

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

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

Case No. 2024-386

5 Petitioner,

6 vs.

7 CASEY POWERS,
8 (B.0144884.LLC, PM.0166735.BKR)

9 Respondent.

FILED

JUL 08 2024

REAL ESTATE COMMISSION

BY Kelly Valadez

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11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT CASEY POWERS
14 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE
15 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
16 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
17 The purpose of the hearing is to consider the allegations stated below and to determine if the
18 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or
19 NRS 622.400, 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 actively licensed as a
22 broker under license number B.0144884.LLC, and a property manager under license number
23 PM.0166735.BKR. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the
24 Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645. As of the date of this
25 Complaint, RESPONDENT'S licenses are in active status.

26 **FACTUAL ALLEGATIONS**

27 1. At all times relevant to the Complaint, RESPONDENT was the broker of Strawberry
28 Realty and Strawberry Property Management LLC. NRED 000003.

1 2. At all times relevant, RESPONDENT property managed for about 50 owners.
2 *NRED 000439.*

3 3. Beginning on or about April 23, 2024, the Division began receiving numerous complaints
4 against RESPONDENT from property owners for whom the Respondent managed for failing to remit
5 and account for rent and security deposits. *NRED 000393 – NRED 000440.*

6 **Complaint #1 – Nevada Properties Located at 922 Stetson Dr., Henderson 89002,**
7 **7929 Cherry River Dr., Las Vegas 89145 and 8046 Teresita Ave., Las Vegas 89147**

8 4. For approximately five (5) years, RESPONDENT managed the properties located at (1)
9 922 Stetson Dr., Henderson, NV 89002, (2) 7929 Cherry River Dr., Las Vegas, NV 89145 and (3) 8046
10 Teresita Ave., Las Vegas, NV 89147 (the “Stetson, Cherry River, and Teresita Properties”).
11 *NRED 000394.*

12 5. On or about April 4, 2024, the owner was notified by the RESPONDENT that she was
13 closing her business due to health reasons. *NRED 000394.*

14 6. But the owner never received rent income for March of 2024 for the three (3) properties.
15 *NRED 000394.*

16 7. On or about April 23, 2024, a complaint was filed against RESPONDENT by the owner
17 of the Stetson, Cherry River, and Teresita Properties (“Complainant #1). *NRED 000392 - NRED 000393.*

18 8. As a result, Complainant #1 alleged the mortgages were defaulting due to RESPONDENT
19 failing to remit rent payments. *NRED 000394.*

20 _____
21 9. The next day, April 24, 2024, the Division informed RESPONDENT it had received a
22 complaint and provided her with an opportunity to resolve the matter directly. *NRED 000443.*

23 10. On or about April 30, 2024, in response, RESPONDENT stated to the Division: “Yes I
24 can resolve the issue with the client asap.” *NRED 000443.*

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1 **Complaint #2 – Nevada Property Located at 2200 S. Ft. Apache Rd. #1234, Las Vegas 89117**

2 11. For approximately six (6) years, RESPONDENT managed the property located at 2200 S.
3 Ft. Apache Rd. #1234, Las Vegas, NV 89117 (“Apache Property”). *NRED 000416.*

4 12. In March of 2024, the owner suddenly stopped receiving communications from the
5 RESPONDENT. *NRED 000416.*

6 13. The owner’s property also stopped being managed by the RESPONDENT.
7 *NRED 000416.*

8 14. On or about April 29, 2024, a complaint was filed against RESPONDENT by the owner
9 of the Apache Property (“Complainant #2”). *NRED 000415 – NRED 000416.*

10 15. At all times relevant, Complainant #2 had not received approximately \$2,600, for the
11 March of 2024 rent income of approximately \$1,300, nor the security deposit of approximately \$1,300.
12 *NRED 000416.*

13 **Complaint #3 – Nevada Property Located at 6441 W. Tropicana Ave., #202, Las Vegas 89103**

14 16. RESPONDENT managed the property located at 6441 W. Tropicana Ave., #202, Las
15 Vegas, NV 89103 (“Tropicana Property”). *NRED 000419.*

16 17. In early April of 2024, the owner was notified by the RESPONDENT that she was retiring
17 because of unspecified health issues and the account would be transferred. *NRED 000419.*

18 18. On or about April 9, 2024, the owner informed the RESPONDENT he would handle his
19 own account and requested the security deposit plus the March rent income. *NRED 000419.*

20 19. The owner did not receive a response from the RESPONDENT. *NRED 000419.*

21 20. On or about May 2, 2024, a complaint was made against RESPONDENT by the owner of
22 the Tropicana Property (“Complainant #3”). *NRED 000418 – NRED 000419.*

23 21. At all times relevant, the owner had not received approximately \$3,000, for March 2024
24 rent income of approximately \$1,200, nor the security deposit of approximately \$1,800. *NRED 000419.*

25 **Complaint #4 – Nevada Property Located at 8785 W. Ford Ave., Las Vegas, 89148**

26 22. RESPONDENT managed the property located at 8785 W. Ford Ave., Las Vegas, NV
27 89148 (“Ford Property”). *NRED 000423.*

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1 23. On or about May 6, 2024, a complaint was made against RESPONDENT by the owner of
2 the Ford Property (“Complainant #4”). *NRED 000422 – NRED 000423.*

3 24. At all times relevant, Complainant #4 has not received approximately \$7,035.00 for the
4 last two months of rent income and the security deposit. *NRED 000423.*

5 **Complaint #5 – Nevada Property Located at 10544 Valdosta Ave., Las Vegas 89129**

6 25. RESPONDENT managed the property located at 10544 Valdosta Ave., Las Vegas, NV
7 89129 (“Valdosta Property”). *NRED 000426.*

8 26. The owner’s property stopped being effectively managed by the RESPONDENT.
9 *NRED 000426.*

10 27. Therefore, on March 26, 2024, the owner cancelled property management with the
11 RESPONDENT. *NRED 000426.*

12 28. The owner finally received a response from the RESPONDENT who claimed she was
13 having health problems but would transfer all the properties to a new company. *NRED 000426.*

14 29. The owner was informed by the RESPONDENT that she would send the rents to the
15 owner and the deposit to the new management company. *NRED 000426.*

16 30. On or about May 6, 2024, was the last time the owner talked to the RESPONDENT, at
17 which time the RESPONDENT said she would send the money by the end of the week. *NRED 000426.*

18 31. But the owner did not receive the last two months of rent, nor did RESPONDENT return
19 the security deposit. *NRED 000426.*

20 32. Therefore, on or about May 15, 2024, a complaint was made against RESPONDENT by
21 the owner of the Valdosta Property (“Complainant #5”). *NRED 000425 – NRED 000426.*

22 **Complaint #6 – Former Broker**

23 33. On or about April 29, 2024, RESPONDENT’S former broker reached out to Division to
24 report that he believed RESPONDENT “has skipped town with client security deposits and about 2
25 months rent for about 50 owners.” *NRED 000439.*

26 34. The Former Broker alleged one of RESPONDENT’S clients contacted him because they
27 had not received their rent. *NRED 000439.*

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1 35. When the Former Broker followed up, RESPONDENT stated “I’m done with property
2 management.” *NRED 000439.*

3 36. The Former Broker purchased RESPONDENT’s portfolio, and approximately 44 out of
4 about 49 properties have allegedly joined his Limestone Investments. *NRED 000439.*

5 37. The Former Broker alleges RESPONDENT has not been forthcoming with leases,
6 security deposits or rents. *NRED 000439.*

7 **Complaint #7 – Nevada Property Located at 1126 Bradley Bay Ave., Henderson, 89014**

8 38. At all times relevant, RESPONDENT managed the property located at 1126 Bradley Bay
9 Ave., Henderson, NV 89014 (“Bradley Bay Property”). *NRED 000433.*

10 39. On or about April 4, 2024, the owner was notified by the RESPONDENT that she had
11 health issues and arranged for another company to take over. *NRED 000433.*

12 40. The owner then realized RESPONDENT had not paid him the March and April 2024 rent
13 income. *NRED 000433.*

14 41. The owner checked with the new company, and it had not received rents nor the security
15 deposit from the RESPONDENT either. *NRED 000433.*

16 42. On or about June 10, 2024, a complaint was made against RESPONDENT by the owner
17 of Bradley Bay (“Complainant #6”). *NRED 000432 – NRED 000433.*

18 43. At all times relevant, Complainant #6 did not receive approximately \$6,258.40, for the
19 two (2) months of rent income of approximately \$3,758.40, nor the security deposit of approximately
20 \$2,500. *NRED 000433.*

21 **Complaint #8 – Nevada Property Located at 820 New Season Ct., Las Vegas 89123**

22 44. At all times relevant, RESPONDENT managed the property located at 820 New Season
23 Ct., Las Vegas, NV 89123 (“New Season Property”). *NRED 000435 – NRED 000437.*

24 45. On or about June 16, 2024, a complaint was filed against RESPONDENT by the owners
25 of the New Season (“Complainants #7”). *NRED 000435 – NRED 000437.*

26 46. Complainants #7 alleged RESPONDENT failed to pay them March and April 2024 rent
27 income, and still held the tenant’s deposit. *NRED 000435 – NRED 000437.*

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1 47. On or about June 16, 2024, Complainants #7 sent RESPONDENT a demand letter
2 requesting a total amount of \$5,369.20, for the March and April 2024 rent collected from the tenant minus
3 the management fee in the amount of \$3,509.20 and the tenant deposit held of \$1,860. *NRED 000437.*

4
5 48. On or about April 26, 2024, the Division sent its initial letter to the RESPONDENT
6 notifying her it received a complaint against her and requested a written response, along with the complete
7 broker files by May 10, 2024. *NRED 000310.*

8 49. On May 1, 2024, the Commission issued a Subpoena to obtain RESPONDENT’S bank
9 records. *NRED 000327 – NRED 000328.*

10 50. RESPONDENT’S subpoenaed bank records for the Client Trust Account Rents (account
11 ending 9737) demonstrated a balance of \$124,476.59 ending April 30, 2024. *NRED 000369.*

12 51. RESPONDENT’S subpoenaed bank records for the Security Deposit Trust (account
13 ending 9745) demonstrated a balance of \$68,078.74 ending April 30, 2024. *NRED 000378.*

14 52. On or about May 13, 2024, the Division sent a letter informing RESPONDENT that it still
15 had not received any documents and the notarized affidavit from its first request on April 26, 2024.
16 *NRED 000319.*

17 53. The Division also informed the RESPONDENT that it had since received three (3) more
18 complaints against her. *NRED 000319.*

19 54. As a courtesy, the Division provided the RESPONDENT with an extension to May 23,
20 2024. *NRED 000319.*

21 55. RESPONDENT did not provide the notarized affidavit, nor the documents requested, and
22 instead, claimed health issues for failing to resolve complaints with her clients. *NRED 000452.*

23 56. The Division provided RESPONDENT with yet another extension to June 3, 2024. *NRED*
24 *000451.*

25 57. In an informal response, the RESPONDENT assured the Division that “most of my
26 clients” had been transferred to Limestone Investments and that “I should have all the vendors and owners
27 paid.” *NRED 000450.*

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1 58. Further, on or about June 3, 2024, RESPONDENT represented to the Division "Payments
2 have been initiated to owners and they should be seeing them deposited into their bank accounts on June
3 6." *NRED 000449*.

4 59. On or about June 11, 2024, the Division did not have proof that the complainants had been
5 paid, and accordingly notified the RESPONDENT that it intended to proceed with formal disciplinary
6 action. *NRED 000323*.

7 **VIOLATIONS OF LAW**

8 RESPONDENT committed the following violations of law:

9 1. RESPONDENT violated NRS 645.630(1)(f) for failing to account for and remit her
10 client's rent and/or security deposits on seven (7) counts.

11 2. RESPONDENT violated NRS 645.635(6) for failing to provide a written response to the
12 Division's on five (5) counts.

13 **DISCIPLINE AUTHORIZED**

14 3. Pursuant to NRS 645.630 and NRS 645.633, the commission is empowered to impose an
15 administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to
16 suspend, revoke, or place conditions on the license of RESPONDENT;

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

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

22 **NOTICE OF HEARING**

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

26 **THE HEARING WILL TAKE PLACE on August 13, 2024, commencing at 9:00 a.m., or as**
27 **soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing**
28 **at 9:00 a.m. through August 15, 2024, or earlier if the business of the Commission is concluded.**

1 **The Commission meeting will be held on August 13, 2024, at the Nevada Division of**
2 **Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, with video conference**
3 **to the Nevada State Business Center 3300 West Sahara Avenue, 4th Floor, Nevada Room, Las**
4 **Vegas, Nevada 89102. The meeting will continue on each day thereafter commencing at 9:00 a.m.**
5 **through August 15, 2024, until the business of the Commission is concluded.**

6 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
7 **time as part of a regular meeting of the Commission that is expected to last from August 13, 2024,**
8 **through August 15, 2024, or earlier if the business of the Commission is concluded. Thus, your**
9 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
10 **present when your case is called. If you are not present when your hearing is called, a default may**
11 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
12 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at**
13 **(702) 486-4606.**

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

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

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

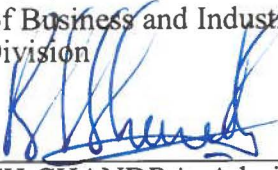
1 The purpose of the hearing is to determine if the RESPONDENT has violated NRS 645 and/or
2 NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and
3 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant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


5 DATED this 5 day of July, 2024.

DATED this 3rd day of July, 2024.

6
7 STATE OF NEVADA
8 Department of Business and Industry
9 Real Estate Division

AARON D. FORD
Attorney General

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