

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

AARON SPEARS,

Respondent.

Case No. 2017-389

FILED

FEB 22 2019

REAL ESTATE COMMISSION
BY *Emily Pattle*

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT AARON SPEARS ("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 645.235 and NRS 622.400, and the discipline to be imposed, if a violation of law is proven.

JURISDICTION

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson and a permit to conduct business as a property manager, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. At all times relevant to this Complaint, RESPONDENT was not licensed by the Division in any capacity.

2. At all times relevant to this Complaint, RESPONDENT conducted unlicensed property management activities in Nevada.

1 3. RESPONDENT operated under the name of Las Vegas Property Services. (#7, 14).

2 4. On or about April 8, 2016, property owner, Jeffrey Goodman, entered into a Residential
3 Lease Agreement for 1112 Bass Drive, Unit D, Henderson, Nevada with tenants Michael and Cheri
4 Rushing. The Owner's Broker is listed as Easy Street Realty with Heather Etchings as agent. (#154-
5 172).

6 a. Paragraph 25 of the lease provides that the tenant is to contact Aaron Spears of
7 Las Vegas Property Services for any maintenance or essential services or
8 emergencies on behalf of the landlord. (#159).

9 b. Paragraph 46 of the Residential Lease Agreement provides:

10 Tenants are aware the Owner/Landlord has
11 employed Las Vegas Property Services to manage
12 the property and their contact is Aaron Spears. Once
13 lease is executed, all deposits will be turned over to
14 Las Vegas Property Services and the services
 provided by EasyStreet Realty to list and lease the
 property on behalf of Owner/Landlord will have
 concluded. (#165)

15 c. On or about April 8, 2016, Aaron Spears signed for and received \$2,400.00 in
16 money order deposits. (# 170-71).

17 5. On or about April 19, 2016, Owner Jeffrey Goodman entered into a Residential
18 Lease Agreement for 2903 Bungalow Lane, Henderson Nevada with tenants Marta and Jorge Lopez. The
19 Owner's Broker is listed as Easy Street Realty with Heather Etchings as agent. (#174-187).

20 a. Paragraph 25 of the lease provides that the tenant is to contact Aaron Spears of
21 Las Vegas Property Services for any maintenance or essential services or
22 emergencies on behalf of the landlord. (#179)

23 b. Paragraph 46 of the Residential Lease Agreement provides:

24 Tenants are aware the Owner/Landlord has
25 employed Las Vegas Property Services to manage
26 the property and their contact is Aaron Spears. Once
27 lease is executed, all deposits will be turned over to
28 Las Vegas Property Services and the services
 provided by EasyStreet Realty to list and lease the
 property on behalf of Owner/Landlord will have
 concluded. (#185)

1 6. On or about May 2016, RESPONDENT represented to Complainant Anh Tuan Che
2 Nguyen ("Complainant") that he was a licensed property manager in Nevada doing business as Las Vegas
3 Property Services, P O Box 530603, Henderson Nevada 89121, (#14-15)

4 a. RESPONDENT entered into a property management agreement the Complainant
5 to lease and manage property located at 4202 Flamingo Crest Drive, Unit 3, Las
6 Vegas, NV 89121. (#30-31).

7 b. For his services as a property manager, RESPONDENT was to receive \$350 from
8 the first month rent as a fee for acquiring, screening and renting the premises and
9 \$45 per month as a fee for managing the property. (#30-31).

10 c. The agreement was signed by the Complainant and the RESPONDENT on May
11 26, 2016 (#30-31).

12 7. On or about May 4, 2016, a Residential Lease Agreement was signed between Claudia
13 Contrares ("Tenant") and RESPONDENT as the Broker of Record for 4202 Flamingo
14 Crest Drive, Unit #3. (#32 – 39, #45-57).

15 8. RESPONDENT signed an Amendment to the Residential Lease between Las Vegas
16 Property Services and the Tenant on May 6, 2017 (#53-57).

17 9. In December 2016, the Tenant in 4202 Flamingo Crest Drive, Unit 3, moved out.

18 10. Complainant attempted to retrieve the \$1,200 security deposit, \$100 key deposit and
19 \$250 cleaning fee along with the keys and garage opener remote control and community key from the
20 RESPONDENT. (#14-15).

21 11. The RESPONDENT avoided the Complainant's calls and refused to justify alleged
22 "repairs" made to the property totaling \$300.00. (#14-15)

23 12. On or about February 15 2017, Complainant filed a written Complaint with the Real
24 Estate Division. (#14-15)

25 13. On or about February 22, 2017, the Division sent the RESPONDENT a certified letter
26 at P O Box 530603, Henderson Nevada, notifying the RESPONDENT that a complaint had been filed
27 against him. At the same time, a copy of the letter was also sent to the RESPONDENT's business address
28 at 3301 Spring Mountain Rd. #21, Las Vegas, Nevada (# 60, 61, 67, 67A).

14. The letter addressed to the post office box was returned providing a forwarding address for the RESPONDENT at 4045 Spencer Street, suite A45, in Las Vegas, Nevada. (#66).

15. The letter to the Spring Mountain Address was returned stating "return to sender." (#68).

16. On March 3, 2017, a true and correct copy of the February 22nd letter was sent to the Spencer Street address. (#69, 69A).

17. On or about March 21, 2017, a Cease and Desist Order was sent to the RESPONDENTS P O Box and the Spring Mountain Road addresses. (#80-83).

18. On or about March 24, 2017 the Division sent the RESPONDENT a certified letter addressed to 4045 Spencer Street, suite A45, advising him that the Division has not received a response to the consumer complaint, and the letter was returned unclaimed. (#70 -74).

19. On or about May 18, 2017, the Division sent a certified letter to the RESPONDENT at his last known address 4045 Spencer Street, suite A45 and last known residence 1029 Geranium Drive, Henderson, informing him that the Division has sufficient evidence to commence disciplinary action against him and plans to file a Complaint for hearing before the Real Estate Commission. (#188-189)

VIOLETIONS

28. RESPONDENT violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, real estate broker-salesperson, real estate salesperson within the State of Nevada without first obtaining a real estate license or from the Division.

29. RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of, acting in the capacity of a property manager without obtaining a permit to engage in property management from the Division.

DISCIPLINE AUTHORIZED

30. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine not to exceed \$5,000 or any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater, against RESPONDENT.

31. 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

1 Commission otherwise imposes discipline on RESPONDENT.

2 32. Therefore, the Division requests that the Commission take such disciplinary action as it
3 deems appropriate under the circumstances.

4 **NOTICE OF HEARING**

5 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
6 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
7 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

8 **THE HEARING WILL TAKE PLACE** on March 26, 2019, commencing at 9:00 a.m., or as
9 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
10 at 9:00 a.m. through March 28, 2019, or earlier if the business of the Commission is concluded.
11 The Commission meeting will be held on March 26, 2019, at the Nevada State Business Center,
12 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will
13 continue on March 27, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th
14 Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 28, 2019,
15 should business not be concluded, starting at 9:00 a.m. at the Nevada Department of Employment,
16 Training and Rehabilitation, 2800 W. St. Louis Avenue, Conference Room, Las Vegas, Nevada
17 89104.

18 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
19 time as part of a regular meeting of the Commission that is expected to last from March 26, 2019
20 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your
21 hearing may be continued until later in the day or from day to day. It is your responsibility to be
22 present when your case is called. If you are not present when your hearing is called, a default may
23 be entered against you and the Commission may decide the case as if all allegations in the complaint
24 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator, (702)
25 486-4074.

26 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
27 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,
28 the commission may conduct a closed meeting to discuss your alleged misconduct or professional

1 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
2 the transcript of the open and closed portions of the meeting, although you must 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 the
5 burden of proving the allegations in the complaint and will call witnesses and present evidence against
6 you. You have the right to respond and to present relevant evidence and argument on all issues involved.
7 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
8 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 testify
10 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
11 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
12 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.


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

17 DATED this 21 day of February, 2019.

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

21 By: 
22 SHARATH CHANDRA, Administrator
23 3300 West Sahara Avenue, Suite 350
24 Las Vegas, Nevada 89102

25 AARON D. FORD
26 Attorney General

27 By: 
28 VIVIENNE RAKOWSKY (Bar. No. 9160)
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