

JUL 13 2018

BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *[Signature]*

STATE OF NEVADA

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

Case No.: 2016-2760

Petitioner,

**DECISION:**  
**FINDINGS OF FACT AND**  
**CONCLUSIONS OF LAW**

vs.

LUCIA RAMOS,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission ("Commission"), State of Nevada, on Tuesday, June 12, 2018 at 1818 E. College Parkway, Suite #103, Carson City, Nevada 89701. LUCIA RAMOS ("RESPONDENT") failed to appear at the hearing. Deputy Attorney General PETER K. KEEGAN appeared and prosecuted the Complaint on behalf of petitioner SHARATH CHANDRA, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law.

**JURISDICTION**

RESPONDENT was licensed as a real estate Broker under license number B.1000899.LLC. RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

**FINDINGS OF FACT**

1. At the June 12, 2018, hearing, the Division provided evidence of proper attempts to serve RESPONDNET, at her last known address(es) on file with the Division,

1 with copies of the Complaint and Notice of Hearing, Notice of Complaint, and Notice of

2 2. The RESPONDENT failed to appear at the June 12, 2018, hearing;  
3 therefore, pursuant to NAC 645.860, the Commission proceeded with disposition of this  
4 case without the participation of the RESPONDENT.

5 3. RESPONDENT was a licensed Real Estate Broker under license number,  
6 B.1000899.LLC, initially issued by the Division on November 4, 2011.

7 4. RESPONDENT was a licensed Property Manager under license number  
8 PM.0163880.BKR, initially issued on August 7, 2008.

9 5. At all times relevant, RESPONDENT was employed with ALL PROS, LLC,  
10 in Mesquite, Nevada.

11 6. On January 11, 2016, RESPONDENT submitted Affidavit in Lieu of Form  
12 546 and misrepresented to the Division the status of her property management trust  
13 accounts.

14 7. RESPONDENT's Broker and Property Management licenses expired on  
15 November 30, 2017.

16 8. Sharon Szarzi ("Szarzi") was a sales licensee and co-owner of ALL PROS,  
17 LLC.

18 9. In a Complaint filed with the Real Estate Division on June 27, 2016, Szarzi  
19 explained that on June 17, 2016, RESPONDENT had confessed to taking monies from the  
20 property management client trust accounts for gambling.

21 10. On July 7, 2016, Szarzi provided the Division with a copy of an independent  
22 CPA audit of ALL PROS, LLC's bank accounts, which revealed missing funds in the  
23 amount of \$188,746.56.

24 11. The withdrawals made by the RESPONDENT from the ALL PROS, LLC  
25 trust accounts included:

26 a. A \$2,000.00 transfer into RESPONDENT's personal checking account on  
27 August 19, 2015.

28 b. Five (5) ATM withdrawals totaling \$3,789.71 on September 27 & 29, 2015

- 1 c. Ten (10) ATM withdrawals and Global Cash Checks totaling \$10,698.63 on  
2 October 9, 10, & 11, 2015.
- 3 d. Two (2) casino checks totaling \$2,480.93 on October 15 & 17, 2015.
- 4 e. Eight (8) ATM and casino checks totaling \$7,125.69 on October 30, 2015.
- 5 f. Four (4) ATM and casino checks totaling \$3,114.84 on October 31, 2015.
- 6 g. Three (3) ATM and casino checks totaling \$4,608.89 on November 6 & 14,  
7 2015.
- 8 h. Six (6) ATM and casino checks totaling \$7,254.48 on November 20 & 22,  
9 2015.
- 10 i. Two (2) ATM and casino checks totaling \$2,564.70 on November 24, 2015.
- 11 j. Eleven (11) ATM and Global Cash totaling \$19,197.54, on November 28,  
12 2015.
- 13 k. Three (3) transfers to Respondent's personal account and cash withdrawal  
14 totaling \$4,000.00 on December 8 & 9, 2015.
- 15 l. Six (6) ATM and Global Cash totaling \$7,718.65, on December 11, 13, 14,  
16 and 15, 2015.
- 17 m. Nine (9) ATM and casino Global Cash totaling \$12,649.52, on December 17,  
18 18, & 20, 2015.
- 19 n. Seven (7) ATM and Global Cash totaling \$4,378.45 on December 25, 27, 28,  
20 30, & 31, 2015.
- 21 o. Six (6) cash withdrawals and transfers to RESPONDENT's personal  
22 account totaling \$8,500.00, on January 16 & 19, 2016.
- 23 p. Two (2) cash withdrawals and transfers to RESPONDENT's personal  
24 account totaling \$3,500.00, on February 27 & 28, 2016.
- 25 q. Five (5) cash withdrawals and transfers to RESPONDENT's personal  
26 account totaling \$7,500.00, on March 5, 7, 8, & 9, 2016.
- 27 r. Six (6) transfers to RESPONDENT's personal account, cash withdrawals  
28 and ATM withdrawals totaling \$7,600.00, on March 14 & 15, 2016.

- 1 s. One (1) ATM withdrawal for \$500.00 on March 31, 2016.
- 2 t. Seven (7) ATM withdrawals and transfers to RESPONDENT's personal
- 3 account totaling \$4,000.00, on April 1, 2, 3, & 4, 2016.
- 4 u. Four (4) ATM withdrawals and transfers to RESPONDENT's personal
- 5 account totaling \$3,500.00, on April 14, 15, & 20, 2016.
- 6 v. Six (6) ATM withdrawals and transfers to RESPONDENT's personal
- 7 account totaling \$3,000.00, April 24, 25, 27, & 30, 2016.
- 8 w. Four (4) ATM withdrawals and transfers to RESPONDENT's personal
- 9 account totaling \$1,500.00, on May 2, 2016.
- 10 x. Six (6) ATM withdrawals and transfers to RESPONDENT's personal
- 11 account totaling \$6,600.00, on May 4, 9, & 10, 2016.
- 12 y. Six (6) ATM withdrawals and transfers to RESPONDENT's personal
- 13 account totaling \$4,900.00, on May 16, 17, 19, & 20, 2016.
- 14 z. Two (2) ATM and cash withdrawals totaling \$1,000.00, on May 24 & 26,
- 15 2016.
- 16 aa. Eight (8) withdrawals from the tenant security deposit account #747382 on
- 17 July 13, 2015; August 13, 19, 24, & 27, 2015; September 16, 19, & 29, 2015,
- 18 totaling \$13,500.00.
- 19 bb. Nineteen (19) cash withdrawals and ATM transactions from trust account
- 20 # 756109 on February 27, 2016, for \$2,000.00; on April 1, 2, 3, & 4, 2016,
- 21 for \$1,500.00; on April 14, 19, 23, 25, 27, & 30, 2016, for \$3,000.00; and on
- 22 May 2, 9, 10, 26, & 31, 2016 and June 14, 2016, for \$1,700.00.

23 12. RESPONDENT commingled her client's funds with her own and converted  
24 those client's funds for her own use.

25 13. RESPONDENT failed to perform her fiduciary duties to her clients and  
26 subjected them to fraudulent activity.

27 14. On August 2, 2016, ALL PRO, LLC was closed.

28 15. On or about June 28, 2016, the Division sent RESPONDENT, an

1 Investigation Opening Letter requesting a response by July 13, 2016.

2 16. RESPONDENT failed to respond to the Division's June 28, 2016,  
3 Investigation Opening Letter.

4 17. From June 29, 2016, through August 4, 2016, the Division received twenty-  
5 two (22) complaints from property owners, who had contracted with RESPONDENT for  
6 property management services, alleging that they did not receive their June 2016 rents,  
7 reserve monies, and their tenant's security deposits.

8 18. On July 7, 2016, the Division sent RESPONDENT a follow-up letter via  
9 certified mail requesting a response by July 21, 2016, the letter was returned unclaimed,  
10 unable to forward.

11 19. RESPONDENT failed to respond to the Division's July 7, 2016, follow-up  
12 letter.

### 13 CONCLUSIONS OF LAW

14 20. The Divisions attempts to serve the RESPONDENT at the last known  
15 addresses on file constituted proper notice pursuant to NAC 645.680.

16 21. RESPONDENT violated NRS 645.630(1)(f) when she failed on twenty-two  
17 (22) occasions to, within a reasonable time, account for or to remit any money which  
18 came into her possession and which belonged to others.

19 22. RESPONDENT violated NRS 645.630(1)(g)(2) on January 11, 2016, when  
20 she failed one (1) occasion to submit her annual trust account reconciliation for owner  
21 funds and tenant security deposit accounts.

22 23. RESPONDENT violated NRS 645.630(1)(h) on twenty-two (22) occasions  
23 when she commingled her client's funds with her own.

24 24. RESPONDENT violated NRS 645.630(1)(h) on twenty-two (22) occasions when  
25 she converted her client's funds.

26 25. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(1) by  
27 acting negligently or incompetently on twenty-two (22) occasions when she failed to do  
28 her utmost to protect the public against unethical practices.

1 26. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) by  
2 acting negligently or incompetently on twenty-two (22) occasions when she breached her  
3 obligation of absolute fidelity to her principal's interest.

4 27. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11) by  
5 acting negligently or incompetently on twenty-two (22) occasions when she supplied false  
6 information to the Division via Affidavit in Lieu of Form 546 in January of 2016.

7 **ORDER**

8 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of  
9 One Million Three Hundred & Thirty-Two Thousand & One Hundred Fifty-Four and  
10 03/100 Dollars (\$1,332,154.03). The total fine reflects a fine of One Million Three  
11 Hundred & Thirty-Thousand and 00/100 Dollars (\$1,330,000.00) for committing the above  
12 violations of law, plus Two Thousand One Hundred & Fifty-Four and 03/100 Dollars  
13 (\$2,154.03) for hearing and investigative costs. Respondent shall pay the total fine to the  
14 Division within One Hundred Eighty (180) days of the effective date of this Order. The  
15 Division may institute debt collection proceedings for failure to timely pay the total fine.

16 IT IS FURTHER ORDERED that pursuant to NRS 645.630(1), Respondent's Real  
17 Estate Broker's License No. 1000899 and Property Manager's License No. 163880 is  
18 hereby revoked effective as of the date of this Order.

19 The Commission retains jurisdiction for correcting any errors that may have  
20 occurred in the drafting and issuance of this Decision.

21 This Order shall become effective on the 15<sup>th</sup> day of AUGUST, 2018.

22  
23 REAL ESTATE DIVISION  
24 STATE OF NEVADA

25 By:   
26 Commissioner  
27 Nevada Real Estate Commission  
28