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APR 18 2017

REAL ESTATE COMMISSION
BY *Robert H. ...*

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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2015-3529

Petitioner,

vs.

BARBARA A. MARIN,

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 Donald J. Bordelove, Deputy Attorney General, hereby notifies RESPONDENT BARBARA A. MARIN ("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 salesperson under license number S.0172297, and as a property manager under permit number PM.0165847, 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 1. RESPONDENT has been licensed as a salesperson under license number S.0172297
3 since October 9, 2012, and as a property manager under permit number PM.0165847 since August 6,
4 2013, and is currently in active status.

5 2. On or about March 15, 2015, RESPONDENT signed a management agreement with
6 Complainant and property owner Yujian Liu ("Liu") for a property located at Via Olivero, Las Vegas,
7 NV ("Via Olivero Property").

8 3. RESPONDENT convinced Liu to supply RESPONDENT with a bank debit card to
9 Liu's account to reportedly pay for necessary repairs to make the Via Olivero Property rent ready.

10 4. RESPONDENT's license was under Penn Realty from about January 29, 2015 to March
11 23, 2015 when RESPONDENT moved to Investpro Realty LLC for roughly 3 weeks, from Mach 25,
12 2015 to April 16, 2015, before moving back to Penn Realty, where she would remain from April 16,
13 2015 until March 14, 2016.

14 5. On or about March 30, 2015, RESPONDENT received \$2,000.00 from Liu's bank
15 account which was deposited into RESPONDENT's own personal bank account.

16 6. From about March 30, 2015 to June 22, 2015, bank records showed cash withdrawals
17 and purchases totaling roughly \$6,204.98 – no invoices or receipts were provided.

18 7. On or about June 6, 2015, RESPONDENT signed a residential lease agreement placing
19 a tenant in the Via Olivero Property.

20 8. Said residential lease agreement listed Joe Sulima Penn Realty as the broker for the
21 owner; however, broker Sulima never saw a copy of this lease and was unaware it existed.

22 9. Said residential lease agreement also listed RESPONDENT as the landlord/owner of the
23 subject property.

24 10. Said residential lease agreement also listed the management company (broker) as "Get it
25 Done PM Group".

26 11. Get it Done PM Group is an unlicensed fictitious business name that RESPONDENT
27 goes by.

1 whom RESPONDENT was associated with.

2 2. RESPONDENT violated NRS 645.630(1)(h) by commingling the money or other
3 property of her client with her own.

4 3. RESPONDENT violated NRS 645.630(1)(i) by failing to place in the custody of her
5 licensed broker, as soon as possible, client funds entrusted to her.

6 4. RESPONDENT violated NRS 645.633(1)(h) by acting with gross negligence or
7 incompetence in performing any act for which RESPONDENT is required to hold a license, pursuant to
8 NAC 645.605(4) by failing to disclose a personal relationship with the maintenance company hired for
9 repairs to the client's property.

10 DISCIPLINE AUTHORIZED

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

14 6. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
15 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
16 Commission otherwise imposes discipline on RESPONDENT.

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

19 NOTICE OF HEARING

20 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
21 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
22 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

23 **THE HEARING WILL TAKE PLACE** on May 23, 2017 commencing at 9:00 a.m., or as
24 soon thereafter as the Commission is able to hear the matter, and each day thereafter
25 commencing at 9:00 a.m. through May 25, 2017, or earlier if the business of the Commission is
26 concluded. The Commission meeting will be held on May 23-25, 2017, at the Nevada State
27 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
28 89102.

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

5 DATED this 17 day of April 2017.

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

9 By: 
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