

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

MAY 08 2018

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

Case No.: 2017-1738

REAL ESTATE COMMISSION

Petitioner,

COMPLAINT AND NOTICE OF
HEARING

vs.

MARIAH S. CRUME,

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 PETER KEEGAN Deputy Attorney General, hereby notifies RESPONDENT, MARIAH S. CRUME, ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 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 or other discipline authorized by NRS 645 and/or NAC 645, if violations of law are proven.

JURISDICTION

RESPONDENT was licensed as a real estate salesperson under license number S.0176351. RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

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FACTUAL ALLEGATIONS

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2 1. RESPONDENT was a licensed Real Estate Salesperson under license
3 number, S.0176351, initially issued by the Division on February 19, 2015.

4 2. On or about May 26, 2017, RESPONDENT submitted an offer on behalf of
5 her client for the property located at 1555 Alicia Way, Reno, Nevada 89506.

6 3. The Offer and Acceptance Agreement included a \$1,000.00 earnest money
7 deposit.

8 4. The sellers of 1555 Alicia Way accepted the offer on May 26, 2017.

9 5. On or about June 2, 2017, RESPONDENT received proof of the buyer's
10 sufficient funds to complete the transaction.

11 6. On or about June 5, 2017, RESPONDENT's client submitted an earnest
12 money deposit check in the amount of \$1,000.00 to First Centennial Title Company of
13 Nevada.

14 7. The Offer and Acceptance Agreement contained an Earnest Money Deposit
15 provision stating that the \$1,000.00 check payable to First Centennial Title would be,
16 "held uncashed until acceptance and then deposited within one (1) business day of
17 acceptance with Shelli Lindsey."

18 8. RESPONDENT failed to ensure her client's earnest money deposit was
19 received by First Centennial Title within one (1) business day of acceptance of her client's
20 offer.

21 9. On or about June 15, 2017, RESPONDENT's client submitted Addendum
22 6/13/17 to the Offer and Acceptance Agreement extending the inspection period to June
23 22, 2017.

24 10. On or about June 19, 2017, RESPONDENT received an email from First
25 Centennial Title Company, notifying her that the earnest money check deposited by her
26 client had been returned.

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1 11. The email notifying RESPONDENT of the returned earnest money deposit
2 on June 19, 2017, shows it was sent to the RESPONDENT and two employees of First
3 Centennial Title Company.

4 12. On or about June 20, 2017, RESPONDENT's client submitted Addendum #2
5 to the Offer and Acceptance Agreement extending the inspection period to June 23, 2017.

6 13. On or about June 22, 2017, the RESPONDENT's client submitted escrow
7 cancellation instructions, stating that he did not approve inspection reports.

8 14. The seller's agent for the property in question was notified by First
9 Centennial Title Company on July 20, 2017, that the check for the earnest money deposit
10 was returned on June 7, 2017.

11 15. During July 2017, RESPONDENT paid the inspections providers for the
12 costs of the inspections conducted on the property owed by her client.

13 16. On or about August, 4, 2017, RESPONDENT paid the Complainants herein
14 \$1,075.00 for the costs they incurred for the inspections.

15 17. On or about, July 31, 2017, the Division received a Complaint and Statement
16 of Fact against RESPONDENT.

17 18. On or about August 8, 2017, the Division sent RESPONDENT, an
18 Investigation Opening letter requesting a response by August 22, 2017.

19 19. On or about, August 22, 2017, RESPONDENT sent her response to the
20 Investigation Opening Letter to the Division.

21 20. On or about December 6, 2017, RESPONDENT stated to the Division that
22 she sent the Complainants a check for the \$1,000.00 earnest money deposit that bounced.

23 21. On or about December 13, 2017, RESPONDENT stated to the Division that
24 she did not refund the \$1,000.00 earnest money deposit.

25 22. On or about December 20, 2017, the Division sent RESPONDENT, via
26 certified mail, a Notice of Violation and Order with Imposition of Administrative Fine,
27 which required payment of a \$1,000.00 fine by January 22, 2018.
28

24. On January 17, 2018, RESPONDENT submitted her notice of appeal to the Division.

25. On January 29, 2017, the Division sent, via certified mail, a confirmation letter to RESPONDENT regarding receipt of her appeal and scheduling of a hearing before the Commission.

VIOLATIONS

RESPONDENT has committed the following violations of law:

26. RESPONDENT violated NRS 645.252(1)(a) for failing to disclose the material and relevant fact to the seller's agent that her client's check for the earnest money deposit was returned to First Centennial Title Company of Nevada unpaid.

27. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(c) for falsely stating to an investigator of the Division that she refunded the earnest money deposit to the sellers of the property in question.

28. RESPONDENT violated NRS 645.630(1)(k) for failing to deposit any check received as earnest money before the end of the next banking day as specified in the offer accepted by the sellers of the property herein.

DISCIPLINE AUTHORIZED

29. Pursuant to NAC 645.695, the Commission is empowered to impose an administrative fine of up to \$500.00 per violation of NRS 645.252 against RESPONDENT and in addition to or in lieu of imposing an administrative fine, the Administrator may: (a) recommend to the Commission that the licensee and any permit of the licensee be suspended or revoked; (b) require a licensee to take continuing education; or (c) take and combination of the actions set forth in paragraphs (a) and (b).

30. Pursuant to NAC 645.695, the Commission is empowered to impose an administrative fine of up to \$500.00 per violation of NRS 645.633(1)(h) against

1 RESPONDENT and in addition to or in lieu of imposing an administrative fine, the
2 Administrator may: (a) recommend to the Commission that the licensee and any permit of
3 the licensee be suspended or revoked; (b) require a licensee to take continuing education;
4 or (c) take and combination of the actions set forth in paragraphs (a) and (b).

5 31. Pursuant to NAC 645.695, the Commission is empowered to impose an
6 administrative fine of up to \$500.00 per violation of NRS 645.630(1)(k) against
7 RESPONDENT and in addition to or in lieu of imposing an administrative fine, the
8 Administrator may: (a) recommend to the Commission that the licensee and any permit of
9 the licensee be suspended or revoked; (b) require a licensee to take continuing education;
10 or (c) take and combination of the actions set forth in paragraphs (a) and (b).

11 32. Pursuant to NRS 645.314, the Division is authorized to request its
12 investigative costs where the investigation was undertaken for disciplinary purposes.

13 33. Additionally, under NRS 622.400, the Commission is authorized to impose
14 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
15 fees, if the Commission otherwise imposes discipline on RESPONDENT.

16 34. Therefore, the Division requests that the Commission take such disciplinary
17 action as it deems appropriate under the circumstances.

18 NOTICE OF HEARING

19 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the
20 Administrative Complaint against the above-named Respondent in accordance with
21 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
22 Administrative Code.

23 THE HEARING WILL TAKE PLACE on June 12, 2018 commencing at 9:00
24 a.m., or as soon thereafter as the Commission is able to hear the matter, and
25 each day thereafter commencing at 9:00 a.m. through June 14, 2018, or earlier if
26 the business of the Commission is concluded. The Commission meeting will be
27 held on June 12, 2018, at the Nevada Division of Insurance, 1818 East College
28 Parkway, Suite 103, Carson City, Nevada 89706. The meeting will continue on

1 June 13, 2018 at the Nevada Division of Insurance, 1818 East College Parkway,
2 Suite 103, Carson City, Nevada 89706., commencing at 9:00 a.m., and on June 14,
3 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada
4 Division of Insurance, 1818 East College Parkway, Suite 103, Carson City,
5 Nevada 89706.

6 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
7 at the same time as part of a regular meeting of the Commission that is
8 expected to last from June 12 through June 14, 2018, or earlier if the business of
9 the Commission is concluded. Thus, your hearing may be continued until later
10 in the day or from day to day. It is your responsibility to be present when your
11 case is called. If you are not present when your hearing is called, a default may
12 be entered against you and the Commission may decide the case as if all
13 allegations in the complaint were true. If you have any questions please call
14 Rebecca Hardin, Commission Coordinator (702) 486-4074.

15 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
16 open meeting under Nevada's Open Meeting Law, and may be attended by the public.
17 After the evidence and arguments, the Commission may conduct a closed meeting to
18 discuss your alleged misconduct or professional competence. A verbatim record will be
19 made by a certified court reporter. You are entitled to a copy of the transcript of the open
20 and closed portions of the meeting, although you must pay for the transcription.

21 As the Respondent, you are specifically informed that you have the right to appear
22 and be heard in your defense, either personally or through your counsel of choice. At the
23 hearing, the Division has the burden of proving the allegations in the complaint and will
24 call witnesses and present evidence against you. You have the right to respond and to
25 present relevant evidence and argument on all issues involved. You have the right to call
26 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
27 matter relevant to the issues involved.
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1 You have the right to request that the Commission issue subpoenas to compel
2 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
3 you may be required to demonstrate the relevance of the witnesses' testimony and/or
4 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
5 NRS Chapter 233B, and NAC 645.810 through 645.920.

6 The purpose of the hearing is to determine if the Respondent has violated NRS 645
7 and/or NAC 645 and if the allegations contained herein are substantially proven
8 by the evidence presented and to further determine what administrative penalty, if any,
9 is to be assessed against the Respondents.

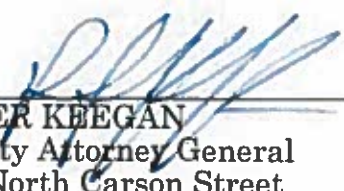
10 DATED this 7 day of May, 2018.

11 State of Nevada
12 Department of Business and Industry
13 Real Estate Division

14 By: 
15 SHARATH CHANDRA, Administrator
16 3300 W. Sahara Avenue
Las Vegas, Nevada 89102

17 DATED this 7th day of May 2018.

18 ADAM PAUL LAXALT
19 Attorney General

20 By: 
21 PETER KEEGAN
22 Deputy Attorney General
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25 Telephone: (775) 684-1153
26 Attorneys for Real Estate Division
27
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