

**FILED**

AUG 13 2015

REAL ESTATE COMMISSION  
BY *[Signature]*

**BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA**

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

Case No. RES 14-03-48-668

Petitioner,

vs.

**COMPLAINT AND NOTICE OF HEARING**

BORIS JAKUBCZACK,

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 BORIS JAKUBCZACK ("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 BORIS JAKUBCZACK was at all relevant times mentioned in this Complaint licensed by the Division as a real estate salesperson under license number S.0171381 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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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

**FACTUAL ALLEGATIONS**

1  
2 1. RESPONDENT has been licensed by the Division as a real estate salesperson  
3 under license number S.0171381, since February 6, 2012, and is in active status.

4 2. At all times relevant to the Complaint, RESPONDENT was associated with  
5 broker Ariana Popescu ("Popescu") at Ameropan Realty and Property Management  
6 ("Ameropan Realty").

7 3. Carine Jakubczack ("Carine") has been licensed as a real estate salesperson,  
8 license number S.0171226, since December 16, 2011, and as a property manager, license  
9 number PM.0165190, since January 3, 2012.

10 4. At all times relevant to the Complaint, Carine was also associated with Popescu  
11 at Ameropan Realty.

12 5. RESPONDENT and Carine are the managers of Carbor Ltd.

13 6. RESPONDENT is the manager of Home Deco, LLC, a/k/a Home Deco Ltd.  
14 ("Home Deco").

15 **CLI Invest LLC**

16 7. On or about March 27, 2013, Carol Jacques ("Jacques") paid \$1,200 to  
17 RESPONDENT and Carine to establish CLI Invest LLC, and three other limited liability  
18 companies, for Jacques.

19 8. At or around that same time, RESPONDENT and Carine convinced Jacques to  
20 give \$57,000 to them for the purchase of 6800 East Lake Mead Blvd., Unit #2022, Las Vegas,  
21 Nevada ("Unit 2022"), in the name of CLI Invest LLC.

22 9. At or around that same time, RESPONDENT and Carine told Jacques that she  
23 would be able to "flip" Unit 2022 for a profit.

24 10. Unbeknownst to Jacques, RESPONDENT and Carine, through Carbor Ltd., had  
25 just purchased Unit 2022 on or about March 12, 2013.

26 11. RESPONDENT and Carine did not put the title to Unit 2022 into CLI Invest  
27 LLC's name until or about September 5, 2013.

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1 12. Jacques was informed that CLI Invest LLC's purchase price of Unit 2022 was  
2 only \$51,422.67.

3 13. When Jacques inquired about her remaining money, she learned that  
4 RESPONDENT paid himself an extra \$1,890 in salesperson commission.

5 14. RESPONDENT did not have authorization from Jacques to take that extra  
6 compensation.

7 15. RESPONDENT billed Jacques \$5,077 for alleged property repairs made by  
8 Home Deco to Unit 2022.

9 16. RESPONDENT did not have authorization from Jacques to make those repairs.

10 17. RESPONDENT did not inform Jacques that RESPONDENT had an interest in  
11 Home Deco.

12 18. Home Deco is not licensed to perform air conditioning repair, but  
13 RESPONDENT charged Jacques \$850 for Home Deco's alleged repair to Unit 2022's air  
14 conditioning unit.

15 19. RESPONDENT and Carine have not accounted for the remaining \$500 of  
16 Jacques's \$57,000 expenditure.

17 20. On or about March 6, 2014, Jacques filed a Statement of Fact with the Division,  
18 complaining about RESPONDENT's conduct.

19 **Pool'n'Care LLC**

20 21. On or about March 21, 2013, Robert Morin-Larochette ("Mr. Larochette") paid  
21 \$950 to RESPONDENT and Carine to establish Pool'n'Care LLC for Mr. Larochette.

22 22. On or about that same day, Mr. Larochette gave \$63,000 to RESPONDENT and  
23 Carine for the purchase 6800 East Lake Mead Blvd., Unit #1065, Las Vegas, Nevada ("Unit  
24 1065") in the name of Pool'n'Care LLC.

25 23. Unbeknownst to Mr. Larochette, RESPONDENT and Carine instead purchased  
26 Unit 1065 in the name of Carbor Ltd. on or about April 15, 2013.

27 24. RESPONDENT and Carine paid only \$55,000 for their April 15, 2013 purchase  
28 of Unit 1065.

1 25. RESPONDENT paid himself an extra \$2,440 in salesperson commission.

2 26. RESPONDENT did not have authorization from Mr. Larochette to take that extra  
3 compensation.

4 27. RESPONDENT billed Mr. Larochette \$3,401 for alleged property repairs made  
5 by Home Deco to Unit 1065.

6 28. RESPONDENT did not have authorization from Mr. Larochette to make those  
7 repairs.

8 29. RESPONDENT did not inform Mr. Larochette that RESPONDENT had an  
9 interest in Home Deco.

10 30. RESPONDENT and Carine did not put the title to Unit 1065 into Pool'n'Care  
11 LLC's name until or about December 12, 2013.

12 31. During the time Carbor Ltd. owned Unit 1065, RESPONDENT and Carine paid  
13 for repairs and utilities at that property from Mr. Larochette's bank account, without permission  
14 from Mr. Larochette.

15 32. On or about February 17, 2014, Mr. Larochette filed a Statement of Fact with the  
16 Division, complaining about RESPONDENT's conduct.

17 **CHB Vegas LLC**

18 33. On or about February 23, 2013, Christiany Bray ("Bray") paid \$950 to  
19 RESPONDENT and Carine to establish CHB Vegas LLC for Bray.

20 34. On or about that same day, RESPONDENT and Carine told Bray that they could  
21 help Bray purchase a condominium that could be rented at a profit.

22 35. On or about that same day, Bray gave \$1,500 to RESPONDENT and Carine as  
23 earnest money for the purchase of 4516 West Lake Mead Blvd., Unit #101, Las Vegas,  
24 Nevada ("Lake Mead Unit 101") in the name of CHB Vegas LLC.

25 36. On or about April 5, 2013, Bray gave \$47,210 to RESPONDENT and Carine to  
26 complete the purchase of Lake Mead Unit 101 in the name of CHB Vegas LLC.

27 37. RESPONDENT and Carine never effectuated the purchase of Lake Mead Unit  
28 101 for CHB Vegas LLC or Bray.

1 38. Despite requests from Bray, RESPONDENT and Carine failed to return Bray's  
2 money.

3 39. Instead, on or about August 26, 2013, RESPONDENT and Carine informed Bray  
4 that they had purchased 3969 Rebecca Raiter, Unit #101, Las Vegas, Nevada ("Rebecca  
5 Raiter Unit 101") in the name of CHB Vegas LLC.

6 40. Unbeknownst to Bray, RESPONDENT and Carine, through Carbor Ltd., had  
7 owned Rebecca Raiter Unit 101 since January 24, 2013.

8 41. RESPONDENT and Carine did not put the title to Rebecca Raiter Unit 101 into  
9 CHB Vegas LLC's name until or about December 12, 2013.

10 42. When RESPONDENT and Carine purchased Rebecca Raiter Unit 101 on behalf  
11 of CHB Vegas, LLC, the purchase price was only \$39,000.

12 43. With respect to remaining money received from Bray, RESPONDENT billed  
13 CHB Vegas LLC for alleged property repairs made by Home Deco to Rebecca Raiter Unit  
14 101.

15 44. RESPONDENT did not have authorization from Bray to make those repairs.

16 45. RESPONDENT did not inform Bray that RESPONDENT had an interest in Home  
17 Deco.

18 46. On or May 5, 2014, CHB Vegas LLC filed a Statement of Fact with the Division,  
19 complaining about RESPONDENT's conduct.

20 **BML Purple Shadow 7, LLC**

21 47. Claudine Morin-Larochette ("Ms. Larochette") and Philippe Barbot ("Barbot") own  
22 BML Purple Shadow 7, LLC ("BML").

23 48. In or about December 2012, RESPONDENT and Carine contacted Ms.  
24 Larochette and Barbot and told them that they (RESPONDENT and Carine) could buy real  
25 estate properties on behalf of BML, and then sell them for a profit.

26 49. On or about March 21, 2013, Ms. Larochette and Barbot sent \$62,000 to  
27 RESPONDENT and Carine for the purchase of 517 Indian Bluff, Unit #202, Las Vegas,  
28 Nevada ("Unit 202") in the name of BML.

1           50.     RESPONDENT and Carine told Ms. Larochette and Barbot that Unit 202 could  
2 "flipped" for \$72,900.

3           51.     Unbeknownst to Ms. Larochette and Barbot, RESPONDENT and Carine instead  
4 purchased Unit 202 in the name of Carbor Ltd. on or about March 25, 2013.

5           52.     RESPONDENT and Carine did not put the title to Unit 202 into BML's name until  
6 or about May 8, 2013.

7           53.     On or about July 8, 2013, Ms. Larochette and Barbot gave \$70,844 to  
8 RESPONDENT and Carine to purchase 4555 East Sahara Avenue, Unit #209, Las Vegas,  
9 Nevada ("Unit 209"), in the name of BML.

10          54.     Unbeknownst to Ms. Larochette and Barbot, Carbor Ltd. had just bought Unit  
11 209 on or about June 25, 2013.

12          55.     In or about October 2013, Ms. Larochette and Barbot came to Las Vegas and  
13 RESPONDENT and Carine gave them an unrecorded deed in the name of BML for Unit 209.

14          56.     On or about January 31, 2014, RESPONDENT and Carine finally transferred  
15 title to Unit 209 to BML.

16 **Hair Management LLC**

17          57.     Ms. Larochette and Barbot also own Hair Management LLC.

18          58.     On or about March 27, 2013, Ms. Larochette and Barbot gave \$37,500 to  
19 RESPONDENT and Carine for the purchase of 6800 East Lake Mead Blvd., Unit #1051, Las  
20 Vegas, Nevada ("Unit 1051"), in the name of Hair Management LLC.

21          59.     Unbeknownst to Ms. Larochette and Barbot, RESPONDENT and Carine instead  
22 purchased Unit 1051 in the name of Carbor Ltd. on or about April 8, 2013.

23          60.     RESPONDENT and Carine did not put the title to Unit 1051 into Hair  
24 Management LLC's name until or about June 27, 2013.

25          61.     Without approval from Ms. Larochette and Barbot, RESPONDENT made himself  
26 the managing member of Hair Management LLC on or about July 2, 2013.

27          62.     On or about July 3, 2013, RESPONDENT and Carine sold Unit 1051 to a third  
28 party without authorization from Ms. Larochette and Barbot.

1           63. Without permission from Ms. Larochette and Barbot, RESPONDENT paid  
2 himself an extra \$2,310 in broker fees or salesperson commission.

3           64. On or May 5, 2014, Ms. Larochette and Barbot filed a Statement of Fact with the  
4 Division, complaining about RESPONDENT's conduct.

5 **DMS US LLC**

6           65. In or about August 2012, RESPONDENT and Carine convinced Magalie Simon  
7 ("Simon") to purchase 6800 East Lake Mead Blvd., Unit #2127, Las Vegas, Nevada ("Unit  
8 2127").

9           66. Simon paid RESPONDENT and Carine to establish DMS US LLC for Simon's  
10 planned purchase of Unit 2127.

11           67. Unbeknownst to Simon, RESPONDENT and Carine then purchased Unit 2127  
12 in the name of Carbor Ltd. on or about September 24, 2012.

13           68. In or about October 2012, Simon gave \$50,000 to RESPONDENT and Carine  
14 for the purchase of Unit 2127 in the name of DMS US LLC.

15           69. RESPONDENT and Carine did not put the title to Unit 2127 into DMS US LLC's  
16 name until or about November 9, 2012.

17           70. Without approval from Simon, RESPONDENT made himself the managing  
18 member of DMS US LLC.

19           71. Without approval from Simon, RESPONDENT withdrew money from the bank  
20 account of DMS US LLC.

21           72. Simon discovered that Unit 2127 had been sold by DMS US LLC to a third party  
22 on or about October 4, 2013, and demanded that RESPONDENT and Carine send Simon the  
23 sales proceeds.

24           73. RESPONDENT did not return any funds to Simon until or about February 10,  
25 2014.

26           74. Simon had to travel to Las Vegas in order to recover the funds.

27           75. RESPONDENT paid himself an extra \$2,440 in salesperson commission.

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1 76. RESPONDENT did not have authorization from Simon to take that extra  
2 compensation.

3 77. On or March 24, 2014, Simon filed a Statement of Fact with the Division,  
4 complaining about RESPONDENT's conduct.

5 **Ameropan Realty**

6 78. On or about March 17, 2014, Popescu spoke with RESPONDENT and Carine,  
7 and reviewed their transaction files.

8 79. Thereafter Popescu terminated her association with RESPONDENT and Carine,  
9 and returned their licenses to the Division.

10 **VIOLATIONS**

11 RESPONDENT has committed the following violations of law:

12 80. RESPONDENT violated NRS 645.252(1)(b) on five occasions by not disclosing  
13 to each party to a real estate transaction as soon as is practicable each source from which he  
14 received compensation as a result of the transaction.

15 81. RESPONDENT violated NRS 645.630(1)(b) on five occasions by making false  
16 promises of a character likely to influence, persuade or induce.

17 82. RESPONDENT violated NRS 645.633(1)(h) and/or (i), pursuant to NAC  
18 645.605(1), on five occasions by not disclosing his interest in Home Deco, and in the  
19 compensation received by Home Deco for alleged repairs.

20 **DISCIPLINE AUTHORIZED**

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

24 84. Additionally, under NRS Chapter 622, the Commission is authorized to impose  
25 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's  
26 fees, if the Commission otherwise imposes discipline on RESPONDENT.

27 85. Therefore, the Division requests that the Commission take such disciplinary  
28 action as it deems appropriate under the circumstances.

**NOTICE OF HEARING**

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

**THE HEARING WILL TAKE PLACE on September 15, 2015 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through September 17, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on September 15, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada 89101. The meeting will continue on September 16, 2015, at the Grant Sawyer Building, Gaming Control Board, 555 East Washington Avenue, Room 2450, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on September 17, 2015, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.**

**STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from September 15 through September 17, 2015, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-4074.**

**YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments, the commission may conduct a closed meeting to discuss your**

1 alleged misconduct or professional competence. A verbatim record will be made by a certified  
2 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
3 the meeting, although you must pay for the transcription.

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

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

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

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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 13 day of August, 2015.

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

7 By:   
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