

FILED

BEFORE THE REAL ESTATE COMMISSION

MAY 08 2018

STATE OF NEVADA

REAL ESTATE COMMISSION
Robin Hahn

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

Case No.: 2016-2760

Petitioner,

COMPLAINT AND NOTICE OF
HEARING

vs.

LUCIA RAMOS,

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, LUCIA RAMOS, ("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 or other discipline authorized by NRS 645 and/or NAC 645, if violations of law are proven.

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.

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2 FACTUAL ALLEGATIONS

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

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

7 3. At all times relevant, RESPONDENT was employed with ALL PROS, LLC,
8 in Mesquite, Nevada.

9 4. On January 11, 2016, RESPONDENT submitted Affidavit in Lieu of Form
10 546 and misrepresented to the Division the status of her property management trust
11 accounts.

12 5. RESPONDENT's Broker and Property Management licenses expired on
13 November 30, 2017.

14 6. Sharon Szarzi ("Szarzi") was a sales licensee and co-owner of ALL PROS,
15 LLC.

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

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

22 9. The withdrawals made by the RESPONDENT from the ALL PROS, LLC
23 trust accounts included:

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

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

27 c. Ten (10) ATM withdrawals and Global Cash Checks totaling \$10,698.63 on
28 October 9, 10, & 11, 2015.

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

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

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

24 11. RESPONDENT failed to perform her fiduciary duties to her clients and
25 subjected them to fraudulent activity.

26 12. On August 2, 2016, ALL PRO, LLC was closed.

27 13. On or about June 28, 2016, the Division sent RESPONDENT, an
28 Investigation Opening Letter requesting a response by July 13, 2016.

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

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

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

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

12 VIOLATIONS

13 RESPONDENT has committed the following violations of law:

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

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

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

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

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

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

4 24. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11) by
5 acting negligently or competently 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 **DISCIPLINE AUTHORIZED**

8 25. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered
9 to impose an administrative fine of up to \$10,000 per violation against RESPONDENT
10 and further to suspend, revoke or place conditions on the license of RESPONDENT.

11 26. Pursuant to NRS 645.314, the Division is authorized to request its
12 investigative costs where the investigation was undertaken for disciplinary purposes.

13 27. Additionally, under NRS 622.400, the Commission is authorized to impose
14 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
15 fees, if the Commission otherwise imposes discipline on RESPONDENT.

16 28. Therefore, the Division requests that the Commission take such disciplinary
17 action as it deems appropriate under the circumstances.

18 **NOTICE OF HEARING**

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

23 **THE HEARING WILL TAKE PLACE on June 12, 2018 commencing at 9:00**
24 **a.m., or as soon thereafter as the Commission is able to hear the matter, and**
25 **each day thereafter commencing at 9:00 a.m. through June 14, 2018, or earlier if**
26 **the business of the Commission is concluded. The Commission meeting will be**
27 **held on June 12, 2018, at the Nevada Division of Insurance, 1818 East College**
28 **Parkway, Suite 103, Carson City, Nevada 89706. The meeting will continue on**

1 June 13, 2018 at the Nevada Division of Insurance, 1818 East College Parkway,
2 Suite 103, Carson City, Nevada 89706., commencing at 9:00 a.m., and on June 14,
3 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada
4 Division of Insurance, 1818 East College Parkway, Suite 103, Carson City,
5 Nevada 89706.

6 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
7 at the same time as part of a regular meeting of the Commission that is
8 expected to last from June 12 through June 14, 2018, or earlier if the business of
9 the Commission is concluded. Thus, your hearing may be continued until later
10 in the day or from day to day. It is your responsibility to be present when your
11 case is called. If you are not present when your hearing is called, a default may
12 be entered against you and the Commission may decide the case as if all
13 allegations in the complaint were true. If you have any questions please call
14 Rebecca Hardin, Commission Coordinator (702) 486-4074.

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

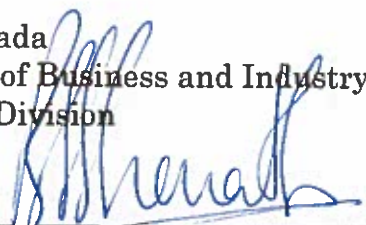
21 As the Respondent, you are specifically informed that you have the right to appear
22 and be heard in your defense, either personally or through your counsel of choice. At the
23 hearing, the Division has the burden of proving the allegations in the complaint and will
24 call witnesses and present evidence against you. You have the right to respond and to
25 present relevant evidence and argument on all issues involved. You have the right to call
26 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
27 matter relevant to the issues involved.
28

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

6 The purpose of the hearing is to determine if the Respondent has violated NRS 645
7 and/or NAC 645 and if the allegations contained herein are substantially proven
8 by the evidence presented and to further determine what administrative penalty, if any,
9 is to be assessed against the Respondents.

10 DATED this 8 day of May, 2018.

11 State of Nevada
12 Department of Business and Industry
13 Real Estate Division

14 By: 
15 SHARATH CHANDRA, Administrator
16 3300 W. Sahara Avenue
17 Las Vegas, Nevada 89102

18 DATED this 8th day of May 2018.

19 ADAM PAUL LAXALT
20 Attorney General

21 By: 
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