

JAN 07 2015

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. 2015-919

Petitioner,

vs.

DECISION

ELANA K. N. WILLIAMS,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada on Wednesday, December 16, 2015, at the Department of Employment, Training, and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, Nevada. Respondent Elana K. N. Williams ("RESPONDENT") did not appear. 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 Findings of Fact:

1. RESPONDENT has been licensed by the Division as a Salesperson under S.0170937, since September 16, 2011, and as a Property Manager under permit number PM.0165228, since January 27, 2012, and is in inactive status.

2. At all times relevant to the Complaint, RESPONDENT was associated with broker Mark Bowman at O48 Realty of Las Vegas.

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1 3. From April 5, 2014, until October 13, 2014, RESPONDENT acted as the
2 bookkeeper or in a related position at O48 Realty.

3 4. O48 Realty received rent payments from tenants in the form of cash, check, or
4 money order.

5 5. RESPONDENT directed O48 Realty's receptionist to not fill in the payee line or
6 the property address on any applicable checks and money orders submitted to O48 Realty.

7 6. On or about May 1, 2014, RESPONDENT received but did not deposit a \$1,000
8 money order into O48 Realty's management trust account at Nevada State Bank.

9 7. On or about May 7, 2014, RESPONDENT received but did not deposit a \$700
10 money order into O48 Realty's management trust account at Nevada State Bank.

11 8. On or about May 30, 2014, RESPONDENT received but did not deposit a \$650
12 money order into O48 Realty's management trust account at Nevada State Bank.

13 9. On or about June 2, 2014, RESPONDENT received but did not deposit a \$970
14 money order into O48 Realty's management trust account at Nevada State Bank.

15 10. On or about June 2, 2014, RESPONDENT received but did not deposit a \$1,000
16 money order into O48 Realty's management trust account at Nevada State Bank.

17 11. On or about June 2, 2014, RESPONDENT received but did not deposit a \$650
18 payment into O48 Realty's management trust account at Nevada State Bank.

19 12. On or about June 2, 2014, RESPONDENT received but did not deposit a \$600
20 money order into O48 Realty's management trust account at Nevada State Bank.

21 13. On or about June 2, 2014, RESPONDENT received but did not deposit an \$870
22 money order into O48 Realty's management trust account at Nevada State Bank.

23 14. On or about June 2, 2014, RESPONDENT received but did not deposit a \$750
24 money order into O48 Realty's management trust account at Nevada State Bank.

25 15. On or about June 4, 2014, RESPONDENT received but did not deposit a \$1,695
26 money order into O48 Realty's management trust account at Nevada State Bank.

27 16. On or about June 5, 2014, RESPONDENT received but did not deposit a \$1,795
28 money order into O48 Realty's management trust account at Nevada State Bank.

1 17. On or about June 8, 2014, RESPONDENT received but did not deposit a \$700
2 money order into O48 Realty's management trust account at Nevada State Bank.

3 18. On or about June 12, 2014, RESPONDENT received but did not deposit \$650 in
4 cash into O48 Realty's management trust account at Nevada State Bank.

5 19. On or about June 25, 2014, RESPONDENT received but did not deposit a
6 \$2,150 money order into O48 Realty's management trust account at Nevada State Bank.

7 20. On or about June 27, 2014, RESPONDENT received but did not deposit a
8 \$1,600 money order into O48 Realty's management trust account at Nevada State Bank.

9 21. On or about July 1, 2014, RESPONDENT received but did not deposit a \$1,800
10 money order into O48 Realty's management trust account at Nevada State Bank.

11 22. On or about July 7, 2014, RESPONDENT received but did not deposit a \$700
12 money order into O48 Realty's management trust account at Nevada State Bank.

13 23. On or about July 9, 2014, RESPONDENT received but did not deposit a \$1,200
14 money order into O48 Realty's management trust account at Nevada State Bank.

15 24. On or about July 18, 2014, RESPONDENT received but did not deposit an \$820
16 payment into O48 Realty's management trust account at Nevada State Bank.

17 25. On or about August 1, 2014, RESPONDENT received but did not deposit a \$600
18 money order into O48 Realty's management trust account at Nevada State Bank.

19 26. On or about August 1, 2014, RESPONDENT received but did not deposit a
20 \$1,000 money order into O48 Realty's management trust account at Nevada State Bank.

21 27. On or about August 5, 2014, RESPONDENT received but did not deposit a
22 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

23 28. On or about August 5, 2014, RESPONDENT received but did not deposit a
24 \$1,800 check into O48 Realty's management trust account at Nevada State Bank.

25 29. On or about August 6, 2014, RESPONDENT received but did not deposit a \$960
26 payment into O48 Realty's management trust account at Nevada State Bank.

27 30. On or about September 2, 2014, RESPONDENT received but did not deposit
28 \$2,030 in cash into O48 Realty's management trust account at Nevada State Bank.

1 31. On or about September 5, 2014, RESPONDENT received but did not deposit a
2 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

3 32. On or about September 12, 2014, RESPONDENT received but did not deposit a
4 \$1,095 money order into O48 Realty's management trust account at Nevada State Bank.

5 33. On or about October 3, 2014, RESPONDENT received but did not deposit a
6 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

7 34. On or about October 7, 2014, RESPONDENT received but did not deposit a
8 \$700 money order into O48 Realty's management trust account at Nevada State Bank.

9 35. On or about December 6, 2014, another O48 Realty employee prepared a bank
10 deposit, and left it in the O48 Realty office so it could be dropped off at the bank on Monday,
11 December 8, 2014.

12 36. On or about December 8, 2014, that employee discovered that a \$1,000 money
13 order and a \$680 money order were missing from the prepared deposit.

14 37. RESPONDENT took those two money orders and gave them to her husband.

15 38. Those money orders were made payable and cashed by RESPONDENT'S
16 husband.

17 39. When RESPONDENT was contacted about the missing money orders, she
18 alleged that her husband must have taken them.

19 40. By way of letter dated April 1, 2015, the Division required RESPONDENT to
20 respond to the Division's investigation.

21 41. RESPONDENT failed to supply a response to the Division's April 1, 2015 letter.

22 42. By way of letter dated May 1, 2015, the Division required RESPONDENT to
23 respond to the Division's investigation.

24 43. RESPONDENT failed to supply a response to the Division's May 1, 2015 letter.

25 **CONCLUSIONS OF LAW**

26 The Commission, based upon the preponderance of the evidence, makes the following
27 legal conclusions:

28 44. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters

1 645 and 233B and NAC Chapter 645.

2 45. Pursuant to NAC 645.860, the Commission finds that the following charges
3 specified in the Complaint are true and supported by substantial evidence.

4 46. RESPONDENT violated NRS 645.633(1)(h) or (i), pursuant to NAC 645.605(1),
5 on twenty-nine occasions by failing to deposit client money into the Trust Account.

6 47. RESPONDENT violated NRS 645.630(1)(h) on two occasions by comingling
7 client money with her own or converting the money of others to her own use.

8 48. RESPONDENT violated NAC 645.605(1) by failing to do her utmost to protect
9 the public against fraud, misrepresentation or unethical practices related to real estate.

10 49. RESPONDENT violated NAC 645.605(11)(a) and (b) on two occasions by failing
11 to supply a written response to the Division letters referenced above.

12 **ORDER**

13 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total fine of
14 \$341,316.55. The total fine reflects a fine of \$340,000.00 for committing the above violations
15 of law plus \$1,316.55 for hearing and investigative costs. RESPONDENT shall pay the total
16 fine to the Division within ninety (90) days of the effective date of this Order. The Division may
17 institute debt collection proceedings for failure to timely pay the total fine.

18 IT IS FURTHER ORDERED that RESPONDENT's real estate license and property
19 manager permit are hereby **REVOKED**.

20 The Commission retains jurisdiction for correcting any errors that may have occurred in
21 the drafting and issuance of this Decision.

22 This Order shall become effective on the ^{8th}~~6th~~ day of February, 2016.

23 DATED this 6th day of January, 2016.

24 REAL ESTATE DIVISION
25 STATE OF NEVADA

26
27 By: 
28 President, Nevada Real Estate Commission