

## RESPONSE TO COMPLAINT

**FILED**  
SEP 19 2024  
REAL ESTATE COMMISSION  
BY *Kelley Valaden*

### **HISTORY OF LICENSURE OF DAVID MICHAEL TORTIA**

I became a licensed salesperson in the State of Nevada in the summer of 2006. I became associated with Coldwell Banker Premier Realty at time of licensure and remained with CBPR to 2023. I upgraded my license to a Broker Salesperson in 2020.

Experience: During my tenure at CBPR I worked as an REO Agent from 2007-2013. I was involved in hundreds of transactions, REO sellers included Fannie Mae, Freddie Mac, Bank of America and a number of banks and asset management companies. Successfully closed hundreds of transactions for these REO asset holders and was awarded with repeat business and continued responsibility over their assets. NO complaints or derogatory filings or reviews against me, both corporate sellers and individual clients.

### **Personal Relationship With Judy Maceo/Vianey Cabrera**

I have known Judy Maceo for over 10 years, prior to 2010 I was introduced to Judy and Rafael, her 1<sup>st</sup> husband by mutual friends. I assisted Judy and her then husband sell their home, she referred me to other family members of hers who I represented in real estate transactions. In 2010 I represented Judy and her parents in purchasing 10039 Sky Parlor Rd Las Vegas. (MLS detail and tax sheet included in exhibits). That is the last time I represented Judy in any real estate transaction.

We remained personal friends, we communicated over the years, she introduced me to her new boyfriend then husband Vianey. We socialized, communicated over text and phone, visited each other's homes and spent time together, I was invited to their wedding.

### **Judy Maceo and Vianey Cabrera are Experienced Investors**

Judy and Vianey are experienced investors and have bought and sold multiple properties. They currently own rental properties in both California and Nevada.

In 2018 Judy and Rafael purchased an investment property; 8485 Classique Ave unit 103 Las Vegas NV 89178. I was not involved in this transaction. In March of 2020 I referred Judy to Coldwell Banker Property Management, introduced her to the property manager Kristi Pritchett, Judy signed an agreement with CBPR to represent her in her rental property. (MLS and Tax sheet included in exhibits showing property management rental listing)

In 2020 Vianey asked if I had an electrician, I could connect him with for his rental property he owns in Sacramento CA. I referred him to my cousin who is an electrician and general contractor in the area. [REDACTED] [REDACTED]. He is an accomplished, licensed and well-respected contractor. They spoke, Vianey hired [REDACTED], when [REDACTED] went to the property it was found to have tenants who were conducting illegal activities at the home, a gun was pulled and pointed at [REDACTED] and he let Vianey know he would not be doing the work nor going back to the property. It was known by tenants [REDACTED] was sent by the owner Vianey Cabrera. This information may be verified with [REDACTED] I was not provided with the address of the property.

### **Mokelumne Investments LLC/ Investment Properties**

Mokelumne Investments LLC is an entity created by me to invest and develop property in Nevada. The entity is owned by me 100% David Tortia. Judy and Vianey had no ownership interest at any time in Mokelumne Investments. I David Tortia represented Mokelumne Investments in a number of real estate purchase and sale transactions as a licensed agent. **At NO time did I represent Maceo/Cabrera as an agent.** At NO time did they have any ownership or financial interest in the entity. The properties in question were already in contract, and or in escrow at the time Maceo/Cabrera and I spoke about them.

### **FUNDS SENT TO ME FROM JUDY MACEO/ DEEDS OF TRUST**

Judy and Vianey wanted to invest in my business in California. We explored a number of ideas including putting money into a real estate fund, remodel or rental properties or buying into one of my entities that was operating and farming Agriculture land in California. Funds were NOT meant for the Nevada properties in question, but they became an option. At NO time did I misrepresent the status of ownership in any property or entity.

At NO time did I solicit money for my projects or money for me personally. I considered Judy a close personal friend and wanted to help her. I did not need their funds to close these transactions I had my own funds and private money loans established to close these deals.

Maceo and Cabrera were concerned about paying tax on their investments, concerned it would put them into higher tax brackets, did not want to invest into a fund so they wanted to fund the remodel/rental projects. I suggested the proper way to secure the investment and be returned money was to record a deed of trust for the money lent, it would be recorded as a 2<sup>nd</sup> mortgage, they were to be paid back when the property sells or refinances. I supplied Maceo/Cabrera with examples of notes and deeds of trust, when

they agreed to a property I supplied them with copies and examples, the originals to be recorded with escrow along with the 1<sup>st</sup> loan and other documents.

## Properties

Leslie Clark was the escrow officer for 3021 Savona and 4296 Aspen St. Both deals were set to close, all funds needed, loan and documents prepared, due to delays with this seller who had a large number of assets in escrow with Leslie at this time were delayed and cancelled due to the sellers wanting more money for the properties as market prices increased. These transactions and situations may be verified with Leslie Clark.

(Exhibits included are signed loan documents, email correspondence, purchase agreements, cancellations that show all these transactions were legitimate deals that were to close if not for seller.)

**Leslie Clark**  
**Fidelity National Title Agency of Nevada, Inc.**  
**8345 W. Sunset Rd., #100**  
**Las Vegas, NV 89113**  
**Direct Phone (702) 822-8140 | Fax (702)942-8140**  
**Email: [leclark@fnf.com](mailto:leclark@fnf.com)**

**7931 Villa Pintura Las Vegas NV 89131:** Property was in escrow prior to Maceo/Cabrera becoming aware of the project, seller changed mind at time of closing, loan docs and closing scheduled, seller requested more money, I as buyer refused, deal canceled.

### **3021 Savona Circle Las Vegas NV 89128:**

Property was in escrow prior to Maceo/Cabrera becoming aware of the project, Seller **Saticoy Bay, LLC Series 3021 Savona Circle Iyad Haddad. Escrow with Leslie Clark of Fidelity National Title.** Loan docs signed, full intention on closing, had all funds necessary, seller wanted more money to extend, delayed closing on purpose.

### **4296 Aspen Street Las Vegas NV 89107:**

Property was in escrow prior to Maceo/Cabrera becoming aware of the project, Seller **Saticoy Bay, LLC, Iyad Haddad. Escrow with Leslie Clark of Fidelity National Title.** Seller delayed and stalled signing, escrow was inundated with sellers transactions at the time, also office difficulty to operate due to COIVD regulations and work from home. All may be verified with Leslie Clark.

**4009 Coleman North Las Vegas NV 89032:** Property was in escrow prior to Maceo/Cabrera becoming aware of project. This was in escrow; it was a short sale that got foreclosed on prior to short sale approval. Deal Canceled.

**4730 San Rafeal, Las Vegas NV 89120:** Property was in escrow prior to Maceo/Cabrera becoming aware of the project, closed on property, Maceo/Cabrera choose not to invest in this, was vandalized and sold prior to doing any rehab.

**4045 Abernethy Forest Pl Las Vegas NV** purchased in November 2022, NO funds from MACEO/CABRERA used in this transaction.

#### **DEEDS OF TRUST, PROMISSORY NOTES**

The deeds of trust were all **VALID** and were to be recorded along with all other closing documents in these transactions. They were not recorded due to Maceo/Cabrera choice and or cancellations of escrow which were not due to buyer actions. I **NEVER** misrepresented the status of closing or ownership.

#### **EBF HOLDINGS/ IDENTITY THEFT**

I have been a victim of identity theft since 2017, EBF HOLDINGS has no Involvement with David Tortia or Mokelumne Investments LLC, unaware of how they could contact Maceo/Cabrera for any collection. Any loans or debt has been paid or settled.  
(police report in exhibit showing identity theft issues)

#### **HARASSMENT, DEFAMATION, DAMAGES TO CHARACTER**

Mr. Cabrera became angry with me after my cousin [REDACTED] refused to continue working for him on his rental property in Sacramento. Mr. Cabrera threatened me repeatedly, defamed me publicly, and contacted acquaintances of mine with defamation of my character. Mr. Cabrera lost a large sum of Judy's money in the stock market, when I was made aware of this, I offered Judy a number of solutions including repayment and ownership in business in CA that was lucrative to help her. Mr Damus was retained, and we did not complete any deal or repayment. The defamation and threats from Mr. Cabrera continue.

**SETTLEMENT AGREEMENT AND CONFIDENTIAL MUTUAL RELEASE, PROMISSORY NOTE,  
CHARLES DAMUS**

I was contacted by Charles Damus regarding collection and settlement agreement. Without counsel of my own I agreed to and signed the settlement agreement. Right away Mr. Cabrera broke the confidential agreement we had signed, he continued to harass and threaten me, he contacted acquaintances and insisted he would ruin my business.

I have been prepared and have made offers to settle since this agreement was signed.

I was advised by my counsel not to pay the note amount, due to defamation and damage done to me by Mr. Cabrera a new settlement amount and terms must be agreed upon prior to payment.