BEFORE THE REAL ESTATE COMMISSION 1 STATE OF NEVADA 2 SHARATH CHANDRA, Administrator, 3 REAL ESTATE DIVISION, DEPARTMENT Case No. 2024-67 4 OF BUSINESS AND INDUSTRY, STATE OF NEVADA, 5 Petitioner. FILED 6 VS. 7 MAR 2 5 2024 SOPHIA MADALENA SMITH. (S.0183595.LLC, Inactive) 8 **REAL ESTATE COMMISSION** BY Kelly Valade Respondent. 9 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") hereby notifies RESPONDENT SOPHIA MADALENA 13 SMITH ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL 14 ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and 15 Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative 16 Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine 17 if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or 18 NRS 622.400, and the discipline to be imposed, if violations of law are proven. 19 JURISDICTION 20 RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as 21 22 a salesperson under license number S.0183595.LLC. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS Chapter 645 and 23 NAC Chapter 645. 24 **FACTUAL ALLEGATIONS** 25 1. The Division became aware of the RESPONDENT'S conviction of multiple felonies by 26 27 way of a channel 8 News Now article. NRED 029 - 033. 28

- 2. The news article stated the RESPONDENT, a Las Vegas area realtor, was convicted of exploiting an elderly man with dementia out of hundreds of thousands of dollars, while convincing him they were in a relationship. *NRED 029*.
- 3. On or about December 15, 2023, a jury verdict filed in open court found the RESPONDENT guilty on multiple counts including exploitation of an older or vulnerable person, theft, and fraudulent use of credit or debit card. $NRED\ 012 017$.
- 4. On or about January 23, 2024, at the sentencing hearing, RESPONDENT was adjudged guilty by virtue of the Jury's Verdict. *NRED 018 020*.
- 5. On or about January 26, 2024, the court issued its Judgment of Conviction, whereby it entered its order for the RESPONDENT to pay approximately \$279,994.23 in restitution and sentenced her to serve jail time. *NRED 021 026, NRED 022, and NRED 025*.
- 6. The Judgment also ordered special conditions of probation which included, RESPONDENT must provide complete disclosure of this conviction to present and potential employers and may not be in a position of trust over anyone. *NRED 025*.
- 7. On January 29, 2024, the Division notified the RESPONDENT it had opened an investigative case against her, with a deadline to respond by February 12, 2024. *NRED 006*.
 - 8. The RESPONDENT did not respond to the Division by its deadline.
- 9. Accordingly, on or about March 5, 2024, the Division notified the RESPONDENT that it intended to proceed with formal disciplinary action. *NRED 007 009*.
- 10. On or about March 7, 2024 at 1:53 PM, USPS Tracking confirms the Division's letter was delivered, left with individual. *NRED 010*.

VIOLATIONS OF LAW

RESPONDENT committed the following violations of law:

- 1. RESPONDENT violated NRS 645.633(1)(d)(2) having been convicted of felonies involving fraud, deceit, misrepresentation and/or moral turpitude.
- 2. RESPONDENT violated NRS 645.615(2)(a) for failing to submit notification to the Division of her convicted felonies and/or crimes involving fraud, deceit, misrepresentation and/or moral turpitude, within 10 days of entry.

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DISCIPLINE AUTHORIZED

- Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an 3. administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to suspend, revoke, or place conditions on the license of RESPONDENT;
- 4. 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; and
- 5. 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 May 14, 2024, 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 May 16, 2024, or earlier if the business of the Commission is concluded at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

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 May 14, 2024 through May 16, 2024, 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, at (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 645.633 and or 645.630.

DATED this day of March 2024.

DATED this 21st day of March 2024.

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STATE OF NEVADA

Department of Business and Industry

Real Estate División/

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