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## BEFORE THE REAL ESTATE COMMISSION

## STATE OF NEVADA

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

Petitioner.

VS.

NORIKO H. HOSODA,

Respondent.

Case No. 2018-1281

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MAY 1 5 2020

BY COMMISSION

## 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 NORIKO H. HOSODA ("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 645.630, NRS 645.633 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

#### **JURISDICTION**

RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which a license or permit is required by NRS Chapter 645 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. RESPONDENT at all relevant times herein was a broker licensed under NRS Chapter 645, B.00001449.LLC, Hosoda International Investment, LLC, and held a property management permit, PM.0164786. RESPONDENT's license and permit are expired.

- RESPONDENT received money from Complainant Chong Hummel (Complainant), in wire transfers between 2010 and 2014, with the understanding that RESPONDENT would purchase and manage properties for Complainant, to be held in Complainant's name.
- The bank accounts to which RESPONDENT had Complainant wire money to purchase or manage properties were not set up as trust accounts.
- RESPONDENT represented to Complainant that she purchased and managed the following three Las Vegas properties ("the three properties") when in fact she did not purchase or
  - a. 6800 E. Lake Mead #1048

  - c. 7885 W. Flamingo Road, #1009
- RESPONDENT provided Complainant a copy of a deed purportedly granting to
  - The copy of the deed in paragraph 5 was forged.
- Complainant, who lived in Hawaii, only discovered that she did not own the three
- RESPONDENT filed two trust account reconciliations ("TARs") with the Division in or
- The two TARs referred to in paragraph 8 were for accounts that were not set up as trust
- On or about September 7, 2018, the Division requested that RESPONDENT provide her
- On December 5, 2018, RESPONDENT indicated she did not have any documents for the three properties.

#### **VIOLATIONS**

RESPONDENT has committed the following violations of law:

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- 12. RESPONDENT violated NRS 645.633(1)(i), conduct constituting deceitful, fraudulent or dishonest dealing, by misrepresenting that she had acquired or managed on Complainant's behalf three properties.
- 13. RESPONDENT violated NRS 645.633(1)(i), conduct constituting deceitful, fraudulent or dishonest dealing, by providing Complainant a forged deed on one of the three properties.
- 14. RESPONDENT violated NRS 645.310(4) by causing funds to be held for her client or third persons to be kept in accounts that are not designated as trust accounts.
- 15. RESPONDENT violated NRS 645.630(1)(e) by failing to maintain, for review or audit by the Division, transaction files for the three properties.

## **DISCIPLINE AUTHORIZED**

- 16. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to suspend, revoke or place conditions on the license of RESPONDENT,
- 17. 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 Commission otherwise imposes discipline on RESPONDENT.
- 18. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

## **NOTICE OF HEARING**

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

THE HEARING WILL TAKE PLACE on June 16, 2020 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through June 18, 2020, or earlier if the business of the Commission is concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara

Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on June 18, 2020, should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4<sup>th</sup> Floor – Tahoe Room, Las Vegas, Nevada 89102.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from June 16, 2020, through June 18, 2020, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

As the Respondent, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice. At the hearing, the Division has the burden of proving the allegations in the complaint and will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved.

You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the issues involved.

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

. . .

The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS 645.235, NRS 645.230, NRS 633.630 or NRS 633.633.

DATED this <u>/</u> day of May, 2020.

State of Nevada

Department of Business and Industry
Real Estate Division

By: SHARATK CHANDRA, Administrator 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

AARON D. FORD Attorney General

By: /s / Dennis L. Belcourt
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