

FILED

FEB 11 2016

REAL ESTATE COMMISSION
Adam Laxalt

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2015-2627

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

ANTHONY SHAW,

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 Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT ANTHONY SHAW ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which 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.0055521.INDV and as a property manager under permit PM.0162978.BKR and is therefore subject to the jurisdiction of the Division 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

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2 1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed
3 as a broker under license number B.0055521.INDV and as a property manager under permit
4 PM.0162978.BKR, both are currently inactive. Respondent has an active Broker-Salesperson
5 license number B.0055521.INDV and is subject to the jurisdiction of the Division and the
6 provisions of NRS chapter 645 and NAC chapter 645.

7 2. At all times relevant to the Complaint, RESPONDENT was the broker and
8 property manager for Alliance Properties.

9 3. In July 2009, RESPONDENT entered into a Residential Property Management
10 Agreement with Margaret Barton to manager her property located at 848 Paseo Rocos PI,
11 Las Vegas, NV.

12 4. For several months in 2015, RESPONDENT remitted rents late.

13 5. RESPONDENT remitted to Ms. Barton the June 2015 rent in September 2015
14 despite numerous requests.

15 6. RESPONDENT managed property located at 4330 Hartford Fern, Las Vegas,
16 NV for out of state owner, David Flores.

17 7. As of December 3, 2015, RESPONDENT failed to remit November 2015 rents to
18 Mr. Flores.

19 8. RESPONDENT's Operating Rental Account contained money held for others,
20 however it was not designated as a trust account.

21 9. RESPONDENT was the only signer on all of his business and trust accounts.

22 10. RESPONDENT admits that by 2014 his business was failing and his trust
23 account was being depleted.

24 11. RESPONDENT deposited rents into his business account.

25 12. RESPONDENT transferred money from his personal household account into the
26 Operating Rental Account.

27 13. RESPONDENT transferred money from his personal household account into the
28 Trust Account.

1 **DISCIPLINE AUTHORIZED**

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

5 27. Additionally, under NRS Chapter 622, the Commission is authorized to impose
6 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if
7 the Commission otherwise imposes discipline on Respondent.

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

10 **NOTICE OF HEARING**

11 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
12 Administrative Complaint against the above-named Respondent in accordance with Chapters
13 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
14 Code.

15 **THE HEARING WILL TAKE PLACE** on March 15, 2016 commencing at 9:00 a.m.,
16 or as soon thereafter as the Commission is able to hear the matter, and each day
17 thereafter commencing at 9:00 a.m. through March 17, 2016, or earlier if the business of
18 the Commission is concluded. The Commission meeting will be held on March 15,
19 2016 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las
20 Vegas, Nevada 89101. The meeting will continue on March 16, 2016 at the Grant
21 Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101,
22 commencing at 9:00 a.m., and on March 17, 2016, should business not be concluded,
23 starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room
24 4412, Las Vegas, Nevada 89101.

25 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
26 same time as part of a regular meeting of the Commission that is expected to last from
27 March 15 through March 17, 2016, or earlier if the business of the Commission is
28 concluded. Thus, your hearing may be continued until later in the day or from day to

1 day. It is your responsibility to be present when your case is called. If you are not
2 present when your hearing is called, a default may be entered against you and the
3 Commission may decide the case as if all allegations in the complaint were true. If you
4 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
5 4074.

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

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

19 You have the right to request that the Commission issue subpoenas to compel
20 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
21 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
22 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
23 233B, and NAC 645.810 through 645.875.

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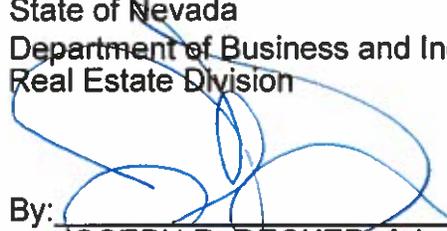
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the
3 evidence presented and to further determine what administrative penalty is to be assessed
4 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 10th day of February, 2016.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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12 Las Vegas, Nevada 89104-4137
13 (702) 486-4033

14 ADAM PAUL LAXALT
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