

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

FEB 24 2022

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

Case No. 2019-1186

REAL ESTATE COMMISSION

BY *Earlign Patten*

Petitioner,

vs.

TOD A. WEVER,

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 TOD A. WEVER ("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 and held 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 under license B.0144020.LLC, said license being issued on May 27, 2015, and is currently in "active" status.

2. RESPONDENT is licensed with the Division as a Property Manager under license PM.0163809.BKR, and is currently in "active" status.

1 3. RESPONDENT was associated with and owned REAL PROPERTY MANAGEMENT
2 OF LAS VEGAS, LLC from May 27, 2015, through November 25, 2019.

3 4. RESPONDENT was associated with RENTMAX PROPERTY MANAGEMENT from
4 November 25, 2019, through the present date.

5 5. On October 24, 2019, Rhonda S. McShan ("Complainant"), submitted a Complaint to the
6 Division regarding a property she previously lived at, located at 6778 Pine Valley Drive, Las Vegas, NV,
7 89103 (" the Property").

8 6. Complainant alleged that she leased the Property from August 15, 2014, through August
9 31, 2019.

10 7. When Complainant began her lease, she leased through a Broker, Rex Henriott of Henriott
11 Real Estate Services LLC, and she provided a \$1,000 security deposit.

12 8. Unbeknownst to Complainant, the former Broker Rex Henriott, on or around May of 2015,
13 ceased acting as the Broker of the property, and additionally, stole the \$1,000 security deposit mentioned
14 above.

15 9. As a result, RESPONDENT through his company, REAL PROPERTY MANAGEMENT
16 OF LAS VEGAS, LLC, began as the new broker for the Property.

17 10. RESPONDENT did not at this time notify Complainant of the theft or the change in
18 brokerage.

19 11. On or around August 2, 2019, Complainant received a 30-day notice to vacate the
20 property.

21 12. On or around August 23, 2019, Complainant spoke to RESPONDENT and requested more
22 time to move, or the return of her security deposit to pay for the move.

23 13. At this time, RESPONDENT notified Complainant that he did not have the security
24 deposit as it was stolen by the previous broker. Also, RESPONDENT denied Complainant's request for
25 more time.

26 14. Complainant, when she turned in her keys to the property, again requested the return of
27 her security deposit. Complainant was again told that someone stole it, and it would not be given back to
28 her.

1 15. Complainant then received a letter dated September 27, 2019, from REAL PROPERTY
2 MANAGEMENT titled Security Deposit Statement informing Complainant that she has a balance due
3 of \$1,500.

4 16. On October 28, 2019, The Division began an investigation into RESPONDENT based on
5 the complaint submitted by Complainant. RESPONDENT was also notified of the investigation on
6 October 28, 2019.

7 17. On November 11, 2019, RESPONDENT provided a signed affidavit to the Division in
8 response to the Division's investigation.

9 18. RESPONDENT explained that "[t]he owner of the property gave the tenant notice to
10 vacate because they needed to move back into the home[.]" and "[w]hen we told Ms. Mchan (sic)
11 (Complainant) about (that) (sic) her security and pet deposit were stolen by her old broker, Rex Henriott
12 of Henriott Real Estate Services, LLC her behavior escalated to screaming (sic) and shouting threats and
13 we almost called the police to have her removed because she was causing a major scene and our safety
14 felt threatened."

15 19. RESPONDENT also stated that "Case 2016-3017 was settled with no wrong doing and
16 NRED agreed that I did nothing unethical." Along with other documents, RESPONDENT submitted a
17 copy of the Order of Approval of Settlement for Case 2016-3017.

18 20. On March 2, 2020, and based on the results of the investigation, RESPONDENT was
19 issued a Notice of Violation with Imposition of Administrative Fine by the Division for violations of,
20 specifically:

- 21 a. NRS 645.633(1)(h) pursuant to NAC 645.605(8);
- 22 b. NRS 645.633(1)(h) pursuant to NAC 645.605(1) and (6); and
- 23 c. NRS 645.252(1)(a).

24 21. RESPONDENT requested the fine be appealed and heard before the Commission.

25 VIOLATIONS

26 RESPONDENT has committed the following violations of law:

27 22. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(8) by failing
28 to notify the Complainant within a reasonable time of the occurrence that the broker and brokerage that

1 managed the property had changed due to the broker Rex Henriott quitting, with RESPONDENT taking
2 over as broker and starting the brokerage REAL PROPERTY MANAGEMENT OF LAS VEGAS, LLC.

3 23. RESPONDENT violated NRS 645.252(1)(a) and NRS 645.633(1)(h) pursuant to NAC
4 645.605(1) and (6) by failing to notify Complainant of her missing security deposit within a timely
5 manner.

6 DISCIPLINE AUTHORIZED

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

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

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

15 NOTICE OF HEARING

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

19 THE HEARING WILL TAKE PLACE on March 29, 2022, commencing at 9:00 a.m., or as
20 soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing
21 at 9:00 a.m. through March 31, 2022, or earlier if the business of the Commission is concluded.
22 The Commission meeting will be held on March 29, 2022, at the Nevada State Business Center,
23 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102. The meeting will
24 continue on March 30, 2022, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th
25 Floor – Tahoe Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 31, 2022,
26 should business not be concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300
27 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

28 ...

1 **If the meeting will not be conducted in person, then you will be notified by known email or**
2 **mail as soon as possible that the Commission will conduct a virtual meeting using Webex.com with**
3 **the meeting information as follows:**

4 **DIAL-IN NUMBER: (844) 621-3956 or Webex.com**

5 **TUESDAY, MARCH 29, 2022 MEETING NUMBER ACCESS CODE: 2492 043 1496**
6 **MEETING PASSWORD: 38YerzTWmU3 (38937989683 from phones and video systems)**

7 **WEDNESDAY, MARCH 30, 2022 MEETING NUMBER ACCESS CODE: 2487 420 4399**
8 **MEETING PASSWORD: Kmmix976v52 (56649976852 from phones and video systems)**

9 **THURSDAY, MARCH 31, 2022 MEETING NUMBER ACCESS CODE: 2486 415 0596**
10 **MEETING PASSWORD: MjPpJCFs723 (65775237723 from phones and video systems)**

11 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time**
12 **as part of a regular meeting of the Commission that is expected to last from March 29, 2022,**
13 **through March 31, 2022, or earlier if the business of the Commission is concluded. Thus, your**
14 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
15 **present when your case is called. If you are not present when your hearing is called, a default may**
16 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
17 **were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-**
18 **4074.**

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

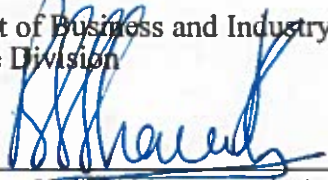
24 **As the Respondent, you are specifically informed that you have the right to appear and be heard**
25 **in your defense, either personally or through your counsel of choice. At the hearing, the Division has the**
26 **burden of proving the allegations in the complaint and will call witnesses and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

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

5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
6 645 and if the allegations contained herein are substantially proven by the evidence
7 presented and to further determine what administrative penalty is to be assessed against the
8 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

9 DATED this 23 day of February, 2022.

10 State of Nevada
11 Department of Business and Industry
12 Real Estate Division

13 By: 
14 SHARATH CHANDRA, Administrator
15 3300 West Sahara Avenue, Suite 350
16 Las Vegas, Nevada 89102

17 AARON D. FORD
18 Attorney General

19 By: */s/ Matthew Feeley*

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25 Attorneys for Real Estate Division
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