

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,

Case No. 2018-896

FILED

JUL 30 2020

REAL ESTATE COMMISSION
BY *Evelyn Latta*

Petitioner,

7 vs.

8 HAVA LURYA,

9 Respondent.

10 **COMPLAINT AND NOTICE OF HEARING**

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

19 **JURISDICTION**

20 RESPONDENT held a provisional timeshare license from the Division and at all relevant times
21 alleged in the complaint engaged in property management without holding a permit from the Division
22 and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS
23 chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

- 25 1. RESPONDENT held a provisional timeshare license under license TS.0001943-AGEN, said
26 license now closed and at all relevant times held no other licenses from the Division.
- 27 2. RESPONDENT's husband, Chaim Lurya, has been, and as of the date of this complaint, is
28 currently licensed by the Division as a salesperson under license number S.0168805, issued on November

1 18, 2009, said license being active.

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 her husband,
7 Chaim Lurya, neither of whom held a property management permit from the Division.

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

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

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

15 8. RESPONDENT’s husband prepared and completed residential lease agreements for both
16 Properties.

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

19 10. RESPONDENT’s husband further stated that RESPONDENT opened up a joint account with
20 Owner and that his wife “took care of all payments through the joint account.”

21 11. During its investigation, the Division obtained checks written to RESPONDENT and/or
22 RESPONDENT’s and her husband’s entity, BH Creations, LLC, a Nevada limited liability company
23 (“BH Creations”) from a joint account held by RESPONDENT and the Owner.

24 12. During its investigation, the Division obtained copies of insurance bills and receipt of payments
25 for both Properties listing RESPONDENT and the Owner as the policy holders.

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

28 14. RESPONDENT’s husband admitted that from time to time, he helped with issues that arose

1 related to the management of the Properties.

2 15. RESPONDENT's husband stated that in 2016, he asked the Owner to find a property manager
3 but that she refused.

4 16. RESPONDENT's husband stated that again in approximately June of 2018 he told the Owner to
5 hire another property manager to manage the Properties and offered to help her do so.

6 17. RESPONDENT's husband claimed that on June 26, 2018, he received a note from the Owner that
7 she found someone else and requested the files for the Properties.

8 18. RESPONDENT's husband claims that Complainant's complaint was filed with the Division in
9 revenge because he and RESPONDENT no longer wanted to continue assisting with the Properties.

10 19. RESPONDENT also filed a response with the Division.

11 20. RESPONDENT admitted that she agreed to help the Owner with the management of the
12 Properties as a favor.

13 21. RESPONDENT stated that when management of the Properties became too big of a burden, she
14 asked her husband to end the arrangement, first in 2016, and then again towards the beginning of June
15 2018.

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

18 23. In her response to the Division, Lujan stated that she was unaware that either RESPONDENT's
19 husband or RESPONDENT were engaging in property management activities with respect to the
20 Properties.

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

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

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

1 27. RESPONDENT and her husband managed the Belgate Property beginning in 2014 through
2 approximately Spring of 2018.

3 28. RESPONDENT and her husband managed the Dry Lake Property from 2015 through approximately
4 Spring of 2018.

5 29. Checks obtained during the Division's investigation from the joint account made payable to
6 RESPONDENT and/or RESPONDENT and her husband's entity BH Creations, from January 1, 2018 to
7 Jun 29, 2018, show payment to RESPONDENT or BH Creations in the amount of \$5,464.24.

8 30. On September 25, 2018, the Division issued both RESPONDENT's husband and RESPONDENT
9 cease and desist orders to stop engaging in property management activities because they did not hold the
10 proper permits from the Division to do so.

11 31. On July 3, 2018, the Division properly notified RESPONDENT that it had received a complaint
12 against her.

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

15 **VIOLATIONS**

16 33. RESPONDENT violated NRS 645.235(1) (a) by conducting property management services for
17 the Properties without holding the proper permit from the Division to do so.

18 **DISCIPLINE AUTHORIZED**

19 1. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine in
20 the amount of any gain or economic benefit that the person derived from the violation or \$5,000,
21 whichever amount is greater.

22 2. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the
23 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
24 otherwise imposes discipline on RESPONDENT.

25 3. Therefore, the Division requests that the Commission take such disciplinary action as it deems
26 appropriate under the circumstances.

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NOTICE OF HEARING

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this Administrative Complaint against the above-named RESPONDENTS 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 at the Commission meeting scheduled for September 1-3, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes its business.

If the Governor’s Emergency Directive 006 - suspending physical location requirements - is extended through the date of the meeting, then the hearing will be held via virtual meeting. The Commission uses WebEx for its meetings. To join the hearing go to the Webex.com website and put in the Access code and Attendee ID:

TUESDAY, SEPTEMBER 1, 2020 Meeting number (Access code): 146 276 8028

Password (Attendee ID): MgCrCbJq662 (64272257662 from phones and video systems)

WEDNESDAY, SEPTEMBER 2, 2020 Meeting number (Access code): 146 650 1911

Password (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

THURSDAY, SEPTEMBER 3, 2020 Meeting number (Access code): 146 520 3582

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

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

1 Nevada State Business Center
2 Real Estate Division
3 3300 West Sahara Avenue, Suite 350
4 Las Vegas, NV 89102

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

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

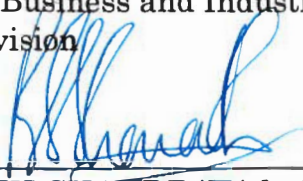
12 As the Respondent, you are specifically informed that you have the right to appear and be heard
13 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
14 burden of proving the allegations in the complaint and will call witnesses and present evidence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

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

22 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
23 645 and if the allegations contained herein are substantially proven by the evidence presented and
24 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
25 pursuant to NRS 645.235, 645.633 and or 645.630.
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1 DATED this 28th day of July, 2020.

2 State of Nevada
3 Department of Business and Industry
4 Real Estate Division

5 By: 
6 CHADATE CLARK DRA, Administrator
7 3300 West Sahara Avenue, Suite 350
8 Las Vegas, Nevada 89102

9 AARON D. FORD
10 Attorney General

11 By: /s/ *Karissa Neff*

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