

FILED

APR 18 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. 2015-1606

Petitioner,

vs.

DESIREE SWEET,

Respondent.

**ACTION FOR ORDER CONFIRMING ADMINISTRATIVE FINE
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 DESIREE SWEET ("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 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NAC 645.695 and/or NRS 622.400.

POINTS AND AUTHORITIES

RESPONDENT was licensed as a salesperson, license number S.0029397, and as a property manager, permit number PM.0129397, until March 31, 2016. On or about March 8, 2016, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of \$1,000.00 for violations of NRS 645.630(1)(f), for failing to account for or remit rent monies he collected to the property owner, and NRS 645.633(1)(i), pursuant to NAC 645.605(11)(c), for supplying false information to the Division. The Notice of

1 Violation with Imposition of Administrative Fine was properly served upon RESPONDENT. Exhibit
2 A.

3 The Notice of Violation and accompanying letter from the Division advised that the fine must
4 be remitted to the Division by April 8, 2016. The Notice of Violation and accompanying letter
5 contained notice to RESPONDENT advising RESPONDENT of her appeal rights if she disagreed with
6 the finding of violation and/or imposition of the fine. *Id.* RESPONDENT did not appeal and did not
7 request a hearing prior to April 8, 2016. As such, RESPONDENT was required to pay the fine
8 imposed in the amount of \$1,000.00 by the prescribed date of April 8, 2016.

9 Pursuant to a request from RESPONDENT, the Division extended the time for payment until
10 June 8, 2016. *Id.* RESPONDENT failed to pay the fine by June 8, 2016. To date, RESPONDENT has
11 failed to pay the administrative fine. The Division requests an order requiring the payment of the
12 properly imposed administrative fine and that RESPONDENT's license and permit be revoked or
13 suspended until paid.

14 **NOTICE OF HEARING**

15 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
16 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
17 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

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

23 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
24 time as part of a regular meeting of the Commission that is expected to last from May 23-25,
25 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be
26 continued until later in the day or from day to day. It is your responsibility to be present when
27 your case is called. If you are not present when your hearing is called, a default may be entered
28 against you and the Commission may decide the case as if all allegations in the complaint were

1 true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
2 4074.

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

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

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


19 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
20 645 and if the allegations contained herein are substantially proven by the evidence

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1 presented and to further determine what administrative penalty is to be assessed against the
2 Respondent, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

3 DATED this 17 day of April, 2017.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 SHARATH CHANDRA, Administrator
9 2501 East Sahara Avenue
10 Las Vegas, Nevada 89104-4137
11 (702) 486-4033

12 ADAM PAUL LAXALT
13 Attorney General

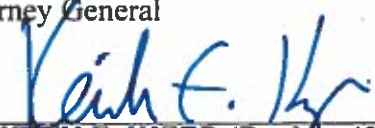
14 By: 
15 KEITH E. KIZER (Bar No. 4305)
16 Senior Deputy Attorney General
17 555 East Washington Ave., Ste. 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3326
20 Attorneys for Real Estate Division
21
22
23
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27
28

EXHIBIT A

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE H. BRESLOW
Director

JOSEPH (JD) DECKER
Administrator

**DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION**

www.red.nv.gov

March 08, 2016

Desiree (Dee) Sweet
2200 Tall Pine Dr.
Las Vegas, NV 89108

Certified Mail Receipt No. 7015 0640 0007 2047 0834

RE: NRED vs. SWEET
CASE NO. 2015-1606

Dear Ms. Sweet:

Enclosed you will find a Notice of Violation with Imposition of Administrative Fine. The Division has found that you have violated NRS 645.630 1 (f) as set out with specificity in Exhibit A attached.

Pursuant to NAC 645.695, you are required to pay an administrative fine in the amount of \$1000.00. **The fine must be remitted to the Division by April 08, 2016.**

PLEASE TAKE NOTICE that you have the appeal this Notice of Violation before the Real Estate Commission. If you wish to appeal this Notice of Violation, you must notify the Division within 30 days of the date of this letter. Please submit such notification to Mr. Jan R. Holle, Chief Compliance/Audit Investigator, at 2501 E. Sahara #300, Las Vegas, Nevada 89104-4137.

Please remit a check or money order made payable to the order of "Nevada Real Estate Division" for the full amount of the fine:

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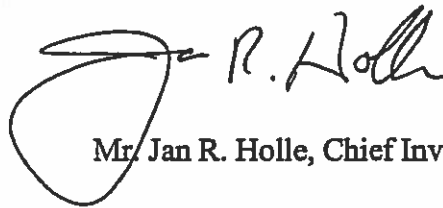
Desiree (Dec). Sweet
Page 2
March 08, 2016

ASSISTANT OT THE ADMINISTRATOR
Nevada Real Estate Division
2501 E. Sahara Avenue, Suite 303
Las Vegas, NV 89104-4137

There is an extra copy of this letter marked "Remittance Copy" and should be returned with your check. The purpose of the remittance copy is to assure proper posting of fines to your disciplinary file.

If you have any questions concerning this Notice, you may contact Investigator Daryl McCloskey at (702) 486-2423.

Sincerely,



Mr. Jan R. Holle, Chief Investigator

cc: Joseph (JD) Decker, Administrator

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1 REAL ESTATE DIVISION
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 STATE OF NEVADA
4

5 Desiree (Dee) Sweet. Sweet,
Licensee.

6 License No. S.0029397

7 Inactive.
8

NOTICE OF VIOLATION
WITH
IMPOSITION OF ADMINISTRATIVE FINE

Case No. 2015-1606

9 TO:

10
11 DESIREE (DEE). SWEET
12 2200 TALL PINE DR.
13 LAS VEGAS, NV 89108
14

15 PLEASE TAKE NOTICE that as a result of an investigation, the Real Estate Division of the
16 Department of Business and Industry, State of Nevada ("the Division") finds that you have violated
17 NRS 645.630 1 (f) and NRS 645.633 1 (i) pursuant NAC 645.605 11 (c) as set out with specificity in
18 Exhibit A attached hereto.
19

20 PLEASE TAKE FURTHER NOTICE that as a result of the above violation(s), you are
21 required to pay an administrative fine pursuant to NAC 645.695 in the amount of \$1000.00. The fine
22 must be remitted to the Division on or before April 08, 2016. This Notice of Violation is considered
23 discipline and will be published and made available to the public upon request.
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1 PLEASE TAKE FURTHER NOTICE that you have the right to appeal this Notice of
2 Violation before the Real Estate Commission. If you wish to file an appeal, you must submit a
3 written request within 30 days of the date of this Notice. Such notice may be mailed to:
4

5 Nevada Real Estate Division
6 Mr. Jan R. Holle, Chief Compliance/Audit Investigator
7 2501 E. Sahara Avenue, Suite 300
8 Las Vegas, NV 89104-4137
9

10 DATED this 08TH day of MARCH, 2016.
11

12
13 JOSEPH (JD) DECKER, Administrator
14 REAL ESTATE DIVISION
15 DEPARTMENT OF BUSINESS & INDUSTRY
16 STATE OF NEVADA

17 By: 

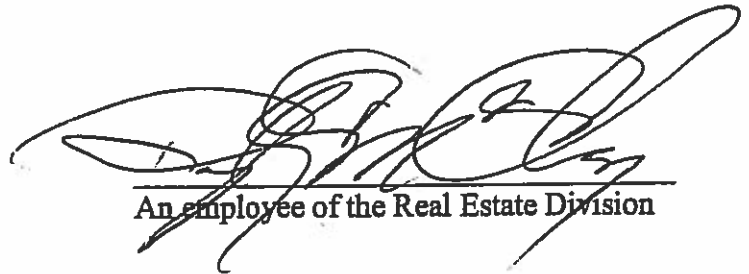
18 MR. JAN R. HOLLE, Chief Investigator
19 2501 East Sahara Avenue
20 Las Vegas, Nevada 89104-4137
21 (702) 486-4033
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26
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Certificate of Service

I, Daryl McCloskey hereby certify that I am an employee of the Real Estate Division of the Department of Business and Industry, State of Nevada and that on the 08TH day of MARCH, 2016, I served a fully executed copy of the foregoing Notice of Violation and Imposition of Administrative Fine, by depositing a copy of the same with the United State Postal Service, postage prepaid, certified mail, return receipt requested addressed as follows:

DESIREE (DEE) SWEET
2200 TALL PINE DR.
LAS VEGAS, NV 89108



An employee of the Real Estate Division

Certified Mail Receipt No. 7015 0640 0007 2047 0834

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Exhibit A

Violation found:

NRS 645.630 Authorized disciplinary action; grounds for disciplinary action; orders imposing discipline deemed public records.

1. The Commission may require a licensee, property manager or owner-developer to pay an administrative fine of not more than \$10,000 for each violation he or she commits or suspend, revoke, deny the renewal of or place conditions upon his or her license, permit or registration, or impose any combination of those actions, at any time if the licensee, property manager or owner-developer has, by false or fraudulent representation, obtained a license, permit or registration, or the licensee, property manager or owner-developer, whether or not acting as such, is found guilty of:

- (f) Failing, within a reasonable time, to account for or to remit any money which comes into his or her possession and which belongs to others.

Facts and Rationale for Finding:

Respondent Mr. Sweet failing to account or remit funds to the Complainant after the tenant paid the rent in March of 2015 and then when the tenant terminated the lease.

Violation found:

NRS 645.633 Additional grounds for disciplinary action: Improper trade practices; violations of certain orders, agreements, laws and regulations; criminal offenses; other unprofessional and improper conduct; reciprocal discipline; violations relating to property management; log of complaints; reports.

1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts:

- (i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

Pursuant - NAC 645.605 Considerations in determining certain misconduct by licensee. (NRS 645.050, 645.190, 645.633) In determining whether a licensee has been guilty of gross negligence or incompetence under paragraph (h) of subsection 1 of NRS 645.633 or conduct which constitutes deceitful, fraudulent or dishonest dealing under paragraph (i) of that subsection, the Commission will consider, among other things, whether the licensee:

- 11. Has impeded or attempted to impede any investigation of the Division by:

- (c) Supplying false information to an investigator, auditor or any other officer of the Division;

Fact and Rationale for Finding:

The Respondent gave their statement to the Real Estate Division and she stated that she had issued checks #7948 to Waterworld Pools and #7970 to the Complainant and that they had not been cashed or cleared the bank. These two checks were issued to other people and had cleared the bank.

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OFFICIAL USE

Article Number: **7015 0640 0007 2047 0827**
 Transfer from: **July 2013**

Article Addressed to:
Desiree (Dee) Sweet
2200 Tall Pine Dr.
Las Vegas, NV, 89108

Service Type:
 Certified Mail®
 Registered
 Insured Mail
 Restricted Delivery/ (Extra Fee) Yes No

Signature: *Mark*

Received by (Printed Name): **Mark**

Date of Delivery: **8/11/13**

Is delivery address different from item 1? Yes No

YES, enter delivery address below:

PS Form 3800, April 2015 PSN 7530-02-000-8247 See Reverse for Instructions

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OFFICIAL USE

Article Number: **7015 0640 0007 2047 0827**
 Transfer from: **July 2013**

Article Addressed to:
Larry Sweet
2200 Tall Pine Dr.
Las Vegas, NV 89108

Service Type:
 Certified Mail®
 Registered
 Insured Mail
 Restricted Delivery/ (Extra Fee) Yes No

Signature: *Mark*

Received by (Printed Name): **Mark**

Date of Delivery: **8/11/13**

Is delivery address different from item 1? Yes No

YES, enter delivery address below:

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Desiree (Dee) Sweet
2200 Tall Pine Dr.
Las Vegas, NV, 89108

2. Article Number: **7015 0640 0007 2047 0834**
 Transfer from: **July 2013**

3. Service Type:
 Certified Mail®
 Registered
 Insured Mail
 Restricted Delivery/ (Extra Fee) Yes No

Signature: *Mark*

Received by (Printed Name): **Mark**

Date of Delivery: **8/11/13**

Is delivery address different from item 1? Yes No

YES, enter delivery address below:

PS Form 3811, July 2013 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Larry Sweet
2200 Tall Pine Dr.
Las Vegas, NV 89108

2. Article Number: **7015 0640 0007 2047 0827**
 Transfer from: **July 2013**

3. Service Type:
 Certified Mail®
 Registered
 Insured Mail
 Restricted Delivery/ (Extra Fee) Yes No

Signature: *Mark*

Received by (Printed Name): **Mark**

Date of Delivery: **8/11/13**

Is delivery address different from item 1? Yes No

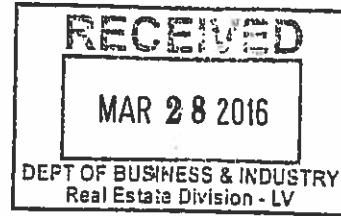
YES, enter delivery address below:

PS Form 3811, July 2013 Domestic Return Receipt

210000

24 March 2016

Mr. Jan R. Holle
Nevada Real Estate Division
2501 E. Sahara Ave. Ste. 300
Las Vegas, NV 89104-4137



Re: Case #2015-1606

Mr. Holle;

We can no longer access AppFolio, the accounting records from 2015. After going over all the records we can access, we are unable to find a solution to this dilemma. Our former bookkeeper, who had been with us for nearly eight years, seems to have made a bad mistake - try as we might we cannot determine what happened. We hesitate to accuse her of embezzlement. Not enough funds were missing to justify attempting to convert client monies to personal gain. When the original response to Ms. Scaggiari's complaint was sent, a page was taken directly from AppFolio; we assumed it was correct.

In retrospect, when Century 21 Aadvantage Gold closed unexpectedly, we should not have gone to Century 21 Martinez & Associates. That may have been when all the trouble really started. If we had transferred directly to Signature Real Estate Group, as many of the other property management people from Aadvantage Gold did, much of the complaint may have been resolved before it even happened. But all that is conjecture.

After more than 25 years in the business, we have now retired from all aspects of real estate. Our decision was based primarily on the fact that the stroke Larry Sweet suffered in May of 2015 has left him with some severe short-term memory deficits. He feels he cannot continue to serve his clients well. Since we are both well beyond the customary retirement age, we felt like it was time.

As far as the fines go, we would like to set up a payment plan. Our fixed income will not allow for a payment of \$1,500.00 all at the same time. We can pay \$100.00 per month over the next fifteen months. Let us know how you wish to proceed.

Respectfully submitted,

Two handwritten signatures in cursive. The first signature is "Larry Sweet" and the second is "Desiree 'Dee' Sweet".

Larry & Desiree "Dee" Sweet

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BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE H. BRESLOW
Director

JOSEPH (JD) DECKER
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

March 31, 2015

Larry and Desiree Sweet
2200 Tall Pine Dr.
Las Vegas, NV 89108

RE: SCAGGIARI vs. SWEET
CASE NO. 2015-1605

NRED vs. SWEET
CASE NO. 2015-1606

Dear Mr. and Ms. Sweet:

The Division received your letter dated March 24, 2016 and your request to make payment on the administrative fine imposed on March 08, 2016 for the two above cases.

The Nevada Real Estate Division will allow you 90 days from the date of the Notice of Violation letter sent to you (March 08, 2016) to pay in full both administrative fines totaling \$1,500.00. The new due date for both fines to be paid will now be June 08, 2016.

If you have any question please contact Daryl McCloskey at (702) 486-2423.

Sincerely,


Mr. Daryl McCloskey
Compliance/Audit Investigator

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