

BEFORE THE REAL ESTATE COMMISSION

**FILED**

STATE OF NEVADA

OCT 27 2016

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2015-2027

REAL ESTATE COMMISSION  
BY *Robert B. ...*

Petitioner,

vs.

DANE C. BROOKS,

Respondent.

**COMPLAINT AND NOTICE OF HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT DANE C. BROOKS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The 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 was at all relevant times mentioned in this Complaint licensed by the Division as a broker under license number B.0062410.LLC, and as a property manager under permit number PM.0163550.BKR, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 1. RESPONDENT has been licensed as a broker under license number B.0062410.LLC  
3 since October 23, 2007, and as a property manager under permit number PM.0163550.BKR since  
4 October 23, 2007, and is currently in active status.

5 2. At all times relevant to the Complaint, RESPONDENT was the broker and property  
6 manager for Great Dane Industries LLC dba Valleywide Properties & Management ("Valleywide").

7 3. On or about January 3, 2014, Valleywide, through RESPONDENT, and Amy Cox  
8 ("Cox") entered into a Residential Lease Agreement.

9 4. Cox paid a \$1,400.00 security deposit pursuant to the Residential Lease Agreement.

10 5. On or about December 9, 2014, Cox notified RESPONDENT that she would be ending  
11 her tenancy on December 31, 2014.

12 6. RESPONDENT did not provide Cox with an itemized written accounting of the  
13 disposition of her security deposit within 30 days after the termination of the tenancy.

14 7. RESPONDENT did not return the remaining portion of the security deposit to Cox  
15 within 30 days after the termination of the tenancy.

16 8. On or about July 16, 2015, Cox filed a Statement of Fact with the Division, complaining  
17 about RESPONDENT'S conduct with respect to her security deposit.

18 9. Valleywide had a Security Deposit Account, XXXXXX8740.

19 10. Valleywide had an Owner's Trust Account, XXXXXX6835.

20 11. RESPONDENT had a personal checking account, XXXXXX0622.

21 12. RESPONDENT deposited tenants' security deposits into Owner's Trust Account,  
22 XXXXXX6835, instead of Security Deposit Account, XXXXXX8740.

23 13. RESPONDENT claimed he transferred money from Owner's Trust Account,  
24 XXXXXX6835, into Security Deposit Account, XXXXXX8740, whenever a tenant moved out of a  
25 Valleywide rental property in order to return the tenant's security deposit.

26 14. On or about January 20, 2015, RESPONDENT paid for a pizza with a credit card  
27 associated with Owner's Trust Account, XXXXXX6835.

28 ...

1 15. A Division audit determined that RESPONDENT should have been paid approximately  
2 \$8,757.00 a month in property management fees.

3 16. For the month of January 2015, RESPONDENT paid himself \$24,616.85 in property  
4 management fees from Owner's Trust Account, XXXXXX6835.

5 17. For the month of February 2015, RESPONDENT paid himself \$16,600.00 in property  
6 management fees from Owner's Trust Account, XXXXXX6835.

7 18. For the month of March 2015, RESPONDENT paid himself \$12,400.00 in property  
8 management fees from Owner's Trust Account, XXXXXX6835.

9 19. For the month of April 2015, RESPONDENT paid himself \$12,100.00 in property  
10 management fees from Owner's Trust Account, XXXXXX6835.

11 20. For the month of May 2015, RESPONDENT paid himself \$34,000.00 in property  
12 management fees from Owner's Trust Account, XXXXXX6835.

13 21. For the month of June 2015, RESPONDENT paid himself \$20,050.00 in property  
14 management fees from Owner's Trust Account, XXXXXX6835.

15 22. On or about June 8, 2015, RESPONDENT transferred \$1,000.00 from Owner's Trust  
16 Account, XXXXXX6835, into his personal checking account, XXXXXX0622.

17 23. On or about November 2, 2015, RESPONDENT submitted a trust account reconciliation  
18 report for the month of September 2015 to the Division indicating that he had \$20.98 in Security  
19 Deposit Account, XXXXXX8740.

20 24. A Division audit determined that RESPONDENT should have had approximately  
21 \$144,570.00 in Security Deposit Account, XXXXXX8740, in the month of September 2015.

22 **VIOLATIONS**

23 RESPONDENT has committed the following violations of law:

24 25. RESPONDENT violated NRS 645.630(1)(f), pursuant to NRS 118A.242(4), by failing,  
25 within a reasonable time, to remit money which came into his possession and which belonged to Cox  
26 when he did not provide Cox with an itemized written accounting of the disposition of her security  
27 deposit and did not return any remaining portion of that security to Cox within 30 days after the  
28 termination of the tenancy.



1 commencing at 9:00 a.m. through December 7, 2016, or earlier if the business of the Commission  
2 is concluded. The Commission meeting will be held on December 5, 2016, at the Grant Sawyer  
3 Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada  
4 89101. The meeting will continue on December 6, 2016 at the Nevada Department of  
5 Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C,  
6 Las Vegas, NV 89104, commencing at 9:00 a.m., and on December 7, 2016, should business not be  
7 concluded, starting at 9:00 a.m. at the Nevada Department of Employment Training and  
8 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV 89104.

9 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same  
10 time as part of a regular meeting of the Commission that is expected to last from December 5  
11 through December 7, 2016, or earlier if the business of the Commission is concluded. Thus, your  
12 hearing may be continued until later in the day or from day to day. It is your responsibility to be  
13 present when your case is called. If you are not present when your hearing is called, a default  
14 may be entered against you and the Commission may decide the case as if all allegations in the  
15 complaint were true. If you have any questions please call Rebecca Hardin, Commission  
16 Coordinator (702) 486-4074.

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

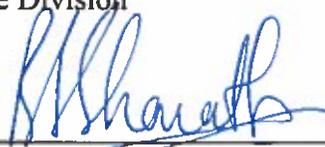
23 As the Respondent, you are specifically informed that you have the right to appear and be heard  
24 in your defense, either personally or through your counsel of choice. At the hearing, the Division has  
25 the burden of proving the allegations in the complaint and will call witnesses and present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

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

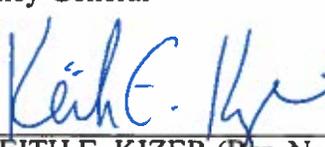
5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or  
6 NAC 645 and if the allegations contained herein are substantially proven by the evidence  
7 presented and to further determine what administrative penalty is to be assessed against the  
8 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

9 DATED this 27 day of October, 2016.

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

13 By:   
14 SHARATH CHANDRA, Administrator  
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16 Las Vegas, Nevada 89104-4137  
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18 ADAM PAUL LAXALT  
19 Attorney General

20 By:   
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27  
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