

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2023-81

FILED

OCT 05 2023

REAL ESTATE COMMISSION

BY Kelley Valadez

Petitioner,

vs.

MARINE THUET,
S.0178492.LLC; PM.0166655

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 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 MARINE THUET, has been licensed as a Nevada real estate salesperson under license number S.0178492.LLC and has held a property management permit PM.0166655 at all relevant times mentioned in this Complaint, 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. At all relevant times mentioned in this Complaint RESPONDENT MARINE THUET (“RESPONDENT”) was licensed as a Nevada real estate salesperson under license number S.0178492.LLC and has held a property management permit PM.0166655. [NRED0003]

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

3 3. On or about April 1, 2019, RESPONDENT served as property manager for the
4 condominium unit located at 7131 S Durango #107, Las Vegas, NV 89113, (the "Property"). [NRED
5 0099-0192].

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

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

12 6. On May 6, 2019, the owner of the Property informed Vistana that the billing address for
13 the Property would thereafter be RESPONDENT's business address, 2654 W. Horizon Ridge, Ste B5-
14 117, 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
17 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].

19 8. On February 8, 2023, the Division informed RESPONDENT that it was opening an
20 investigation against her based upon the complaint/statement of facts and requested her response in the
21 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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1 11. On March 7, 2023, the Division sent Broker Sinard a follow-up request for sworn affidavit
2 and broker file within ten (10) days of the letter. [NRED0019-0020].

3 12. On March 15, 2023, Broker Sinard provided, via email, his sworn affidavit, dated March
4 10, 2023, setting forth his knowledge of the matter. [NRED0024-0031].

5 13. Broker Sinard also provided a sworn declaration regarding the broker file for the Property.
6 [NRED0032-0092].

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

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

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

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

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

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

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

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

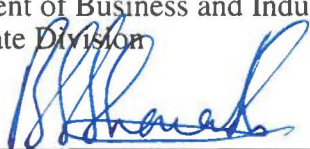
6 As the Respondent, you are specifically informed that you have the right to appear and be heard in your
7 defense, either personally or through your counsel of choice. At the hearing, the Division has the burden
8 of proving the allegations in the complaint and will call witnesses and present evidence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

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

16 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
17 645 and if the allegations contained herein are substantially proven by the evidence presented and
18 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
19 pursuant to NRS 645.235, 645.633 and or 645.630.

20 DATED this 5 day of October, 2023.

21 State of Nevada
22 Department of Business and Industry
23 Real Estate Division

24 By: 
25 SHARATH CHANDRA, Administrator
26 3300 West Sahara Avenue, Suite 350
27 Las Vegas, Nevada 89102

28 AARON D. FORD
Attorney General

