

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 MICHAEL C. GONYEA,

10 Respondent.

Case No. 2017-1299

FILED

OCT 04 2019

REAL ESTATE COMMISSION
BY *Amy Patten*

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division") hereby notifies MICHAEL C. GONYEA
14 ("RESPONDENT"), of an administrative hearing before the STATE OF NEVADA REAL ESTATE
15 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
16 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
17 The purpose of the hearing is to consider the allegations stated below and to determine if the
18 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS
19 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

21 RESPONDENT was, at all relevant times mentioned in this Complaint, licensed as Broker under
22 license numbers B.0026907.LLC and is therefore subject to the jurisdiction of the Division and the
23 Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

25 1. RESPONDENT has been licensed as a Broker under license number B.0026907.LLC since
26 April 25, 2008 and said license is currently on active status.
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1 2. At all relevant times, RESPONDENT was a broker for Andrew Garcia Property Management,
2 LLC, a Nevada limited liability company, doing business as Real Property Management Exclusive (the
3 “Company”).¹

4 3. Andrew Garcia was a managing member of the Company and is a licensed salesperson under
5 license number S.0068150.LLC, said license being currently active.

6 4. In January of 2019, the Company’s former bookkeeper, Mary Rosalyn Stehli (“Stehli”), pled
7 guilty to embezzling over \$300,000 dollars from the Company’s client trust accounts for the time period
8 from approximately May 11, 2014 through July 31, 2016.

9 5. Stehli appeared to have embezzled the money by moving money from the Client Trust Security
10 Deposit Account to the Client Trust Rental Account by entering journal entry corrections.

11 6. RESPONDENT was responsible for the supervision and maintenance of the Company’s trust
12 accounts, including the accounts from which Stehli embezzled funds.

13 7. RESPONDENT’s Client Trust Account Reconciliations were due to the Division on or before
14 April 30, 2017.

15 8. On May 4, 2017, the Division opened case number 2017-1040 against RESPONDENT when
16 RESPONDENT failed to timely submit the Client Trust Account Reconciliations.

17 9. Not until after the Division opened case number 2017-1040 against RESPONDENT did
18 RESPONDENT notify the Division regarding Stehli’s embezzlement.

19 10. Thereafter, the Division made several requests to RESPONDENT to obtain further
20 documents, information, and the Client Trust Account Reconciliations.

21 11. Each time, RESPONDENT failed to respond to the Division leading to subsequent cases
22 being brought against him.

23 12. Although RESPONDENT did not respond to the Division’s requests to obtain documents
24 or regarding the Division’s subsequent actions, the owner of the Company, Garcia, did respond and/or
25 paid any fine the Division imposed against RESPONDENT.

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¹ RESPONDENT has since closed the Real Property Management Exclusive brokerage as of September 16, 2019, and is now the broker of Renew Property Management, effective September 16, 2019.

1 **THE HEARING WILL TAKE PLACE** on November 5, 2019, commencing at 9:00 a.m., or
2 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
3 commencing at 9:00 a.m. through November 7, 2019, or earlier if the business of the Commission
4 is concluded. The Commission meeting will be held on November 5, 2019, at the Nevada State
5 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.
6 The meeting will continue on November 6, 2019 at the Nevada State Business Center, 3300 West
7 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m.,
8 and on November 7, 2019, should business not be concluded, starting at 9:00 a.m. at Nevada State
9 Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

10 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
11 time as part of a regular meeting of the Commission that is expected to last from November 5, 2019
12 through November 7, 2019, or earlier if the business of the Commission is concluded. Thus, your
13 hearing may be continued until later in the day or from day to day. It is your responsibility to be
14 present when your case is called. If you are not present when your hearing is called, a default may
15 be entered against you and the Commission may decide the case as if all allegations in the complaint
16 were true. If you have any questions please call Evelyn Pattee, Commission Coordinator, at (702)
17 486-4074.

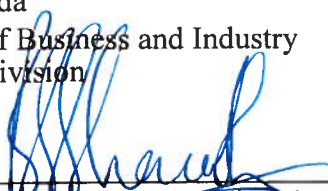
18 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
19 meeting under Nevada’s open meeting law, and may be attended by the public. After the evidence and
20 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
21 professional competence. You are entitled to a copy of the transcript of the open and closed portions of
22 the meeting, although you must pay for the transcription.


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

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

5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
6 645 and if the allegations contained herein are substantially proven by the evidence presented and
7 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
8 pursuant to NRS 645.235, 645.633 and or 645.630.

9 DATED this 20th day of October, 2019.

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