more specific time for your hearing in advance because of coordination with out
14 of state witnesses or the like, please call Rebecca Hardin, Commission Coordinator (702)
15 486-4074.

16 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
17 open meeting under Nevada's open meeting law, and may be attended by the public. After
18 the evidence and arguments, the commission may conduct a closed meeting to discuss your
19 alleged misconduct or professional competence. A verbatim record will be made by a certified
20 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
21 the meeting, although you must pay for the transcription.

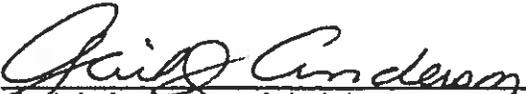
22 As the Respondent, you are specifically informed that you have the right to appear and
23 be heard in your defense, either personally or through your counsel of choice. At the hearing,
24 the Division has the burden of proving the allegations in the complaint and will call witnesses
25 and present evidence against you. You have the right to respond and to present relevant
26 evidence and argument on all issues involved. You have the right to call and examine
27 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
28 to the issues involved.

1 You have the right to request that the Commission issue subpoenas to compel
2 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
3 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
4 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
5 233B, and NAC 645.810 through 645.875.

6 The purpose of the hearing is to determine if the Respondent has violated NRS 645
7 and/or NAC 645 and if the allegations contained herein are substantially proven by the
8 evidence presented and to further determine what administrative penalty is to be assessed
9 against the RESPONDENT, if any, pursuant to NRS 645.633 and/or NRS 645.630.

10 DATED this 23rd day of January, 2013.

11 State of Nevada
12 Department of Business and Industry
13 Real Estate Division

14 By: 
15 Gail J. Anderson, Administrator
16 2501 East Sahara Avenue
17 Las Vegas, Nevada 89104-4137
18 (702) 486-4033

19 CATHERINE CORTEZ MASTO
20 Attorney General

21 By: 
22 KIMBERLY A. ARGUELLO
23 Senior Deputy Attorney General
24 555 East Washington Ave., Ste. 3900
25 Las Vegas, Nevada 89101
26 (702) 486-3094
27 Attorneys for Real Estate Division
28

JAN 24 2013

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. RES 13-08-09-043

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

GORDON D. VICIAN,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT GORDON D. VICIAN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT GORDON D. VICIAN was at all relevant times mentioned in this Complaint licensed as a broker by the DIVISION under license number B.0049444.INDV and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed as a broker by the DIVISION under license number B.0049444.INDV since 2001, currently

1 active, and is subject to the jurisdiction of the Division and the provisions of NRS chapter 645
2 and NAC chapter 645.

3 2. At all times relevant, RESPONDENT was the broker for Maverick Real Estate.

4 3. Nancy L. Anderson, licensed as a broker-salesperson (license number
5 BS.0020897.MGR) as a property manager (permit number PM.0162642.DES) was at all times
6 relevant to the complaint associated with Maverick Real Estate and RESPONDENT broker.

7 4. Nancy L. Anderson, as the agent for Maverick Real Estate, entered into
8 Residential Property Management Agreements with Scott Fujiwara, the owner, for the
9 management of properties located at 2745 Jenny Diane Drive units A, B, C and D, Las Vegas
10 Nevada; 5401 Lazy Meadow Court, Las Vegas Nevada; and 4332 Cinema Avenue, North Las
11 Vegas, Nevada.

12 5. Nancy L. Anderson failed to use reasonable efforts to rent the properties, leaving
13 them vacant for two to eight months.

14 6. Nancy L. Anderson failed to perform regular inspections of the properties which
15 allowed the Lazy Meadow property to develop a problem with mold.

16 7. Nancy L. Anderson failed to forward rents to owner.

17 8. On or about February 16, 2011, the owner terminated the property management
18 agreements with Nancy L. Anderson and Maverick Real Estate.

19 9. Upon termination, the owner demanded all lease paperwork, rents owned and
20 security deposits.

21 10. Nancy L. Anderson and RESPONDENT failed to transfer the money and
22 documents to owner despite numerous requests.

23 11. RESPONDENT failed in his duty to supervise Nancy L. Anderson.

24 12. October 17, 2011, the DIVISION sent a letter to RESPONDENT requesting a
25 notarized affidavit response to the allegations in the complaint by October 31, 2011.

26 13. RESPONDENT failed to respond to the DIVISION's October 17, 2011 request.

27 14. On January 4, 2012, the DIVISION sent a certified letter to RESPONDENT
28 requesting a response.

1 15. To date, RESPONDENT has failed to provide a written response regarding the
2 allegations to the DIVISION.

3 **VIOLATIONS**

4 RESPONDENT has committed the following violations of law:

5 16. RESPONDENT violated NAC 645.600(1) for failing to supervise Nancy L.
6 Anderson.

7 17. RESPONDENT violated NRS 645.630(1)(f) for failing to remit the tenant security
8 deposit and/or rents collected to the owner or the new property manager.

9 18. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by
10 failing to supply a written response to the DIVISION and impeding the investigation of the
11 DIVISION.

12 **DISCIPLINE AUTHORIZED**

13 19. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
14 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
15 further to suspend, revoke or place conditions on the license of RESPONDENT.

16 20. Additionally, under NRS Chapter 622, the Commission is authorized to impose
17 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if
18 the Commission otherwise imposes discipline on Respondent.

19 21. Therefore, the Division requests that the Commission take such disciplinary
20 action as it deems appropriate under the circumstances.

21 **NOTICE OF HEARING**

22 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
23 Administrative Complaint against the above-named Respondent in accordance with Chapters
24 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
25 Code.

26 **THE HEARING WILL TAKE PLACE on February 26, 2013 commencing at 8:30**
27 **a.m., or as soon thereafter as the Commission is able to hear the matter, at the**
28 **Henderson City Hall, Council Chambers Conference Room, 240 Water Street,**

1 Henderson, Nevada 89015. The meeting will continue on February 27, 2013 at the
2 Henderson City Hall, Council Chambers Conference Room, 240 Water Street,
3 Henderson, Nevada 89015, commencing at 8:30 a.m. and on February 28, 2013, starting
4 at 8:30 a.m. at the Henderson City Hall, Council Chambers Conference Room, 240
5 Water Street, Henderson, Nevada 89015.

6 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the
7 same time as part of a regular meeting of the Commission that is expected to last from
8 February 26 through February 28, 2013. Thus, your hearing may be continued until later in
9 the day or from day to day. It is your responsibility to be present when your case is called. If
10 you are not present when your hearing is called, a default may be entered against you and the
11 Commission may decide the case as if all allegations in the complaint were true. If you need
12 to negotiate a more specific time for your hearing in advance because of coordination with out
13 of state witnesses or the like, please call Rebecca Hardin, Commission Coordinator (702)
14 486-4074.

15 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
16 open meeting under Nevada's open meeting law, and may be attended by the public. After
17 the evidence and arguments, the commission may conduct a closed meeting to discuss your
18 alleged misconduct or professional competence. A verbatim record will be made by a certified
19 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
20 the meeting, although you must pay for the transcription.

21 As the Respondent, you are specifically informed that you have the right to appear and
22 be heard in your defense, either personally or through your counsel of choice. At the hearing,
23 the Division has the burden of proving the allegations in the complaint and will call witnesses
24 and present evidence against you. You have the right to respond and to present relevant
25 evidence and argument on all issues involved. You have the right to call and examine
26 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
27 to the issues involved.

28 . . .

1 You have the right to request that the Commission issue subpoenas to compel
2 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
3 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
4 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
5 233B, and NAC 645.810 through 645.875.

6 The purpose of the hearing is to determine if the Respondent has violated NRS 645
7 and/or NAC 645 and if the allegations contained herein are substantially proven by the
8 evidence presented and to further determine what administrative penalty is to be assessed
9 against the RESPONDENT, if any, pursuant to NRS 645.633 and/or NRS 645.630.

10 DATED this 24th day of January, 2013.

11 State of Nevada
12 Department of Business and Industry
13 Real Estate Division

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