

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

OCT 27 2016

REAL ESTATE COMMISSION
BY *Adam Paul Laxalt*

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

Case No. 2016-974

Petitioner,

vs.

YAWEN (AMY) PAN,

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, Senior Deputy Attorney General, hereby notifies RESPONDENT YAWEN (AMY) PAN ("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 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 YAWEN (AMY) PAN was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0074999, 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 real estate salesperson, license number
3 S.0074999, since December 8, 2006, and is currently in suspended status.

4 2. On or about January 1, 2014, RESPONDENT entered into an Agreement to Manage and
5 Lease Real Estate for a rental unit at 2060 Rancho Lake Drive, Unit 103, Las Vegas, Nevada (the
6 "Property").

7 3. Pursuant to the Agreement to Manage and Lease Real Estate, RESPONDENT was to
8 remit monthly rent payments to the Property owners.

9 4. On or about January 1, 2014, RESPONDENT executed a Residential Lease Agreement
10 with tenants for the Property.

11 5. RESPONDENT received rent payments from the tenants for the months of April and
12 May 2014.

13 6. RESPONDENT failed to remit the April 2014 rent income (approximately \$575.00) to
14 the Property owners.

15 7. RESPONDENT failed to remit the May 2014 rent income (approximately \$575.00) to
16 the Property owners.

17 8. During approximately the first five months of the lease, the tenants committed violations
18 of the homeowners' association ("HOA") rules.

19 9. RESPONDENT informed the Property owners that RESPONDENT would attend HOA
20 meetings to address the violations, but did not attend those meetings.

21 10. RESPONDENT failed to take reasonable steps to ensure that the tenants' HOA
22 violations did not result in fines against the Property owners.

23 11. The tenants' HOA violations resulted in approximately \$1,900.00 in fines against the
24 Property owners.

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1 **VIOLATIONS**

2 RESPONDENT has committed the following violations of law:

3 12. RESPONDENT violated NRS 645.630(1)(f) on two occasions by failing, within a
4 reasonable time, to account for or to remit any money which came into her possession and which
5 belongs to others.

6 13. RESPONDENT violated NRS 645.633(1)(h) or (i), pursuant to NAC 645.605(5), by
7 breaching her obligation of absolute fidelity to her principal's interest.

8 **DISCIPLINE AUTHORIZED**

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

12 15. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
13 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
14 Commission otherwise imposes discipline on RESPONDENT.

15 16. Therefore, the Division requests that the Commission take such disciplinary action as it
16 deems appropriate under the circumstances.

17 **NOTICE OF HEARING**

18 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
19 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
20 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

21 **THE HEARING WILL TAKE PLACE on December 5, 2016 commencing at 1:00 p.m., or**
22 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
23 **commencing at 9:00 a.m. through December 7, 2016, or earlier if the business of the Commission**
24 **is concluded. The Commission meeting will be held on December 5, 2016, at the Grant Sawyer**
25 **Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada**
26 **89101. The meeting will continue on December 6, 2016 at the Nevada Department of**
27 **Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C,**
28 **Las Vegas, NV 89104, commencing at 9:00 a.m., and on December 7, 2016, should business not be**

1 concluded, starting at 9:00 a.m. at the Nevada Department of Employment Training and
2 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV 89104.

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

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

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

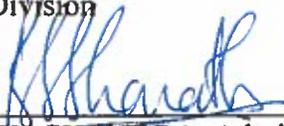
23 You have the right to request that the Commission issue subpoenas to compel witnesses to
24 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
25 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
26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

27 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
28 NAC 645 and if the allegations contained herein are substantially proven by the evidence

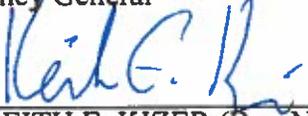
1 presented and to further determine what administrative penalty is to be assessed against the
2 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

3 DATED this 27 day of October, 2016.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
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