

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

MAY 14 2021

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

Case No. 2019-224

REAL ESTATE COMMISSION
BY *Evelyn Taltie*

Petitioner,

vs.

ANSON BLAIR WENZEL,

Respondent.

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 Matthew Feeley, Deputy Attorney General, hereby notifies RESPONDENT ANSON BLAIR WENZEL ("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 NAC 645.695, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT at all relevant times mentioned in this Complaint was licensed by the Division as a broker-salesperson though did not hold a property management permit. He 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 is licensed with the Division as a broker-salesperson under license BS.0144016.LLC, said license being issued in December of 2012, and is currently in "active" status.

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1 2. RESPONDENT was associated with GENERAL REALTY GROUP INC from March 7,
2 2019 through December 31, 2020 and again from February 3, 2021 through the present date.

3 3. RESPONDENT was associated with REALTY ONE GROUP INC from February 4, 2019
4 through March 6, 2019.

5 4. RESPONDENT was associated with SIGNATURE REAL ESTATE GROUP LLC from
6 December 23, 2015 through December 27, 2018, and again from January 11, 2019 through January 29,
7 2019.

8 5. RESPONDENT was associated with SIGNATURE GALLERY OF HOMES from
9 December 12, 2014 through December 22, 2015.

10 6. RESPONDENT was associated with NEIGHBORHOOD REALTY from December 31,
11 2012 through December 12, 2014.

12 7. On March 1, 2019, Mr. Mert Gumusbasoglu (“Complainant”) submitted a Complaint to
13 the Division regarding the management of one of his properties.

14 8. Complainant provided that at the time of preparing the Complaint, he lived in Barcelona,
15 Spain.

16 9. Complainant stated that he owns three condos in Las Vegas, Nevada and that his close
17 family owns three more. All were purchased through SIGNATURE REAL ESTATE GROUP and
18 RESPONDENT was the real estate agent.

19 10. Complainant alleged that RESPONDENT was also finding tenants for the properties and
20 was maintaining the property regarding repairs.

21 11. Complainant stated that he purchased one of the properties referenced above on April 27,
22 2017 (“the property”) and the property is located at located at 1050 E. Cactus Ave. #1017.

23 12. Complainant alleges that there was a sewer backup problem at the property in October of
24 2017. The total cost of the damages was calculated to be around \$25,000.

25 13. Complainant alleged that RESPONDENT told Complainant that the insurance company
26 declined to pay the cost of repair and that because a tenant lived in the property repairs needed to be
27 completed right away. RESPONDENT told Complainant to send RESPONDENT \$25,000 in order to

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1 pay ADVANCE PRO RESTORATIONS to complete the work and that RESPONDENT would pursue
2 action against the insurance company to reimburse the amount.

3 14. Complainant stated that he transferred RESPONDENT the \$25,000 in November 2017,
4 ADVANCE PRO RESTORATIONS completed the work promptly, and the tenant was able to move
5 back in.

6 15. Complainant alleged that RESPONDENT reported that he was trying to get the money
7 reimbursed from the insurance company. RESPONDENT said that he hired an attorney and that he will
8 pay for the attorney himself to get the money from the insurance company.

9 16. Complainant alleged that in June of 2018, RESPONDENT wired Complainant \$4,144
10 telling Complainant that that was the first portion approved by the insurance company.

11 17. Complainant alleged that in February of 2019 he received an email from ADVANCE PRO
12 RESTORATIONS claiming that they had been trying to get a hold of him for over a year. ADVANCE
13 PRO RESTORATIONS informed Complainant that they never received any money from
14 RESPONDENT, specifically they did not receive the \$25,000 wired from Complainant to
15 RESPONDENT. ADVANCE PRO RESTORATIONS stated they received around \$16,000 directly from
16 the insurance company in January of 2018, within two months of the incident. ADVANCE PRO
17 RESTORATIONS stated that there was an unpaid due amount of \$6,000 and as such put a lien on the
18 property a year prior. RESPONDENT paid the due amount and ADVANCE PRO RESTORATIONS
19 removed the lien. ADVANCE PRO RESTORATIONS stated that RESPONDENT only made partial
20 payments to them for the first few months, but then cut off contact with them. Additionally,
21 RESPONDENT refused to provide the Complainants contact information with ADVANCE PRO
22 RESTORATIONS.

23 18. The Division commenced an investigation into RESPONDENT's activities in response to
24 Complainant's complaint.

25 19. In the course of the investigation, the Division received documents from the Complainant
26 to include: emails between Complainant and Respondent and a copy of an attorney agreement from
27 RESPONDENT for which RESPONDENT told Complainant that he was going to hire an attorney to go
28 after the insurance company.

1 20. Additionally, Complainant provided emails which discussed that RESPONDENT
2 received \$24,660 from Complainant which went directly into RESPONDENT's bank account.

3 21. Additionally, Complainant provided emails wherein he told RESPONDENT that
4 RESPONDENT owed him \$16,357.34.

5 22. Additionally, Complainant provided emails wherein RESPONDENT wrote "I take full
6 responsibility and will reimburse (sic) as soon as possible." RESPONDENT did not follow through and
7 has not reimbursed Complainant the \$16,357.34.

8 23. On March 5, 2019, the Division sent RESPONDENT a letter advising him of the
9 Complaint against him, that a case has been opened, and provided an affidavit form in which to provide
10 a response, due by March 19, 2019.

11 24. On March 18, 2019, RESPONDENT provided a signed and notarized affidavit.
12 RESPONDENT stated that "the complaint made by Mr. Gumusbasoglu (Complainant) is accurate, except
13 for the 1st paragraph of p. 2 where he declares that I may have been responsible for the losses incurred
14 by the first flood and after the fact permit processes." Additionally, RESPONDENT stated that "I did
15 everything possible to hire proper contractors..." and "at the time of the first flood and subsequent repair
16 work, I had a severe gambling addiction." Additionally, "words cannot explain how terribly ashamed,
17 immensely remorseful and sad I am to have done this." Additionally, RESPONDENT claimed "I have
18 already made a payment to them (Complainant) for \$2,000 in good faith and hope that the division allows
19 me to retain my license until I can make full restitution."

20 25. On March 5, 2019, the Division sent Vandana Chima Bhalla ("Bhalla") of SIGNATURE
21 REAL ESTATE GROUP LLC a letter advising him that a former agent, RESPONDENT, was under
22 investigation.

23 26. On March 22, 2019 Bhalla provided a signed and notarized affidavit to the Division.
24 Bhalla stated that on or about January 25, 2019, RESPONDENT reported to the managing broker of the
25 Green Valley office of SIGNATURE REAL ESTATE GROUP that he had comingled client funds by
26 taking security deposits. RESPONDENT reported to SIGNATURE REAL ESTATE GROUP that he had
27 taken about \$25,000 from a client to pay for repairs and that the money was deposited into his bank
28 account. RESPONDENT reported that he owed the IRS money and the IRS took that money directly

1 from RESPONDENT's bank account. Bhalla stated that he decided to "disassociate" RESPONDENT
2 from the company and told RESPONDENT to self report to the Nevada Real Estate Division no later
3 than the end of February. Bhalla met with Complainant on February 28, 2019. Bhalla stated that
4 Complainant reported that RESPONDENT helped Complainant purchase six properties and helped find
5 tenants for the properties. Shortly after closing on the property at issue, RESPONDENT helped get the
6 unit rented by placing it on the MLS. RESPONDENT charged a fee for the service, but Bhalla reported
7 that those funds did not flow through the brokerage. Bhalla reported that SIGNATURE REAL ESTATE
8 GROUP never managed the property. As to the \$25,000, it never went through the company, but went
9 directly to RESPONDENT's bank account. Additionally, Bhalla reported that Complainant sent
10 RESPONDENT approximately \$500 each year for homeowners' insurance, however there never was any
11 such policy for the property. Bhalla advised that Anson acted outside the scope of his license by practicing
12 property management, the company has its own property management division and in weekly meetings
13 advised employees not to practice property management without a permit. Additionally, employees are
14 specifically told not to take security deposits in their own name.

15 27. On July 8, 2019, The Division issued to RESPONDENT a Cease & Desist Order.

16 28. On July 15, 2019, the Division issued RESPONDENT a letter informing RESPONDENT
17 that the Division has obtained sufficient evident to commence disciplinary action and intends to do so by
18 filing a complaint for a hearing before the Real Estate Commission for six violations of the Nevada
19 Revised Statutes and Nevada Administrative Codes, specifically:

- 20 a. NRS 645.230(1)(b);
- 21 b. NRS 645.630(1)(h);
- 22 c. NRS 645.630(1)(i);
- 23 d. NRS 645.630(1)(f);
- 24 e. NRS 645.633(1)(h) pursuant to NAC 645.605(1); and
- 25 f. NAC 645.650(2).

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1 **VIOLATIONS**

2 RESPONDENT has committed the following violations of law:

3 29. RESPONDENT violated NRS 645.230(1)(b) by managing the property on behalf of
4 the owner to include the facilitating of repairs to the property and the collection of rents and security
5 deposits from tenant without a property management permit.

6 30. RESPONDENT violated NRS 645.630(1)(h) by accepting funds from the complainant
7 and holding them in his personal bank account. Additionally, the RESPONDENT collected rents and
8 security deposits from the tenant and placed them in a bank account the RESPONDENT controlled.

9 31. RESPONDENT violated NRS 645.630(1)(i) by accepting funds for the Complainant
10 and holding the funds in a personal bank account. RESPONDENT failed to turn over funds collected
11 from the Complainant and tenant to his broker.

12 32. RESPONDENT violated NRS 645.630(1)(f) by accepting funds for the Complainant
13 and holding the funds in his personal bank account. The RESPONDENT also collected rents and security
14 deposits from the tenant and failed to remit or account for the funds to the property owner.

15 33. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(1) by
16 requesting the Complainant transfer \$24,660.00 to him for repairs to the property. The Respondent failed
17 to pay for the all the repairs that were completed but informed the Complainant that he had taken care of
18 the payments.

19 34. RESPONDENT violated NAC 645.650(2) by failing to submit the management or
20 lease agreement to his broker when he started managing and leasing the property.

21 **DISCIPLINE AUTHORIZED**

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

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

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1 If you would like an email containing this information, before the hearing, please contact Evelyn
2 Pattee, Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

3 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same time
4 as part of a regular meeting of the Commission that is expected to last from June 15, 2021, through June
5 17, 2021, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued
6 until later in the day or from day to day. It is your responsibility to be present when your case is called.
7 If you are not present when your hearing is called, a default may be entered against you and the
8 Commission may decide the case as if all allegations in the complaint were true. If you have any
9 questions, please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

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

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

21 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
22 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
23 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
24 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

25 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
26 645 and if the allegations contained herein are substantially proven by the evidence

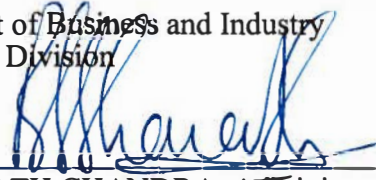
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1 presented and to further determine what administrative penalty is to be assessed against the
2 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

3 DATED this 11 day of May, 2021.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
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11 AARON D. FORD
12 Attorney General

13 By: /s/ *Matthew Feeley*

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