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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. 2018-1433

Petitioner.

vs.

KENNETH WICKER.

Respondent.

**FILED**

JUL 06 2020

REAL ESTATE COMMISSION

BY *Evelyn Pattee*

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda, set for three days, beginning on June 16, 2020 via Webex (with telephone access) with no physical public location (as permitted by the Governor's Declaration of Emergency as amended) (the "Hearing"). RESPONDENT KENNETH WICKER (hereinafter, "RESPONDENT" or "WICKER") did not appear. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Ms. Neff advised the Commission that RESPONDENT had not filed an answer or otherwise appeared and had not been in contact with her prior to the Hearing.

Evelyn Pattee testified regarding notice sent to the RESPONDENT. The Commission found that appropriate service of the notice of the Hearing, the complaint, the Notice of Complaint, and Notice of Documents was made.

After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as follows:

**FINDINGS OF FACT**

The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters a finding of the following facts by default:

1  
2 1. RESPONDENT was licensed by the Division as a salesperson under license number S.0074835,  
3 said license issued on November 8, 2006 and having now expired for nonrenewal on November 30,  
4 2019.

5 2. On or around October 9, 2018, Rosanna Glueckert ("Complainant") filed a complaint with the  
6 Division stating that RESPONDENT was the realtor who represented her and her husband in the  
7 purchase of a condominium unit in 2008, located at 3327 Erva St., Unit 114, Las Vegas, NV 89117 (the  
8 "Property").

9 3. Following Complainant's purchase of the Property, she hired RESPONDENT to check on the  
10 Property once a month and paid him \$25 dollars per month to do so because she and her husband  
11 primarily lived at their residence in Chicago.

12 4. Complainant had not rented the Property since its purchase.

13 5. On or around May 26, 2018, RESPONDENT contacted Complainant and asked Complainant if  
14 she would be willing to rent the Property for four days to a woman, stating that the woman had a child  
15 and needed help.

16 6. Complainant agreed that RESPONDENT could rent the Property to the woman ("Renter") for  
17 three or four days.

18 7. On or around May 30th or May 31<sup>st</sup> of 2018, Complainant contacted RESPONDENT to see if  
19 the Renter had vacated the Property.

20 8. At that time, RESPONDENT asked Complainant if the Renter could stay in the Property  
21 another week.

22 9. Following the expiration of the following week, RESPONDENT again asked Complainant if  
23 the Renter could stay in the Property another week.

24 10. Complainant told RESPONDENT that if the Renter desired to stay, she would need to pay the  
25 rent owed as Complainant had yet to receive any rental payments.

26 11. The Renter remained in the Property until June 18, 2018.

27 12. During the time the Renter occupied the Property, Complainant did not receive rent.

28 13. While the Renter was occupying the Property, neighbors became concerned regarding who was

1 living in the Property and knocked on the door.

2 14. Complainant was informed that when a neighbor knocked on the door of the Property, the  
3 RESPONDENT answered, and neighbors also informed Complainant that three kids were living there  
4 with the Renter.

5 15. Thereafter, Complainant attempted to contact RESPONDENT several times to ask for her past  
6 due rent and the keys to the Property.

7 16. In a text message to Complainant, RESPONDENT stated that he had received money from the  
8 Renter but RESPONDENT failed to pay that money to either his broker or Complainant.

9 17. RESPONDENT evaded Complainant's calls and texts regarding the Renter and rent due.

10 18. When Complainant returned to the Property on October 3, 2018, she found the following: the  
11 carpet was stained, drawers had been gone through, a safe had been gone through and \$4,000 dollars in  
12 cash was missing, her car had been used and over 2,000 miles had been put on it.

13 18. Complainant called the police and filed a police report.

14 19. On October 11, 2018, the Division properly notified RESPONDENT that it opened an  
15 investigation based on Complainant's complaint with the Division and requested a response from  
16 RESPONDENT.

17 20. RESPONDENT did not respond to the Division.

18 21. On October 16, 2018, RESPONDENT's broker, Forrest Barbee ("Barbee") submitted an  
19 affidavit to the Division in response to its investigation.

20 22. In his affidavit, Barbee stated that he had met with RESPONDENT on October 15, 2018.

21 23. Barbee stated that at their October 15<sup>th</sup> meeting, RESPONDENT admitted to him that he had  
22 been conducting unlicensed property management services for Complainant since 2008 and had been  
23 receiving \$25 dollars a month since Complainant purchased the Property.

24 24. RESPONDENT admitted to Barbee that the woman living in Complainant's Property was  
25 RESPONDENT's girlfriend and that she had lived in the Property for several weeks despite not having  
26 permission to do so and not paying rent.

27 25. RESPONDENT denied to Barbee that he had gone through Complainant's personal items or  
28 that he had taken \$4,000 dollars in cash, but acknowledged that his girlfriend could have done so.

1 26. Following Barbee's meeting with RESPONDENT, Barbee terminated RESPONDENT from his  
2 brokerage, had an agreement with RESPONDENT that RESPONDENT would hand carry his license to  
3 the Division to place it on inactive status pending the Division's investigation, and that RESPONDENT  
4 would self-report his actions to the Division.

5 27. RESPONDENT did not surrender his license to the Division or self-report his dealings with  
6 Complainant to the Division.

7 28. On February 11, 2019, the Division issued RESPONDENT a Cease and Desist Order, ordering that  
8 RESPONDENT cease and desist from engaging in certain real estate activities requiring a license or  
9 permit from the Division, as RESPONDENT's license was inactive and he never held a property  
10 management permit.

11 29. On February 25, 2019, the Division properly notified RESPONDENT it was commencing  
12 disciplinary action against him by filing a Complaint against him before the Nevada Real Estate  
13 Commission.

#### 14 CONCLUSIONS OF LAW

15 Based on the foregoing findings of facts by default, the Commission concludes by unanimous  
16 vote that RESPONDENT has committed the following violations of law by default:

17 30. RESPONDENT violated NRS 645.230(1)(b) by managing and renting Complainant's Property  
18 without holding a property management permit from the Division.

19 31. RESPONDENT violated NRS 645.630(1)(l) and (i) by acknowledging to Complainant that he  
20 had received \$300 from the Renter but failing to turn the money over to Complainant or his broker.

21 32. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(7) by renting  
22 Complainant's Property without obtaining a lease agreement.

23 33. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by failing to  
24 respond to the Division's investigation.

25 34. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(7) by accepting  
26 approximately \$2,250 dollars from Complainant to provide property management services for the  
27 Property without obtaining an executed property management agreement.

1 35. RESPONDENT violated NAC 645.640(1)(a) by failing to disclose to Complainant and his  
2 broker his relationship to the Renter.

3 **ORDER**

4 The Commission, being fully apprised in the premises, and good cause appearing to the  
5 Commission, by unanimous vote, ORDERS as follows:

6 1. RESPONDENT shall pay an administrative fine to the Division in amount of \$65,000.00  
7 along with the Division's costs in the amount \$1,266.16, for a total amount of \$66,266.16 due to the  
8 Division ("Amount Due"). The Amount Due shall be payable to the Division within 90 days of the  
9 effective date of this Order.

10 2. All permits and licenses issued by the Division to RESPONDENT are hereby revoked.

11 3. The Division may institute debt collection proceedings for failure to timely pay the Amount  
12 Due, including action to reduce this Order to a judgment. Further, if collection goes through the State of  
13 Nevada, then RESPONDENT shall also pay the costs associated with collection.

14 4. The Commission retains jurisdiction for correcting any errors that may have occurred in the  
15 drafting and issuance of this document.

16 5. This Order shall become effective on the 5<sup>th</sup> day of August 2020.

17 DATED this 6<sup>th</sup> day of July, 2020.

18 REAL ESTATE COMMISSION  
19 STATE OF NEVADA

20 By: \_\_\_\_\_  
21 President, Nevada Real Estate Commission

22 Submitted by:

23 AARON D. FORD  
24 Attorney General

25 By:

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