

FILED

MAY 11 2016

REAL ESTATE COMMISSION
BY *[Signature]*

1 **JOSEPH J. HUGGINS, ESQ.**
2 Nevada Bar No. 4456
3 **KRISTINE J. MAXWELL, ESQ.**
4 Nevada Bar No. 9860
5 **HUGGINS & MAXWELL**
6 8275 S. Eastern Ave., Ste. 200
7 Las Vegas, Nevada 89123
8 Telephone: (702) 664-2074
9 Facsimile: (702) 940-4088
10 Email: info@hugginslaw.com
11 *Attorneys for Respondent*

12 **BEFORE THE REAL ESTATE COMMISSION**

13 **STATE OF NEVADA**

14 **JOSEPH R. DECKER, Administrator, REAL**
15 **ESTATE DIVISION, DEPARTMENT OF**
16 **BUSINESS & INDUSTRY, STATE OF**
17 **NEVADA,**

18 **Petitioner,**

19 **vs.**

20 **PATRICIA PRASAD,**

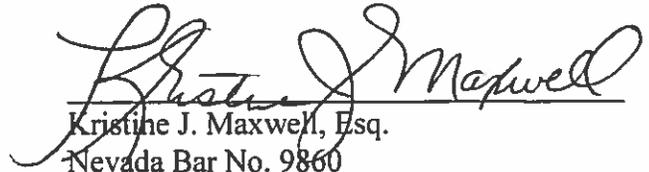
21 **Respondent.**

Case No. 2014-4160

PETITIONER FOR REHEARING

22 Respondent, Patricia Prasad, by and through counsel Joseph J. Huggins, Esq., and
23 Kristine J. Maxwell, Esq., of the firm HUGGINS & MAXWELL, hereby Petitions the Honorable
24 Real Estate Commission, for a rehearing in which Respondent can exchange exhibits and call
25 witnesses to defend herself against the allegations concerning the attached Decision, attached
26 hereto as Exhibit 1.
27
28

1 DATED this 6th day of May, 2016.

2
3 

4 Kristine J. Maxwell, Esq.
5 Nevada Bar No. 9860
6 HUGGINS & MAXWELL
7 8275 S. Eastern Avenue, Suite 200
8 Las Vegas, NV 89123
9 Telephone: (702) 664-2074
10 Facsimile: (702) 940-4088
11 Attorney for Respondent

12 **PETITION FOR REHEARING**

13 **Statement of Facts**

14 1. Respondent, has a valid defense to the allegations contained in the Complaints filed
15 against her.

16 2. Respondent's soon to be former husband, Benedict Prasad, conducted business and
17 activities unknown to Respondent and caused multiple Complaints to be filed against
18 Respondent.

19 3. Respondent has never even met the individuals who filed complaints against her as
20 they were all involved only with Benedict Prasad, behind the back of Respondent and without the
21 knowledge of Respondent.

22 4. Respondent has been married to Benedict Prasad for over 22 years and they have three
23 children together, two of which are minors. Respondent has now filed for divorce and is seeking
24 to break all ties with Mr. Benedict Prasad. Discovering the allegations and the history of
25 activities by Mr. Benedict Prasad was very time consuming and difficult, due to his evasive
26 conduct and behavior.
27

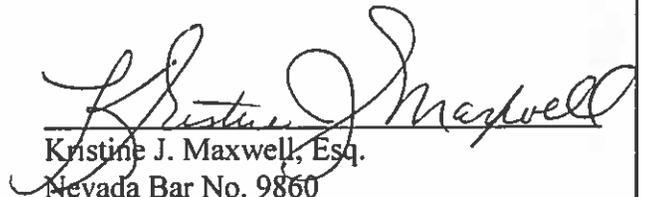
28 5. On or about March 9, 2016, Respondent hired Huggins & Maxwell.

1 Legal counsel for Respondent contacted the Assistant Attorney General two times in
2 advance of the hearing and the Nevada Real Estate Division on the day of the hearing seeking a
3 continuance, so that proper briefing and exhibit exchange could happen. Respondent would like
4 an opportunity to clear her name with an appropriate legal defense and to call witnesses on her
5 behalf.
6

7 Another similar case from the Nevada Supreme Court is *Ogawa v. Ogawa*, 221 P.3d 699
8 (Nev. 2009) the appealing litigant did not personally at the hearing and Orders were entered
9 against him. On remand the Supreme Court concluded that the “district court must hold a
10 hearing on the merits and render its decision based on the evidence, taking into account statutory
11 guidelines . . .” This matter is similar in nature. Respondent has a right to hearing on the merits
12 concerning her real estate license.
13

14 WHEREFORE, respectfully, Respondent prays for an opportunity to have a hearing on
15 the merits of the Complaint in Case No. 2014-4238.
16

17 DATED this 6th day of May, 2016.
18

19 
20 Kristine J. Maxwell, Esq.
21 Nevada Bar No. 9860
22 HUGGINS & MAXWELL
23 8275 S. Eastern Avenue, Suite 200
24 Las Vegas, NV 89123
25 Telephone: (702) 664-2074
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27 Attorney for Respondent
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2016, I sent via U.S. Postal Service, postage pre-paid, and via email a true and correct copy of the foregoing Petition for Rehearing and

Exhibits to:

Rebecca Hardin
Commission Coordinator
Real Estate Division
2501 E. Sahara Avenue, Suite 303
Las Vegas, NV 89104

Keith Kizer, Chief Deputy
Assistant Attorney General
Nevada Attorney General's Office
555 E Washington Ave # 3900
Las Vegas, NV 89101



HUGGINS & MAXWELL

EXHIBIT 1

FILED

BEFORE THE REAL ESTATE COMMISSION

APR 01 2016

STATE OF NEVADA

REAL ESTATE COMMISSION
[Signature]

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

Case No. 2014-4160

Petitioner,

vs.

DECISION

PATRICIA PRASAD,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Tuesday, March 15, 2016, at the Grant Sawyer Building, 555 E. Washington Avenue, Room 4412, Las Vegas Nevada, 89101. Respondent, Patricia Prasad ("RESPONDENT"), failed to appear at the hearing and failed to file an answer to the disciplinary complaint. Keith E. Kizer, Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Joseph R. Decker, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following Findings of Fact:

1. RESPONDENT was licensed as a Broker by the Division under license numbers B.1000447.INDV and B.0028874.LLC and as a Property Manager under permit number PM.0164351.BKR at the relevant times mentioned in this Complaint.

2. RESPONDENT is subject to the jurisdiction of the Division and the Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645.

///

1 3. At all times relevant to the complaint, RESPONDENT was the broker and
2 property manager for Realty Professionals of Las Vegas.

3 4. At all times relevant to the complaint, Gretta Jones did not hold any real estate
4 license or property management permit issued by the Division.

5 5. On or about July 1, 2011, RESPONDENT entered into a Residential Property
6 Management Agreement with owner Hong Mei Zhang, a resident of Canada, to manage
7 property located at 8264 Crown Peak Avenue, Las Vegas, Nevada ("the Property") for
8 payment of 6% of the monthly gross collected rents.

9 6. Ms. Jones was performing unlicensed property management activities on behalf
10 of RESPONDENT and Realty Professionals of Las Vegas.

11 7. Ms. Zhang's correspondence with Realty Professionals of Las Vegas was
12 through Ms. Jones.

13 8. Ms. Jones coordinated the maintenance of the Property.

14 9. Ms. Jones did the walk thru with potential renters.

15 10. Ms. Jones attempted to change the terms of the management agreement.

16 11. RESPONDENT failed to adequately supervise Ms. Jones and allowed her to
17 engage in unlicensed activities.

18 12. RESPONDENT mismanaged the Property.

19 13. RESPONDENT failed to timely address needed repairs to the Property.

20 14. RESPONDENT failed to timely address a bathroom leak that continued for so
21 long that the flooring rotted and mold developed.

22 15. In November 2014, upon termination of the property management agreement
23 with RESPONDENT, Ms. Zhang requested the return of the security deposit.

24 16. RESPONDENT has not remitted any portion of the security deposit to Ms.
25 Zhang.

26 17. On November 18, 2014, and December 18, 2014, the Division sent letters to
27 RESPONDENT requesting an affidavit response to the allegations of Ms. Zhang and a copy of
28 the broker's file.

1 18. No affidavit response or requested documents have been received by the
2 Division from RESPONDENT.

3 **CONCLUSIONS OF LAW**

4 The Commission, based upon the preponderance of the evidence, makes the following
5 legal conclusions:

6 19. RESPONDENT received proper notice of the hearing pursuant to NRS Chapters
7 645 and 233B and NAC Chapter 645.

8 20. Pursuant to NAC 645.860, the Commission finds that the following charges
9 specified in the Complaint are true and supported by substantial evidence.

10 21. RESPONDENT violated NAC 645.600 by failing to adequately supervise her
11 employees and allowing the practice of unlicensed activities.

12 22. RESPONDENT violated NRS 645.6301(f) by failing to timely remit the security
13 deposit to Ms. Zhang.

14 23. RESPONDENT violated NRS 645.635(6) by failing to produce documents
15 requested by the Division.

16 24. RESPONDENT violated NRS 645.633(1)(h), gross negligence or incompetence
17 pursuant to NAC 645.605(11)(a), by impeding the investigation by the Division by failing to
18 comply with the request by the Division to provide documents.

19 25. RESPONDENT violated NRS 645.633(1)(h) by the grossly negligent
20 management of the Property.

21 **ORDER**

22 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total fine of
23 \$50,807.77. The total fine reflects a fine of \$10,000.00 for each of the above five violations of
24 law plus \$807.77 for hearing and investigative costs. RESPONDENT shall pay the total fine
25 to the Division within thirty (30) days of the effective date of this Order. The Division may
26 institute debt collection proceedings for failure to timely pay the total fine.

27 IT IS FURTHER ORDERED that RESPONDENT's broker's license numbers
28 B.1000447.INDV and B.0028874.LLC and property management permit number

1 PM.0164351.BKR are hereby **REVOKED**.

2 The Commission retains jurisdiction for correcting any errors that may have occurred in
3 the drafting and issuance of this Decision.

4 This Order shall become effective on the 13th day of MAY, 2016.

5 DATED this 1ST day of APRIL, 2016.

6
7 REAL ESTATE DIVISION
STATE OF NEVADA

8
9 By: 
10 President, Nevada Real Estate Commission

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EXHIBIT 2

Subject: Patricia Persad - Real Estate License Hearing
From: Kristine Maxwell (info@hugginslaw.com)
To: karguello@ag.nv.gov;
Date: Thursday, March 10, 2016 9:28 AM

Good morning Ms. Arguello,

I was recently retained by Ms. Persad and I understand there is an upcoming hearing on her case. I need to ask for a continuance that will allow enough time to prepare for the hearing and provide our documents and witness list timely to the Division.

I will draft a formal request but don't have the specifics about the time date place and case number. Can you let me know about those specifics and I will make a formal request.

Thank you,

Kristine J. Maxwell, Esq.
HUGGINS & MAXWELL
8275 S. Eastern Ave., #200
Las Vegas, Nevada 89123
Direct Line (702) 664-2074
Receptionist and Phone Conferencing (702) 990-8705
Office Fax 702.940.4088
Website www.HugginsLaw.com

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EXHIBIT 3

Subject: Please give me an update on Real Estate Division v. Persad
From: Kristine Maxwell (info@hugginslaw.com)
To: karguello@ag.nv.gov;
Date: Monday, March 14, 2016 5:14 PM

We have sought a continuance of the Real Estate Division hearings last week and again today.
Can you give us available dates so that we can have the hearing that was requested?

Thank you,

Kristine J. Maxwell, Esq.
HUGGINS & MAXWELL
8275 S. Eastern Ave., #200
Las Vegas, Nevada 89123
Direct Line (702) 664-2074
Receptionist and Phone Conferencing (702) 990-8705
Office Fax 702.940.4088
Website www.HugginsLaw.com

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EXHIBIT 4

Joseph J. Huggins
Kristine Maxwell

HUGGINS & MAXWELL
LAW OFFICES
8275 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Telephone: (702) 664-2074
Facsimile: (702) 940-4088
Email: info@HugginsLaw.com

March 15, 2016

Rebecca Hardin
Commission Coordinator
Real Estate Division
2501 E. Sahara Avenue, Suite 303
Las Vegas, NV 89104
Facsimile: (702) 486-4067 - total pages 3

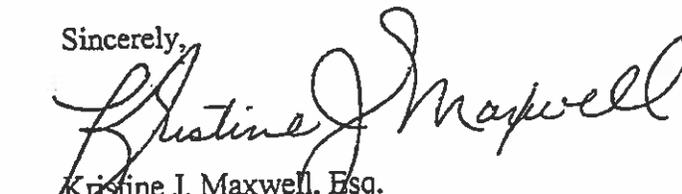
*Re: NRED v. Patricia Persad
Case Nos. 2014-4160 and 2014-4238*

Dear Ms. Hardin:

I have been retained by Ms. Persad to represent her at NRED hearings. I am seeking a continuance and contacted the Assistant Attorney General to obtain a continuance. I only need enough time to prepare for the case, provide timely exhibits and appear at the hearing.

Please let me know when we can reschedule this matter so that Ms. Persad has legal representation. If you have any questions or concerns, please feel free to contact me at (702) 664-2074.

Sincerely,


Kristine J. Maxwell, Esq.
HUGGINS & MAXWELL