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APR 13 2017

REAL ESTATE COMMISSION  
BY *[Signature]*

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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. 2014-3238

Petitioner,

vs.

MICHAEL S. YU,

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 MICHAEL S. YU ("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 business broker, license number BUSB.0006669, and as a salesperson, license number S.0078671, both of which are in inactive status. On or about March 12, 2015, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of \$1,500.00 for violations of NRS 645.252(2) and NAC 645.650(2) for failing to return a security deposit and failing to provide paperwork to his broker

1 within 5 calendar days after the paperwork was executed by all the parties. The Notice of Violation  
2 with Imposition of Administrative Fine was properly served upon RESPONDENT. 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 13, 2015. The Notice of Violation and accompanying letter  
5 contained notice to the RESPONDENT advising RESPONDENT of his appeal rights if he disagreed  
6 with the finding of violation and/or imposition of the fine. *Id.* RESPONDENT did not appeal and did  
7 not request a hearing prior to April 13, 2015. As such, RESPONDENT was required to pay the fine  
8 imposed in the amount of \$1,500.00 by the prescribed date of April 13, 2015.

9 RESPONDENT failed to pay the fine by April 13, 2015. To date, RESPONDENT has failed to  
10 pay the administrative fine. The Division requests an order requiring the payment of the properly  
11 imposed administrative fine and that RESPONDENT's license be revoked or suspended until paid.

#### 12 NOTICE OF HEARING

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

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

21 STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same  
22 time as part of a regular meeting of the Commission that is expected to last from May 23-25,  
23 2017, or earlier if the business of the Commission is concluded. Thus, your hearing may be  
24 continued until later in the day or from day to day. It is your responsibility to be present when  
25 your case is called. If you are not present when your hearing is called, a default may be entered  
26 against you and the Commission may decide the case as if all allegations in the complaint were  
27 true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
28 4074.

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

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

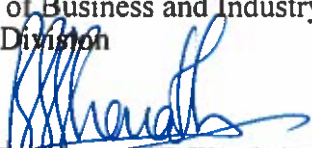
13           You have the right to request that the Commission issue subpoenas to compel witnesses to  
14 testify and/or evidence to be offered on your behalf. In making the request, you may be required to  
15 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights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

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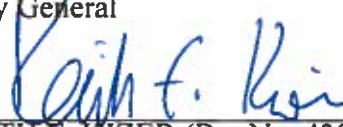
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
2 645 and if the allegations contained herein are substantially proven by the evidence  
3 presented and to further determine what administrative penalty is to be assessed against the  
4 Respondent, if any, 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:   
10 SHARATH CHANDRA, Administrator  
11 2501 East Sahara Avenue  
12 Las Vegas, Nevada 89104-4137  
13 (702) 486-4033

14 ADAM PAUL LAXALT  
15 Attorney General

16 By:   
17 KEITH E. KIZER (Bar No. 4305)  
18 Senior Deputy Attorney General  
19 555 East Washington Ave., Ste. 3900  
20 Las Vegas, Nevada 89101  
21 (702) 486-3326  
22 Attorneys for Real Estate Division  
23  
24  
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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.state.nv.us](http://www.red.state.nv.us)

**REMITTANCE COPY**

March 12, 2015

Michael S Yu  
1<sup>ST</sup> Priority Realty LLC  
4009 Spring Mountain Road  
Las Vegas NV 89102

Certified Mail Receipt No. 7013 1090 0000 1699 0282

RE: 2014 - 3238 YOON vs YU (S.0078671 and BUSB.0006669)

Dear Mr. Yu:

Enclosed herewith you will find a Notice of Violation with Imposition of Administrative Fine. The Division has found that you have violated NRS 645.252 2 and NAC 645.650 2 as set out with specificity in Exhibit A.

Pursuant to NAC 645.695, you are required to pay an administrative fine in the amount of \$1,500.00. The fine must be remitted to the Division by April 13, 2015.

**PLEASE TAKE NOTICE that you have the right to 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 2051 E. Sahara #300, Las Vegas, NV 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 to the following:

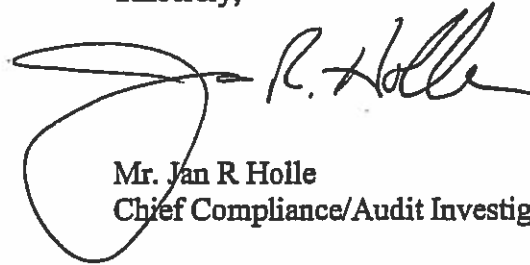
ASSISTANT TO THE ADMINISTRATOR  
Nevada Real Estate Division  
2501 E. Sahara Avenue, Suite 303  
Las Vegas, NV 89104-4137

REMITTANCE COPY

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 Carolyn Washington at (702) 486-4325.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan R. Holle". The signature is fluid and cursive, with a large loop at the beginning.

Mr. Jan R Holle  
Chief Compliance/Audit Investigator

cc: Joseph (JD) Decker, Administrator  
Shane W Nguyen, Broker

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

5 MICHAEL S. YU, Licensee.  
6 License No. S.0078671 and  
7 BUSB.0006669

NOTICE OF VIOLATION  
WITH  
IMPOSITION OF ADMINISTRATIVE FINE  
No. 2014 - 3238

8  
9 TO:

10 MICHAEL S YU  
11 1<sup>ST</sup> PRIORITY REALY LLC  
12 4009 SPRING MTN ROAD  
13 LAS VEGAS NV 89102

14 PLEASE TAKE NOTICE that as a result of an investigation, the Real Estate Division of the  
15 Department of Business and Industry, State of Nevada ("the Division") finds that you have violated  
16 NRS 645.252 2 and NAC 645.650 2, as set out with specificity in Exhibit A attached hereto.

17 PLEASE TAKE FURTHER NOTICE that as a result of that violation, you are required to  
18 pay an administrative fine pursuant to NAC 645.695 in the amount of \$1,500.00. This fine must be  
19 remitted to the Division on or by April 13, 2015. The Notice of Violation is considered discipline  
20 and will be published and made available to the public upon request.  
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2           **PLEASE TAKE FURTHER NOTICE** that you have the right to appeal this Notice of  
3 Violation before the Real Estate Commission. If you wish to file an appeal, you must submit a  
4 written request within 30 days of the date of this Notice. Such notice may be mailed to:  
5

6 Nevada Real Estate Division  
7 Mr. Jan R Holle, Chief Compliance/Audit Investigator  
8 2501 E Sahara Avenue, Suite 300  
9 Las Vegas NV 89104-4137  
10

11           DATED this 12<sup>th</sup> day of March, 2015.  
12

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

18           By:   
19                           MR. JAN R HOLLE  
20                           Chief Compliance/Audit Investigator  
21                           2501 East Sahara Avenue  
22                           Las Vegas, Nevada 89104-4137  
23                           (702) 486-4324  
24  
25  
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Exhibit A

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3 **Violation found: NRS 645.252 Duties of licensee acting as agent in real estate transaction. A licensee who acts as an agent in a real estate transaction:**

4       2. .Shall exercise reasonable skill and care with respect to all parties to the real estate  
5 transaction.

6 **And**

7 **NAC 645.650 Periods for maintenance of certain records by broker and for provision of certain  
8 paperwork to broker. (NRS 645.050, 645.190)**

9       2. A salesperson or broker-salesperson must provide any paperwork to the broker with whom  
10 he or she is associated within 5 calendar days after that paperwork is executed by all the parties.

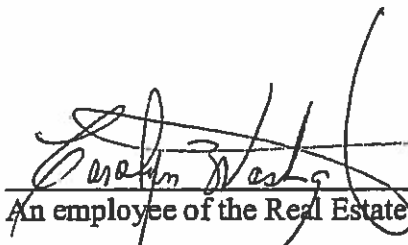
11 **Facts and Rationale for Finding:**

12  
13       Respondent Yu failed to return the Complainant's security deposit. Instead, he instructed the  
14 escrow officer to transfer the money to the original owner in escrow, without the Complainant's  
15 permission or knowledge. The Respondent failed to turn the paperwork into the broker for this real  
16 estate transaction.

Certificate of Service

I, Carolyn Washington, 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 12<sup>th</sup> day of March, 2015. 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:

MICHAEL S YU  
1<sup>ST</sup> PRIORITY REALY LLC  
4009 SPRING MTN ROAD  
LAS VEGAS NV 89102

  
An employee of the Real Estate Division

Certified # 7013 1090 0000 1699 0282

000106

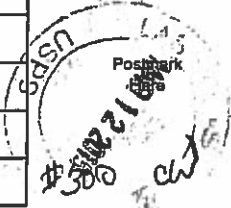
**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

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

**OFFICIAL USE**

2920 1697 0000 0601 ETD

3823 Postage	\$ 69
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 109</b>



Sent To: Michael S Yu  
 Street, Apt. No., or PO Box No.: 4009 Spring Mtn Rd  
 City, State, ZIP+4: LV NV 89102

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature                  x <u>Victoria</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <u>Victoria</u></p> <p>C. Date of Delivery  <u>3/16/05</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <u>Michael S Yu</u>  <u>1st Priority Realty LLC</u>  <u>4009 Spring Mtn Rd</u>  <u>Las Vegas NV 89102</u></p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7013 1090 0000 1699 0282</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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