

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

HUNG YEH,

Respondent.

Case No. 2019-472

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY *Emily Tatter*

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Robert Werbicky, Deputy Attorney General, hereby notifies RESPONDENT HUNG YEH ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters 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, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT at all relevant times mentioned in this Complaint was licensed as a broker and property manager by the Division and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT has been licensed by the Division as a broker, B.0144402.LLC, and holds a permit as a property manager, PM.0166785.BKR, operating under the name Yeh & Associates, LLC.

1 2. On or about September 1, 2018 a Residential Lease Agreement was entered between Hung
2 Yeh and Tenants, Breana Flores and Joseph Santos, commencing September 1, 2018 and ending August
3 31, 2019, for the property located at 5556 Avent Ferry St., Las Vegas, NV.

4 3. On or about October 1, 2018 a Residential Lease Agreement was entered into between
5 Hung Yeh and Tenants, Salvador Ferrer and Irma Hernandez, commencing October 1, 2018 and ending
6 August 31, 2019, for the property located at 6139 Meadowgrass Lane, Las Vegas, NV.

7 4. On or about October 1, 2018 a Residential Lease Agreement between Hung Yeh and
8 Tenant, David Leigh Green, commencing October 1, 2018 and ending September 30, 2019 for the
9 property located at 9498 Kaufman Road, Las Vegas, NV.

10 5. The properties located at 5556 Avent Ferry St., Las Vegas, NV, 6139 Meadowgrass Lane,
11 Las Vegas, NV, and 9498 Kaufman Road, Las Vegas, NV (collectively "the Properties") are owned by
12 Kun Yoi Wu.

13 6. RESPONDENT engaged in property management of the Properties by, among other
14 things, collecting rent, collecting security deposits, filing eviction notices, arranging for repairs, arranging
15 for maintenance, arranging for landscaping work, and arranging for pest control regarding the Properties.

16 7. RESPONDENT was required to hold a property management permit to engage in said
17 activities.

18 8. RESPONDENT had signing authority on an account for the YEH Family Trust, Cheryl A
19 Yeh and Hung Yeh Trustee with Bank of America with an account number ending in #5164.

20 9. This account was not a trust account for purposes of NRS 645.310.

21 10. RESPONDENT had signing authority on an account for the Yeh Associates, LLC with
22 Bank of America with an account number ending in #5469.

23 11. This account was not a trust account for purposes of NRS 645.310.

24 12. In August/September 2018 Respondent collected \$4,319.00 in rental income and security
25 deposits for the properties located at 5556 Avent Ferry and 9498 Kaufman Rd.

26 13. RESPONDENT charged a "Management Fee" for the property located at 5556 Avent
27 Ferry in August 2018.

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1 14. RESPONDENT charged a "Management Fee" for the property located at 5556 Avent
2 Ferry in September 2018.

3 15. On September 11, 2018 RESPONDENT paid Kun Yoi Wu \$2,782.00 for the properties
4 located at 5556 Avent Ferry and 9498 Kaufman Rd from the bank account ending in #5164.

5 16. For October 2018 RESPONDENT collected \$6,274.00 of rental income and security
6 deposits for the Properties.

7 17. On October 19, 2018 RESPONDENT paid Kun Yoi Wu \$4,479.00 for the Properties from
8 the bank account ending in #5164.

9 18. In October 2018 RESPONDENT charged a "Management Fee" for each of the Properties.

10 19. For November 2018 RESPONDENT collected \$4,325.00 of rental income for the
11 Properties.

12 20. On November 23, 2018 RESPONDENT paid Kun Yoi Wu \$3,000.00 for the Properties
13 from the bank account number ending in #5469.

14 21. In November 2018 RESPONDENT charged a "Management Fee" for each of the
15 Properties.

16 22. For December 2018 RESPONDENT collected \$4,325.00 of rental income for the
17 Properties.

18 23. On December 17, 2018 RESPONDENT paid Kun Yoi Wu \$4,000.00 for the Properties
19 from the bank account number ending in #5469.

20 24. In December 2018 RESPONDENT charged a "Management Fee" for each of the
21 Properties.

22 25. For January 2019 RESPONDENT collected \$4,095.00 of rental income for the Properties.

23 26. On January 22, 2019 RESPONDENT paid Kun Yoi Wu \$4,000.00 for the Properties from
24 the bank account number ending in #5469.

25 27. In January 2019 RESPONDENT charged a "Management Fee" for each of the Properties.

26 28. For February 2019 RESPONDENT collected \$4,325.00 of rental income for the
27 Properties.

28 ...

29. On February 22, 2019 RESPONDENT paid Kun Yoi Wu \$3,900.00 for the Properties from the bank account number ending in #5469.

30. In February 2019 RESPONDENT charged a “Management Fee” for each of the Properties.

31. For March 2019 RESPONDENT collected \$4,550.00 of rental income for the Properties.

32. On March 25, 2019 Kun Yoi Wu was paid \$3,900.00 for the Properties from the bank account number ending in #5469.

33. On March 28, 2019 RESPONDENT paid Kun Yoi Wu \$1,200.00 for the Properties from the bank account number ending in #5469.

34. On April 1, 2019 RESPONDENT paid Kun Yoi Wu \$198.00 for the Properties from the bank account number ending in #5469.

35. In March 2019 RESPONDENT charged a "Management Fee" for each of the Properties.

VIOLATIONS

RESPONDENT has committed the following violations of law:

36. RESPONDENT violated NRS 645.310(4) by receiving money belonging to others and then failing to promptly deposit said money into a separate checking account, designated as a trust account, in a bank or credit union in this State.

37. RESPONDENT violated NAC 645.655(8) by failing to maintain separate bank accounts for activities relating to rental operations and security deposits.

38. RESPONDENT violated NRS 645.310(3) on twenty-one (21) occasions by commingling the money or other property of a client with his or her own.

DISCIPLINE AUTHORIZED

39. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to suspend, revoke or place conditions on the license of RESPONDENT.

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

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on June 16, 2020 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through June 18, 2020, or earlier if the business of the Commission is concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on June 18, 2020, should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from June 16, 2020, through June 18, 2020, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or professional competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

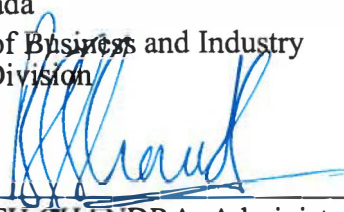
1 As the Respondent, you are specifically informed that you have the right to appear and be heard
2 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
3 burden of proving the allegations in the complaint and will call witnesses and present evidence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

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

11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
12 and if the allegations contained herein are substantially proven by the evidence presented and to further
13 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS
14 645.235 or NRS 645.230.

15 DATED this 13 day of May, 2020.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

19 By: 
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