

1 BEFORE THE REAL ESTATE COMMISSION

FILED

2 STATE OF NEVADA

JUL 10 2017

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

Case No. 2016-3133

REAL ESTATE COMMISSION
BY *[Signature]*

7 Petitioner,

8 vs.

9 MARILISA DEBARROS,

Respondent.

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney
13 General of the State of Nevada, and Keith E. Kizer, Senior Deputy Attorney General, hereby notifies
14 RESPONDENT MARILISA DEBARROS ("RESPONDENT") of an administrative hearing before the
15 STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to
16 Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the
17 Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated
18 below and to determine if the RESPONDENT should be subject to an administrative penalty as set
19 forth in NRS 645.235, NRS 645.633, NRS 645.630 and/or NRS 622.400, and the discipline to be
20 imposed, if violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division
23 as a broker under license numbers B.0018282.CORP and/or B.1001690.INDV, and as a property
24 manager under permit numbers PM.0164884.BKR and/or PM.0166598.BKR, and is therefore subject
25 to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and
26 NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT was licensed as a broker under license number B.0018282.CORP and as
4 a property manager under permit number PM.0164884.BKR, until March 31, 2017.

5 2. RESPONDENT was licensed as a broker under license number B.1001690.INDV and as
6 a property manager under permit number PM.0166598.BKR, until December 31, 2016.

7 3. RESPONDENT's above-referenced licenses and permits are currently in expired status.

8 4. RESPONDENT, at the relevant times mentioned in this Complaint, was the real estate
9 broker for Covenant Management Corporation ("Covenant").

10 5. RESPONDENT was the real estate broker for Elite Integrity Property Management Co.
11 ("Elite") from approximately December 2, 2015, until January 5, 2016.

12 6. By way of correspondence dated December 9, 2015, RESPONDENT, as broker/property
13 manager of Covenant, informed the owners of the properties being managed by Covenant that the
14 owners' property management accounts had been sold to Elite.

15 7. That December 9, 2015 correspondence listed RESPONDENT's email address as the
16 point of contact with Elite.

17 8. RESPONDENT was listed with the Nevada Secretary of State's office as the Director of
18 Elite, and Lizbeth Felix-Olmeda was listed as Elite's President and Secretary.

19 9. Felix-Olmeda holds no broker, broker-salesperson or salesperson license issued by the
20 Division.

21 10. Felix-Olmeda holds no permit to engage in property management issued by the Division.

22 11. RESPONDENT assisted Felix-Olmeda in Felix-Olmeda's engagement of real estate
23 activity for which a license or permit is required under NRS 645.

24 **CAROLYN MIJARES**

25 12. Covenant had a property management agreement with Carolyn Mijares and her husband
26 for the management of their real property at 1998 Dwarf Star Drive, Las Vegas, Nevada.

27 13. In or about December 2015, Mijares dealt with Felix-Olmeda regarding Elite's
28 management of Mijares's property.

1 14. On or about February 5, 2016, Mijares filed a Statement of Fact with the Division
2 complaining about conduct by Covenant and Elite.

3 15. By way of letter dated February 11, 2016, the Division required RESPONDENT to
4 respond to the complaint by Mijares.

5 16. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
6 regarding the complaint by Mijares.

7 **GONZALO CONTRERAS**

8 17. Covenant had a property management agreement with Gonzalo Contreras for the
9 management of his real property at 1885 Cosmic Drive, Las Vegas, Nevada.

10 18. In or about September 2015, Contreras meet with Felix-Olmeda at Covenant's office
11 regarding payments of HOA dues for the property.

12 19. At that time, Felix-Olmeda informed Contreras that she would make sure the HOA dues
13 were paid.

14 20. Felix-Olmeda failed to remit to Contreras the January 2016 rent money she collected, and
15 failed to make the property's HOA and mortgage payments.

16 21. On or about February 9, 2016, Contreras filed a Statement of Fact with the Division
17 complaining about Elite's conduct.

18 22. By way of letter dated February 11, 2016, the Division required RESPONDENT to
19 respond to the complaint by Contreras.

20 23. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
21 regarding the complaint by Contreras.

22 **CATHY CONNOLLY**

23 24. Covenant had a property management agreement with Cathy Connolly and her husband
24 for the management of her real property at 217 South Maryland Parkway, Las Vegas, Nevada.

25 25. On or about February 11, 2016, Connolly filed a letter of complaint with the Division
26 complaining about Elite's conduct.

27 26. By way of letter dated February 11, 2016, the Division required RESPONDENT to
28 respond to the complaint by Connolly.

1 27. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
2 regarding the complaint by Connolly.

3 **RICK SCHNIDER**

4 28. Covenant had a property management agreement with Rick Schnider for the management
5 of his real property at 2200 South Ft. Apache Drive, Units 1213 and 1214, Las Vegas, Nevada.

6 29. On or about February 16, 2016, Schnider filed a Statement of Fact with the Division
7 complaining about Elite's conduct.

8 30. By way of letter dated February 18, 2016, the Division required RESPONDENT to
9 respond to the complaint by Schnider.

10 31. RESPONDENT failed to supply a response to the Division's February 18, 2016 letter
11 regarding the complaint by Schnider.

12 **DOYLE EDSON**

13 32. Covenant had a property management agreement with Doyle Edson for the management
14 of his real properties at (a) 1857 Cosmic Drive, and (b) 4230 Tonopah Avenue, Las Vegas, Nevada.

15 33. On or about February 16, 2016, Edson filed a Statement of Fact with the Division
16 complaining about Elite's conduct.

17 34. By way of letter dated February 18, 2016, the Division required RESPONDENT to
18 respond to the complaint by Edson.

19 35. RESPONDENT failed to supply a response to the Division's February 18, 2016 letter
20 regarding the complaint by Edson.

21 **AGNIESZKA KOZIARSKA**

22 36. Agnieszka Koziarska leased real property located at 1304 Elk River Drive, Las Vegas,
23 Nevada, through Covenant.

24 37. By way of correspondence dated December 10, 2015, RESPONDENT told Koziarska to
25 remit her rent payments to Elite instead of Covenant, and to remit those payments to Felix-Olmeda's
26 office at 1998 Dwarf Star Drive, Las Vegas, Nevada.

27 38. On or about February 16, 2016, Koziarska filed a Statement of Fact with the Division
28 complaining about conduct by Covenant and Elite.

1 39. By way of letter dated February 18, 2016, the Division required RESPONDENT to
2 respond to the complaint by Koziarska.

3 40. RESPONDENT failed to supply a response to the Division's February 18, 2016 letter
4 regarding the complaint by Koziarska.

5 VIOLATIONS

6 RESPONDENT has committed the following violations of law:

7 41. RESPONDENT violated NRS 645.235(1)(b) by assisting or offering to assist Felix-
8 Olmeda in the engagement of real estate activity for which a license or permit is required under NRS
9 645, and Felix-Olmeda had no such license or permit.

10 42. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(1), by failing to
11 do her utmost to protect the public against fraud, misrepresentation or unethical practices related to real
12 estate.

13 43. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(6), by breaching
14 her obligation to deal fairly with all parties to a real estate transaction.

15 44. RESPONDENT violated NRS 645.635(6) and/or NAC 645.605(11)(a) and/or (b) by
16 failing to disclose all facts and documents pertinent to an investigation to members of the Division's
17 staff conducting the investigation.

18 DISCIPLINE AUTHORIZED

19 45. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
20 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from
21 the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of
22 NRS 645.235.

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

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

1 entitled to a copy of the transcript of the open and closed portions of the meeting, although you must
2 pay for the transcription.

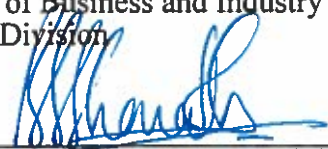
3 As the Respondent, you are specifically informed that you have the right to appear and be heard
4 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
5 the burden of proving the allegations in the complaint and will call witnesses and present evidence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

9 You have the right to request that the Commission issue subpoenas to compel witnesses to
10 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
11 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
12 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

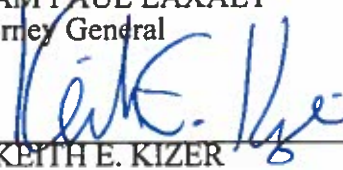
13 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
14 NAC 645 and if the allegations contained herein are substantially proven by the evidence
15 presented and to further determine what administrative penalty, if any, is to be assessed against the
16 Respondent,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

17 DATED this 5th day of July, 2017.

18 State of Nevada
19 Department of Business and Industry
20 Real Estate Division

21 By: 
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