

**REAL ESTATE COMMISSION
ORDER ROUTING SLIP**

Case #: 2017-1299 Respondent: Michael C. Gonyea

Date:	Person to whom distributed:	Initials:
11/13/19	Approval & Signature to the President Send Via Email / Request Email Back & Send Original in Mail	EP
 	Copy to Respondent's Attorney (if applicable) Send Via Certified Mail	
11/21/19	Copy to Respondent Send Via Certified Mail	EP
 	Copy to Respondent's Current Broker (If Applicable) Send Via Regular Mail	
12/16/19	Original to Commission Case File	EP
11/20/19	Copy to Prosecuting Deputy Attorney General Send Via Email	EP
11/20/19	Copy to Compliance Section Send Via Email to Chief	EP
11/20/19	Copy to Licensing Manager (Only if Respondent is a Licensee) Send Via Email	EP
11/21/19	Copy to Education Information Manager Send Via Email	EP
11/21/19	Copy to Online Services Technician to place on Division website Send Via Email	EP
11/21/19	Copy to Fiscal Section. Email copy to Grace Hilgar-Devito ghilgar-devito@business.nv.gov and the Department Fiscal general email bi-fiscalunit@business.nv.gov	EP
11/20/19	Add Fines and Costs into Licensing Section of SOAR.	EP
11/20/19	Update Enforcement Section Under Discipline with Action Items	EP
12/14/19	Add Warning into Licensing Section of SOAR. Done by Administration Section Manager	[Signature]
12/14/19	Add to Disciplinary Report on the M: Drive. Done by Administration Section Manager	[Signature]
11/20/19	Remove from Case Tracking Report	EP
11/20/19	Add to ARELLO Database if Respondent is Real Estate Licensee	EP
11/20/19	Scan, Rename & Save In Scanned Orders folder	EP

STEVE SISOLAK
Governor

STATE OF NEVADA



TERRY REYNOLDS
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

November 21, 2019

Certified Mail #: 7017 1450 0000 8967 9989

Michael C. Gonyea
Renew Property Management
7375 S. Pecos Rd., Suite 102
Las Vegas, NV 89120

RE: NRED v Michael C. Gonyea
Case No: 2017-1299

Mr. Gonyea:

Enclosed you will find the Findings of Fact, Conclusions of Law, and Order entered by the Nevada Real Estate Commission at the meeting held November 7, 2019 in Las Vegas, Nevada. This is the fully executed copy for your records.

The Commission has ordered the following:

- Respondent pay a total of \$14,936.34 to the Division. The total fine reflects a fine of \$10,000.00 plus hearing and investigative costs of \$4,936.34.
- Respondent's property management permits are hereby revoked.
- Respondent's broker's licenses are downgraded to salesperson licenses.

Effective Date of Order: **December 21, 2019**

Payment Due Date: **June 18, 2020**

NOTE: Your fine and/or cost of hearing totals \$10,000.00 or more. Please be aware that pursuant to NRS 353.1467 your payment must now be made electronically. For details on how to submit your electronic payment, please see Informational Bulletin #016 (included) or contact the Department of Business and Industry's Management Analyst Grace Hilgar-Devito at 702-486-5134 or email at ghilgar@business.nv.gov.

Please note that the Division staff does not have the authority to extend the due date for your fine which was ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which Respondent will be allowed to request an extension from the Commission. This request should be made several months prior.

Sincerely,

A handwritten signature in blue ink that reads "Evelyn Pattee". The signature is written in a cursive style.

Evelyn Pattee
Commission Coordinator
Telephone: (702) 486-4074
Email: epattee@red.nv.gov

Enclosures as indicated

cc: Sharath Chandra, Administrator
Karissa Neff, Deputy Attorney General
Compliance Section
Licensing Section
Fiscal

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

realest@red.nv.gov <http://red.nv.gov/>

REQUIREMENTS FOR ELECTRONIC PAYMENTS IN EXCESS OF \$10,000

Per Nevada Revised Statutes (NRS) 353.1467, all payments of **\$10,000 or more** remitted to the Nevada Real Estate Division (NRED) must be made electronically via wire transfer (Fedwire) or Automatic Clearing House (ACH). This requirement does not apply to payments under \$10,000. Payments less than \$10,000 may still be made via check, money order or cash (exact change).

Prior to the initiation of **EACH** electronic payment to NRED, please complete the Incoming Funds Deposit Form, and contact Grace Hilgar-Devito, Management Analyst, at (702) 486-5134 or by email at ghilgar@business.nv.gov for bank routing details and further instructions. This is necessary to ensure that your payment is applied to the appropriate account. All electronic payments to NRED are received by the Office of the State Treasurer, so notification is required each time a payment is made to make certain that the payment is received by NRED. Additionally, all electronic payments to NRED should include the following: Name of Organization/Remitter; NRED's 3 digit Agency Number: "748"; the program or purpose of the remittance; and any additional relevant descriptions (i.e. license or registration number, association name, commission order, etc.) that helps to properly identify the payment.

For all homeowners associations that meet the \$10,000 or more threshold, the association is required to perform the following steps to complete this process:

- E-mail the Annual Registration Form on the same day as the electronic transfer to: HOARegistrations@red.nv.gov (This email address is for registrations exceeding \$10,000 ONLY. Any other registration forms received at this email address will NOT be accepted.)
- Submit a hard copy of the registration form with signature for our files.
- If you are a master association, you must also submit emailed and hard copies of the Master Roster.

Finally, as a matter of law, any payment received by NRED that is in violation of NRS 353.1467 will be returned to the constituent and will not be considered as received by NRED. As such, the constituent could potentially be subject to late fees and/or penalties.

Revised: 2/23/2018

STEVE SISOLAK
Governor

STATE OF NEVADA
REAL ESTATE COMMISSION

DEVIN REISS
President
WAYNE CAPURRO
Vice President
LEE GURR
Secretary

TERRY REYNOLDS
Director



DATE: 11/21/2019

RESPONDENT: Michael C. Gonyea

CASE#: 2017-1299

HEARING DATE: 11/7/2019

STATEMENT OF HEARING FEES AND COSTS PURSUANT TO NRS 622.400(2)

Administrative Costs: \$ 100.00

Investigative Costs: \$ 1,500.00

Commission Costs: \$ 357.86

Attorney Fees: \$ 2,778.48

Witness Costs: \$ -

Court Reporter Costs: \$ 200.00

Other Services (*Describe service below*): \$ -

TOTAL AMOUNT DUE: \$ 4,936.34 *This does not include any fines or restitution ordered by the Commission

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

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

Case No. 2017-1299

NOV 21 2019

REAL ESTATE COMMISSION

BY *Evelyn Patten*

Petitioner,

vs.

MICHAEL C. GONYEA,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Thursday, November 7, 2019, at the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102. The Respondent, MICHAEL C. GONYEA ("RESPONDENT") appeared on his own behalf. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

This matter having been submitted for decision based upon the allegations of the Complaint and evidence received, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1. At all relevant times, RESPONDENT was licensed as a Broker under license number B.0026907.LLC since April 25, 2008 and said license was currently on active status.

2. At all relevant times, RESPONDENT was a broker for Andrew Garcia Property Management, LLC, a Nevada limited liability company, doing business as Real Property Management Exclusive (the "Company").¹

3. Andrew Garcia was a managing member of the Company and is a licensed salesperson under

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 license number S.0068150.LLC, said license being currently active.

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

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

7 6. RESPONDENT was responsible for the supervision and maintenance of the Company's trust
8 accounts, including the accounts from which Stehli embezzled funds.

9 7. RESPONDENT's Client Trust Account Reconciliations were due to the Division on or before
10 April 30, 2017.

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

13 9. Not until after the Division opened case number 2017-1040 against RESPONDENT did
14 RESPONDENT notify the Division regarding Stehli's embezzlement.

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

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

19 12. Although RESPONDENT did not respond to the Division's requests to obtain documents
20 or regarding the Division's subsequent actions, the owner of the Company, Garcia, did respond and/or
21 paid any fine the Division imposed against RESPONDENT.

22 13. RESPONDENT also failed to notify the DIVISION of Garcia's journal entries made to
23 the Company's client trust to replace the money embezzled by Stehli, totaling \$142,885.84 ("Deposited
24 Money").

25 14. Only following the Division's inquiry regarding the Deposited Money journal entries, did
26 Garcia (not RESPONDENT) inform the Division.

27 15. RESPONDENT has been listed as the broker of the Company from May 9, 2011 to May
28 1, 2011 and from May 18, 2011 to September 16, 2019.

1 16. RESPONDENT only became listed on the Client Trust Bank accounts on December 11,
2 2018 as a signatory after being notified by the DIVISION that he was in violation of Nevada law.

3 17. RESPONDENT permitted Company employee Brenda Leong to be an authorized signor
4 on the Company's bank account even though she was not a licensee.

5 18. RESPONDENT permitted Company employee Yvonne Cubas to be an authorized signor
6 on the Company's bank account even though she was not a licensee.

7 19. RESPONDENT permitted Garcia to sign Company checks on 17 occasions without
8 RESPONDENT's signature.

9 20. RESPONDENT failed to designate bank accounts as trust accounts.

10 21. RESPONDENT failed to properly supervise Stehli when she embezzled funds from the
11 Company.

12 22. Even following Stehli's embezzlement, RESPONDENT failed to maintain an accurate
13 accounting of the client rental trust accounts.

14 23. RESPONDENT provided a faulty Trust Account Reconciliation to the Division showing
15 a balance when there was not.

16 24. On April 16, 2019 the Division properly notified RESPONDENT by certified mail of its
17 intent to bring a complaint against RESPONDENT.

18 **CONCLUSIONS OF LAW**

19 RESPONDENT has committed the following violations of law:

20 25. RESPONDENT violated NAC 645.600(1) by failing to supervise the Company's
21 employees, including, Stehli, and her handling of the Company's money.

22 26. RESPONDENT violated NAC 645.655(5) by failing to maintain a custodial or trust
23 account to which he was a signatory until December of 2018.

24 27. RESPONDENT violated NAC 645.655(6) by permitting Brenda Leong (a non-licensee)
25 to be a signatory on the Company's bank accounts.

26 28. RESPONDENT violated NAC 645.655(6) by permitting Yvonne Cubas (a non-licensee)
27 to be a signatory on the Company's bank accounts.

1 29. RESPONDENT violated NAC 645.655(6) by permitting Garcia (a salesperson) to be a
2 signatory on trust account and permitting him to sign checks on 17 separate occasions without
3 RESPONDENT's signature.

4 30. RESPONDENT violated NRS 645.310(4) by failing to designate the Company's bank
5 accounts as trust accounts.

6 31. RESPONDENT violated NRS 645.310(5) by failing to maintain an accurate accounting
7 of client trust rental accounts.

8 32. RESPONDENT violated NAC 645.605(11)(c) by providing the Division with a faulty
9 Trust Account Reconciliation showing a balance when there was not.

10 **ORDER**

11 IT IS HEREBY ORDERED that the property manager permits held by RESPONDENT, permit
12 numbers PM.0162843.BKR and PM.0164911.BKR, are revoked.

13 IT IS FURTHER ORDERED that the broker licenses held by RESPONDENT, license numbers
14 B.0026907.LLC and B.0027471.INDV, are downgraded to a salesperson license.

15 IT IS FURTHER ORDERED that RESPONDENT pay the Division a fine in the amount of
16 \$10,000.00 plus \$4,936.34 in investigative and attorneys' fees and costs, totaling \$14,936.34 (the
17 "Division Payment"). The Division Payment shall be paid to the Division within 180 days from the
18 effective date of this Order. If the payment is not actually received by the Division on or before its due
19 date, it shall be construed as an event of default by Respondent. In the event of default, Respondent's
20 salesperson license shall be immediately suspended, and the unpaid balance of the administrative fine
21 and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to
22 the Division within ten calendar days of the date of default.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 The Commission retains jurisdiction for correcting any errors that may have occurred in the
2 drafting and issuance of this Decision.

3 This Order shall become effective on the 21st day of December, 2019.

4 DATED this 21st day of November, 2019.

5
6
7 REAL ESTATE COMMISSION
8 STATE OF NEVADA

9 By: 
10 President, Nevada Real Estate Commission

7017 1450 0000 8967 9989

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

38023 OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____



Postage \$ 6.95

Michael C. Gonyea
Renew Property Management
7375 S. Pecos Rd., Suite 102
Las Vegas, NV 89120

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael C. Gonyea
Renew Property Management
7375 S. Pecos Rd., Suite 102
Las Vegas, NV 89120



9590 9402 2830 7069 9091 95

2. Article Number (Transfer from service label)

7017 1450 0000 8967 9989

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____



3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Mail Restricted Delivery (0)