

FILED

MAY 11 2016

REAL ESTATE COMMISSION

BY *Robert Hadd*

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. 2014-4238

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 3rd 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

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PETITION FOR REHEARING

Statement of Facts

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

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

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

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

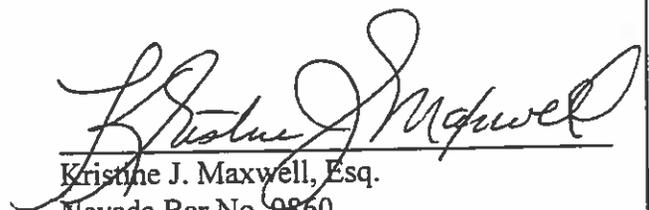
5. On or about March 9, 2016, Respondent hired Huggins & Maxwell.

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 3rd day of May, 2016.
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Kristine J. Maxwell, Esq.
Nevada Bar No. 9860
HUGGINS & MAXWELL
8275 S. Eastern Avenue, Suite 200
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Attorney for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd 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

BEFORE THE REAL ESTATE COMMISSION

APR 01 2016

STATE OF NEVADA

REAL ESTATE COMMISSION
Robert Kizer

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

Case No. 2014-4238

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 the 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, Benedict Prasad holds no real estate
4 license or property management permit issued by the Division. Benedict Prasad's license
5 has been previously revoked.

6 5. On September 4, 2014, RESPONDENT submitted her Trust Account
7 Reconciliation to the Division without bank statements, ledgers and check register.

8 6. On September 25, 2014, and November 18, 2014, the Division sent
9 RESPONDENT emails requesting the missing information.

10 7. On November 24, 2014, and December 18, 2014, letters were sent to
11 RESPONDENT again requesting the information.

12 8. RESPONDENT has failed to produce documents requested by the Division.

13 9. Pursuant to subpoena, the Division received RESPONDENT's bank records
14 from Bank of George.

15 10. Four accounts were identified as Realty Professionals of Las Vegas accounts:
16 account ending 0240 appears to be the business operating account; account ending 0257
17 appears to be the client trust account which holds rents and security deposits; account
18 ending 0281 appears to be RESPONDENT's personal account; and account ending 3491 is
19 an account that has Benedict Prasad as the only signor.

20 11. No Realty Professionals of Las Vegas account is designated as a security
21 deposit trust account.

22 12. Benedict Prasad is a signor on account ending 0257, which holds rents and
23 security deposits.

24 13. Security deposits were deposited into the same account in which client funds are
25 maintained.

26 14. RESPONDENT wrote check number 2362 to the Division from account ending
27 0257, the account in which client funds are maintained, to pay a \$1,000 fine issued by the
28 Division.

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to the Division within thirty (30) days of the effective date of this Order. The Division may institute debt collection proceedings for failure to timely pay the total fine.

IT IS FURTHER ORDERED that RESPONDENT's broker's license numbers B.1000447.INDV and B.0028874.LLC and property management permit number PM.0164351.BKR are hereby **REVOKED**.

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

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

DATED this 1ST day of April, 2016.

REAL ESTATE DIVISION
STATE OF NEVADA

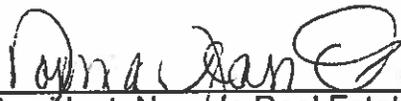
By: 
President, Nevada Real Estate Commission

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

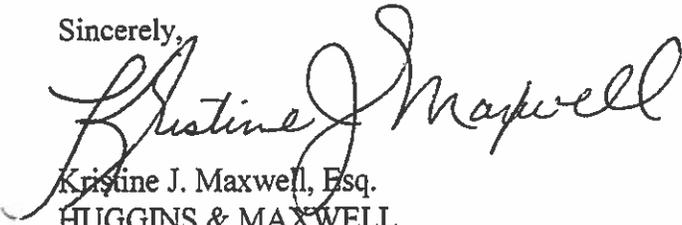
*Re: NRED v. Patricia Persad
Case Nos. 2014-4160 and 2014-4238*

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