

**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. 2015-1605

Petitioner,

vs.

LARRY L. 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 LARRY L. 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 the 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 is licensed as a broker salesperson, license number BS.0011809, and as a property manager, permit number PM.0163367, and both licenses are in inactive status. 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 \$500.00 for a violation of NRS 645.630(1)(f), for failing to account for or remit rent monies he collected to the property owner. The

...

1 Notice of Violation with Imposition of Administrative Fine was properly served upon RESPONDENT.  
2 Exhibit 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 his appeal rights if he 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 \$500.00 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, 4<sup>th</sup> 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  
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# 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](http://www.red.nv.gov)

March 08, 2016

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

Certified Mail Receipt No. 7015 0640 0007 2047 0827

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

Dear Mr. 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 \$500.00. 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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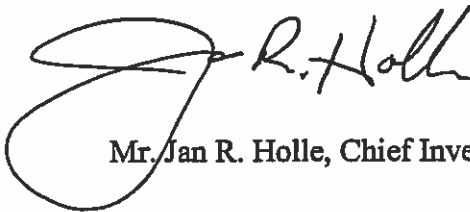
Larry L. Sweet  
Page 2  
March 08, 2016

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 Larry L. Sweet, Licensee.  
6 License No. BS.0011809  
7 Inactive.

NOTICE OF VIOLATION  
WITH  
IMPOSITION OF ADMINISTRATIVE FINE  
Case No. 2015-1605

8  
9 TO:

10  
11 LARRY L. 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) as set out with specificity in Exhibit A attached hereto.  
18

19 PLEASE TAKE FURTHER NOTICE that as a result of the above violation(s), you are  
20 required to pay an administrative fine pursuant to NAC 645.695 in the amount of \$500.00. The fine  
21 must be remitted to the Division on or before April 08, 2016. This Notice of Violation is considered  
22 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: 

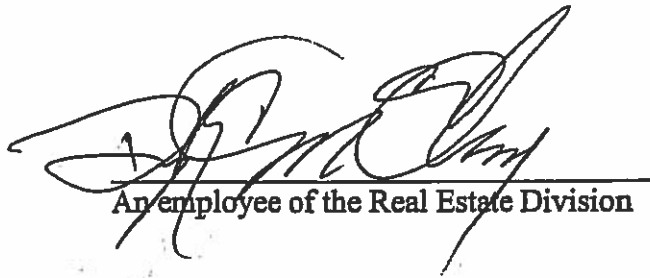
18 MR. JAN R. HOLLE, Chief Investigator  
19 2501 East Sahara Avenue  
20 Las Vegas, Nevada 89104-4137  
21 (702) 486-4033  
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**Certificate of Service**

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:

LARRY L. SWEET  
2200 TALL PINE DR.  
LAS VEGAS, NV 89108



An employee of the Real Estate Division

Certified Mail Receipt No. 7015 0640 0007 2047 0827

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Exhibit A

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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.

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U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

Total Postage and Fees: \$20.60  
 Postage: \$10.60  
 Adult Signature Restricted Delivery: \$0.00  
 Adult Signature Required: \$0.00  
 Certified Mail Restricted Delivery: \$0.00  
 Return Receipt (hardcopy): \$0.00  
 Return Receipt (electronic): \$0.00  
 Return Receipt (hardcopy): \$0.00  
 Extra Services & Fees (check box, add fee as appropriate): \$0.00  
 Certified Mail Fee: \$0.00

PS Form 3800, April 2015 PSN 7530 02 000 0047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

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

2. Article Number (Transfer from 1): 7015 0640 0007 2047 0834

PS Form 3811, July 2013 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: [Signature]  Agent  Addressee

B. Received by (Printed Name): [Signature]  Date of Delivery: 3/11/16

C. Is delivery address different from item 1?  Yes  No

D. Is delivery address different from item 1?  Yes  No

3. Service Type:  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra fee)  Yes  No

2015 1606

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Sent to: Harry Sweet  
 2200 Tall Pine Dr.  
 Las Vegas, NV 89108

Total Postage and Fees: \$20.60  
 Postage: \$10.60  
 Adult Signature Restricted Delivery: \$0.00  
 Adult Signature Required: \$0.00  
 Certified Mail Restricted Delivery: \$0.00  
 Return Receipt (hardcopy): \$0.00  
 Return Receipt (electronic): \$0.00  
 Return Receipt (hardcopy): \$0.00  
 Extra Services & Fees (check box, add fee as appropriate): \$0.00  
 Certified Mail Fee: \$0.00

PS Form 3800, April 2015 PSN 7530 02 000 0047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Harry L. Sweet  
 2200 Tall Pine Dr.  
 Las Vegas, NV 89108

2. Article Number (Transfer from 1): 7015 0640 0007 2047 0827

PS Form 3811, July 2013 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: [Signature]  Agent  Addressee

B. Received by (Printed Name): [Signature]  Date of Delivery: 3/11/16

C. Is delivery address different from item 1?  Yes  No

D. Is delivery address different from item 1?  Yes  No

3. Service Type:  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

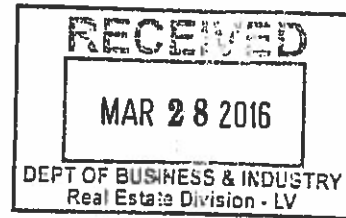
4. Restricted Delivery? (Extra Fee)  Yes  No

2015 1605

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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](http://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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