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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

NOV 08 2013

GAIL J. ANDERSON, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 13-11-05-153

REAL ESTATE COMMISSION
Janice Greer

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

SHARON (DYLAN) SHINA,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Christopher Eccles, Deputy Attorney General, hereby notifies RESPONDENT Sharon (Dylan) Shina ("RESPONDENT") of an administrative hearing before the 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 and / or NAC Chapters 645, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

- RESPONDENT was at all relevant times mentioned in this Complaint licensed as a real estate salesperson under license number S.0062067, and is therefore subject to the jurisdiction of the Division, the Commission, and the provisions of NRS and NAC Chapters 645.
- RESPONDENT, at relevant times herein engaged in property management activities without the required property management permit from the Division, and RESPONDENT is therefore subject to the jurisdiction of the Division, the Commission, and the provisions of NRS and NAC Chapters 645.

FACTUAL ALLEGATIONS

GENERAL FACTUAL ALLEGATIONS

3. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a - real estate salesperson under license number S.0062067, from June 29, 2004 and his license expiration date is June 30, 2017.
4. RESPONDENT, at the relevant times mentioned herein, engaged in property management activities.
5. RESPONDENT enrolled in the 24 hour property management permit course at Key Realty School scheduled for October 14, 2011.
6. RESPONDENT never obtained a property management permit from the Division.
7. From on or about December 6, 2006 through on or about April 12, 2012, RESPONDENT associated his salesperson's license with real estate broker Michael Vannozzi, Sr. ("Vannozzi") of Vegas One Realty.
8. From on or about April 13, 2012 through on or about June 1, 2012, RESPONDENT associated his salesperson's license with Bental International Realty, LLC.
9. From on or about June 1, 2012 through on or about November 6, 2012, RESPONDENT associated his salesperson's license with real estate broker Michael Vannozzi, Sr. ("Vannozzi") of Vegas One Realty.
10. From on or about November 7, 2012 to the present date, RESPONDENT associated his salesperson's license with real estate broker Laura Ben-Shimon of Nationwide Realty, LLC.
11. At the relevant times herein, RESPONDENT maintained an individual checking account of Bank of America, Account Number XXXX-XXXX-6009, for which he was the sole signor ("Account 6009").

THE SPIERS AVE. PROPERTY

12. Savion and Hadas Tamir ("Tamir") owned real property located 1994 Spiers Ave., Las Vegas, NV, 89123-6980, Parcel # 177-26-613-060 (the "Spiers Ave. property").

- 1 13. On or about June of 2011, RESPONDENT prepared a Residential Lease Agreement
2 for his client, Tamir, regarding the Spiers Ave. property.
- 3 14. RESPONDENT prepared the above-mentioned Lease such that the "Tenant shall make
4 all payments payable to SHARON SHINA and shall mail such payments to BANK OF
5 AMERICA ACC # XXXX-XXXX-6009.
- 6 15. RESPONDENT prepared the above-mentioned Lease such that VEGAS ONE REALTY
7 is listed as the Landlord's Broker and DYLAN SHINA is listed as the Agent.
- 8 16. On or about June 21, 2011, RESPONDENT signed the above-mentioned Lease as the
9 Authorized Agent for Broker.
- 10 17. In fact, RESPONDENT concealed the Spiers Ave. property transaction from his broker,
11 Vannozzi.
- 12 18. Humberto Lespron ("Lespron") and Gabrielle Jezzard ("Jezzard") were the tenants
13 under the Lease for the Spiers Ave. property.
- 14 19. RESPONDENT told Jezzard that his name was Dylan Shina and that Sharon Shina
15 was his wife and that she handled paperwork for him.
- 16 20. From on or about August 1, 2011 through on or about October 1, 2012, Jezzard
17 deposited approximately 13 monthly rental payments directly into RESPONDENT'S
18 Account 6009.
- 19 21. On May 2, 2012, Jezzard deposited \$1015.00 into RESPONDENT'S Account 6009,
20 which exceeds the \$950 rent payment provided for in the Lease.
- 21 22. On November 7, 2011, Jezzard deposited \$83.00 into RESPONDENT'S Account 6009.
- 22 23. On October 1, 2012, Jezzard deposited \$35.00 into RESPONDENT'S Account 6009.
- 23 24. RESPONDENT made numerous accounting errors regarding Jezzard's rental and
24 utilities payments and attempted to charge Jezzard for payments that Jezzard timely
25 made.
- 26 25. When Jezzard discussed RESPONDENT'S accounting errors with him, RESPONDENT
27 told Jezzard to call him after she made payments so that he could check Account 6009
28 and make notes that the payments had been made.

1 26. When Jezzard discussed RESPONDENT'S accounting errors with him, RESPONDENT
2 told Jezzard, "How can I know you deposited when I have so many other people
3 depositing the same amount, I have dozens of propertys [sic] on this account."

4 27. RESPONDENT offered the Spiers Ave. property for sale to Jezzard, but when she
5 declined the offer, RESPONDENT attempted to unilaterally raise Jezzard's rent
6 payments.

7 28. Jezzard eventually became suspicious of RESPONDENT'S unprofessional conduct,
8 which included unannounced inspections, numerous phone calls to her while she was
9 at work, and numerous notes left on the door of the property requesting that Jezzard
10 contact him.

11 29. As a result, Jezzard contacted RESPONDENT'S broker, Vannozzi, because VEGAS
12 ONE REALTY was listed on the Lease.

13 30. After Jezzard contacted Vannozzi, RESPONDENT closed his Account 6009.

14 31. Tamir, the owner, then opened a bank account and Jezzard made payments to Tamir's
15 account.

16 32. Jezzard paid \$950 rent to Tamir for March of 2013.

17 33. Jezzard vacated the Spiers Ave. property in March of 2013.

18 34. Shortly after Jezzard vacated the Spiers Ave. property, RESPONDENT and / or Tamir
19 had a third-party serve Jezzard with a 5-day Quit Notice.

20 35. RESPONDENT / and or Tamir demanded that Jezzard pay \$950 rent for March of
21 2013, which she had already paid, plus an additional \$1,000 to cover costs until a new
22 renter occupied the property.

23 36. In March of 2013, Jezzard was trying to buy a home in her own name and was worried
24 that the 5-day Quit Notice would negatively impact her credit, and therefore, her ability
25 to buy a home.

26 37. Thus, Jezzard immediately hired an attorney for \$750 after she received the 5-day Quit
27 Notice.

28 . . .

1 38. From on or about 2010 through on or about 2012, RESPONDENT prepared Residential
2 Rental Listings for display in the Multiple Listing Service (MLS) for other real properties
3 in Nevada as described below.

4 **THE CRAIG RD. PROPERTY**

5 39. On or about December 5, 2010, RESPONDENT prepared a Residential Rental Listing
6 in the MLS for real property located at 4730 E. Craig Rd., Unit 2170, Las Vegas, NV
7 89115, Parcel# 140-05-510-344 (the "Craig Rd. property"). Under the heading
8 VOW/LISTING OFFICE INFORMATION, RESPONDENT is listed as the agent for
9 Vegas One Realty and the commission amount is \$300.

10 40. On or about February 17, 2011, RESPONDENT purchased Cashier's Check No.
11 003573193 for \$300 from Bank of America made payable to Century 21 Advantage
12 Gold regarding the Craig Rd. property.

13 41. RESPONDENT paid the \$300 commission directly to Century 21 Advantage Gold
14 regarding the Craig Rd. property.

15 42. RESPONDENT concealed the Craig Rd. property transaction from his broker,
16 Vannozzi.

17 **THE RINGQUIST ST. PROPERTY**

18 43. On or about February 26, 2011, RESPONDENT prepared a residential rental listing in
19 the MLS for real property located at 7367 Ringquist St., Las Vegas, NV 89148, Parcel #
20 176-08-112-022. Under the heading VOW/LISTING OFFICE INFORMATION,
21 RESPONDENT is listed as the agent for Vegas One Realty and the commission
22 amount is \$300.

23 44. On or about March 29, 2011, RESPONDENT purchased Cashier's Check No.
24 003677295 for \$300 from Bank of America made payable to Shelter Realty regarding
25 the Ringquist St. property.

26 45. RESPONDENT paid the \$300 commission directly to Shelter Realty regarding the
27 Ringquist St. property.

28 . . .

1 46. RESPONDENT concealed the Ringquist St. property transaction from his broker,
2 Vannozzi.

3 **THE FOREFATHER ST. PROPERTY**

4 47. On or about July 27, 2012, RESPONDENT prepared a residential rental listing in the
5 MLS for real property located at 7221 Forefather St., Las Vegas, NV 89148, Parcel #
6 176-05-818-024. Under the heading VOW/LISTING OFFICE INFORMATION,
7 RESPONDENT is listed as the agent for Vegas One Realty and the commission
8 amount is \$350.

9 48. RESPONDENT concealed the Craig Rd. property transaction from his broker,
10 Vannozzi.

11 **THE KEEPHILLS ST. PROPERTY**

12 49. On or about August 19, 2012, RESPONDENT prepared a residential rental listing in the
13 MLS for real property located at 9963 Keephills St., Las Vegas, NV 89183, Parcel #
14 177-27-614-218 (the "Keephills St. property"). Under the heading VOW/LISTING
15 OFFICE INFORMATION, RESPONDENT is listed as the agent for Vegas One Realty
16 and the commission amount is \$300.

17 50. Yaron Herman ("Herman") owned the Keephills St. property.

18 51. On or about September 2, 2012, RESPONDENT prepared a Residential Lease
19 Agreement for his client, Herman, regarding the Keephills St. property.

20 52. On or about September 11, 2012, RESPONDENT purchased Cashier's Check No.
21 004046916 for \$300 from Bank of America made payable to Elite Realty regarding the
22 Keephills St. property.

23 53. RESPONDENT paid the \$300 commission directly to Elite Realty regarding the
24 Keephills St. property.

25 54. Mary Ellen Barley, a/k/a Mary Barley, a/k/a Mary Reynolds ("Barley") was the tenant
26 under the Lease for the Keephills St. property.

27 55. On September 21, 2012, RESPONDENT texted Barley and asked that she deposit rent
28 into his Account 6009.

1 56. On November 9, 2012, RESPONDENT texted Barley and asked her to now deposit
2 rent into Herman's Bank of America account XXXX-XXXX1557.

3 57. RESPONDENT is listed as the Agent and Vannozzi is listed as the Landlord's Broker
4 on the Lease for the Keephills St. property.

5 58. RESPONDENT concealed the Keephills St. property transaction from his broker,
6 Vannozzi.

7 **ALPINE FALLS ST. PROPERTY**

8 59. On or about June 15, 2011, RESPONDENT purchased Cashier's Check No.
9 003724311 for \$300 from Bank of America made payable to Realty One Group
10 regarding real property located in Nevada at 1900 Alpine Falls St. (the "Alpine Falls St.
11 property").

12 60. RESPONDENT paid the \$300 commission directly to Realty One Group regarding the
13 Alpine Falls St. property.

14 61. RESPONDENT concealed the Alpine Falls St. property transaction from his broker,
15 Vannozzi.

16 **RESPONDENT MANAGED OTHER REAL PROPERTIES IN NEVADA**

17 62. On information and belief, RESPONDENT engaged in property management activities
18 without a property management permit regarding other real properties in Nevada.

19 63. Bank records for RESPONDENT'S Account 6009, from September 1, 2012 through
20 November 30, 2012, show numerous Counter Credits for \$950 and similar amounts
21 that appear to be rental payments.

22 64. For example, RESPONDENT'S Account 6009 statement ending September 26, 2012,
23 shows 33 Counter Credits totaling approximately \$39,000.

24 65. RESPONDENT maintained an individual regular savings account at Bank of America,
25 Account XXXX-XXXX-7139, for which he was the sole signor ("Account 7139").

26 66. Bank records for RESPONDENT'S Account 7139, from September 1, 2012 through
27 November 30, 2012, show that RESPONDENT transferred money from Account 6009
28 to Account 7139.

1 67. RESPONDENT also maintained a regular savings account at Bank of America,
2 Account XXXX-XXX-7073, titled NV UTMA FOR LIANA SHINA, SHARON SHINA
3 CUSTODIAN ("Account 7073").

4 68. Bank records for RESPONDENT'S Account 7139, from September 1, 2012 through
5 November 30, 2012, show that RESPONDENT transferred money from Account 6009
6 to Account 7073.

7 69. For example, from June 21, 2012 through September 19, 2012, RESPONDENT
8 transferred \$3,975 from Account 6009 to Account 7073.

9 70. By letter dated November 13, 2012, Carolyn Washington, the Division's Investigator,
10 requested that RESPONDENT provide information relating to the Division's
11 investigation, including a list of properties that RESPONDENT had managed.

12 71. RESPONDENT failed to respond to the Division's November 13, 2012 letter.

13 72. Thus, on January 23, 2013, Investigator Washington mailed another letter to
14 RESPONDENT regarding his failure to respond to the investigation.

15 73. Finally, on January 31, 2013, RESPONDENT responded to the Division's investigation
16 by providing a one-page letter from himself and a one-page letter from Tamir.

17 74. RESPONDENT possessed and / or had access to other documents relating to the
18 Nevada properties he managed, but he failed to provide documents to the Division
19 other than the one-page letters referenced in paragraph 73.

20 VIOLATIONS

21 RESPONDENT has committed the following violations of law:

22 **VIOLATIONS OF NRS 645.230(1)(b)**

23 75. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
24 respect to the Spiers Ave. property.

25 76. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
26 respect to the Craig Rd. property.

27 77. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
28 respect to the Ringquist St. property.

1 78. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
2 respect to the Forefather St. property.

3 79. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
4 respect to the Keephills St. property.

5 80. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
6 respect to the Alpine Falls property.

7 81. RESPONDENT violated NRS 645.230(1)(b) by acting as a property manager with
8 respect to one or more other real properties located in Nevada.

9 **VIOLATIONS OF NRS 645.280(3)**

10 82. RESPONDENT violated NRS 645.280(3) by directly paying a commission to Century
11 21 Advantage Gold regarding the Craig Rd. property.

12 83. RESPONDENT violated NRS 645.280(3) by directly paying a commission to Shelter
13 Realty regarding the Ringquist St. property.

14 84. RESPONDENT violated NRS 645.280(3) by directly paying a commission to Elite
15 Realty regarding the Keephills St. property.

16 85. RESPONDENT violated NRS 645.280(3) by directly paying a commission to Realty
17 One Group regarding the Alpine Falls St. property.

18 86. RESPONDENT violated NRS 645.280(3) by directly paying a commission to one or
19 more other brokerages with respect to one or more other real properties located in
20 Nevada.

21 **VIOLATIONS OF NRS 645.630(1)(a)**

22 87. RESPONDENT violated NRS 645.630(1)(a) for multiple material misrepresentations
23 regarding the Spiers Ave. property, including, but not limited to: stating that Vegas One
24 Realty was the landlord's broker, and / or stating that he was the authorized agent of
25 the broker, and / or stating that he was Dylan Shina and that Sharon Shina was another
26 person.

27 88. RESPONDENT violated NRS 645.630(1)(a) by materially misrepresenting that he was
28 the agent for Vegas One Realty in the MLS for the Craig Rd. property.

1 89. RESPONDENT violated NRS 645.630(1)(a) by materially misrepresenting that he was
2 the agent for Vegas One Realty in the MLS for the Ringquist St. property.

3 90. RESPONDENT violated NRS 645.630(1)(a) by materially misrepresenting that he was
4 the agent for Vegas One Realty in the MLS for the Keephills St. property.

5 91. RESPONDENT violated NRS 645.630(1)(a) by materially misrepresenting that he was
6 the agent for Vegas One Realty in the MLS for one or more other real properties
7 located in Nevada.

8 **VIOLATIONS OF NRS 645.630(1)(h)**

9 92. RESPONDENT violated NRS 645.630(1)(h) by commingling his client's money with his
10 own regarding the Spiers Ave. property.

11 93. RESPONDENT violated NRS 645.630(1)(h) by commingling his client's money with his
12 own regarding the Keephills St. property.

13 94. RESPONDENT violated NRS 645.630(1)(h) by commingling his client's money with his
14 own regarding one or more other properties located in Nevada.

15 **VIOLATIONS OF NRS 645.633(1)(h) and / or NRS 645.633(1)(i)**

16 95. RESPONDENT violated NRS 645.633(1)(h) and / or NRS 645.633(1)(i), by his pattern
17 and practice of unlawful activities described herein, pursuant to the following sections
18 of NAC 645.605: (1), and / or (3), and / or (6), and / or (11)(a), and / or (11)(b), and / or
19 (11)(e).

20 **VIOLATION OF NRS 645.635(6)**

21 96. RESPONDENT violated NRS 645.635(6) by failing to produce documents in his
22 possession or under his control concerning the real estate transactions under
23 investigation by the Division.

24 **VIOLATION OF NAC 645.680(3)**

25 97. RESPONDENT violated NAC 645.680(3) by failing to disclose all facts and documents
26 pertinent to the Division's investigation.

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DISCIPLINE AUTHORIZED

- 98. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.
- 99. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.
- 100. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

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.

Locations, Dates, and Times:

THE HEARING WILL TAKE PLACE December 10, 2013 commencing at 8:30 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 8:30 a.m. through December 12, 2013, or earlier if the business of the Commission is concluded. The Commission meeting will be held at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101 and via video conference to the Legislative Building, 401 South Carson Street, Room 3137, Carson City, Nevada 89701. The meeting will continue on December 11, 2013 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada 89101 and via video conference to the Legislative Building, 401 South Carson Street, Room 3137, Carson City, Nevada 89701, commencing at 8:30 a.m., and on December 12, 2013, starting at 8:30 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101 and via video conference to the Legislative Building, 401 South Carson Street, Room 3137, Carson City, Nevada 89701.

1 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the
2 same time as part of a regular meeting of the Commission that is expected to last from
3 December 10 through December 12, 2013, or earlier if the business of the Commission is
4 concluded. Thus, your hearing may be continued until later in the day or from day to day. It is
5 your responsibility to be present when your case is called. If you are not present when your
6 hearing is called, a default may be entered against you and the Commission may decide the
7 case as if all allegations in the complaint were true. If you have any questions please call
8 Rebecca Hardin, Commission Coordinator (702) 486-4074.

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

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

22 You have the right to request that the Commission issue subpoenas to compel
23 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
24 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
25 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
26 233B, and NAC 645.810 through 645.875.

27 The purpose of the hearing is to determine if the RESPONDENT has violated NRS 645
28 and/or NAC 645 and if the allegations contained herein are substantially proven by the

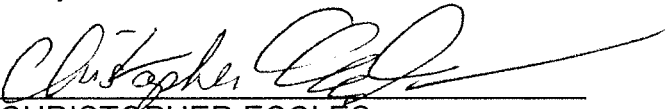
1 evidence presented and to further determine what administrative penalty is to be assessed
2 against the RESPONDENT, if any, pursuant to NRS 645.633 and/or NRS 645.630.

3 DATED this 7th day of November, 2013.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 Gail J. Anderson, Administrator
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