BEFORE THE REAL ESTATE COMMISSION	
STATE OF NEVADA	
SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY,	Case No. 2023-81
STATE OF NEVADA, Petitioner,	FILED
vs.	OCT 0 5 2023
MARINE THUET, S.0178492.LLC; PM.0166655	REAL ESTATE COMMISSION BY Helly Valader
Respondent.	~
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 MARINE THUET	
("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 administration	tive penalty as set forth in NRS 645.630 and/or NRS
622.400, and the discipline to be imposed, if violati	ions of law are proven.
JURISDICTION	
RESPONDENT MARINE THUET, has been	en licensed as a Nevada real estate salesperson under
FACTUAL ALLEGATIONS	
	*
5.0178492.LLC and has need a property manageme	int permit PM.0100055. [INKED0005]
	STATE OI SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. MARINE THUET, S.0178492.LLC; PM.0166655 <u>Respondent.</u> COMPLAINT AND N The REAL ESTATE DIVISION OF THE OF THE STATE OF NEVADA ("Division") h ("RESPONDENT") of an administrative hearing COMMISSION ("Commission"). The hearing wil of the Nevada Revised Statutes ("NRS"), and Chap The purpose of the hearing is to consider the RESPONDENT should be subject to an administrat 622.400, and the discipline to be imposed, if violati JURISI RESPONDENT MARINE THUET, has bee license number S.0178492.LLC and has held a prop times mentioned in this Complaint, and is therefor Commission, and the provisions of NRS chapter 64

2. At all times relevant, RESPONDENT worked as an agent and property manager for Las Vegas Invest Real Estate LLC, under the supervision of broker Vincent Sinard. [NRED0002-0005].

3. On or about April 1, 2019, RESPONDENT served as property manager for the condominium unit located at 7131 S Durango #107, Las Vegas, NV 89113, (the "Property"). [NRED 0099-0192].

4. RESPONDENT represented both the Property owner and the tenant, COMPLAINANT Nicole Fontenette ("COMPLAINANT" and/or "Tenant"), in entering into the lease agreement, and provided a Duties Owed Form and Consent to Act form to both parties. [NRED0174-0176].

5. The Property is a unit located within the Vistana Condominium Owners Association, which is serviced by First Service Residential and community manager Teresa Hilton ("Hilton") (collectively, "Vistana"). [NRED0840-0842].

6. On May 6, 2019, the owner of the Property informed Vistana that the billing address for the Property would thereafter be RESPONDENT's business address, 2654 W. Horizon Ridge, Ste B5-117, Henderson NV 89052. [NRED0840-0842].

15 7. On February 7, 2023, COMPLAINANT provided the Division with a complaint/statement 16 of fact and supporting documents alleging that RESPONDENT repeatedly failed to timely inform COMPLAINANT regarding an HOA violation for broken/unsightly window blinds, which resulted in 18 the imposition of HOA fines from the unanswered violation. [NRED 0005-0011].

8. On February 8, 2023, the Division informed RESPONDENT that it was opening an investigation against her based upon the complaint/statement of facts and requested her response in the form of a sworn affidavit by February 23, 2023. [NRED0013].

22 9. On February 21, 2023, RESPONDENT provided a sworn affidavit in response to the 23 COMPLAINANT'S allegations. [NRED0014-0016].

24 10. On February 8, 2023, the Division also informed RESPONDENT'S broker, Vincent 25 Sinard, of its investigation against RESPONDENT and requested that he provide his knowledge of the 26 facts concerning the allegations via sworn affidavit and production of the complete broker file for the 27 Property by February 23, 2023. [NRED0017-0018].

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11. On March 7, 2023, the Division sent Broker Sinard a follow-up request for sworn affidavit and broker file within ten (10) days of the letter. [NRED0019-0020].

12. On March 15, 2023, Broker Sinard provided, via email, his sworn affidavit, dated March 10, 2023, setting forth his knowledge of the matter. [NRED0024-0031].

 13.
 Broker Sinard also provided a sworn declaration regarding the broker file for the Property.

 [NRED0032-0092].

14. Broker Sinard also provided a set of documents labeled "All Documents on File," comprising of paper file documents. [NRED0093-0207].

Broker Sinard also provided a set of documents labeled "All Email Communications"
regarding the Property. [NRED0208-0838].

16. On February 13, 2023, Vistana community association manager Teresa Hilton informed the Division investigator that COMPLAINANT had reached out to her to address the fine, but was told that this was an issue that COMPLAINANT would have to address with RESPONDENT, as property manager, and that Vistana would not communicate with a tenant. [NRED0838-0840.]

In March 20, 2023, Vistana CAM Teresa Hilton submitted a sworn affidavit regarding
the violation, and attached 24 pages of supporting documents outlining the communications mailed
regarding the violation for broken blinds. [NRED0841-0866].

8 18. On July 25, 2022, Vistana sent a first notification for violation of damaged window blinds
9 via first class mail to the COMPLAINANT, as tenant, and to RESPONDENT, as property manager for
0 the owner of the unit, asking for a response within 14 days. [NRED0842; 0843-0844].

19. On September 7, 2022, Vistana sent a call to hearing for violation of damaged window blinds via first class mail only to the RESPONDENT, as property manager for the owner of the unit, and not to the tenant/COMPLAINANT. Hearing was set for October 13, 2022. [NRED0842; 0845-0846].

20. On October 20, 2022, a hearing decision letter was mailed via first class mail to the RESPONDENT, as property manager for the owner of the unit, and not to the tenant/COMPLAINANT. The letter noted that a weekly fine of \$50.00 would be imposed, with subsequent fines of \$50.00 imposed every seven days unless the violation is corrected within 14 days of the letter. [NRED0848].

1	21. On December 7, 2022, RESPONDENT sent a letter to Vistana to inquire about a recurring	
2	fine, claiming she never received a violation letter. [NRED0850].	
3	22. On December 9, 2022, RESPONDENT sent an email to COMPLAINANT notifying he	
4	of the violation and the need to replace the damaged blinds ASAP to close the violation. [NRED0324	
5	0329].	
6	23. On December 14, 2022, Vistana confirmed the violation was remedied and closed	
7	[NRED0855].	
8	24. On June 14, 2023, the Division completed its investigation and issued a Notice o	
9	Violation with Imposition of Administrative Fine in the amount of \$1,500.00. [NRED0867-0868].	
10	25. RESPONDENT timely appealed the fine. [NRED0874-0876].	
11	26. On June 20, 2023, the Division issued an NRS 233B letter to RESPONDENT, wherein i	
12	determined that it obtained sufficient evidence to commence disciplinary charges against her and to seel	
13	a formal hearing before the Real Estate Commission. [NRED0877-0878].	
14	VIOLATIONS OF LAW	
15	RESPONDENT has committed the following violations of law:	
16	27. RESPONDENT violated NRS 645.633(1)(h) pursuant to NRS 645.252(2) by failing to	
17	exercise reasonable skill and care in the management of the Property, in that RESPONDENT did no	
18	monitor Las Vegas Invest Real Estate LLC's incoming mail to ensure that the violation, hearing notice,	
19	and hearing decision mailings were addressed in a timely manner.	
20	28. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) and breached	
21	her obligation of absolute fidelity to both the Property owner and RESPONDENT'S interests, by failing	
22	to take affirmative steps to appeal or address the fines incurred once the unaddressed violation was	
23	discovered.	
24	DISCIPLINE AUTHORIZED	
25	Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an	
26	administrative fine of up to \$10,000 per violation against RESPONDENT and, further, to suspend, revoke	
27	or place conditions on the license of RESPONDENT.	
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Additionally, under NRS 622.400, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees if the Commission otherwise imposes discipline on RESPONDENT.

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

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE on November 7, 2023, commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through November 9, 2023, or earlier if the business of the Commission is concluded. The Commission meeting will be held on November 7, 2023, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706. The meeting will continue on each day thereafter commencing at 9:00 a.m. through November 9, 2023, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, until the business of the Commission is concluded.

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

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

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

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

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

Bv:

DATED this 5 day of October, 2023.

State of Nevada Department of Business and Industry Real Estate Division

SHARATH CHANDRA, Administrator 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

AARON D. FORD Attorney General

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