

FILED

AUG 13 2015

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. RES 14-03-49-669

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

CARINE 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 CARINE 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 CARINE JAKUBCZACK was at all relevant times mentioned in this Complaint licensed by the Division as a real estate salesperson under license number S.0171226, and as a property manager under license number PM.0165190, 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

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2 1. RESPONDENT has been licensed as a real estate salesperson, license number
3 S.0171226, since December 16, 2011, and as a property manager, license number
4 PM.0165190, since January 3, 2012, and is in active status.

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

8 3. Boris Jakubczack ("Boris") has been licensed by the Division as a real estate
9 salesperson, license number S.0171381, since February 6, 2012.

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

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

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

14 **CLI Invest LLC**

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

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

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

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

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

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

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

3 14. RESPONDENT did not have authorization from Jacques to take that extra
4 compensation.

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

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

8 17. RESPONDENT did not inform Jacques that Boris had an interest in Home Deco.

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

12 19. RESPONDENT and Boris have not accounted for the remaining \$500 of
13 Jacques's \$57,000 expenditure.

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

16 **Pool'n'Care LLC**

17 21. On or about March 21, 2013, Robert Morin-Larochette ("Mr. Larochette") paid
18 \$950 to RESPONDENT and Boris to establish Pool'n'Care LLC for Mr. Larochette.

19 22. On or about that same day, Mr. Larochette gave \$63,000 to RESPONDENT and
20 Boris for the purchase 6800 East Lake Mead Blvd., Unit #1065, Las Vegas, Nevada ("Unit
21 1065") in the name of Pool'n'Care LLC.

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

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

26 25. RESPONDENT paid herself an extra \$2,440 in salesperson commission.

27 26. RESPONDENT did not have authorization from Mr. Larochette to take that extra
28 compensation.

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

3 28. RESPONDENT did not have authorization from Mr. Larochette to make those
4 repairs.

5 29. RESPONDENT did not inform Mr. Larochette that Boris had an interest in Home
6 Deco.

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

9 31. During the time Carbor Ltd. owned Unit 1065, RESPONDENT and Boris paid for
10 repairs and utilities at that property from Mr. Larochette's bank account, without permission
11 from Mr. Larochette.

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

14 **CHB Vegas LLC**

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

17 34. On or about that same day, RESPONDENT and Boris told Bray that they could
18 help Bray purchase a condominium that could be rented at a profit.

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

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

24 37. RESPONDENT and Boris never effectuated the purchase of Lake Mead Unit
25 101 for CHB Vegas LLC or Bray.

26 38. Despite requests from Bray, RESPONDENT and Boris failed to return Bray's
27 money.

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

4 40. Unbeknownst to Bray, RESPONDENT and Boris, through Carbor Ltd., had
5 owned Rebecca Raiter Unit 101 since January 24, 2013.

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

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

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

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

14 45. RESPONDENT did not inform Bray that Boris had an interest in Home Deco.

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

17 **BML Purple Shadow 7, LLC**

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

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

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

26 50. RESPONDENT and Boris told Ms. Larochette and Barbot that Unit 202 could
27 "flipped" for \$72,900.

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

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

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

8 54. Unbeknownst to Ms. Larochette and Barbot, Carbor Ltd. had just bought Unit
9 209 on or about June 25, 2013.

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

12 56. On or about January 31, 2014, RESPONDENT and Boris finally transferred title
13 to Unit 209 to BML.

14 **Hair Management LLC**

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

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

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

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

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

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

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

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

3 DMS US LLC

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

7 66. Simon paid RESPONDENT and Boris to establish DMS US LLC for Simon's
8 planned purchase of Unit 2127.

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

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

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

15 70. Without approval from Simon, Boris made himself the managing member of
16 DMS US LLC.

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

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

22 73. RESPONDENT did not return any funds to Simon until or about February 10,
23 2014.

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

25 75. RESPONDENT paid herself an extra \$2,440 in salesperson commission.

26 76. RESPONDENT did not have authorization from Simon to take that extra
27 compensation.

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

3 **Ameropan Realty**

4 78. On or about March 17, 2014, Popescu spoke with RESPONDENT and Boris,
5 and reviewed their transaction files.

6 79. Thereafter Popescu terminated her association with RESPONDENT and Boris,
7 and returned their licenses to the Division.

8 **VIOLATIONS**

9 RESPONDENT has committed the following violations of law:

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

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

15 82. RESPONDENT violated NRS 645.633(1)(h) and/or (i), pursuant to NAC
16 645.605(1), on five occasions by not disclosing Boris's and/or her interest in Home Deco, and
17 in the compensation received by Home Deco for alleged repairs.

18 **DISCIPLINE AUTHORIZED**

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

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

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

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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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