

1 BEFORE THE REAL ESTATE COMMISSION
2 STATE OF NEVADA

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

Petitioner,

7 vs.

8 ANTHONY WILHAM,

9 Respondent.

Case No. 2018-815

FILED

SEP 18 2020

REAL ESTATE COMMISSION
BY *Evelyn Patten*

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

11 This matter came on for hearing before the Real Estate Commission, Department of Business and
12 Industry, State of Nevada (the "Commission"), during a regular agenda, set for a three-day stack,
13 beginning on September 1, 2020 via Webex (with telephone access) with no physical public location (as
14 permitted by the Governor's Declaration of Emergency as amended) (the "Hearing"), having been
15 previously continued, at RESPONDENT's request, from the Commission's prior meeting, set for a three-
16 day stack beginning on June 16, 2020. RESPONDENT ANTHONY WILHAM (hereinafter,
17 "RESPONDENT" or "WILHAM") appeared on behalf of himself. Karissa D. Neff, Esq., Deputy
18 Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate
19 Division of the Department of Business and Industry, State of Nevada (the "Division").

20 The Division, after hearing evidence and testimony from RESPONDENT and the Commission
21 Coordinator regarding service of the initial complaint, Notice of Complaint, Notice of Documents, and
22 the re-noticing documents (collectively the "Notice Documents"), continuing the Commission hearing
23 from June 16, 2020, to September 1, 2020, said continuance being granted at RESPONDENT's request,
24 found that the service of the Notice Documents was proper on RESPONDENT.

25 After hearing testimony presented in this matter and for good cause appearing, the Commission
26 now enters its Findings of Fact, Conclusions of Law, and Order against RESPONDENT as follows:
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1 **FINDINGS OF FACT**

2 The Commission, based upon evidence presented during the Hearing, and by the vote that
3 carried, enters a finding of the following facts:

4 1. RESPONDENT has been, and as of the date of this complaint, is currently licensed by the
5 Division as a salesperson under license number S.0068238, issued on November 5, 2005, said license
6 being active.

7 2. RESPONDENT now holds a property manager permit, said permit being issued on August 22,
8 2018, which is currently active.

9 3. On or around June 12, 2018, Amy Groves, a licensee with the Division (“Complainant”), filed a
10 complaint with the Division against RESPONDENT.

11 4. In her complaint, Complainant stated that in April of 2018, she and her husband were purchasing
12 a home located at 3690 E. Oquendo in Las Vegas, NV (the “Property”).

13 5. RESPONDENT was the listing agent for the Property.

14 6. Complainant stated that she quickly realized the Property was being used for short-term rentals.

15 7. Complainant stated that the website 777rentals.com was on RESPONDENT’s emails during the
16 transaction and that RESPONDENT was acting as a leasing agent for several other homes doing short-
17 term rentals.

18 8. RESPONDENT was using the business entity Wilham Vacation Homes LLC d/b/a/
19 777Rentals.com (the “Company”) to conduct his short-term rental business.

20 9. Complainant stated in her complaint to the Division, that at the time of her dealings with
21 RESPONDENT, he did not hold a permit from the Division to be a property manager.

22 10. Complainant stated that she had to push back the closing date on the Property because
23 RESPONDENT had booked people to rent the Property.

24 11. Complainant also stated that on the day of the Property’s closing, Clark County recorded a lien
25 on the Property in the amount of \$7,000 dollars, representing a fine issued to the owner for conducting
26 illegal short-term rentals.

27 12. James Cerrone (“Cerrone”) was RESPONDENT’s broker at the time of the sale of the Property
28 to Complainant and provided an Affidavit to the Division (“Affidavit”) regarding the Division’s

1 investigation.

2 13. In his Affidavit, Cerrone stated Complainant's complaint with the Division arose from alleged
3 defects discovered by the Complainant after the sale of the Property closed, that RESPONDENT's short-
4 term rental business complied with all City and County regulations, that RESPONDENT's Company
5 operated outside his brokerage, and that RESPONDENT disclosed to all of his clients that he was a
6 Nevada licensee.

7 14. Cerrone sent subsequent correspondence to the Division explaining that the statements made in
8 his Affidavit were based on RESPONDENT's representations to him that RESPONDENT *owned* the
9 properties he was using to conduct short-term rentals and that had he known that RESPONDENT did not
10 own the properties he was renting to the public, he would have advised RESPONDENT that he was
11 conducting property management without having the proper permit from the Division.

12 15. RESPONDENT provided a response to the Division.

13 16. In his response to the Division, RESPONDENT stated Complainant's filing a complaint with the
14 Division arose from alleged defects Complainant claims to have discovered with the Property after the
15 sale closed, and that Complainant filed the complaint with the Division to harm him as a result.

16 17. Regarding the operation of his Company, Complainant stated that when he was conducting short-
17 term leases, he would lease the properties from his clients, sub-lease the properties for short-term rentals,
18 collect the rental income, and pay a portion of the rental income to the owners.

19 18. In his response to the Division, RESPONDENT did not deny that his Company was advertising
20 and marketing short-term leases of other owner's properties in exchange for a commission while not
21 holding a property management permit.

22 19. RESPONDENT did not dispute that Clark County recorded a lien on the Property the day of the
23 Property's closing due to Clark County fining the Property owner for using it for short-term rentals.

24 20. On July 11, 2018, the Division issued RESPONDENT a Cease and Desist Order, ordering that
25 RESPONDENT no longer engage in any form of advertising, leasing, or managing property because
26 RESPONDENT did not hold a property manager permit from the Division.

27 21. During its investigation, the Division printed a copy of RESPONDENT's Company's website
28 showing several separate properties listed for rent, ranging from \$149 dollars to \$5,999 dollars per night.

1 22. RESPONDENT's website on June 19, 2018 also stated, "This is now a listing site for homeowners
2 (like Homeaway, AirB&B etc.) Submit an inquiry to communicate directly with an owner regarding the
3 rental of any home listed below."

4 23. During the transaction for Complainant's purchase of the Property, RESPONDENT provided
5 Complainant with a marketing agreement for the Property.

6 24. That marketing agreement stated, "RESPONDENT'S COMPANY agrees to market the house at
7 a rate of 25 % of all rental revenue generated by 777Rental."

8 25. The rental agreement also stated that the property owners, "agree to lease the home to us as
9 needed. All proceeds, less the commission and any expenses (if paid for by 777Rentals), will be paid to
10 the property owner after each rental."

11 26. RESPONDENT provided the Division with another marketing agreement, stating that the first
12 \$1,000 dollars of the rental income would go to the Company to defray initial startup costs.

13 27. RESPONDENT did not have property management agreements for several of the properties he
14 was advertising through his company that were on his Company's website as of September 14, 2018.

15 28. On September 19, 2018, the Division properly notified RESPONDENT it was filing a complaint
16 for disciplinary action against him before the Nevada Real Estate Commission.

17 VIOLATIONS

18 Based on the foregoing findings of fact, the Commission concludes, by the vote that carried,
19 that RESPONDENT committed the following violations of law:

20 29. RESPONDENT violated NRS 645.230(1)(b) by leasing/renting properties for his property owner
21 client through his COMPANY between 2005 and August of 2018 without having a property management
22 permit from the Division.

23 30. RESPONDENT violated NRS 645.235(1)(a) and/or (b) 20 times when RESPONDENT
24 advertised 20 different properties for rent and/or leasing on his COMPANY's website between June 12,
25 2018 and July 19, 2018 without having a property management permit.

26 31. RESPONDENT violated NRS 645.252(1)(c) in executing rental marketing agreements and rental
27 agreements where he failed to disclose he was a Nevada Real Estate licensee.

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1 32. RESPONDENT violated NAC 645.610(1)(c) and (e) because his COMPANY's website did not
2 have his broker's information listed prominently when he advertised properties under management
3 agreements with his broker.

4 **ORDER**

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

7 1. an administrative fine to the Division in amount of \$5,000.00 along with the Division's costs
8 in the amount \$2,170.85, for a total amount of \$7,170.85 due to the Division ("Amount Due"). The
9 Amount Due shall be payable to the Division within 12 months of the effective date of this Order.

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

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

15 4. This Order shall become effective on the 18th day of October 2020.

16 DATED this 18th day of September, 2020.

17 REAL ESTATE COMMISSION
18 STATE OF NEVADA

19 By: 
20 President, Nevada Real Estate Commission

21 Submitted by:

22 AARON D. FORD
23 Attorney General

24 By: */s/ Karissa Neff*

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