

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

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

5 Petitioner,

6 vs.

7 TOD A. WEVER,

8 Respondent.
9

Case No. 2021-715

FILED

JAN 18 2023

REAL ESTATE COMMISSION

BY *Keeey Valadey*

10 **COMPLAINT AND NOTICE OF HEARING**

11 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
12 OF THE STATE OF NEVADA (“Division”), by and through its counsel, Aaron D. Ford, Attorney
13 General of the State of Nevada, and Matthew Feeley, Deputy Attorney General, hereby notifies
14 RESPONDENT TOD A. WEVER (“RESPONDENT”) of an administrative hearing before the STATE
15 OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters 233B
16 and Chapter 645 of the Nevada Revised Statutes (“NRS”) and Chapter 645 of the Nevada Administrative
17 Code (“NAC”). The purpose of the hearing is to consider the allegations stated below and to determine
18 if the RESPONDENT should be subject to an administrative penalty as set forth in NAC 645.695, NRS
19 645.633, NRS 645.630, and the discipline to be imposed, if violations of law are proven.

20 **JURISDICTION**

21 RESPONDENT at all relevant times mentioned in this Complaint was licensed by the Division
22 as a broker and held a property management permit. He is therefore subject to the jurisdiction of the
23 Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

24 **FACTUAL ALLEGATIONS**

25 1. RESPONDENT is licensed with the Division as a broker under license B.0144020.LLC,
26 said license being issued on May 27, 2015, and is currently in “active” status; and holds a Property
27 Management permit, PM.0163809.BKR. (Ex. A, NRED0002-3)

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1 2. RESPONDENT was associated with and owned REAL PROPERTY MANAGEMENT
2 OF LAS VEGAS, LLC from May 27, 2015, through November 25, 2019. (Ex. A, NRED0002)

3 3. RESPONDENT was associated with RENTMAX PROPERTY MANAGEMENT from
4 November 25, 2019, through the present date. (Ex. A, NRED0002)

5 4. On June 11, 2021, Christina Unruh (“Complainant”), submitted a Complaint to the
6 Division regarding a job interview she attended as she was applying to work for RENTMAX PROPERTY
7 MANAGEMENT, the interview having been held with RESPONDENT. (Ex. B, NRED0039-41)

8 5. Complainant stated that during the interview for the job RESPONDENT informed her that
9 he charged the property owners more than what the repairs on their properties actually cost. The
10 Complainant stated that RESPONDENT informed her that he up-charged the property owner on repairs
11 as much as 100%. (Ex. B, NRED0040).

12 6. RESPONDENT submitted his annual Trust Account Reconciliations for P-Trust account
13 Number XXXXXX5056 (“5056”) ending on January 31, 2021, on February 27, 2021, via email. (Ex. A,
14 NRED0004-35)

15 7. RESPONDENT Trust Account Reconciliation for the P-Trust account 5056 listed that
16 there were 148 checks cleared with a total amount of \$174,972.45. (NRED0007-8)

17 8. The Bank statement listed 74 cleared checks with amount of \$69,275.92. With a different
18 of \$105,696.53. (NRED0021-24)

19 9. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056 listed 20
20 unreconciled Deposits and other increases from August 1, 2020, to January 29, 2021. (NRED0015).

21 10. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056, under
22 “Unreconciled Checks and other Decreases”, lists seven (7) entries titled “Payment Ref Online Transfer
23 RENTMAX PROPERTY MANAGEMENT”. These transactions were dated from December 17, 2020,
24 through January 18, 2021. (NRED0015-16)

25 11. Of these entries, one (1) entry is dated December 17, 2020, two (2) are dated December
26 18, 2020, and one is dated December 21, 2020. (NRED0015-16)

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1 12. RESPONDENT's Trust Account Reconciliation for P-Trust account 5056, under "Cleared
2 Deposits and other Increases" lists nineteen (19) Deposits that are not listed on the bank statement and
3 are dated from January 18, 2017, to December 22, 2020. (NRED0007) (NRED0018-21).

4 13. RESPONDENT's Trust Account Reconciliation for P-Trust account 5056, under "Cleared
5 Checks and other Decreases" lists four (4) entries titled "Deposits #Autometic ACH Deposit NSF" and
6 are dated May 12, 2020; another May 12, 2020; June 8, 2020; and January 1, 2021, that is not listed on
7 the bank statement. (NRED0007) (NRED0021).

8 14. RESPONDENT's Trust Account Reconciliation for P-Trust account number 5056, under
9 "Cleared Checks and other Decreases" lists 4 entries titled "Ref NMM-HRES THEFT — RENTMAX
10 PROPERTY MANAGEMENT". (NRED0007) (NRED0021-22)

11 15. One of these entries is dated September 26, 2019, and the other three are all dated March
12 31, 2020. These items are not listed on the Bank statement. (NRED0007) (NRED0021-22)

13 16. RESPONDENT's Trust Account Reconciliation for the P-Trust account 5056, under
14 "Cleared Checks and other Decreases" lists nineteen (19) checks made out to "RENTMAX PROPERTY
15 MANAGEMENT" all dated between January 4, 2021 and January 8, 2021 - Check numbers 15909,
16 15911, 15914, 15915, 15916, 15917, 15918, 15919, 15920, 15921, 15922, 15923, 15924, 15925, 15926,
17 15927, 15928, 15929 and 15930 – that are not listed on the Bank statement for the Trust Account
18 Reconciliations submitted February 27, 2021. (NRED0007) (NRED0022-23).

19 17. RESPONDENT's Trust Account Reconciliation for the Security Deposit Trust account
20 number XXXXXXXX4978 ("4978"), under "Cleared Checks and other Decreases" lists seven (7) checks
21 dated from August 29, 2018, to July 30, 2020. There was one item also listed as "Payment ref NMM —
22 Real Property Management" dated July 19, 2017. None of these entries are listed on the Bank statement
23 provided with the Trust Account Reconciliation. (NRED0029) (NRED0034).

24 18. On August 26, 2021, the Division sent RESPONDENT a letter requesting additional
25 information. The due date for him to provide the requested information and documents was September
26 10, 2021. (NRED0036-37).

27 19. RESPONDENT provided the Invoice number 31186. This invoice is a Bill to "The
28 Girdlestone Family Trust Dated 11/23/94", for \$155.00. (NRED0073-76).

1 20. This document was provided in electronic format and included metadata that shows
2 details about alterations that have been made to the document. This invoice had been altered by the
3 RESPONDENT on August 27, 2021, and September 3, 2021, in nine (9) different areas and ten (10)
4 times. RESPONDENT provided invoice number 31189 dated November 12, 2020, from Boss Plumbing
5 for \$155.00. RESPONDENT altered this invoice three (3) times on 9/3/2021, to include RESPONDENT
6 changed the amount of the invoice to \$155.00. (NRED0073-76).

7 21. RESPONDENT provided the Invoice number 31838, Bill to Michael Kong, for \$2,380.00.
8 This document was provided in electronic format and included metadata that shows details about
9 alterations that have been made to the document. (NRED0081-84).

10 22. This invoice was altered by RESPONDENT on August 27, 2021, and September 3, 2021,
11 in nine (9) different areas and ten (10) times. RESPONDENT provided invoice number 31838 dated
12 January 4, 2021, from Boss Plumbing for \$2,380.00. RESPONDENT altered this invoice seven (7) times
13 on September 3, 2021, to include RESPONDENT changed the amount of the invoice to \$2,380.00,
14 Invoice #, Total Due, Date, Description and Amount. (NRED0081-84).

15 23. RESPONDENT provided the Invoice number 31590, Bill to Gayane Davtian & Jack
16 Arutunian, for \$135.00. (NRED0085-88).

17 24. This document was provided in electronic format and included metadata that shows
18 details about alterations that have been made to the document. This invoice was altered by
19 RESPONDENT on August 27, 2021, and September 3, 2021, in nine (9) different areas and ten (10)
20 times. RESPONDENT provided invoice # 31590 dated January 4, 2021, from Boss Plumbing for
21 \$135.00. RESPONDENT changed this invoice eight (8) times on September 3, 2021, RESPONDENT
22 changed the "Bill To" area, the invoice number, Date, Total Due, Date, Description, Amount and Balance
23 Due. (NRED0085-88).

24 25. RESPONDENT provided the Invoice number 7057, Bill to Daryl Daniels, for \$200.00
25 and dated January 8, 2021. (NRED0085-92).

26 26. This document was provided in electronic format and included metadata that shows details
27 about alterations that have been made to the document. This invoice was altered by RESPONDENT on
28 August 27, 2021, and September 20, 2021, in 9 different areas and 10 times. RESPONDENT provided

1 invoice number "75057-1410 Jamielinn" dated June 12, 2020, from Wiley Services for \$200.00.
2 RESPONDENT altered this invoice 3 times. (NRED0085-92).

3 27. RESPONDENT provided the Invoice number 7511, Bill to Victor Depinto, for \$310.00
4 and dated 01/08/2021. (NRED0093-96).

5 28. This document was provided in electronic format and included metadata that shows
6 details about alterations that have been made to the document. This invoice was altered by
7 RESPONDENT on August 27, 2021, and September 20, 2021, in 9 different areas and 10 times.
8 RESPONDENT provided invoice # "7511-3709 Hudson" dated November 3, 2020, from Wiley Services
9 for \$310.00. RESPONDENT altered this invoice 6 times. (NRED0093-96).

10 29. RESPONDENT provided Invoice number 12359 from All In One Handyman Home
11 Services LLC for a property located at 5388 Winning Spirit Lane. The invoice was for installing
12 earthquake straps to the water heater for \$90.00. (NRED0097-102).

13 30. RESPONDENT provided check number 15935 made payable to All In One Handyman
14 Home Service LLC and the check was made out in the amount of \$90.00. (NRED0097-102).

15 31. RESPONDENT provided an invoice Bill to Leticia Apuya. The description was for
16 Installed water-heater earthquake straps for \$90.00. (NRED0097-102).

17 32. RESPONDENT also provided the Owner Statement for 5388 Winning Spirit Ln., Las
18 Vegas NV 89113 with the Owner Leticia Apuya. This Owner Statement list a check number 15935 in
19 the amount of \$117.00 with payee/payer listed as Rentmax Property Management (The Respondent's
20 Brokerage). The Description was for "Water Heater Maintenance - Installed earthquake straps to the
21 water heater of unit — INSTALL WATER HEATER STRAPS". (NRED0097-102).

22 33. On September 3, 2021, RESPONDENT provided the requested documents for Number
23 One Plumbing Heating & Air Conditioning and Check number 15968. The Invoice # 0020177989 dated
24 December 20, 2020, from Number One Plumbing and HVAC listed the Description of Work was for
25 removing wall mounted water heater and installing a new water heater. The amount of the invoice was
26 for \$3,332.34. (NRED0103-108).

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1 34. RESPONDENT provided the Invoice # 0020177989 dated January 8, 2021, a Bill to “The
2 Girdlestone Family Trust Dated 11/23/94” for Replaced tankless hot water heater for \$3,332.34.
3 (NRED0103-108).

4 35. This document was provided in electronic format and included metadata that shows details
5 about alterations that have been made to the document. This invoice was altered by THE RESPONDENT
6 on August 27, 2021, and September 3, 2021, 10 times in 9 different areas. THE RESPONDENT provided
7 check number 15968 made out to Number One Plumbing Heating & Air Conditioning. The Description
8 was for Replaced tankless hot water heater. The amount of the check was for \$2,332.34. (NRED0103-
9 108).

10 36. RESPONDENT provided the Invoice number 108667, Bill to Mark Perlmutter, for
11 \$134.19 and dated January 8, 2021. (NRED0124-126)

12 37. This document was provided in electronic format and included metadata that shows details
13 about alterations that have been made to the document. This invoice was changed by RESPONDENT on
14 August 27, 2021, and September 10, 2021, in 9 different areas and 10 times. RESPONDENT provided
15 invoice number 108667 dated January 11, 2021, from H2O to GO for \$134.19. RESPONDENT’s invoice
16 “Bill to Mark Perlmutter” was dated three days before the invoice of H2O to GO to RESPONDENT
17 (NRED0124-126)

18 38. RESPONDENT’s email to the Division on September 29, 2021, stated that “we use an
19 invoice template anytime we have to create an invoice for a bill which is very redundant.”
20 RESPONDENT additionally claimed that he only used the owner statement as the invoice because it
21 “saves time.” (NRED0253)

22 39. On October 5, 2021, and based on the results of the investigation, RESPONDENT was
23 issued a Notice that the Division intends to commence disciplinary action against him by filing a
24 complaint for hearing before the Real Estate Commission. (NRED0287-289).

25 VIOLATIONS

26 RESPONDENT has committed the following violations of law:

27 40. RESPONDENT has violated NRS 645.630(1)(h) three times. The Respondent has
28 failed to remove funds that belong to him or his Brokerage within a reasonable time.

- 1 a. The Respondent's Trust Account Reconciliation for the P-Trust account number
2 5056 listed seven (7) Payments "Ref Online Transfer - RENTMAX PROPERTY
3 MANAGEMENT" under Unreconciled Checks and other Decreases. These
4 transactions were dated from December 17, 2020, through January 18, 2021. There
5 are four (4) Payments "Ref online Transfer - RENTMAX PROPERTY
6 MANAGEMENT" dated 12/17/2020, two on 12/18/2020 and 12/21/2020.
- 7 b. Respondent's Trust Account Reconciliation for the P-Trust account 5056, under
8 "Cleared Checks and other Decreases" lists nineteen (19) checks made out to
9 "RENTMAX PROPERTY MANAGEMENT" all dated between January 4, 2021
10 and January 8, 2021 - Check numbers 15909, 15911, 15914, 15915, 15916, 15917,
11 15918, 15919, 15920, 15921, 15922, 15923, 15924, 15925, 15926, 15927, 15928,
12 15929 and 15930 – that are not listed on the Bank statement for the Trust Account
13 Reconciliations submitted February 27, 2021.
- 14 c. RESPONDENT's Trust Account Reconciliation for the Security Deposit Trust
15 account number XXXXXXXX4978 ("4978"), under "Cleared Checks and other
16 Decreases" lists seven (7) checks dated from August 29, 2018, to July 30, 2020.
17 There was one item also listed as "Payment ref NMM — Real Property
18 Management" dated July 19, 2017. None of these entries are listed on the Bank
19 statement provided with the Trust Account Reconciliation.

20 41. RESPONDENT has violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(c)
21 and/or (d) two (2) times when he submitted the annual Trust Accounts Reconciliations. The Respondent
22 reconciled and cleared deposits, checks and other debits and credits that were not listed on the Bank
23 Statements provided with each of the Trust Account Reconciliations.

24 42. RESPONDENT has violated NRS 645.633(1)(i) pursuant to NAC 645.605 (11)(c)
25 and/or (d) five (5) times. The Respondent provided four (4) invoices from Boss Plumbing that were
26 altered before submitting the invoice to the Nevada Real Estate Division. RESPONDENT provided
27 documents that were altered in the area of the amount charged on these invoices. The Respondent

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1 provided one (1) invoice from Wiley Services that was altered on the amount on the invoice before
2 submitting it to the NRED.

3 43. RESPONDENT has violated NRS 645.633(1)(i) pursuant to NAC 645.605(11)(c)
4 and/or (d). RESPONDENT provided Invoices from his brokerage and All In One Handyman Home
5 Service, LLC and check No. 15935. The Invoices state that Earthquake straps were installed on the water
6 heater at 5388 Winning Spirit Lane for \$90.00. The check provided by the Respondent was made out to
7 All In One Handyman Home Service LLC for installing earthquake straps to the water heater and was
8 for \$90.00. The Owner statement for 5388 Winning Spirit Ln Las Vegas, NV 89113 provided by the
9 RESPONDENT stated on January 08, 2021, the payee RENTMAX Property Management, Check No
10 15935 - Water Heater Maintenance - installed earthquake straps to the water heater for \$117.00.

11 44. RESPONDENT has violated NRS 645.633(1)(i) pursuant to NAC 645.605(11)(c)
12 and/or (d). RESPONDENT provided Invoices from his brokerage and Number One Plumbing Heating
13 & Air Conditioning. Both invoices have the same invoice number 0020177989 and was for Replaced
14 tankless water heater and for \$3,332.34. The Respondent invoice was billed to "The Girdlestone Family
15 Trust Dated 11/23/94." The Plumbing company's invoice was billed to RENTMAX Property
16 Management and was for the property 9204 Tesoras Dr. Unit 201 Las Vegas, NV 89144. The Respondent
17 provided a copy of a check paid to the order of Number One Plumbing Heating & Air Conditioning in
18 the amount \$2,332.34 and the check listed the property as 9204 Tesoras Dr. #201 Las Vegas, NV 89144
19 / Water Heater Maintenance / Replaced tankless water heater.

20 **DISCIPLINE AUTHORIZED**

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

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

27 47. Therefore, the Division requests that the Commission take such disciplinary action as
28 it deems appropriate under the circumstances.

1 **NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
3 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
4 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

5 **THE HEARING WILL TAKE PLACE** on February 21, 2023, commencing at 9:00 a.m., or
6 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
7 commencing at 9:00 a.m. through February 23, 2023, or earlier if the business of the Commission
8 is concluded. The Commission meeting will be held on February 21, 2023, at the Nevada State
9 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
10 89102. The meeting will continue on February 22, 2023, at the Nevada State Business Center, 3300
11 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00
12 a.m., and on February 23, 2023, should business not be concluded, starting at 9:00 a.m. at the
13 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
14 Nevada 89102.

15 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
16 same time as part of a regular meeting of the Commission that is expected to last from February
17 21, 2023, through February 23, 2023, or earlier if the business of the Commission is
18 concluded. Thus, your hearing may be continued until later in the day or from day to day. It is
19 your responsibility to be present when your case is called. If you are not present when your hearing
20 is called, a default may be entered against you and the Commission may decide the case as if all
21 allegations in the complaint were true. If you have any questions please call Kelly Valadez,
22 Commission Coordinator (702) 486-4606.

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

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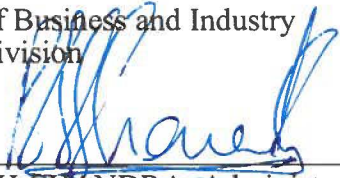
1 As the Respondent, you are specifically informed that you have the right to appear and be heard
2 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
3 burden of proving the allegations in the complaint and will call witnesses and present evidence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

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

11 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
12 645 and if the allegations contained herein are substantially proven by the evidence
13 presented and to further determine what administrative penalty is to be assessed against the
14 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

15 DATED this 7 day of January, 2023.

16 State of Nevada
17 Department of Business and Industry
18 Real Estate Division

19 By: 
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22 Las Vegas, Nevada 89102

23 AARON D. FORD
24 Attorney General

25 By: /s/ *Matthew Feeley*

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