

FILED

JUL 10 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2015-3860

Petitioner,

vs.

MARILISA DEBARROS,

Respondent.

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, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Senior Deputy Attorney General, hereby notifies RESPONDENT MARILISA DEBARROS ("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 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a broker under license numbers B.0018282.CORP and/or B.1001690.INDV, and as a property manager under permit numbers PM.0164884.BKR and/or PM.0166598.BKR, and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

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1 **FACTUAL ALLEGATIONS**

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT was licensed as a broker under license number B.0018282.CORP and as
4 a property manager under permit number PM.0164884.BKR, until March 31, 2017.

5 2. RESPONDENT was licensed as a broker under license number B.1001690.INDV and as
6 a property manager under permit number PM.0166598.BKR, until December 31, 2016.

7 3. RESPONDENT's above-referenced licenses and permits are currently in expired status.

8 4. RESPONDENT, at the relevant times mentioned in this Complaint, was the real estate
9 broker for Covenant Management Corporation ("Covenant").

10 5. RESPONDENT was a real estate broker for Elite Integrity Property Management Co.
11 ("Elite") from approximately December 2, 2015, until January 5, 2016.

12 6. By way of correspondence dated December 9, 2015, RESPONDENT, as broker/property
13 manager of Covenant, informed the owners of the properties being managed by Covenant that the owners'
14 property management accounts had been sold to Elite.

15 7. That December 9, 2015 correspondence listed RESPONDENT's email address as the
16 point of contact with Elite.

17 **LAN (LINDA) SU**

18 8. Covenant had a property management agreement with Lan (Linda) Su for the management
19 of her real properties at (a) 1842 Nebula Drive, (b) 1911 Cosmic Drive, and (c) 4421 Spencer Street, Las
20 Vegas, Nevada.

21 9. RESPONDENT failed to remit approximately \$7,545.13 in monies Covenant owed to Su
22 within a reasonable time.

23 10. On or about December 28, 2015, Su filed a Statement of Fact with the Division
24 complaining about Covenant's conduct.

25 11. By way of letter dated December 29, 2015, the Division required RESPONDENT to
26 respond to the complaint by Su.

27 12. RESPONDENT failed to supply a response to the Division's December 29, 2015 letter
28 regarding the complaint by Su.

1 **SABRINA VOLLAND**

2 13. Covenant had a property management agreement with Sabrina Volland for the
3 management of her real property at 2117 Willowbury Drive, Unit B, Las Vegas, Nevada.

4 14. On or about December 11, 2015, Volland sent Covenant a notice of non-renewal of the
5 residential property management.

6 15. That letter also demanded the payment of monies held in the client trust account for
7 Volland.

8 16. On or about January 13, 2016, Volland sent another letter to Covenant demanding the
9 payment of monies held in the client trust account.

10 17. RESPONDENT failed to remit those monies, which totaled \$1,240.00, to Volland within
11 a reasonable time.

12 18. On or about February 16, 2016, Volland filed a Statement of Fact with the Division
13 complaining about RESPONDENT's conduct.

14 19. By way of letter dated February 18, 2016, the Division required RESPONDENT to
15 respond to the complaint by Volland.

16 20. RESPONDENT failed to supply a response to the Division's February 18, 2016 letter
17 regarding the complaint by Volland.

18 **JULIA GOUW**

19 21. Covenant had a property management agreement with Julia Gouw for the management of
20 her real properties at (a) 4180 Tonopah Avenue, and (b) 1856 Nebula Drive, Las Vegas, Nevada.

21 22. RESPONDENT failed to remit approximately \$9,458.00 in monies Covenant owed to
22 Gouw within a reasonable time.

23 23. On or about March 7, 2016, Gouw filed a letter of complaint with the Division
24 complaining about Covenant's and Elite's conduct.

25 **LOU SPAMPINATO**

26 24. Covenant had a property management agreement with Lou Spampinato for the
27 management of his real property at 1830 Dwarf Star Drive, Las Vegas, Nevada.

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1 25. On or about March 31, 2016, Spampinato filed a Statement of Fact with the Division
2 claiming that Covenant owes him approximately \$7,214.00.

3 26. By way of letter dated April 4, 2016, the Division required RESPONDENT to respond to
4 the complaint by Spampinato.

5 27. RESPONDENT failed to supply a response to the Division's April 4, 2016 letter regarding
6 the complaint by Spampinato.

7 **OSWALD AQUINO**

8 28. Covenant had a property management agreement with Oswald Aquino for the
9 management of his real property at 4162 Orbit Avenue, Las Vegas, Nevada.

10 29. RESPONDENT failed to remit approximately \$5,581.82 in monies Covenant owed to
11 Aquino within a reasonable time.

12 30. Sometime around December 14, 2015, Aquino spoke with RESPONDENT but she
13 refused to assist him.

14 31. On or about April 14, 2016, Aquino filed a Statement of Fact with the Division
15 complaining about RESPONDENT's conduct.

16 **VIOLATIONS**

17 RESPONDENT has committed the following violations of law:

18 32. RESPONDENT violated NRS 645.630(1)(f) on *four occasions* by failing, within a
19 reasonable time, to account for or to remit any money which came into her possession and which belongs
20 to others.

21 33. RESPONDENT violated NAC 645.605(11)(a) and/or (b) on *three occasions* by failing to
22 disclose all facts and documents pertinent to an investigation to members of the Division's staff
23 conducting the investigation.

24 **DISCIPLINE AUTHORIZED**

25 34. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an
26 administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke
27 or place conditions on the license of RESPONDENT.

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

4 36. Therefore, the Division requests that the Commission take such disciplinary action as it
5 deems appropriate under the circumstances.

6 **NOTICE OF HEARING**

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

10 **THE HEARING WILL TAKE PLACE on August 15, 2017 commencing at 9:00 a.m., or as**
11 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
12 **at 9:00 a.m. through August 17, 2017, or earlier if the business of the Commission is concluded.**
13 **The Commission meeting will be held on August 15, 2017, at the Grant Sawyer Building, 555 East**
14 **Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on August**
15 **16, 2017 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas,**
16 **Nevada 89101 commencing at 9:00 a.m., and on August 17, 2017, should business not be concluded,**
17 **starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las**
18 **Vegas, Nevada 89101.**

19 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
20 time as part of a regular meeting of the Commission that is expected to last from August 15 through
21 August 17, 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may
22 be continued until later in the day or from day to day. It is your responsibility to be present when
23 your case is called. If you are not present when your hearing is called, a default may be entered
24 against you and the Commission may decide the case as if all allegations in the complaint were true.
25 If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-4074.

26 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
27 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,
28 the commission may conduct a closed meeting to discuss your alleged misconduct or professional

1 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
2 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

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


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

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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty, if any, is to be assessed against the Respondent,
4 pursuant to NRS 645.235, 645.633 and/or 645.630.

5 DATED this 5th day of July, 2017.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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