

NOV 13 2015

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION
BY *Ruba*

STATE OF NEVADA

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

Case No. RES 14-10-22-135

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

FREDERICK (FRED) BRILMAN,

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 Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT FREDERICK (FRED) BRILMAN ("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 was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0169653 and is therefore subject to the jurisdiction of the Division and the Commission, 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.0169653 since July 7, 2010, and is in involuntary inactive status.

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

1 2. Christine (Chrissie) Fraser ("Fraser") has been licensed by the Division as a
2 Salesperson under license number S.0172695 since February 27, 2013, and as a Property
3 Manager under license number PM.0165722 since April 23, 2013, and is in active status.

4 3. RESPONDENT and Fraser married on or about October 6, 2005.

5 4. At all times relevant to the Complaint, RESPONDENT was a Manager and the
6 Registered Agent of Crown Investments Nevada LLC ("Crown").

7 5. At all times relevant to the Complaint, Fraser was a Manager of Crown.

8 6. At all times relevant to the Complaint, RESPONDENT and Fraser were the two
9 officers of Pacific Shores 1989, Inc.

10 7. Between July 7, 2010 and April 29, 2013, RESPONDENT worked as a
11 Salesperson for ZipRealty Inc.

12 8. Between April 29, 2013 and May 14, 2014, RESPONDENT worked as a
13 Salesperson for North American Realty of Nevada ("NARN").

14 9. Between February 27, 2013 and March 11, 2013, Fraser worked as a
15 Salesperson for Keller Williams Realty.

16 10. Between March 11, 2013 and May 14, 2014, Fraser worked as a Salesperson
17 and/or a Property Manager for NARN.

18 **Blairgowrie Drive Property**

19 11. On or about January 9, 2013, Fraser as grantor, and RESPONDENT as trustee,
20 executed an Irrevocable Trust Agreement that transferred ownership of the real property at
21 2638 Blairgowrie Drive, Henderson, Nevada, from owner Erick Vertucci ("Vertucci") to Crown.

22 12. On or about January 11, 2013, RESPONDENT had Vertucci transfer the
23 Blairgowrie property to Crown as trustee for the 2638 Blairgowrie Drive Trust.

24 13. On or about January 14, 2013, RESPONDENT, as the broker's designated
25 licensee, executed an Exclusive Authorization and Right to Sell, Exchange or Lease
26 Brokerage Listing Agreement with Fraser, as the 2638 Blairgowrie Drive Trustee, for the
27 Blairgowrie property.

28 ...

1 14. Thereafter, RESPONDENT and Fraser caused the Blairgowrie property to be
2 leased for their benefit.

3 15. The leasing of the Blairgowrie property generated approximately \$9,150.00 in
4 rent.

5 16. On or about October 11, 2013, RESPONDENT and Fraser executed a quitclaim
6 deed transferring the Blairgowrie property back to Vertucci.

7 17. On or about February 11, 2014, Federal Home Loan Mortgage Corporation took
8 title to the Blairgowrie property via a trustee's deed upon sale.

9 18. By way of a letter dated September 5, 2014, the Division requested that
10 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the
11 management and lease agreement for the Blairgowrie property, and the trust agreement
12 between Crown and the Blairgowrie property owner.

13 19. RESPONDENT refused to provide the Division with a copy of those agreements.

14 **Iona Island Property**

15 20. On or about December 6, 2012, RESPONDENT, as grantor and as trustee,
16 executed an Irrevocable Trust Agreement that transferred ownership of the real property at
17 10715 Iona Island Avenue, Las Vegas, Nevada, from owner Michael Braganza ("Braganza")
18 to Crown.

19 21. On or about December 12, 2012, RESPONDENT, as the broker's designated
20 licensee, executed an Exclusive Authorization and Right to Sell, Exchange or Lease
21 Brokerage Listing Agreement with Fraser, as Crown, for the Iona Island property.

22 22. On or about December 17, 2012, RESPONDENT had Braganza transfer the
23 Iona Island property to Crown as trustee for the 10715 Iona Island Avenue Trust.

24 23. Thereafter, RESPONDENT and Fraser caused the Iona Island property to be
25 leased for their benefit.

26 24. The leasing of the Iona Island property generated approximately \$20,175.00 in
27 rent.

28 . . .

1 25. On or about December 26, 2013, RESPONDENT and Fraser executed a
2 quitclaim deed transferring the Iona Island property back to Braganza.

3 26. By way of a letter dated September 5, 2014, the Division requested that
4 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of a trust
5 agreement between Crown and the Iona Island property owner.

6 27. RESPONDENT refused to provide the Division with a copy of that trust
7 agreement.

8 **Whispering Wind Property**

9 28. On or about December 29, 2012, RESPONDENT executed an Exclusive
10 Authorization and Right to Sell, Exchange or Lease Brokerage Listing Agreement with owners
11 Richard and Shelley Janushan for the real property at 2909 Whispering Wind Drive, Las
12 Vegas, Nevada.

13 29. RESPONDENT never entered the listing of the Whispering Wind property into
14 his broker's system.

15 30. Rather, RESPONDENT and Fraser, through Crown, attempted to take
16 ownership and/or possession of the Whispering Wind property by executing real estate
17 documents showing Crown as trustee for the property owner.

18 31. By way of a letter dated September 5, 2014, the Division requested that
19 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the trust
20 agreement between Crown and the Whispering Wind property owners.

21 32. RESPONDENT refused to provide the Division with a copy of that trust
22 agreement.

23 **Morning Skyline Property**

24 33. On or about August 21, 2012, RESPONDENT had owners Emilio B. Braganza
25 and Ping C. Braganza (collectively referred to herein as the "Braganzas") transfer the real
26 property at 1257 Morning Skyline Court, Henderson, Nevada, to Crown as trustee for the 1257
27 Morning Skyline Court Trust.

28 . . .

1 34. Thereafter, RESPONDENT and Fraser caused the Morning Skyline property to
2 be leased for their benefit.

3 35. The leasing of the Morning Skyline property generated approximately
4 \$19,760.00 in rent.

5 36. On or about July 22, 2013, RESPONDENT and Fraser executed a deed
6 transferring the Morning Skyline property back to the Braganzas.

7 37. On that same day, the Braganzas executed a deed transferring the Morning
8 Skyline property to Ryan Lee.

9 38. By way of a letter dated September 5, 2014, the Division requested that
10 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the trust
11 agreement between Crown and the Morning Skyline property owners.

12 39. RESPONDENT refused to provide the Division with a copy of that trust
13 agreement.

14 **Shannon Cove Property**

15 40. On or about September 19, 2012, Fraser as grantor, and RESPONDENT as
16 trustee, executed an Irrevocable Trust Agreement that transferred ownership of the real
17 property at 2836 Shannon Cove Drive, Henderson, Nevada, from owner Judith Howell
18 ("Howell") to Crown as trustee for the 2836 Shannon Cove Drive Trust.

19 41. On or about September 19, 2012, RESPONDENT and Fraser had Howell
20 transfer the Shannon Cove property to Crown as trustee for the 2836 Shannon Cove Dr.
21 Trust.

22 42. On or about September 20, 2012, RESPONDENT, as the broker's designated
23 licensee, executed an Exclusive Authorization and Right to Sell, Exchange or Lease
24 Brokerage Listing Agreement with Howell for the Shannon Cove property.

25 43. On or about that same day, RESPONDENT, as the broker's designated
26 licensee, executed an Exclusive Authorization and Right to Sell, Exchange or Lease
27 Brokerage Listing Agreement with Fraser, as Crown, for the Shannon Cove property.

28 ...

1 44. Thereafter, RESPONDENT and Fraser caused the Shannon Cove property to
2 be leased for their benefit.

3 45. The leasing of the Shannon Cove property generated approximately \$16,965.00
4 in rent.

5 46. On or about November 14, 2013, RESPONDENT and Fraser executed a deed
6 transferring the Shannon Cove property back to Howell.

7 47. By way of a letter dated September 5, 2014, the Division requested that
8 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the
9 management and lease agreement for the Shannon Cove property, and the trust agreement
10 between Crown and the Shannon Cove property owner.

11 48. RESPONDENT refused to provide the Division with a copy of those agreements.

12 **Willow Pines Property**

13 49. On or about March 8, 2013, RESPONDENT and Fraser had owner Nicholas A.
14 Fischella ("Fischella") transfer the real property at 7981 Willow Pines Place, Las Vegas,
15 Nevada, to Crown as trustee for the 7981 Willow Pines Place Trust.

16 50. Thereafter, RESPONDENT and Fraser caused the Willow Pines property to be
17 leased for their benefit.

18 51. The leasing of the Willow Pines property generated approximately \$10,765.00 in
19 rent.

20 52. On or about July 19, 2013, RESPONDENT executed a deed transferring the
21 Willow Pines property back to Fischella.

22 53. By way of a letter dated September 5, 2014, the Division requested that
23 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the trust
24 agreement between Crown and the Willow Pines property owner.

25 54. RESPONDENT refused to provide the Division with a copy of that trust
26 agreement.

27 ...

28 ...

1 **Suffolk Hills Property**

2 55. On or about March 8, 2013, RESPONDENT and Fraser had owner Fischella
3 transfer the real property at 10662 Suffolk Hills Avenue, Las Vegas, Nevada, to Crown as
4 trustee for the 10662 Suffolk Hills Avenue Trust.

5 56. Thereafter, RESPONDENT and Fraser caused the Suffolk Hills property to be
6 leased for their benefit.

7 57. The leasing of the Suffolk Hills property generated approximately \$15,449.00 in
8 rent.

9 58. On or about October 10, 2013, RESPONDENT and Fraser executed a quitclaim
10 deed transferring the Suffolk Hills property back to Fischella.

11 59. By way of a letter dated September 5, 2014, the Division requested that
12 RESPONDENT and Fraser, through their attorney, provide the Division with a copy of the trust
13 agreement between Crown and the Suffolk Hills property owner.

14 60. RESPONDENT refused to provide the Division with a copy of that trust
15 agreement.

16 **VIOLATIONS**

17 RESPONDENT has committed the following violations of law:

18 61. RESPONDENT violated NRS 645.633(1)(i) *on seven occasions* by engaging in
19 conduct which constitutes deceitful, fraudulent or dishonest dealing.

20 62. RESPONDENT violated NRS 645.635(6) *on seven occasions* by failing to
21 produce a document, book or record in his possession or under his control, concerning any
22 real estate transaction under investigation by the Division.

23 **DISCIPLINE AUTHORIZED**

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

27 . . .

28 . . .

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

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

14 You have the right to request that the Commission issue subpoenas to compel
15 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
16 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
17 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
18 233B, and NAC 645.810 through 645.875.

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

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

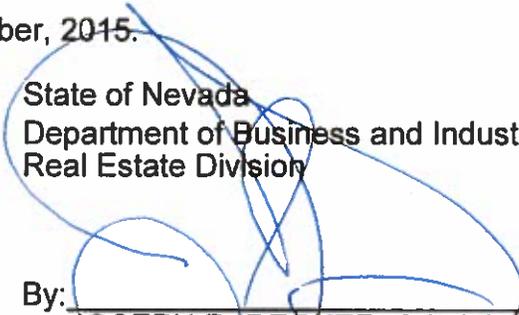
27 ...

28 ...

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

3 DATED this 15th day of November, 2015.

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

7 By: 
8 JOSEPH R. DECKER, Administrator
9 2501 East Sahara Avenue
10 Las Vegas, Nevada 89104-4137
11 (702) 486-4033

12 ADAM PAUL LAXALT
13 Attorney General

14 By: 
15 KEITH E. KIZER
16 Deputy Attorney General
17 555 East Washington Avenue, Suite 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3326
20 Attorneys for Real Estate Division
21
22
23
24
25
26
27
28