

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2017-1322

FILED

MAY 09 2019

Petitioner,

vs.

REAL ESTATE COMMISSION
BY *Emily Tattler*

CAROL A. CURTIS,

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, Aaron D. Ford, Attorney General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT CAROL A. CURTIS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE 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 the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633, NRS 645.630 and 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.0003237.CORP and as a Property Manager under permit number PM.0162586.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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1 **FACTUAL ALLEGATIONS**

2 1. RESPONDENT has been licensed as a Broker under license number B.0003237.CORP,
3 since August 3, 1994, which license is currently in active status.

4 2. RESPONDENT has held a permit as a Property Manager under permit number PM.
5 0162586.BKR, since December 28, 1998, which permit is currently in active status.

6 3. As a Property Manager, RESPONDENT has maintained a property management trust
7 account with Wells Fargo.

8 4. As a Property Manager, RESPONDENT has maintained a security trust account with
9 Wells Fargo.

10 5. RESPONDENT's property management trust account with Wells Fargo was out of
11 balance, meaning it held less money than was showing on her records, on at least nine monthly
12 reconciliation reports in 2016 and 2017.

13 6. RESPONDENT's security trust account with Wells Fargo was out of balance, meaning it
14 held less money than was showing on her records, on at least four monthly reconciliation reports in 2017.

15 7. RESPONDENT's properties under management through her brokerage included, along
16 with properties owned by others and funds therefor, nine properties owned by RESPONDENT, directly
17 in her name or indirectly through a limited liability company she managed, and funds therefor.

18 8. RESPONDENT failed to sign a property management agreement for one property she had
19 under management.

20 **VIOLATIONS**

21 RESPONDENT has committed the following violations of law:

22 9. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.655(9) by permitting
23 her two trust accounts to fall into and remain in deficit for thirteen (13) monthly reconciliation reports.

24 10. RESPONDENT violated NRS 645.630(1)(h) nine times, by commingling her own money
25 with that of property owners in the course of managing her property together with other owners.

26 11. RESPONDENT violated NRS 645.6056(1), by failing to sign a property management
27 agreement regarding one property.

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1 **DISCIPLINE AUTHORIZED**

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

5 13. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
6 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
7 Commission otherwise imposes discipline on RESPONDENT.

8 14. Therefore, the Division requests that the Commission take such disciplinary action as it
9 deems appropriate under the circumstances.

10 **NOTICE OF HEARING**

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

14 **THE HEARING WILL TAKE PLACE** on June 11, 2019, commencing at 9:00 a.m., or as
15 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
16 at 9:00 a.m. through June 13, 2019, or earlier if the business of the Commission is concluded. The
17 Commission meeting will be held on June 11, 2019 and June 12, 2019 at the Nevada State Business
18 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. Should
19 the meeting not be concluded, the meeting will continue on June 13, 2019, commencing at 9:00 a.m.
20 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las
21 Vegas, Nevada 89102.

22 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
23 time as part of a regular meeting of the Commission that is expected to last from June 11, 2019
24 through June 13, 2019, or earlier if the business of the Commission is concluded. Thus, your
25 hearing may be continued until later in the day or from day to day. It is your responsibility to be
26 present when your case is called. If you are not present when your hearing is called, a default may
27 be entered against you and the Commission may decide the case as if all allegations in the complaint

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1 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-
2 4074.

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

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

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

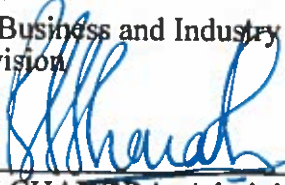
18 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
19 and if the allegations contained herein are substantially proven by the evidence presented and to further

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1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
2 645.235, 645.633 or 645.630.

3 DATED this 9 day of May, 2019.

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

7 By: 
8 SHARATH CHANDRA, Administrator
9 3300 West Sahara Avenue, Suite 350
10 Las Vegas, Nevada 89102

11 AARON D. FORD
12 Attorney General

13 By: 
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