

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

VICTORIA KILGORE,

Respondent.

Case No. 2021-1208

FILED

MAR 3 1 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA (“Division”) hereby notifies RESPONDENT VICTORIA KILGORE (“RESPONDENT”) of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION (“Commission”). The hearing will be held pursuant to Chapter 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 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.0143909.LLC, Business Broker under license number BUSB.0007109.BKR, and holds a Property Management Permit under Credential Number PM.0165468.BKR. She 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 Victoria Kilgore (“RESPONDENT” or “Kilgore”) has been broker of record for Platinum Portfolio Realty since on or about April 2019, under Broker license number B.0143909.LLC, Business Broker license number BUSB.0007109.BKR, and, at all times relevant, has held a Property Management Permit under Credential Number PM.0165468.BKR. **NRED 0005-0007.**

1 2. Both prior to and concurrently with that period, she had been associated with Berkshire
2 Hathaway Home Services (“BHHS”) and was a team associate of the Platinum Elite Group (the
3 “Platinum Elite Group”), owned by Donald Lainer,¹ from 2017 through March 2019. **NRED 0012.**

4 3. At all times relevant, Donald Lainer served as COMPLAINANT’s real estate agent and,
5 in that capacity helped to market certain of COMPLAINANT’s properties, including the attempted sale
6 of 582 Blue Lagoon Dr, Las Vegas 89110 (the “Blue Lagoon Property”) in April 2020. **NRED 0012-**
7 **0018; 0374-0403.**

8 4. The Blue Lagoon property remained unsold as of January 2022. **NRED 0012-0018.**

9 5. On or about December 13, 2021, the COMPLAINANT sent her statement of fact to the
10 Division, asserting that both RESPONDENT and Lainer had engaged in potential property
11 mismanagement and/or unlicensed activity concerning two of her properties, the Blue Lagoon property
12 and 1805 Amboy Dr., Las Vegas, NV 89108. (the “Amboy Property”). **NRED 0016-0057.**

13 6. On or about December 21, 2021, the Division sent a letter opening investigation to
14 RESPONDENT. **NRED 0003.**

15 7. On or about January 4, 2022, RESPONDENT sent the Division her response through her
16 attorney, Stephen M. Dixon. **NRED 0186-0326.**

17 8. RESPONDENT also submitted a copy of what she represented was her broker file. **NRED**
18 **0474-1386.**

19 9. On or about December 21, 2021, the Division sent a letter regarding the investigation to
20 Lainer’s broker, Forrest Barbee. **NRED 0340.**

21 10. Broker Barbee provided an affidavit and supporting documents in response, indicating his
22 suspicions that Lainer had conspired with RESPONDENT and Platinum Portfolio Realty to manage
23 properties under an arrangement meant to subvert Barbee’s directives to Lainer regarding properties then
24 under Lainer’s management. **NRED 0341-0342; 0343-0403.**

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¹ Donald Lainer is named Respondent in a separate Division complaint, Case No. 2021-1209, that is being concurrently prosecuted.

1 11. In August 2018, Lainer formed Leasing Office LLC with the Nevada Secretary of State
2 and listed Entity Solutions LLC (registered in Wyoming) as Leasing Office LLC’s sole manager. **NRED**
3 **0405-0408; 0415-0416.**

4 12. According to the Wyoming Secretary of State, Lainer is the sole manager and member of
5 Entity Solutions LLC. **NRED 0409-0413.**

6 13. Lainer holds a property management permit, but per his BHHS broker, Forrest Barbee,
7 Lainer is not permitted to operate using trust accounts opened by Lainer himself, while he continues to
8 be associated with BHHS. **NRED 0341-0344.**

9 14. Due to those restrictions, Lainer claimed to his broker, Barbee, that he would cease
10 operating as a property manager with BHHS and release his clients to seek other management
11 arrangements. *Id.*

12 15. Upon information and belief, Leasing Office LLC was intended to be the Property
13 Management operations for Lainer’s properties under management, but when Lainer learned he would
14 not be able to operate within BHHS as planned, he recruited RESPONDENT to serve as broker of record
15 and designated Property Manager for Leasing Office LLC.

16 16. On or about February 2019, Lainer caused an Amended List of Officers to be filed with
17 the Nevada Secretary of State, adding RESPONDENT as a Manager of Leasing Office LLC. **NRED**
18 **0417.**

19 17. On or about April 2019, a second Amended List of Officers was filed with the Nevada
20 Secretary of State, removing Entity Solutions LLC as a manager and leaving RESPONDENT as sole
21 Manager of Leasing Office LLC. **NRED 0418.**

22 18. RESPONDENT then left employment with BHHS in March of 2019 and registered a new
23 Brokerage Office with the Division named “Leasing Office LLC” on April 1, 2019. **NRED 0005; 0012.**

24 19. RESPONDENT later submitted a name change to the Division, renaming the Brokerage
25 “Platinum Portfolio Realty” dba Leasing Office LLC (“Respondent’s Brokerage”). **NRED 0005.**

26 20. RESPONDENT was retained as property manager for the COMPLAINANT’s Blue
27 Lagoon property effective on or about February 24, 2020. **NRED 0029; 0193.**

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1 21. RESPONDENT was retained as property manager for the COMPLAINANT's Amboy
2 property effective on or about May 1, 2021. **NRED 0223.**

3 22. At all times relevant, RESPONDENT has been the only licensee that has ever been
4 associated with Respondent's Brokerage. **NRED 0007.**

5 23. COMPLAINANT alleges, in her statement of fact, that Respondent Kilgore had been
6 residing in Florida since at least November 2016. **NRED 0016-0028.**

7 24. COMPLAINANT's residential address of record with the Division was, as of December
8 16, 2021, 10402 SW 224th Terrace, Luther Bay, FL 33190. **NRED 0006.**

9 25. When asked to provide proof that she has not been absent from her brokerage for more
10 than 30 days, RESPONDENT was only able to provide receipts for four separate flights over the three-
11 year period since RESPONDENT'S Brokerage has been active. **NRED 0328-0338.**

12 26. According to those receipts, RESPONDENT has only been in the state of Nevada for
13 approximately fifty-nine (59) days since April 1, 2019, with the longest duration of time in the state being
14 seventeen (17) days. *Id.*

15 27. RESPONDENT's Brokerage has no other associated licensees and, therefore, could not
16 designate an Office Manager in accordance with NAC 645.178. **NRED 0007.**

17 28. Notwithstanding his lack of association with Respondent's Brokerage, Lainer has played
18 an active role in the management of properties, in cooperation with RESPONDENT, including Blue
19 Lagoon Dr. and Amboy Dr. **NRED 0016-0057; 0341-0342.**

20 29. On multiple occasions, Donald Lainer has used both his name and the name of his BHHS
21 entity, Platinum Elite Group and/or Platinum Elite LLC, on invoices and receipts for properties under
22 management of Respondent's Brokerage. **NRED 0430-0473.**

23 30. Lainer's signature has appeared on at least one property management document for
24 Respondent's Brokerage, despite his purported lack of association with Respondent's Brokerage. **NRED**
25 **0450.**

26 31. Lainer has made an appearance at the Clark County Regional Justice Court in an Eviction
27 Hearing on behalf of and as the agent of the COMPLAINANT and the Blue Lagoon Property and/or the
28 Amboy Property, despite his purported lack of association with Respondent's Brokerage. **NRED 0432.**

1 32. At all relevant times, Lainer’s licenses, as issued by the Division, have been associated
2 with BHHS, only. **NRED 0341-0342.**

3 33. Per Broker Barbee, Lainer did not have permission to perform Property Management
4 activities for BHHS, or for any other Broker. *Id.*

5 34. RESPONDENT and Lainer managed the Blue Lagoon and Amboy Properties using a
6 bank account opened in the COMPLAINANT’S name, to which they were added as authorized signers.
7 **NRED 0367-0373.**

8 35. COMPLAINANT created the bank account by which to manage her properties at the
9 request of Lainer. **NRED 0341-0342; 0052-0054.**

10 36. Both RESPONDENT and Lainer were issued, and activated, debit cards ending in -7820
11 and -7812, respectively, for the COMPLAINANT’S bank account. **NRED 0176-0179.**

12 37. Monthly bank statements show that both RESPONDENT and Lainer have used the debit
13 cards for purchases. **NRED 0058-0175; 0529; 0554; 0779; 0821; 0841; 0890-0891.**

14 38. Upon information and belief, RESPONDENT has attempted to conceal Lainer’s
15 involvement by submitting altered documents and or omitting documents from the Broker’s file in her
16 response to the Division. **NRED 0430-0473; 0496; 0499; 0500; 0502; 0504; 0539; 0785; 0786; 0824;**
17 **0845; 0851; 0896; 0900.**

18 39. Several of the documents provided by RESPONDENT did not match the documents
19 obtained from those obtained from COMPLAINANT’S owner portal. *Id.*

20 40. Moreover, multiple documents that contained references to Lainer or “Platinum Elite”
21 appear to have been altered prior to being submitted by RESPONDENT in her broker file. *Id.*

22 41. Several documents contained in COMPLAINANT’S owners portal documents that
23 contained reference to Lainer or “Platinum Elite” were simply omitted from RESPONDENT’S broker
24 file. *See, generally,* **NRED 0430-0473; 0475-0902.**

25 42. On or about September 1, 2022, the Division sent RESPONDENT an NRS 233B letter
26 notifying her that it would be bringing a complaint as a result of its investigation. **NRED 0013.**

1 **VIOLATIONS OF LAW**

2 43. RESPONDENT violated NRS 645.633(h) by committing gross negligence or
3 incompetence pursuant to NAC 645.665 when RESPONDENT was absent from her business for 30 days
4 or more, where she was the only broker in her office and did not inactivate her license or otherwise notify
5 the Division in advance of her prolonged absence.

6 44. RESPONDENT violated NRS 645.633(1)(i) for conduct which constitutes deceitful,
7 fraudulent or dishonest dealing pursuant to NAC 645.605(11)(d) and (e) by impeding or attempting to
8 impede any investigation of the Division by providing false, forged or altered documents; and attempting
9 to conceal any documents or facts relating to a real estate transaction.

10 45. RESPONDENT violated NRS 645.633(1)(i) for conduct which constitutes deceitful,
11 fraudulent or dishonest dealing pursuant to NAC 645.605(1) by engaging in conduct which constitutes
12 deceitful, fraudulent or dishonest dealing by attempting to conceal Lainer's direct involvement with
13 RESPONDENT'S BROKERAGE, Platinum Portfolio Realty.

14 **DISCIPLINE AUTHORIZED**

15 Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an
16 administrative fine up to \$10,000 per violation and suspend, revoke or place conditions on your license
17 if warranted.

18 Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
19 proceeding upon RESPONDENT, including investigative costs and attorney's fees if the Commission
20 otherwise imposes discipline on RESPONDENT.

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

23 **NOTICE OF HEARING**

24 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
25 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
26 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

27 **THE HEARING WILL TAKE PLACE on May 2, 2023, commencing at 9:00 a.m., or as**
28 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**

1 at 9:00 a.m. through May 4, 2023, or earlier if the business of the Commission is concluded. The
2 Commission meeting will be held on May 2, 2023, at the Nevada State Business Center, 3300 West
3 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue
4 on each day thereafter commencing at 9:00 a.m. through May 4, 2023, at the Nevada State Business
5 Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, until the
6 business of the Commission is concluded.

7 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
8 time as part of a regular meeting of the Commission that is expected to last from May 2, 2023
9 through May 4, 2023, or earlier if the business of the Commission is concluded. Thus, your hearing
10 may be continued until later in the day or from day to day. It is your responsibility to be present
11 when your case is called. If you are not present when your hearing is called, a default may be
12 entered against you and the Commission may decide the case as if all allegations in the complaint
13 were true. If you have any questions please call Kelly Valadez, Commission Coordinator (702)
14 486-4606.

15 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
16 under Nevada’s open meeting law, and may be attended by the public. After the evidence and arguments,
17 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
18 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
19 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

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

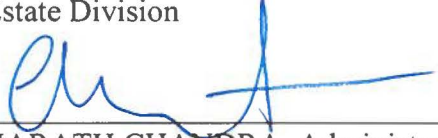
26 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
27 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
28

1 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
2 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

3 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
4 645 and if the allegations contained herein are substantially proven by the evidence presented and
5 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
6 pursuant to NRS 645.235, 645.633 and or 645.630.

7 DATED this 31 day of March, 2023.

8 State of Nevada
9 Department of Business and Industry
10 Real Estate Division

11 By: 
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