

1 BEFORE THE REAL ESTATE COMMISSION
2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION,
5 DEPARTMENT OF BUSINESS &
6 INDUSTRY, STATE OF NEVADA,

7 Petitioner,

8 vs.

9 AARON SPEARS,

10 Respondent.

Case No. 2017-389

DECISION AND ORDER

FILED

APR 19 2019

REAL ESTATE COMMISSION
Emily Patten

11 This matter came on for hearing before the Nevada Real Estate Commission, State
12 of Nevada ("Commission") on Tuesday, March 26, 2019, at the Nevada Business Center,
13 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.
14 Respondent Aaron Spears ("RESPONDENT") did not appear. Vivienne Rakowsky, Deputy
15 Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath
16 Chandra, Administrator of the Real Estate Division, Department of Business & Industry,
17 State of Nevada ("Division").

18 The matter having been submitted for decision based upon the allegations of the
19 Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as
20 follows:

21 **FINDINGS OF FACT**

22 The Commission, based upon the evidence presented during the hearing, finds that
23 there is substantial evidence in the record to establish each of the following:

- 24 1. At all times relevant to this Complaint, RESPONDENT was not licensed by
25 the Division in any capacity.
- 26 2. At all times relevant to this Complaint, RESPONDENT conducted
27 unlicensed property management activities in Nevada.
- 28 3. RESPONDENT operated under the name of Las Vegas Property Services.

1 4. On or about April 8, 2016, property owner, Jeffrey Goodman, entered into a
2 Residential Lease Agreement for 1112 Bass Drive, Unit D, Henderson, Nevada with
3 tenants Michael and Cheri Rushing. The Owner's Broker is listed as Easy Street Realty
4 with Heather Etchings as agent.

5 a. Paragraph 25 of the lease provides that the tenant is to contact Aaron
6 Spears of Las Vegas Property Services for any maintenance or essential
7 services or emergencies on behalf of the landlord.

8 b. Paragraph 46 of the Residential Lease Agreement provides:

9 Tenants are aware the Owner/Landlord has
10 employed Las Vegas Property Services to
11 manage the property and their contact is
12 Aaron Spears. Once lease is executed, all
13 deposits will be turned over to Las Vegas
14 Property Services and the services provided
 by EasyStreet Realty to list and lease the
 property on behalf of Owner/Landlord will
 have concluded.

15 c. On or about April 8, 2016, Aaron Spears signed for and received
16 \$2,400.00 in money order deposits..

17 5. On or about April 19, 2016, Owner Jeffrey Goodman entered into a
18 Residential Lease Agreement for 2903 Bungalow Lane, Henderson Nevada with tenants
19 Marta and Jorge Lopez. The Owner's Broker is listed as Easy Street Realty with Heather
20 Etchings as agent.

21 a. Paragraph 25 of the lease provides that the tenant is to contact Aaron
22 Spears of Las Vegas Property Services for any maintenance or essential
23 services or emergencies on behalf of the landlord.

24 b. Paragraph 46 of the Residential Lease Agreement provides:

25 Tenants are aware the Owner/Landlord has
26 employed Las Vegas Property Services to
27 manage the property and their contact is
28 Aaron Spears. Once lease is executed, all
 deposits will be turned over to Las Vegas
 Property Services and the services provided
 by EasyStreet Realty to list and lease the

1 property on behalf of Owner/Landlord will
2 have concluded.

3 6. On or about May 2016, RESPONDENT represented to Complainant Anh
4 Tuan Che Nguyen ("Complainant") that he was a licensed property manager in Nevada
5 doing business as Las Vegas Property Services, P O Box 530603, Henderson Nevada 89121.

6 a. RESPONDENT entered into a property management agreement the
7 Complainant to lease and manage property located at 4202 Flamingo
8 Crest Drive, Unit 3, Las Vegas, NV 89121.

9 b. For his services as a property manager, RESPONDENT was to receive
10 \$350 from the first month rent as a fee for acquiring, screening and
11 renting the premises and \$45 per month as a fee for managing the
12 property.

13 c. The agreement was signed by the Complainant and the RESPONDENT
14 on May 26, 2016.

15 7. On or about May 4, 2016, a Residential Lease Agreement was signed
16 between Claudia Contrares ("Tenant") and RESPONDENT as the Broker of
17 Record for 4202 Flamingo Crest Drive, Unit #3.

18 8. RESPONDENT signed an Amendment to the Residential Lease between
19 Las Vegas Property Services and the Tenant on May 6, 2017.

20 9. In December 2016, the Tenant in 4202 Flamingo Crest Drive, Unit 3, moved
21 out.

22 10. Complainant attempted to retrieve the \$1,200 security deposit, \$100 key
23 deposit and \$250 cleaning fee along with the keys and garage opener remote control and
24 community key from the RESPONDENT.

25 11. The RESPONDENT avoided the Complainant's calls and refused to justify
26 alleged "repairs" made to the property totaling \$300.00.

27 12. On or about February 15 2017, Complainant filed a written Complaint with
28 the Real Estate Division.

1 13. On or about February 22, 2017, the Division sent the RESPONDENT a
2 certified letter at P O Box 530603, Henderson Nevada, notifying the RESPONDENT that
3 a complaint had been filed against him. At the same time, a copy of the letter was also sent
4 to the RESPONDENT's business address at 3301 Spring Mountain Rd. #21, Las Vegas,
5 Nevada.

6 14. The letter addressed to the post office box was returned providing a
7 forwarding address for the RESPONDENT at 4045 Spencer Street, suite A45, in Las Vegas,
8 Nevada.

9 15. The letter to the Spring Mountain Address was returned stating "return to
10 sender."

11 16. On March 3, 2017, a true and correct copy of the February 22nd letter was
12 sent to the Spencer Street address.

13 17. On or about March 21, 2017, a Cease and Desist Order was sent to the
14 RESPONDENTS P O Box and the Spring Mountain Road addresses.

15 18. On or about March 24, 2017 the Division sent the RESPONDENT a certified
16 letter addressed to 4045 Spencer Street, suite A45, advising him that the Division has not
17 received a response to the consumer complaint, and the letter was returned unclaimed.

18 19. On or about May 18, 2017, the Division sent a certified letter to the
19 RESPONDENT at his last known address 4045 Spencer Street, suite A45 and last known
20 residence 1029 Geranium Drive, Henderson, informing him that the Division has sufficient
21 evidence to commence disciplinary action against him and plans to file a Complaint for
22 hearing before the Real Estate Commission.

23 CONCLUSIONS OF LAW

24 The Commission, based upon the preponderance of the evidence, makes the following
25 legal conclusions:

26 1. RESPONDENT violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) by
27 engaging in the business of, acting in the capacity of, or advertising or assuming to act as
28 a real estate broker, real estate broker-salesperson, real estate salesperson within the State

1 of Nevada without first obtaining a real estate license or from the Division.

2 2. RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of,
3 acting in the capacity of a property manager without obtaining a permit to engage in
4 property management from the Division.

5 **ORDER**

6 IT IS HEREBY ORDERED that RESPONDENT shall pay to the Division a total
7 amount of \$6,147.80. That amount reflects a fine of \$5,000 for committing the above
8 violations of law plus \$1,147.80 for hearing and investigative costs. RESPONDENT shall
9 pay the total amount to the Division within ninety (90) days of the effective date of this
10 Order. The Division may institute debt collection proceedings for failure to timely pay
11 the total amount.

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

14 This Order shall become effective on the 19th day of May, 2019.

15 DATED this 19th day of April, 2019.

16 REAL ESTATE COMMISSION
17 STATE OF NEVADA

18
19
20 By: 

21 President, Nevada Real Estate
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