

FILED

BEFORE THE REAL ESTATE COMMISSION

FEB 08 2017

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Rita Asch*

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

Case No.: 2016-2963

Petitioner,

vs.

COMPLAINT AND NOTICE OF
HEARING

A.J. JOHNSON a.k.a. AMINA MARIE
JOHNS,

Respondent.

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 PETER KEEGAN Deputy Attorney General, hereby notifies RESPONDENT, A.J. JOHNSON, ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 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 645.605 and/or NRS 645.635 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 either as a Salesperson, License Number S.0032321, or as a Broker, License Number B.1001849.LLC, and is therefore subject to the jurisdiction of the Division and the provisions of NRS Chapter 645 and NAC Chapter 645.

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Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

FACTUAL ALLEGATIONS

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2 1. RESPONDENT has been licensed as a Broker, License Number
3 B.1001849.LLC, since August 31, 2016, and is currently in active status. RESPONDENT
4 was previously licensed as a Salesperson, License Number S.0032321, since October 27,
5 1993.

6 2. RESPONDENT's currently employed with J.E. Johns & Associates in Reno,
7 Nevada. RESPONDENT is the Broker/Owner of J.E. Johns & Associates.

8 3. On or about July 11, 2016, the Division received a Complaint from Jeremy
9 Page ("COMPLAINANT") against the RESPONDENT claiming that she had listed his
10 property, located 20982 Little Valley Ct., Reno, Nevada 89508 (the "Property"), for sale
11 without his authorization.

12 4. On or about October 10, 2012, NRES-NV1, LLC, purchased the Property at a
13 homeowner's association foreclosure sale and a Deed in Foreclosure of Assessment Lien in
14 favor of NRES-NV1, LLC, was recorded with the Washoe County Recorder's Office on that
15 same date.

16 5. COMPLAINANT is the Manager of NRES-NV1, LLC, the owner of record for
17 the Property at issue.

18 6. On or about July 19, 2016, the Division sent RESPONDENT an Opening
19 Letter, indicating that an investigation had commenced concerning the July 11, 2016,
20 Complaint and informed RESPONDENT that a response was due to the Division by August
21 2, 2016.

22 7. On or about August 2, 2016, RESPONDENT sent the Division her initial
23 Sworn Affidavit Response and denied any wrongdoing, claiming that the Property was still
24 legally owned by her client, the Snyders.

25 8. In RESPONDENT's August 2, 2016, Sworn Affidavit Response, she admits
26 she changed the locks on the Property.

27 9. On or about August 29, 2016, RESPONDENT sent the Division her Amended
28 Response and maintained that she did not engage in any wrongdoing.

1 10. As part of RESPONDENT's August 29, 2016, Amended Response, she
2 submitted the Exclusive Right to Sell Contract, valid from June 10, 2016 through December
3 31, 2016, which listed her client as the Snyders.

4 11. As part of RESPONDENT's August 29, 2016, Amended Response, she also
5 submitted a Duties Owed Disclosure, which listed NRES-NV1 LLC as her client, but was
6 signed by the Snyders.

7 12. On or about October 12, 2016, the Division sent RESPONDENT, via certified
8 mail, a Notice of Violation with Imposition of Administrative Fine in the amount of
9 \$1,000.00 (One Thousand Dollars and No/100 Cents), for violating provisions of NRS
10 645.635 and NAC 645.610.

11 13. On or about November 7, 2016, RESPONDENT sent the Division her Notice
12 of Intent to Appeal.

13 14. On or about October 9, 2016, the Division sent RESPONDENT, via certified
14 mail, an NRS 233B Notice of Intention to Commence Disciplinary Action against her by
15 filing a Complaint and Notice of Hearing with the Nevada Real Estate Commission for
16 violations of NRS 645.635(1) and NAC 645.610(1)(e).

17 **VIOLATIONS**

18 RESPONDENT has committed the following violations of law:

19 15. RESPONDENT violated NRS 645.630 pursuant to NRS 645.635(1) by listing
20 COMPLAINANT's Property for sale on the J.E. Johns and Associates website and changing
21 the locks without the owner's authority.

22 16. RESPONDENT violated NRS 645.633(h) by incompetently preparing the
23 Duties Owed disclosure and listing NRES-NV1, LLC as her client, but having different
24 individuals sign the disclosure who were not affiliated with NRES-NV1, LLC.

25 **DISCIPLINE AUTHORIZED**

26 17. Pursuant to NRS 645.630 and NRS 645.633, the Commission is authorized to
27 impose an administrative fine of up to \$10,000.00 per violation against RESPONDENT and
28 further to suspend, revoke or place conditions on the license of RESPONDENT.

1 18. Additionally, under NRS Chapter 622, the Commission is authorized to impose
2 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
3 fees, if the Commission otherwise imposes discipline on RESPONDENT.

4 19. Therefore, the Division requests that the Commission take such disciplinary
5 action as it deems appropriate under the circumstances.

6 **NOTICE OF HEARING**

7 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
8 Administrative Complaint against the above-named RESPONDENT in accordance with
9 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
10 Administrative Code.

11 **THE HEARING WILL TAKE PLACE** on March 14, 2017, commencing at 9:00
12 a.m., or as soon thereafter as the Commission is able to hear the matter, and each
13 day thereafter commencing at 9:00 a.m. through March 16, 2017, or earlier if the
14 business of the Commission is concluded. The Commission meeting will be held
15 on March 14, 2017, at the Gaming Control Board, 1919 College Parkway, Carson
16 City, Nevada 89701. The meeting will continue on March 15, 2017 at the Gaming
17 Control Board, 1919 College Parkway, Carson City, Nevada 89701, commencing
18 at 9:00 a.m., and on March 16, 2017, should business not be concluded, starting at
19 9:00 a.m. at the Nevada Division of Insurance, 1818 East College Parkway,
20 Suite 103, Carson City, Nevada 89706.

21 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
22 at the same time as part of a regular meeting of the Commission that is expected
23 to last from March 14 through March 16, 2017, or earlier if the business of the
24 Commission is concluded. Thus, your hearing may be continued until later in the
25 day or from day to day. It is your responsibility to be present when your case is
26 called. If you are not present when your hearing is called, a default may be
27 entered against you and the Commission may decide the case as if all allegations
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1 in the complaint were true. If you have any questions please call Rebecca Hardin,
2 Commission Coordinator, at (702) 486-4074.

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

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

16 You have the right to request that the Commission issue subpoenas to compel
17 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
18 you may be required to demonstrate the relevance of the witnesses' testimony and/or
19 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
20 NRS Chapter 233B, and NAC 645.810 through 645.920.

21 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
22 645 and/or NAC 645 and if the allegations contained herein are substantially proven
23 by the evidence presented and to further determine what administrative penalty, if any, is
24 to be assessed against the RESPONDENT, pursuant to NRS, 645.633 and/or 645.630 and/or
25 NRS 645.645 and/or NAC 645.695.

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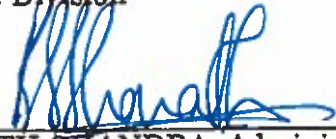
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DATED this 7 day of February, 2017.

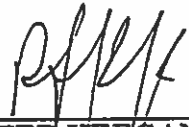
State of Nevada
Department of Business and Industry
Real Estate Division

By: 
SHARATH CHANDRA, Administrator
2501 East Sahara Avenue
Las Vegas, Nevada 89104-4137

Telephone: (702) 486-4033

DATED this 7th day of February, 2017.

ADAM PAUL LAXALT
Attorney General

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