

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

DONALD R. LAINER,

Respondent.

Case No. 2021-1209

FILED

MAR 31 2023

REAL ESTATE COMMISSION

BY Kelley 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 DONALD R. LAINER (“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 Salesperson under license number S.0052842 and held a Property Management Permit under Credential Number PM.0165684, 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 Donald R. Lainer (“RESPONDENT” or “Lainer”) has been associated with Berkshire Hathaway Home Services (“BHHS”) since April of 2014 and has been the “owner” and team leader of the Don Lainer Platinum Elite Group (the “Platinum Elite Group”), at all times relevant. **NRED 0008-0012.**

1 2. Victoria Kilgore¹ had previously been associated with BHHS and was a team associate
2 of the Platinum Elite Group from 2017 through March 2019. **NRED 0012.**

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

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

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

12 6. On or about December 21, 2021, the Division sent a letter opening investigation to
13 RESPONDENT. **NRED 0004.**

14 7. On or about January 4, 2022, RESPONDENT sent the Division his response through his
15 attorney, Kurt Bonds. **NRED 0181-0184.**

16 8. On or about December 21, 2021, the Division also sent a letter regarding the investigation
17 to RESPONDENT's broker, Forrest Barbee. **NRED 0340.**

18 9. Broker Barbee provided an affidavit and supporting documents in response, indicating his
19 suspicions that RESPONDENT had conspired with Kilgore and Platinum Portfolio Realty to manage
20 properties under an arrangement meant to subvert Barbee's directives to RESPONDENT regarding
21 properties then under RESPONDENT's management. **NRED 0341-0342; 0343-0403.**

22 10. In August 2018, RESPONDENT formed Leasing Office LLC with the Nevada Secretary
23 of State and listed Entity Solutions LLC (registered in Wyoming) as Leasing Office LLC's sole manager.
24 **NRED 0405-0408; 0415-0416.**

25 11. According to the Wyoming Secretary of State, RESPONDENT Lainer is the sole manager
26 and member of Entity Solutions LLC. **NRED 0409-0413.**

27 _____
28 ¹ Victoria Kilgore is named Respondent in a separate Division complaint, Case No. 2021-1208, that is being concurrently prosecuted.

1 12. At all times relevant, RESPONDENT held a property management permit but per his
2 BHHS broker, Forrest Barbee, is not permitted to operate using RESPONDENT'S own trust accounts
3 while associated with BHHS. **NRED 0341-0344.**

4 13. Due to those restrictions, RESPONDENT claimed to his broker, Barbee, that he would
5 cease operating as a property manager with BHHS and release his clients to seek other management
6 arrangements. *Id.*

7 14. Upon information and belief, Leasing Office LLC was intended to be the Property
8 Management operations for properties under management of RESPONDENT, but when he learned he
9 would not be able to operate within BHHS as planned, he recruited Victoria Kilgore to serve as broker
10 of record and designated Property Manager for Leasing Office LLC.

11 15. On or about February 2019, RESPONDENT caused an Amended List of Officers to be
12 filed with the Nevada Secretary of State, adding Victoria Kilgore as a Manager of Leasing Office LLC.
13 **NRED 0417.**

14 16. On or about April 2019, a second Amended List of Officers was filed with the Nevada
15 Secretary of State, removing Entity Solutions LLC as a manager and leaving Kilgore as sole Manager of
16 Leasing Office LLC. **NRED 0418.**

17 17. Victoria Kilgore then left employment with BHHS in March of 2019 and registered a new
18 Brokerage Office with the Division named "Leasing Office LLC" on April 1, 2019. **NRED 0005; 0012.**

19 18. Kilgore later submitted a name change to the Division, renaming the Brokerage "Platinum
20 Portfolio Realty" dba Leasing Office LLC ("the Brokerage"). **NRED 0005.**

21 19. Kilgore was retained as property manager for the COMPLAINANT's Blue Lagoon
22 property effective on or about February 24, 2020. **NRED 0029; 0193.**

23 20. Kilgore was retained as property manager for the COMPLAINANT's Amboy property
24 effective on or about May 1, 2021. **NRED 0223.**

25 21. At all times relevant, Kilgore has been the only licensee that has ever been associated with
26 the Brokerage. **NRED 0007.**

27 22. Notwithstanding his lack of association with the Brokerage, RESPONDENT has played
28 an active role in the management of properties, in cooperation with Kilgore, including Blue Lagoon Dr.

1 and Amboy Dr. **NRED 0016-0057; 0341-0342.**

2 23. On multiple occasions, RESPONDENT'S name, Donald Lainer, and the name of his
3 BHHS entity (Platinum Elite Group and/or Platinum Elite LLC) have appeared on invoices and receipts
4 for properties under management of the Brokerage. **NRED 0430-0473.**

5 24. RESPONDENT'S signature has appeared on at least one property management document
6 for the Brokerage, despite his purported lack of association with the Brokerage. **NRED 0450.**

7 25. RESPONDENT has made an appearance at the Clark County Regional Justice Court in
8 an Eviction Hearing on behalf of and as the agent of the COMPLAINANT and the Blue Lagoon Property
9 and/or the Amboy Property. **NRED 0432.**

10 26. At all relevant times, RESPONDENT'S licenses, as issued by the Division, have been
11 associated with BHHS, only. **NRED 0341-0342**

12 27. Per Broker Barbee, RESPONDENT did not have permission to perform Property
13 Management activities for BHHS, or for any other Broker. *Id.*

14 28. RESPONDENT and Kilgore managed the Blue Lagoon and Amboy Properties using a
15 bank account opened in the COMPLAINANT'S name, to which they were added as authorized signers.
16 **NRED 0367-0373.**

17 29. The COMPLAINANT created the bank account by which to manage her properties at the
18 request of RESPONDENT. **NRED 0341-0342; 0052-0054.**

19 30. Both RESPONDENT and Kilgore were issued, and activated, debit cards ending in -7812
20 and -7820, respectively, for the COMPLAINANT's bank account. **NRED 0176-0179.**

21 31. Monthly bank statements show that both Kilgore and RESPONDENT have used the debit
22 cards for purchases. **NRED 0058-0175; 0529; 0554; 0779; 0821; 0841; 0890-0891.**

23 32. Upon information and belief, Kilgore has attempted to conceal RESPONDENT'S
24 involvement by submitting altered documents and or omitting documents from the Broker's file in her
25 response. **NRED 0430-0473; 0496; 0499; 0500; 0502; 0504; 0539; 0785; 0786; 0824; 0845; 0851;**
26 **0896; 0900.**

27 33. Several of the documents provided by Respondent Kilgore did not match the documents
28 obtained from those obtained from COMPLAINANT'S owner portal. *Id.*

1 **may be continued until later in the day or from day to day. It is your responsibility to be present**
2 **when your case is called. If you are not present when your hearing is called, a default may be**
3 **entered against you and the Commission may decide the case as if all allegations in the complaint**
4 **were true. If you have any questions please call Kelly Valadez, Commission Coordinator (702)**
5 **486-4606.**

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

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

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

21 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
22 645 and if the allegations contained herein are substantially proven by the evidence presented and
23 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
24 pursuant to NRS 645.235, 645.633 and or 645.630.

1 DATED this 31 day of March, 2023.

2 State of Nevada
3 Department of Business and Industry
4 Real Estate Division

5 By: 

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