

FILED

JUN 09 2016

REAL ESTATE COMMISSION
Debra Stealy

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2015-1184

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

REX F. HENRIOTT,

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 REX F. HENRIOTT ("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.0017799.LLC, as a business broker under license number BUSB.0006809.BKR, and as a property manager under permit number PM.0163019.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.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed as a broker under license number B.0017799.LLC since March 3, 2006, as a business broker under license number

1 BUSB.0006809.BKR since November 8, 2011, and as a property manager under permit
2 number PM.0163019.BKR since March 3, 2006, and is currently in inactive status.

3 2. At all times relevant to the Complaint, RESPONDENT was the broker for
4 Henriott Real Estate Services, LLC ("HeRES").

5 3. HeRES had a Client Funds Account, XXXXXX4909, at Bank of the West.

6 4. Client Funds Account, XXXXXX4909, was a savings account and was not
7 designated as a trust account.

8 5. RESPONDENT deposited clients' funds into Client Funds Account,
9 XXXXXX4909.

10 6. RESPONDENT had a non-licensee, Alejandra Meza Cervantes, as a signor of
11 Client Funds Account, XXXXXX4909.

12 7. HeRES had a Business Account, XXXXXX4503, at Bank of the West.

13 8. HeRES had a Business Account, XXXXXX4594, at Bank of the West.

14 9. On or about July 8, 2014, RESPONDENT submitted a trust account
15 reconciliation report to the Division indicating that he had a P Trust Account, XXXXXX5606, at
16 Wells Fargo Bank.

17 10. RESPONDENT never specified Bank of the West or Wells Fargo Bank on
18 Division Form 513.

19 11. Between January 8 and December 12, 2014, RESPONDENT made twelve
20 separate transfers, which totaled \$101,678.73, from Client Funds Account, XXXXXX4909, to
21 Business Account, XXXXXX4594.

22 12. RESPONDENT made a transfer on or about June 3, July 31, and September 10,
23 2014 (those three transfers totaled \$10,670.00), from Business Account, XXXXXX4594, to
24 Client Funds Account, XXXXXX4909.

25 13. On or about July 8, 2014, RESPONDENT submitted a trust account reconciliation
26 report to the Division indicating that he had \$453,751.00 in a security deposit trust account,
27 XXXXXX4545, with Bank of the West.

28 . . .

1 NOTICE OF HEARING

2 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
3 Administrative Complaint against the above-named Respondent in accordance with Chapters
4 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
5 Code.

6 THE HEARING WILL TAKE PLACE on July 12, 2016 commencing at 9:00 a.m., or
7 as soon thereafter as the Commission is able to hear the matter, and each day
8 thereafter commencing at 9:00 a.m. through July 14, 2016, or earlier if the business of
9 the Commission is concluded. The Commission meeting will be held on July 12, 2016
10 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas,
11 Nevada 89101. The meeting will continue on July 13, 2016 at the Grant Sawyer
12 Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada 89101,
13 commencing at 9:00 a.m., and on July 14, 2016, should business not be concluded,
14 starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room
15 4412, Las Vegas, Nevada 89101.

16 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the
17 same time as part of a regular meeting of the Commission that is expected to last from
18 July 12 through July 14, 2016, or earlier if the business of the Commission is
19 concluded. Thus, your hearing may be continued until later in the day or from day to
20 day. It is your responsibility to be present when your case is called. If you are not
21 present when your hearing is called, a default may be entered against you and the
22 Commission may decide the case as if all allegations in the complaint were true. If you
23 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
24 4074.

25 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
26 open meeting under Nevada's open meeting law, and may be attended by the public. After
27 the evidence and arguments, the commission may conduct a closed meeting to discuss your
28 alleged misconduct or professional competence. A verbatim record will be made by a certified

1 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
2 the meeting, although you must pay for the transcription.

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

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

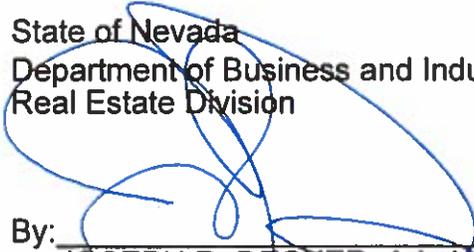
15 The purpose of the hearing is to determine if the Respondent has violated NRS 645
16 and/or NAC 645 and if the allegations contained herein are substantially proven by the

17 ...
18 ...
19 ...
20 ...
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 645.235, 645.633 and or 645.630.

3 DATED this 9 day of June, 2016.

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 Ave., Ste. 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3326
20 Attorneys for Real Estate Division