

JUL 03 2017

REAL ESTATE COMMISSION  
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2016-2130

Petitioner,

vs.

REDA MARIA GUDEN,

Respondent.

**COMPLAINT AND NOTICE OF HEARING**

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, Senior Deputy Attorney General, hereby notifies RESPONDENT REDA MARIA GUDEN ("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 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.0046866.LLC and as a Property Manager under permit number PM.0163582.BKR, 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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**FACTUAL ALLEGATIONS**

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2           1.       RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a  
3 Broker under license number B.0046866.LLC and as a Property Manager under permit number  
4 PM.0163582.BKR, both of which are currently active.

5           2.       At all times relevant to the Complaint, RESPONDENT was the broker for American First  
6 Realty LLC.

7           3.       American First Realty LLC had an Operating Account, XXXXXX5702, at JP Morgan  
8 Chase Bank (“Account 5702”).

9           4.       RESPONDENT deposited client funds into Account 5702.

10          5.       RESPONDENT did not designate Account 5702 as a trust account.

11          6.       American First Realty LLC had an Operating Account, XXXXXX8742, at Wells Fargo  
12 Bank (“Account 8742”).

13          7.       RESPONDENT deposited client funds into Account 8742.

14          8.       RESPONDENT did not designate Account 8742 as a trust account.

15          9.       RESPONDENT never submitted a trust account reconciliation report to the Division for  
16 Account 8742.

17          10.      RESPONDENT used a rubber stamp to sign checks from Account 8742.

18          11.      American First Realty LLC had an Operating Account, XXXXXX3028, at JP Morgan  
19 Chase Bank (“Account 3082”).

20          12.      RESPONDENT deposited client funds into Account 3082.

21          13.      American First Realty LLC had an Operating Account, XXXXXX8303, at Bank of the  
22 West (“Account 8303”).

23          14.      RESPONDENT deposited client funds into Account 8303.

24          15.      RESPONDENT never specified Accounts 5702, 8742, 3082 and 8303 on Division Form  
25 513.

26          16.      RESPONDENT deposited security deposits and client money into the same account,  
27 Account 8303.

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1 17. Between January 5 and July 19, 2016, RESPONDENT made twenty separate transfers,  
2 which totaled \$23,400.00, from Account 5072 into her personal account.

3 18. On or about February 11, 2016, RESPONDENT withdrew \$7,000.00 from Account 5072.

4 19. In or around March 2016, approximately 54 properties that had been managed by  
5 American First Realty LLC, through RESPONDENT, were transferred to RE/MAX Central.

6 20. At that time, RESPONDENT failed to remit rent or deposit money (approximately  
7 \$14,670.00) belonging to fourteen different property accounts.

8 21. On or about March 25, 2016, Account 5072 went into overdraft status, resulting in a  
9 \$34.00 fee charged by JP Morgan Chase Bank.

10 22. On or about June 24, 2016, Account 5072 went into overdraft status, resulting in a \$34.00  
11 fee charged by JP Morgan Chase Bank.

12 23. On or about June 24, 2016, a check in the amount of \$1,242.00 written from Account 5072  
13 was returned due to the overdraft status.

14 24. On or about June 29, 2016, Account 5072 went into overdraft status, resulting in a \$34.00  
15 fee charged by JP Morgan Chase Bank.

16 25. On or about June 30, 2016, RESPONDENT transferred \$54.00 from her personal account  
17 into Account 5072.

18 26. On or about May 5, 2016, Davit Hakobyan filed a Statement of Fact with the Division,  
19 complaining about RESPONDENT's conduct.

20 27. On or about May 11, 2016, John Ahlbrand filed a Statement of Fact with the Division,  
21 complaining about RESPONDENT's conduct.

22 28. By way of letter dated May 26, 2016, the Division required RESPONDENT to provide  
23 additional information after the Division received her initial response to the Division's investigation.

24 29. RESPONDENT failed to provide the additional information to the Division.

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**VIOLATIONS**

RESPONDENT has committed the following violations of law:

30. RESPONDENT violated NRS 645.630(1)(f) *on fourteen occasions* by failing to account for and remit funds within a reasonable time.

31. RESPONDENT violated NRS 645.310(4) by failing to designate Account 5702 as a trust account.

32. RESPONDENT violated NRS 645.310(4) by failing to designate Account 8742 as a trust account.

33. RESPONDENT violated NRS 645.310(6) *on four occasions* by failing to notify the Division of the names of the banks in which she maintained trust accounts and specify the names of the accounts on forms provided by the Division.

34. RESPONDENT violated NAC 645.655(8) by failing to maintain two separate property management trust accounts distinct from any trust account that she had for other real estate transactions.

35. RESPONDENT violated NAC 645.655(5) by maintaining a custodial or trust account from which money could be withdrawn without her signature.

36. RESPONDENT violated NRS 645.630(1)(h) by transferring money from her personal account into Account 5702.

37. RESPONDENT violated NRS 645.630(1)(h) *on twenty occasions* by transferring money from Account 5702 into her personal account.

38. RESPONDENT violated NRS 645.630(1)(h) by withdrawing money from Account 5702 for her personal use.

39. RESPONDENT violated NRS 645.630(1)(h) *on three occasions* by allowing Account 5702 to go into overdraft status.

40. RESPONDENT violated NRS 645.630(1)(h) by allowing a check written from Account 5702 to be returned for insufficient funds.

41. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(a) and (b), by failing to supply a written response to the Division.

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

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

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

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

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

5 DATED this 3<sup>rd</sup> day of July, 2017.

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

9  
10 By:   
11 SHARATH CHANDRA, Administrator  
12 2501 East Sahara Avenue  
13 Las Vegas, Nevada 89104-4137  
14 (702) 486-4033

15 ADAM PAUL LAXALT  
16 Attorney General

17 By:   
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