

FILED

JUL 03 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. 2016-1549

Petitioner,

vs.

PIET TUERLINCKX,

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 PIET TUERLINCKX ("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 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 Salesperson under license number S.0169111, and as a Property Manager under permit number PM.0164774, 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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FACTUAL ALLEGATIONS

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2 1. RESPONDENT was licensed as a Salesperson under license number S.0169111 from
3 February 10, 2010, to February 28, 2017, and as a Property Manager under permit number PM.0164774
4 from January 25, 2011, to February 28, 2017.

5 2. From December 10, 2013, to June 5, 2015, RESPONDENT was associated with broker
6 Jeff Chain at Milestone Realty.

7 3. On or about January 20, 2015, RESPONDENT entered into property management
8 agreements with Rikk Greengrass to manage two real estate properties owned by Greengrass and
9 located in Las Vegas, Nevada.

10 4. RESPONDENT wrote those property management agreements under Milestone Realty.

11 5. RESPONDENT was not authorized to engage in property management for Milestone
12 Realty.

13 6. RESPONDENT did not provide the management agreements and related paperwork to
14 Chain.

15 7. Between January 20 and June 5, 2015, RESPONDENT accepted rent payments from
16 tenants of the Greengrass properties.

17 8. RESPONDENT did not place those monies in the custody of Chain.

18 9. From June 5, 2015, to February 19, 2016, RESPONDENT was associated with broker
19 Chester L. Bushnell at Apt Living Realty LLC.

20 10. RESPONDENT did not provide the management agreements and related paperwork to
21 Bushnell.

22 11. Between June 5, 2015, and February 19, 2016, RESPONDENT accepted rent payments
23 from tenants of the Greengrass properties.

24 12. RESPONDENT did not place those monies in the custody of Bushnell.

25 13. On February 24, 2016, RESPONDENT sent Greengrass a check for \$1,518.00 for
26 Greengrass's portion of rent collected on the properties.

27 14. RESPONDENT wrote that check from a Better Properties Las Vegas LLC account.

28 15. Better Properties Las Vegas LLC was not registered with the Division.

1 16. That check was returned by Greengrass's bank as RESPONDENT's account was either
2 frozen or closed.

3 17. RESPONDENT failed to remit those rent monies to Greengrass.

4 18. On or about March 21, 2016, Chain filed a Statement of Fact with the Division,
5 complaining about RESPONDENT's conduct.

6 19. By way of letter dated March 22, 2016, the Division required RESPONDENT to
7 respond to the complaint by Chain.

8 20. RESPONDENT failed to supply a response to the Division's March 22, 2016 letter
9 regarding the complaint by Chain.

10 21. On or about March 29, 2016, Greengrass filed a Statement of Fact with the Division,
11 complaining about RESPONDENT's conduct.

12 22. By way of letter dated April 4, 2016, the Division required RESPONDENT to respond
13 to the complaint by Greengrass.

14 23. RESPONDENT failed to supply a response to the Division's April 4, 2016 letter
15 regarding the complaint by Greengrass.

16 **VIOLATIONS**

17 RESPONDENT has committed the following violations of law:

18 24. RESPONDENT violated NRS 645.633(1)(h) or (i), pursuant to NAC 645.605(1), by
19 writing the property management agreements under Milestone Realty without authorization.

20 25. RESPONDENT violated NAC 645.650(2) by failing to provide paperwork to Chain
21 within 5 calendar days after that paperwork was executed by all the parties.

22 26. RESPONDENT violated NRS 645.630(1)(i) by failing to place in the custody of Chain,
23 as soon as possible, a deposit or other money or consideration entrusted to him by a person dealing with
24 him as the representative of Chain.

25 27. RESPONDENT violated NAC 645.650(2) by failing to provide paperwork to Bushnell
26 within 5 calendar days after that paperwork was executed by all the parties.

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1 Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will
2 continue on August 16, 2017 at the Grant Sawyer Building, 555 East Washington Avenue, Room
3 4401, Las Vegas, Nevada 89101 commencing at 9:00 a.m., and on August 17, 2017, should
4 business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East
5 Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

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

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

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
22 the burden of proving the allegations in the complaint and will call witnesses and present evidence
23 against you. You have the right to respond and to present relevant evidence and argument on all issues
24 ...
25 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
26 opposing witnesses on any matter relevant to the issues involved.


27 You have the right to request that the Commission issue subpoenas to compel witnesses to
28 testify and/or evidence to be offered on your behalf. In making the request, you may be required to

1 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
2 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.


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

7 DATED this 3rd day of July, 2017.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
12 SHARATH CHANDRA, Administrator
13 2501 East Sahara Avenue
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15 (702) 486-4033

16 ADAM PAUL LAXALT
17 Attorney General

18 By: 
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