

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No. 2024-1012

Petitioner,

FILED

vs.

JAN 10 2025

DANE C. BROOKS,
(B.0062410.LLC- Expired,
PM.0163550.BKR- Expired,)

REAL ESTATE COMMISSION

BY Kelley Valadez

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 DANE C. BROOKS (“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 645.806 (3), and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT, at all relevant times mentioned in this Complaint, was actively licensed as a Broker (B.0062410.LLC) and held a property management permit (PM.0163550.BKR).¹ RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645.

¹ Respondent allowed both his broker license and PM permit to expire on October 31, 2024.

1 **FACTUAL ALLEGATIONS**

2 1. At all times relevant to this Complaint, RESPONDENT was registered as a
3 broker of record with Valleywide Properties and Management. [NRED0209-0212, Exh. B].

4 **Akira Yoshimura Complaint- 344 Judith Ann Ct.**

5 2. On November 5, 2024, the Division received a Statement of Fact from
6 COMPLAINANT Akira Yoshimura (“Complainant Yoshimura”), alleging that they did not
7 receive rental payments for their tenant-occupied rental property, 344 Judith Ann Ct.,
8 managed by RESPONDENT, totaling \$3,653.06 in rental payments that he collected but
9 failed to deposit into their accounts. [NRED0002-0003, Exh. A.01].

10 3. Complainant Yoshimura noted that they received a notice from
11 RESPONDENT that he was “merging” with Brady Realty Group, but later came to find out
12 he was in fact retiring and closing his business on October 31, 2024. [NRED0002-0003,
13 Exh. A.01].

14 **Dale Rausch Complaint- 1925 Coralino Dr.**

15 4. On November 6, 2024, the Division received a Statement of Fact from
16 COMPLAINANT Dale Rausch (“Complainant Rausch”), alleging that they did not receive
17 rental payments for a tenant-occupied rental property, 1925 Coralino Dr, managed by
18 RESPONDENT, totaling \$6,590.00 in missing rents and security deposits that he collected
19 but failed to deposit into their accounts. [NRED0005-0037, Exh. A.02].

20 5. Complainant Rausch reported that rent in 2024 has been sporadic, including
21 non-sufficient funds in March 2024. [NRED0006-0007; 0033, Exh. A.02].

22 6. Complainant Rausch also reported that they had not received rents for
23 September or October 2024 despite proof that Rausch’s tenant had paid those rents to
24 RESPONDENT pursuant to the terms of the lease. [NRED0006-0007; 0025-0026; Exh.
25 A.02].

26 **Glenn Jurkowich Complaint-**

27 **55 E. Agate Ave. #308 and 87 E. Agate Ave. #402**

28 7. On November 13, 2024, the Division received a Statement of Fact from

1 COMPLAINANT Glenn Jurkowich (“Complainant Jurkowich”), alleging that they did not
2 receive rental payments for two tenant-occupied rental properties, 55 E. Agate Ave. #308
3 and 87 E. Agate Ave. #402, managed by RESPONDENT, totaling \$7,522.89 in missing
4 rents and security deposits that he collected but failed to deposit into their accounts.
5 [NRED0039-0087, Exh. A.03].

6 8. Complainant Jurkowich reported that they had not received rents for April
7 and October 2024 and that RESPONDENT repeatedly put off calling Jurkowich back
8 despite email representations that he would do so. [NRED0041; 0042-0077; Exh. A.03].

9 **Lina Phu Complaint-**

10 **10483 Badger Ravine St. and 5637 Jelsma Ave.**

11 9. On November 5, 2024, the Division received a Statement of Fact from
12 COMPLAINANT Lina Phu (“Complainant Phu”), alleging that they did not receive rental
13 payments for two tenant-occupied rental properties, 10483 Badger Ravine St. and 5637
14 Jelsma Ave., managed by RESPONDENT, for August and September 2024, or confirm
15 transfer of security deposits after she terminated her property management contract with
16 him effective September 26, 2024. [NRED0089-0090; 0092; Exh. A.04].

17 10. Complainant Phu sent emails on October 8th and 9th requesting accounting
18 of rent amounts and security deposits, but did not receive any response. [NRED0093-0094,
19 Exh. A.04].

20 **Shell and Matthew Brewer Complaint-**

21 **1886 Dwarf Star and 2782 Eldora Cr.**

22 11. On or about November 12, 2024, the Division received a Statement of Fact
23 from COMPLAINANTS Shell and Matthew Brewer (the “Brewer Complainants”), alleging
24 that they did not receive rental payments for two tenant-occupied rental properties, 1886
25 Dwarf Star and 2782 Eldora Cr., managed by RESPONDENT, totaling \$8,630.00 in rental
26 payments that he collected but failed to deposit into their accounts. [NRED0101-0115, Exh.
27 A.05].

28 12. The Brewer Complainants asserted that they sought RESPONDENT out at

1 his personal residence and he verbally admitted to owing them rental payments but could
2 not or would not pay them. [NRED0103, Exh. A.05].

3 13. The Brewer Complainants attest that RESPONDENT offered to write a
4 settlement agreement to make monthly payments beginning December 1, 2024, and he
5 admitted that he was in arrears of “tens of thousands of dollars.” [NRED0103; Exh. A.05].

6 **Michelle Wong Complaint-**

7 **2606 S. Durango Dr. #121; 4981 River Glen Dr. #61; 555 Silverado Ranch Blvd.**

8 **#2079; and 45 Maleena Mesa #227**

9 14. On or about November 21, 2024, the Division received a Statement of Fact
10 from COMPLAINANT Michelle Wong (“Complainant Wong”), alleging that they never
11 received rental payments for four tenant-occupied rental properties, 2606 S. Durango Dr.
12 #121; 4981 River Glen Dr. #61; 555 Silverado Ranch Blvd. #2079; and 45 Maleena Mesa
13 #227, all managed by RESPONDENT, totaling over \$23,000.00 in rent and security
14 deposits that he collected but failed to deposit into their accounts. [NRED0116-0118, Exh.
15 A.06].

16 15. Complainant Wong also noted that despite informing RESPONDENT of
17 accounting errors and missing deposits, and his assurances that he would review those
18 issues, he simply adjusted his accounting to reflect those missing payments and issued her
19 1099 tax forms based on those numbers, without addressing the underlying missing
20 payments. [NRED0116-0118; Exh. A.06].

21 **Richard Sweeney Complaint-**

22 **7192 Mizzen amd 8124 Sickle Lane**

23 16. On November 5, 2024, the Division received a Statement of Fact from
24 COMPLAINANT Richard Sweeney (“Complainant Sweeney”), alleging that they never
25 received rental payments for three tenant-occupied rental properties, 7192 Mizzen, 8124
26 Sickle Lane, and a third unidentified property, all managed by RESPONDENT.
27 [NRED0119-0146, Exh. A.07].

28 17. Complainant Sweeney alleges RESPONDENT failed to pay rental funds for

1 September 2022, which he has been trying to recover from RESPONDENT over the past
2 two years. [NRED0119-0120, Exh. A.07].

3 18. Complainant Sweeney also alleges that RESPONDENT failed to pay any
4 rental funds for October 2024. [NRED0119-0120, Exh. A.07].

5 **Yingbo and Yu Zhang Complaint- 9109 Ripple Ridge Ave #102**

6 19. On November 13, 2024, the Division received a Statement of Fact from
7 COMPLAINANTS Yingbo and Yu Zhang (the “Zhang Complainants”), alleging that they
8 never received rents for their tenant-occupied rental property, 9109 Ripple Ridge Ave.,
9 #102, managed by RESPONDENT, totaling \$6,800.00 in missing rents. [NRED0148-0204,
10 Exh. A.08].

11 20. The Zhang Complainants reported that RESPONDENT’S brokerage would
12 “often hold the renter’s rent for one to two months before transfer of the rent money to
13 [their] bank accounts,” and when asked about the late payments via email, text, and phone,
14 RESPONDENT typically did not give them any response. [NRED0149-0150, Exh. A.08].

15 21. An October 30, 2024, email from the Valleywide Properties “accounting
16 department” purported to have scheduled three payments of \$1,720 (April 2024); \$1,680
17 (May 2024); and \$1,700 (Oct 2024), for processing to the Zhang Complainants’ bank
18 account, but payment still had not been received by the account as of November 4, 2024.
19 [NRED0170, Exh. A.08].

20 **John Zhiyong Wang Complaint- 1447 Summerglow Ave.**

21 22. On or about November 12, 2024, the Division received a Statement of Fact
22 from COMPLAINANT John Zhiyong Wang (“Complainant Wang”), alleging that they never
23 received rents for a tenant-occupied rental property at 1447 Summerglow Ave., managed
24 by RESPONDENT, totaling \$5,210.00 in missing rents and security deposits. [NRED0205-
25 0207, Exh. A.09].

26 23. Complainant Wang’s Statement of Fact/Complaint asserts that
27 RESPONDENT failed to remit rental payments for September and October of 2024, and
28 that RESPONDENT has failed to return email communications from Complainant Wang

1 seeking an explanation. [NRED0206-0207, Exh A.09].

2 **Division Investigation and Respondent's Non-Response**

3 24. On November 8, 2024, Division Investigator Shannon Goddard issued an open
4 investigation email communication to RESPONDENT regarding the Statements of Fact
5 received to date in Case 2024-1012, and requesting his responsive affidavit by November
6 22, 2024. [NRED0215-0217, Exh. C].

7 25. RESPONDENT merely responded with an email reply stating: "Received and
8 acknowledged. Thank you." [NRED0216, Exh. C].

9 26. On November 15, 2024, Division Investigator Shannon Goddard sent a second,
10 follow-up email communication to RESPONDENT, attaching additional complaints in Case
11 2024-1012 and requesting his response via affidavit by November 29, 2024. [NRED0218-
12 0219, Exh. C].

13 27. RESPONDENT again merely responded with an email reply, this time
14 stating: "Received. Thank you." [NRED0216, Exh. C].

15 28. On or about November 21, 2024, the Division mailed an NRS 233B letter via
16 certified mail to RESPONDENT, stating the Division's intent to file a complaint with the
17 Commission for violations of NRS 645.630(1)(f) and NRS 645.633(1)(h) pursuant to NAC
18 645.605(6). [NRED0213-0214, Exh. B].

19 **VIOLATIONS OF LAW**

20 RESPONDENT has committed the following violations of law:

21 1. RESPONDENT violated NRS 645.630(1)(f) sixteen distinct and separate
22 times by failing, within a reasonable time, to account for or to remit rents as to each of the
23 following properties:

- 24 a. Akira Yoshimura- 344 Judith Ann Ct.;
- 25 b. Dale Rausch Complaint- 1925 Coralino Dr.;
- 26 c. Glenn Jurkowich- 55 E. Agate Ave. #308;
- 27 d. Glenn Jurkowich- 87 E. Agate Ave. #402;
- 28 e. Lina Phu Complaint- 10483 Badger Ravine St.;

- f. Lina Phu Complaint- 5637 Jelsma Ave.;
- g. Shell and Matthew Brewer- 1886 Dwarf Star;
- h. Shell and Matthew Brewer- 2782 Eldora Cr.
- i. Michelle Wong- 2606 S. Durango Dr. #121;
- j. Michelle Wong- 4981 River Glen Dr. #61;
- k. Michelle Wong- 555 Silverado Ranch Blvd. #2079;
- l. Michelle Wong- 45 Maleena Mesa #227;
- m. Richard Sweeney- 7192 Mizzen;
- n. Richard Sweeney- 8124 Sickle Lane;
- o. Yingbo and Yu Zhang- 9109 Ripple Ridge Ave #102; and
- p. John Zhiyong Wang - 1447 Summerglow Ave.

2. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) sixteen distinct and separate times by committing gross negligence and/or incompetence in breaching his obligation of absolute fidelity to his principals' interest when he failed to timely communicate with, and remit monies due to, his clients as to each of the following properties:

- a. Akira Yoshimura- 344 Judith Ann Ct.;
- b. Dale Rausch Complaint- 1925 Coralino Dr;
- c. Glenn Jurkowich- 55 E. Agate Ave. #308;
- d. Glenn Jurkowich- 87 E. Agate Ave. #402;
- e. Lina Phu Complaint- 10483 Badger Ravine St.;
- f. Lina Phu Complaint- 5637 Jelsma Ave.;
- g. Shell and Matthew Brewer- 1886 Dwarf Star;
- h. Shell and Matthew Brewer- 2782 Eldora Cr.
- i. Michelle Wong- 2606 S. Durango Dr. #121;
- j. Michelle Wong- 4981 River Glen Dr. #61;
- k. Michelle Wong- 555 Silverado Ranch Blvd. #2079;
- l. Michelle Wong- 45 Maleena Mesa #227;

- m. Richard Sweeney- 7192 Mizzen;
- n. Richard Sweeney- 8124 Sickle Lane;
- o. Yingbo and Yu Zhang- 9109 Ripple Ridge Ave #102; and
- p. John Zhiyong Wang - 1447 Summerglow Ave.

DISCIPLINE AUTHORIZED

Pursuant to NRS 645.630, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation and suspend, revoke, or place conditions on RESPONDENT'S license if warranted.

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 February 11, 2025, 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 February 13, 2025, or earlier if the business of the Commission is concluded. The Commission meeting will be held on February 11, 2025, and February 12, 2025, at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to the Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706. The Commission meeting will continue February 13, 2025, at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102 with video conferencing to the Nevada Division of Insurance, 1818 E.

1 College Parkway, Suite 103, Carson City, Nevada 89706 until the business of the Commission is
2 concluded.

3 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
4 at the same time as part of a regular meeting of the Commission that is expected
5 to last from February 11, 2025, through February 13, 2025, or earlier if the
6 business of the Commission is concluded. Thus, your hearing may be continued
7 until later in the day or from day to day. It is your responsibility to be present
8 when your case is called. If you are not present when your hearing is called, a
9 default may be entered against you and the Commission may decide the case as
10 if all allegations in the complaint
11 were true. If you have any questions, please call Kelly Valadez, Commission
12 Coordinator, at (702) 486-4606.

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

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


25 You have the right to request that the Commission issue subpoenas to compel
26 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
27 you may be required to demonstrate the relevance of the witness' testimony and/or
28

1 evidence. Other important rights you have are listed in NRS 645.680 through 645.990,
2 NRS Chapter 233B, and NAC 645.810 through 645.875.

3 The purpose of the hearing is to determine if the Respondent has violated NRS 645
4 and/or NAC 645 and if the allegations contained herein are substantially proven by
5 the evidence presented and to further determine what administrative penalty is to be
6 assessed against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or
7 645.630.

8 DATED the 8 day of January, 2025.

9 State of Nevada
10 Department of Business and Industry
11 Real Estate Division

12 By: 
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16 AARON D. FORD
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