

APR 20 2017

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

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

Case No. 2015-2905

APR 20 2017

Petitioner,

REAL ESTATE COMMISSION
BY *[Signature]*

vs.

COMPLAINT AND NOTICE OF HEARING

ANTHONY KERSHAW,

Respondent.

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 Donald J. Bordelove, Deputy Attorney General, hereby notifies RESPONDENT ANTHONY KERSHAW ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("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, or 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.

FACTUAL ALLEGATIONS

1. On or about October 7, 2015, Michele Pombo filed a complaint against RESPONDENT for conducting real estate and property management activities without first obtaining licenses from the Nevada Real Estate Division to perform such activities.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 2. RESPONDENT has never obtained from the Division a real estate license or a permit to
2 engage in property management.

3 3. At all times relevant to this Complaint, RESPONDENT owned and operated Vegas
4 Gateways.

5 4. RESPONDENT advertises properties for rent and provides property management
6 services through Vegas Gateways.

7 5. RESPONDENT has contracted with property owners via a Rental Referral Agreement.

8 6. Pursuant to the Rental Referral Agreement (the "Agreement"), RESPONDENT was to
9 receive commissions of 30-35% of total rent and additional fees received from any tenant he procures
10 for the property.

11 7. Pursuant to the Agreement, RESPONDENT was entitled to collect on behalf of the
12 owner all proceeds derived from the rental of the property.

13 8. Pursuant to the Agreement, RESPONDENT deducts his commissions from the proceeds
14 Vegas Gateways collects on behalf of the owner.

15 9. Pursuant to the Agreement, RESPONDENT is the "exclusive rental referral company for
16 the Property".

17 10. Pursuant to the Agreement, RESPODENT indicated that "[a]ny minor repair or extra
18 cleanings that are provided to [the owner] will be billed out at an additional rate of \$25.00 per man-hour
19 plus supplies and materials."

20 11. Per said Agreement, RESPONDENT "will install a keyless entry at a rate of \$400.00, a
21 \$99 per year maintenance fee will be charged every year."

22 12. Pursuant to the Agreement, RESPODENT "will provide cleaning of all units for [his]
23 clientele" and "[a] \$10 per client fee will be assessed for toiletries, soaps, and paper towels."

24 13. Per RESPONDENT's "Vacation Homeowner Information", RESPONDENT advertises
25 that Vegas Gateways will clean the home before and after a rental, and the owner will be charged an
26 hourly cleaning fee.

27 14. Per RESPONDENT's "Vacation Homeowner Information", RESPONDENT advertises
28 that the owner's home will be "Professionally Managed".

1 15. Per RESPONDENT's "Vacation Homeowner Information", RESPONDENT advertises
2 that RESPONDENT caps the amount of guests allowed in the owner's home; do not allow parties;
3 "check in each guest"; and reviews all rules and expectation with the guests including proper operating
4 of the air conditioner/heater, parking, use of items in the home, noise regulations, damages, and more.

5 16. RESPONDENT also provides a "guest services agent" who assists the visitors during
6 their stay.

7 17. Per RESPONDENT's "Vacation Homeowner Information", RESPONDENT advertises
8 that they provide carpet cleaning, landscape maintenance, pool and spa maintenance, and trash pickup
9 and haul away.

10 18. Per RESPONDENT's "Vacation Homeowner Information", RESPONDENT advertises
11 to provide pest control services or manage the owner's current pest control provider.

12 19. Pursuant to NRS 645.019, RESPONDENT performed property management services by
13 the physical, administrative or financial maintenance and management of real property, or the
14 supervision of such activities for a fee, commission, or other compensation or valuable consideration.

15 20. On or about October 19, 2015, the Division sent a *Cease and Desist Order* to
16 RESPONDENT, ordering RESPONDENT to cease and desist "from conducting all broker activity as
17 defined by NRS 645.030 and all property management activity as defined by NRS 645.6054 to include
18 the management of properties, including but not limited to collecting of rents and security deposits."

19 21. Nonetheless, RESPONDENT is still operating Vegas Gateways.

20 **VIOLATION**

21 RESPONDENT has committed the following violation of law:

22 22. RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of, acting in
23 the capacity of, advertising or assuming to act as a property manager without first obtaining from the
24 Division a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and a
25 permit to engage in property management.

26 23. RESPONDENT violated NRS 645.235(1)(a) by knowingly engaging or offering to
27 engage in any activity for which a license, permit, certificate or registration or any type of authorization
28 is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not

1 hold the required license, permit, certificate or registration or has not been given the required
2 authorization.

3 **DISCIPLINE AUTHORIZED**

4 24. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
5 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from the
6 violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of NRS
7 645.230.

8 25. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
9 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
10 Commission otherwise imposes discipline on RESPONDENT.

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

13 **NOTICE OF HEARING**

14 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
15 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
16 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

17 **THE HEARING WILL TAKE PLACE** on May 23, 2017 commencing at 9:00 a.m., or as
18 soon thereafter as the Commission is able to hear the matter, and each day thereafter
19 commencing at 9:00 a.m. through May 25, 2017, or earlier if the business of the Commission is
20 concluded. The Commission meeting will be held on May 23-25, 2017, at the Nevada State
21 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.

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1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
2 time as part of a regular meeting of the Commission that is expected to last from May 23-25,
3 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be
4 continued until later in the day or from day to day. It is your responsibility to be present when
5 your case is called. If you are not present when your hearing is called, a default may be entered
6 against you and the Commission may decide the case as if all allegations in the complaint were
7 true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
8 4074.

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

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


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

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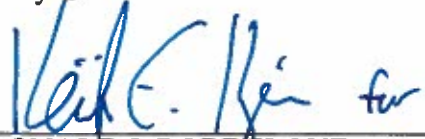
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant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

5 DATED this 19 day of April, 2017.

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

9 By: 
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