

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 CHAIM LURYA,

10 Respondent.

Case No. 2018-895

FILED

JUL 30 2020

REAL ESTATE COMMISSION
BY *Evelyn Tattler*

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

20 **JURISDICTION**

21 RESPONDENT at all relevant times mentioned in this Complaint was licensed by the Division
22 as a salesperson. He is therefore subject to the jurisdiction of the Division and the Commission and the
23 provisions of NRS chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

25 1. RESPONDENT has been, and as of the date of this complaint, is currently licensed by the
26 Division as a salesperson under license number S.0168805, issued on November 18, 2009, said license
27 being active.

28 2. RESPONDENT's wife, Hava Lurya, held a provisional timeshare license under license
TS.0001943-AGEN, said license now closed, and at all relevant times did not hold any other licenses

1 with the Division.

2 3. On June 30, 2018, Scott Wells (“Complainant”) filed a complaint with the Division stating that
3 he was contacted by the owner of two properties, Mira Peer (“Owner”), to list the properties for sale
4 located at 7221 Dry Lake (“Dry Lake Property”) and 9509 Belgate (“Belgate Property”), both located in
5 Las Vegas, Nevada, collectively the “Properties.”

6 4. Complainant alleged that the Properties were managed by RESPONDENT and Hava Lurya,
7 neither of whom held a property management permit from the Division.

8 5. In response to the Division’s investigation, RESPONDENT admitted to helping the Owner
9 purchase the Properties and stated that the Owner asked him to manage the Properties because the Owner
10 lived in Israel.

11 6. RESPONDENT claimed that he informed the Owner that he could not manage the Properties but
12 that his wife would be able to do so as a favor.

13 7. RESPONDENT was unable to provide a property management agreement for either of the
14 Properties to the Division and admitted that no property management agreements existed.

15 8. RESPONDENT prepared and completed residential lease agreements for both Properties.

16 9. RESPONDENT’s name was on the notices of rent increases to tenants for both Properties.

17 10. RESPONDENT further stated that his wife opened a joint banking account with the Owner and
18 that his wife “took care of all payments through the joint account.”

19 11. During its investigation, the Division obtained checks written to Mrs. Lurya and/or
20 RESPONDENT’s and his wife’s entity, BH Creations LLC, a Nevada limited liability company (“BH
21 Creations”) from a joint account held by Mrs. Lurya and the Owner.

22 12. During its investigation, the Division obtained copies of insurance bills and receipt of payments
23 for both Properties listing Ms. Lurya and the Owner as the policy holders.

24 13. During its investigation, the Division obtained copies of checks from the joint account used to
25 pay for utilities, services, and taxes for the Properties.

26 14. RESPONDENT admitted in his response to the Division that from time to time, he helped with
27 issues that arose related to the management of the Properties.

28 15. RESPONDENT stated that in 2016, he asked the Owner to find a property manager but that she

1 refused.

2 16. RESPONDENT stated that again in approximately June of 2018, he told the Owner to hire another
3 property manager for the Properties and offered to help do so.

4 17. RESPONDENT claims that on June 26, 2018, he received a note from the Owner that she found
5 someone else and requested the files for the Properties.

6 18. RESPONDENT claims that Complainant's complaint was filed with the Division in revenge
7 because he and his wife no longer wanted to continue assisting with the Properties.

8 19. RESPONDENT's wife, Hatha Lurya, also filed a response with the Division.

9 20. Mrs. Lurya admitted that she agreed to help the Owner with the management of the Properties as
10 a favor.

11 21. Mrs. Lurya stated that when management of the Properties became too big of a burden, she asked
12 her husband to end to the arrangement, first in 2016, and then again towards the beginning of June 2018.

13 22. RESPONDENT's broker, Cynthia Lujan ("Lujan"), of Nationwide Realty LLC, also filed a
14 response with the Division.

15 23. In her response to the Division, Lujan stated that she was unaware either RESPONDENT or his
16 wife were engaging in property management activities with respect to the Properties.

17 24. Lujan further stated that the Owner's closing on the Belgate Property occurred prior to her
18 becoming RESPONDENT's broker and that as a result, she was unable to locate any documents related
19 to the Belgate Property.

20 25. With respect to the Dry Lake Property, Lujan stated that RESPONDENT deleted the transaction
21 from her brokerage's paperless system on the day he learned of Complainant's complaint with the
22 Division.

23 26. Lujan stated as a result of the Complainant's complaint, she terminated RESPONDENT from her
24 brokerage.

25 27. RESPONDENT and Mrs. Lurya managed the Belgate Property beginning in 2014 through
26 approximately Spring of 2018.

27 28. RESPONDENT and Mrs. Lurya managed the Dry Lake Property from 2015 through approximately
28 Spring of 2018.

1 29. Checks obtained during the Division's investigation from the joint account made payable to Mrs.
2 Lurya and/or RESPONDENT's and his wife's entity BH Creations, from January 1, 2018 to Jun 29, 2018,
3 show payment to Mrs. Lurya or BH Creations in the amount of \$5,464.24.

4 30. On September 25, 2018, the Division issued both RESPONDENT and his wife cease and desist
5 orders to stop engaging in property management activities because they did not hold the proper permits
6 from the Division to do so.

7 31. On July 3, 2018, the Division properly notified RESPONDENT that it had received a complaint
8 against him.

9 32. On September 27, 2018, the Division properly notified RESPONDENT that it intended to commence
10 disciplinary action against him by filing a complaint for hearing with the Real Estate Commission.

11 VIOLATIONS

12 33. RESPONDENT violated NRS 645.235(a) and (b) by conducting property management services
13 for the Properties without holding the proper permit from the Division to do so and by assisting his wife
14 in the management of the Properties knowing that she did not hold a property management permit from
15 the Division.

16 34. RESPONDENT violated NRS 645.252 (3)(a), (b) by failing to provide the property owner or
17 tenants with a duties owed for the leasing transactions for the Properties.

18 35. RESPONDENT violated NRS 645.633 1(i) pursuant to NAC 645.605 (10)(e) by deleting the
19 transaction file for the Dry Lake Property after being notified of Complainant's filing a complaint with
20 the Division.

21 36. RESPONDENT violated NRS 645.650(2) by failing to provide his broker with lease agreements
22 for the Properties.

23 DISCIPLINE AUTHORIZED

24 1. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
25 an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend,
26 revoke or place conditions on the license of RESPONDENT.
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1 **THURSDAY, SEPTEMBER 3, 2020** Meeting number (Access code): 146 520 3582

2 Password (Attendee ID): umV3mJJ2gP2 (86836552472 from phones and video systems)

3 If you do not have internet access, you may attend by phone at 1-844-621-3956 using the access
4 codes and attendee IDs listed above. Some mobile devices may ask attendees to enter a numeric attendee
5 ID provided above. If Emergency Directive 006 is not extended and the meeting is held in person, then
6 the meeting will be located at the following locations:
7

8 Nevada State Business Center
9 Real Estate Division
10 3300 West Sahara Avenue, Suite 350
11 Las Vegas, NV 89102

12 If you would like an email containing this information, before the hearing, please contact Evelyn
13 Pattee, Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

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

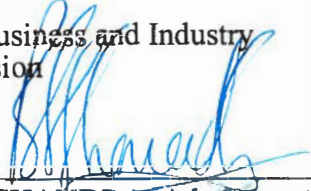
20 As the Respondent, you are specifically informed that you have the right to appear and be heard
21 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
22 burden of proving the allegations in the complaint and will call witnesses and present evidence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


10 DATED this 28th day of July, 2020.

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

14 By: 
15 SHARATH CHANDRA, Administrator
16 3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

17 AARON D. FORD
18 Attorney General

19 By: /s/ *Karissa Neff*

20 
21 KARISSA D. NEFF (Bar. No. 9133)
22 Deputy Attorney General
23 555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
24 (702) 486-3894
25 Attorneys for Real Estate Division
26
27
28