

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case No. 2021-417

Petitioner,

vs.

TAMMY HINH,

Respondent.

**FILED**

JAN 04 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

**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 on December 14, 2022, at the Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102, and virtually by WebEx (the "Hearing"). The RESPONDENT, TAMMY HINH (hereinafter, "RESPONDENT" or "HINH") did not appear and did not file an answer to the Complaint. Michelle D. Briggs, Esq., Chief 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").

Kelly Valadez testified regarding notice sent to the RESPONDENT. The Commission found proper notice of the Complaint, Notice of Hearing and Notice of Documents was sent to RESPONDENT. The Commission admitted documents marked NRED 0001-56 into evidence.

For good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

The Commission, by unanimous vote, finds that by a preponderance of the evidence in the record the following facts have been proven.

1. At all relevant times, RESPONDENT was licensed by the Division as a salesperson (S.0181303) and held a property manager permit (PM.0166953) from the Division, both of which are in "expired" status. **Bates Nos. NRED0003, NRED0008-0009.**

1           2.       At all times relevant, the RESPONDENT provided property management services through  
2 her broker Tiffany Hsia Chau (“Respondent’s broker” or “Chau”), with Vegas Pro Realty, LLC, located  
3 at 6276 Spring Mountain Road, Unit 100, Las Vegas, Nevada 89146 (“VPR.”) **Bates No. NRED0004.**

4           3.       On or about November 6, 2020, Respondent’s broker submitted a real estate termination  
5 form to the Real Estate Division (“the Division”). **Bates Nos. NRED0005-0007.**

6           4.       In the Real Estate Termination Form, the Respondent’s broker notified the Division that  
7 she was terminating the RESPONDENT’s employment with VPR due to lack of communication with the  
8 broker’s office.

9           5.       On or about November 6, 2020, the Respondent’s broker sent a notification letter to the  
10 RESPONDENT informing her that her salesperson license and property management permit were turned  
11 in to the Division and that her employment with VPR was terminated as of November 6, 2020. **Bates**  
12 **Nos. NRED0005-0007.**

13           6.       The RESPONDENT’s salesperson’s license (S.0181303) expired on March 31, 2022.

14           7.       The RESPONDENT’s property management permit (PM. 0166953) expired on March 31,  
15 2022.

16           8.       On or about April 18, 2021, the Division received a complaint by Kai-Yu Chiang  
17 (“Complainant” or “Chiang”) against the RESPONDENT. **Bates Nos. NRED0025-0026.**

18           9.       The Complainant stated that, he and his wife Weiqing Chiang were the owners of 2889  
19 Wheelwright Drive in Las Vegas, Nevada 89121. (“the property”) **Bates Nos. NRED0025-0026.**

20           10.      The Complainant purchased the property as an investment in March of 2018. **Bates Nos.**  
21 **NRED0025-0026.**

22           11.      At that time, the property was managed by Cornerstone Management. **Bates Nos.**  
23 **NRED0025-0026.**

24           12.      Since the property was built in the 1980s, it required a lot of repairs, and Cornerstone  
25 Management asked the Complainant to find a contractor to do the repairs and any upgrades on the  
26 property. **Bates Nos. NRED0025-0026.**

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1           13.       Complainant previously knew the RESPONDENT, as she had managed other properties  
2 for the Complainant when she worked for her prior brokerage Hot Point Realty. **Bates Nos. NRED0025-**  
3 **0026.**

4           14.       In June 2019, the Association allowed each owner to manage his or her property.

5           15.       RESPONDENT told the Complainant that she could help them with the management of  
6 their property. **Bates Nos. NRED0025-0026.**

7           16.       RESPONDENT also notified the Complainant that her new brokerage was VPR. **Bates**  
8 **Nos. NRED0025-0026.**

9           17.       On or about June 4, 2019, the Complainant, and RESPONDENT executed a Residential  
10 Property Management Agreement (“the Agreement”) for the property. **Bates Nos. NRED0027-0043.**

11           18.       The duration of the Agreement was from June 4, 2019, to June 3, 2020. **Bates Nos.**  
12 **NRED0027-0043.**

13           19.       Pursuant to the Agreement, the RESPONDENT was to collect 6% of the monthly gross  
14 collected rents as her monthly management fee. **Bates Nos. NRED0027-0043.**

15           20.       If the RESPONDENT procured a tenant for whom a lease was signed, she was to collect  
16 \$500.00. **Bates Nos. NRED0027-0043.**

17           21.       Pursuant to the Agreement, the RESPONDENT was responsible for collecting all rents,  
18 charges and other amount receivable on Owner’s account in connection with the management and  
19 operation of the property. **Bates Nos. NRED0027-0043.**

20           22.       Such funds were to be deposited in the Trust Account maintained by the Respondent’s  
21 broker for the property. **Bates Nos. NRED0027-0043.**

22           23.       Pursuant to Exhibit A in the Agreement, the minimum rent for the property was \$825.00  
23 and the maximum rent was \$900.00. **Bates Nos. NRED0027-0043.**

24           24.       Since October 2020, the Complainant has not received the rental statement and the rent  
25 for the property. **Bates Nos. NRED0027-0043.**

26           25.       The Complainant has tried to contact the RESPONDENT on numerous occasions;  
27 however the RESPONDENT has refused to communicate with the Complainant. **Bates Nos.**  
28 **NRED0027-0043.**

1           26.       Complainant also contacted the Respondent's broker, who informed the Complainant that  
2 the RESPONDENT's employment with VPR was terminated and that the rental income for the property  
3 was never deposited into the Trust Account. **Bates Nos. NRED0027-0043.**

4           27.       Complainant stated that the RESPONDENT owed him \$6,500.00 in rental income for the  
5 months of October and November 2020. **Bates Nos. NRED0027-0043.**

6           28.       In December of 2020, the Complainant changed property management companies to AHP  
7 Realty. **Bates Nos. NRED0027-0043.**

8           29.       On or about April 22, 2021, the Division notified the Complainant that his complaint about  
9 the RESPONDENT was received and that an investigation of the RESPONDENT was opened. **Bates**  
10 **No. NRED0010.**

11          30.       On or about April 22, 2021, the Division properly notified the RESPONDENT that it was  
12 opening an investigation against her based on the complaint received and requested a response to the  
13 allegations in the complaint. **Bates No. NRED0012.**

14          31.       The Division gave the RESPONDENT until May 7, 2021, to respond to the complaint.  
15 **Bates No. NRED0012.**

16          32.       The RESPONDENT failed to respond.

17          33.       On or about April 22, 2021, the Division properly notified the RESPONDENT's  
18 brokerage that it had opened an investigation against the RESPONDENT and requested that the  
19 brokerage provide the complete brokerage file for the property at 2889 Wheelwright Drive in Las Vegas,  
20 Nevada 89121. **Bates No. NRED0011.**

21          34.       The Division gave the Respondent's broker until May 7, 2021, to respond. **Bates No.**  
22 **NRED0011.**

23          35.       The Respondent's broker failed to respond.

24          36.       On or about June 8, 2021, the Division sent a second request to the RESPONDENT  
25 regarding the allegations in the complaint. **Bates Nos. NRED0013-0015**

26          37.       The Division gave the RESPONDENT until June 21, 2021, to respond to the allegations.  
27 **Bates Nos. NRED0013-0015.**

28          38.       The RESPONDENT again failed to respond.

39. On or about June 21, 2021, the Division sent a second request for the broker's file of the property to the Respondent's broker. **Bates No. NRED0019.**

40. The Division gave the Respondent's broker until July 6, 2021, to respond to the allegations. **Bates No. NRED0019.**

41. On or about June 17, 2021, Respondent's broker notified the Division that she was not aware of the RESPONDENT's dealings regarding the property. **Bates Nos. NRED0044-0056.**

42. Respondent's broker submitted to the Division, the Exclusive Authorization and Right to Sell, Exchange or Lease Brokerage Listing Agreement ("listing agreement") that was executed between the Complainant and the Respondent's broker. **Bates Nos. NRED0044-0056.**

43. However, the listing agreement did not mention anything about property management but just a lease. **Bates Nos. NRED0044-0056.**

44. On or about June 24, 2021, the RESPONDENT was properly notified by the Division that it was bringing a complaint for disciplinary action before the Commission. **Bates Nos. NRED0020-0021.**

#### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Commission concludes by unanimous vote that RESPONDENT committed the following violations of law.

1. RESPONDENT violated NRS 645.630 (1)(f) when she failed within a reasonable time to account for or remit any monies which came into her possession for the property, and which belonged to others.

2. RESPONDENT violated NRS 645.630 (1) (i) when she failed to place in custody of her licensed broker as soon as possible, any monies or deposit or consideration entrusted to her by any person dealing with her as the representative of her licensed broker.

3. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605 (1) by engaging in a deceitful, fraudulent, or dishonest dealing and by failing to protect the public against fraud, misrepresentation or unethical practices related to a real estate transaction regarding the property.

4. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605 (6) when she breached her obligation of absolute fidelity to her principal's interest and/or her obligation to deal fairly with all parties to a real estate transaction.

1 ...

2 5. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605 (11) when she  
3 failed to comply with the Division's request to provide documents and to supply a written response to  
4 the allegations in the complaint against her.

5 6. RESPONDENT violated NRS 645.635 (6) when she failed to produce all documents in  
6 her possession or under her control, concerning the real estate transaction involving the property to the  
7 Division, which was under investigation by the Division.

8 7. RESPONDENT violated NAC 645.650 (2) when she failed to provide all paperwork  
9 regarding the property to her broker with whom she was associated with within 5 calendar days after the  
10 paperwork was executed by all parties.

11 **ORDER**

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

14 1. RESPONDENT'S real estate salesperson license (S.0181303) and property manager  
15 permit (PM.0166953) are REVOKED.

16 2. RESPONDENT shall pay an administrative fine to the Division in the total amount of  
17 \$72,295.10 – which includes a fine of \$70,000 for the violations of law and \$2,295.10 representing the  
18 total amount due for the Division's attorney's fees and costs. The total administrative fine is due within  
19 60 days of the effective date of this Order.

20 3. The Division may institute debt collection proceedings for failure to timely pay the total  
21 fine, including action to reduce this Order to a judgment. Further, if collection goes through the State of  
22 Nevada, then RESPONDENT shall also pay the costs associated with collection.

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

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1           5.       This Order shall become effective on the 3rd day of February 2023.

2 DATED: January 4, 2023.

3 REAL ESTATE COMMISSION  
4 STATE OF NEVADA

5 By:   
6 President, Nevada Real Estate Commission

7 Submitted by:  
8 AARON D. FORD  
9 Attorney General

10 By: /s/ Michelle D. Briggs  
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