

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

JUL 10 2017

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. 2016-627

Petitioner,

vs.

LIZETH FELIX-OLMEDA,

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 LIZETH FELIX-OLMEDA ("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 645.235 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, real estate salesperson, and a permit to engage in property management issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

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1 **FACTUAL ALLEGATIONS**

2 **GENERAL FACTUAL ALLEGATIONS**

3 1. RESPONDENT holds no broker, broker-salesperson or salesperson license issued by the
4 Division.

5 2. RESPONDENT holds no permit to engage in property management issued by the
6 Division.

7 3. RESPONDENT, at the relevant times mentioned in this Complaint, was operating or
8 helping to operate Covenant Management Corporation ("Covenant") and/or Elite Integrity Property
9 Management Co. ("Elite").

10 4. By way of correspondence dated December 9, 2015, Covenant informed the owners of
11 the properties being managed by Covenant that the owners' property management accounts had been
12 sold to Elite.

13 5. RESPONDENT was listed with the Nevada Secretary of State's office as the President
14 and Secretary of Elite.

15 **CAROLYN MIJARES**

16 6. Covenant had a property management agreement with Carolyn Mijares and her husband
17 for the management of their real property at 1998 Dwarf Star Drive, Las Vegas, Nevada.

18 7. In or about December 2015 and January 2016, Mijares dealt with RESPONDENT
19 regarding Elite's management of Mijares's property.

20 8. At those times, RESPONDENT discussed with Mijares RESPONDENT using Mijares's
21 property to house RESPONDENT's property management office.

22 9. RESPONDENT set up her property management office on that property.

23 10. RESPONDENT failed to remit to Mijares the December 2015, January 2016 and
24 February 2016 rent money she collected, and failed to make property tax and water utility payments.

25 11. On or about February 5, 2016, Mijares filed a Statement of Fact with the Division
26 complaining about RESPONDENT's conduct.

27 12. By way of letter dated February 11, 2016, the Division required RESPONDENT to
28 respond to the complaint by Mijares.

1 13. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
2 regarding the complaint by Mijares.

3 **GONZALO CONTRERAS**

4 14. Covenant had a property management agreement with Gonzalo Contreras for the
5 management of his real property at 1885 Cosmic Drive, Las Vegas, Nevada.

6 15. In or about September 2015, Contreras met with RESPONDENT at Covenant's office
7 regarding payments of HOA dues for the property.

8 16. At that time, RESPONDENT informed Contreras that RESPONDENT would make sure
9 the HOA dues were paid.

10 17. RESPONDENT failed to remit to Contreras the January 2016 rent money she collected,
11 and failed to make the property's HOA and mortgage payments.

12 18. On or about February 9, 2016, Contreras filed a Statement of Fact with the Division
13 complaining about RESPONDENT's conduct.

14 19. By way of letter dated February 11, 2016, the Division required RESPONDENT to
15 respond to the complaint by Contreras.

16 20. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
17 regarding the complaint by Contreras.

18 **CATHY CONNOLLY**

19 21. Covenant had a property management agreement with Cathy Connolly and her husband
20 for the management of her real property at 217 South Maryland Parkway, Las Vegas, Nevada.

21 22. In or about December 2015, RESPONDENT informed Connolly that RESPONDENT
22 would be managing Connolly's property.

23 23. On or about February 11, 2016, Connolly filed a letter of complaint with the Division
24 complaining about RESPONDENT's conduct.

25 24. By way of letter dated February 11, 2016, the Division required RESPONDENT to
26 respond to the complaint by Connolly.

27 25. RESPONDENT failed to supply a response to the Division's February 11, 2016 letter
28 regarding the complaint by Connolly.

1 **AGNIESZKA KOZIARSKA**

2 26. Agnieszka Koziarska leased real property located at 1304 Elk River Drive, Las Vegas,
3 Nevada, through Covenant.

4 27. On or about April 2, 2015, RESPONDENT rented the property to Koziarska.

5 28. Koziarska's April 2, 2015 Residential Lease Agreement for the property was signed by
6 RESPONDENT as the authorized agent for the broker.

7 29. By way of correspondence dated December 10, 2015, Elite told Koziarska to remit her
8 rent payments to Elite instead of Covenant, and to remit those payments to RESPONDENT's office at
9 1998 Dwarf Star Drive, Las Vegas, Nevada.

10 30. On or about January 5, 2016, Koziarska made her January 2016 rent payment directly to
11 RESPONDENT.

12 31. At that same time, RESPONDENT discussed apartment repairs and rent with Koziarska.

13 32. On or about February 16, 2016, Koziarska filed a Statement of Fact with the Division
14 complaining about RESPONDENT's conduct.

15 33. By way of letter dated February 18, 2016, the Division required RESPONDENT to
16 respond to the complaint by Koziarska.

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

19 **THE SAMARAS**

20 35. Covenant had a property management agreement with Enny, Vincentius and Denny
21 Samara for the management of their real property at 1983 Cosmic Drive, Units 191, 192, 292 and 293,
22 Las Vegas, Nevada.

23 36. In or about January 2016, RESPONDENT informed the Samaras that they would be
24 getting their unpaid owner distributions by February 7, 2016.

25 37. On or about February 18, 2016, Koziarska filed a Statement of Fact with the Division
26 complaining about RESPONDENT's conduct.

27 38. By way of letter dated February 23, 2016, the Division required RESPONDENT to
28 respond to the complaint by the Samaras.

1 39. RESPONDENT failed to supply a response to the Division's February 23, 2016 letter
2 regarding the complaint by the Samaras.

3 **DEBBIE ROXARZADE**

4 40. Covenant had a property management agreement with Debbie Roxarzade for the
5 management of her real property at 1304 Elk River Drive, Las Vegas, Nevada.

6 41. On or about February 8, 2016, the property's tenant spoke with RESPONDENT
7 regarding the payment of the February 2016 rent.

8 42. On or about February 29, 2016, Roxarzade filed a Statement of Fact with the Division
9 complaining about RESPONDENT's conduct.

10 43. By way of letter dated March 10, 2016, the Division required RESPONDENT to
11 respond to the complaint by Roxarzade.

12 44. RESPONDENT failed to supply a response to the Division's March 10, 2016 letter
13 regarding the complaint by Roxarzade.

14 45. On or about April 7, 2016, the Division served a Cease and Desist Order on
15 RESPONDENT.

16 46. By way of letter dated May 20, 2016, the Division required RESPONDENT to respond
17 to all the above-referenced complaints.

18 47. RESPONDENT failed to supply a response to the Division's May 20, 2016 letter.

19 **VIOLATIONS**

20 RESPONDENT has committed the following violations of law:

21 48. RESPONDENT violated NRS 645.230(1)(b) and/or NRS 645.235(1)(a) *on six occasions*
22 by engaging in the business of, acting in the capacity of, or assuming to act as, a real estate broker, real
23 estate broker-salesperson, real estate salesperson, or property manager within the State of Nevada
24 without first obtaining the appropriate license or permit from the Division.

25 **DISCIPLINE AUTHORIZED**

26 49. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
27 fine in an amount not to exceed the amount of gain or economic benefit that the person derived

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1 from the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation
2 of NRS 645.230 or NRS 645.235.

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

6 51. Therefore, the Division requests that the Commission take such disciplinary action as it
7 deems appropriate under the circumstances.

8 NOTICE OF HEARING

9 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the
10 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
11 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

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

1 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open
2 meeting under Nevada’s open meeting law, and may be attended by the public. After the evidence and
3 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
4 professional competence. A verbatim record will be made by a certified court reporter. You are
5 entitled to a copy of the transcript of the open and closed portions of the meeting, although you must
6 pay for the transcription.

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

13 You have the right to request that the Commission issue subpoenas to compel witnesses to
14 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
15 demonstrate the relevance of the witness’ testimony and/or evidence. Other important rights you have
16 are listed in 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
2 NAC 645 and if the allegations contained herein are substantially proven by the evidence
3 presented and to further determine what administrative penalty, if any, is to be assessed against the
4 Respondent, 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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