

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

OCT 27 2016

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. RES 14-10-09-122

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

HEATHER HICKS,

Respondent.

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 Donald J. Bordelove, Deputy Attorney General, hereby notifies RESPONDENT HEATHER HICKS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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 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 salesperson under license number S.0035070, 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 has been licensed by the Division as a Salesperson under license number S.0035070, since January 20, 1995, and is in active status.

1 2. At all times relevant to this Complaint, RESPONDENT was associated with First
2 United Management Group, LLC ("FUMG").

3 3. At all times relevant to this Complaint, Keith Leary and Sara Linton (collectively
4 "Complainants") were tenants at rental unit located at 8805 Jeffreys Street, Unit 2079, Las
5 Vegas, Nevada 89123 which included an accompanying garage unit designated as "Unit U-1".

6 4. At all times relevant to this Complaint, Stanley Willie ("Willie") and Toni Tillman
7 ("Tillman) were tenants at rental unit located at 8805 Jeffreys Street, Unit 1052, Las Vegas,
8 Nevada 89123 which included an accompanying garage unit designated as "Unit T-1".

9 5. On or about April 25, 2013, RESPONDENT rented out Unit 1052 to Willie and
10 Tillman.

11 6. RESPONDENT incorrectly informed Willie and Tillman that their garage unit was
12 Unit U-1, when in actuality it was Unit T-1.

13 7. On or about April 30, 2013, Complainant Leary went to his garage unit, Unit U-1,
14 where he had stored his possessions and noted that there were items in said Unit that did not
15 belong to him.

16 8. Complainant Leary further noted that some his possessions, a patio set, were
17 located on the premises of Unit 1052.

18 9. Upon further investigation, it was found that the tenants in Unit 1052 were told
19 by RESPONDENT that they could dispose of the items in Unit U-1, though the garage unit
20 actually assigned to Unit 1052 was Unit T-1.

21 10. The Complainants' items were removed from Unit U-1 without their knowledge
22 or permission.

23 11. On or about October 23, 2013, RESPONDENT informed the Division that on or
24 about April 27, 2013, Tillman texted RESPONDENT indicating there were items in Unit U-1
25 and requested whether these items could be thrown away.

26 12. RESPONDENT indicated that she sent her broker a text to confirm if Unit U-1
27 was the correct garage unit.

28

1 13. RESPONDENT admitted she did not receive a response from her broker prior to
2 her subsequent actions.

3 14. RESPONDENT admitted she "told them [Willie and Tillman] to go ahead clear it
4 [Unit U-1] out".

5 15. Tillman and/or Willie proceeded to dispose of some items in garage Unit U-1.

6 16. RESPONDENT failed to verify that she and FUMG had the correct garage unit
7 for Unit 1052 prior to giving permission to dispose of the items in Unit U-1.

8 **VIOLATIONS**

9 RESPONDENT has committed the following violation of law:

10 17. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(2) by
11 acting with gross negligence or incompetence in performing any act for which the person is
12 required to hold a license pursuant to this chapter.

13 **DISCIPLINE AUTHORIZED**

14 1. 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 2. 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 3. 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 December 5, 2016 commencing at 1:00**
28 **p.m., or as soon thereafter as the Commission is able to hear the matter, and each day**

1 thereafter commencing at 9:00 a.m. through December 7, 2016, or earlier if the business
2 of the Commission is concluded. The Commission meeting will be held on December
3 5, 2016, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington
4 Avenue, Room 2450, Las Vegas, Nevada 89101. The meeting will continue on
5 December 6, 2016 at the Nevada Department of Employment Training and
6 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV
7 89104, commencing at 9:00 a.m., and on December 7, 2016, should business not be
8 concluded, starting at 9:00 a.m. at the Nevada Department of Employment Training and
9 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV
10 89104.

11 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
12 same time as part of a regular meeting of the Commission that is expected to last from
13 December 5 through December 7, 2016, or earlier if the business of the Commission is
14 concluded. Thus, your hearing may be continued until later in the day or from day to
15 day. It is your responsibility to be present when your case is called. If you are not
16 present when your hearing is called, a default may be entered against you and the
17 Commission may decide the case as if all allegations in the complaint were true. If you
18 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
19 4074.

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

26 As the Respondent, you are specifically informed that you have the right to appear and
27 be heard in your defense, either personally or through your counsel of choice. At the hearing,
28 the Division has the burden of proving the allegations in the complaint and will call witnesses

1 and present evidence against you. You have the right to respond and to present relevant
2 evidence and argument on all issues involved. You have the right to call and examine
3 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
4 to the issues involved.

5 You have the right to request that the Commission issue subpoenas to compel
6 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
7 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
8 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
9 233B, and NAC 645.810 through 645.875.

10 The purpose of the hearing is to determine if the Respondent has violated NRS 645
11 and/or NAC 645 and if the allegations contained herein are substantially proven by the
12 evidence presented and to further determine what administrative penalty is to be assessed
13 against the Respondent, if any, pursuant to NRS 645.633 and/or NRS 645.630 and/or NRS
14 622.400.

15 DATED this 27 day of October, 2016.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

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