BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. LARRY D. JANVRIN, Respondent.	**Case No. 2019-832**

FILED

FEB 07 2020

REAL ESTATE COMMISSION

BY Evelyn Patten

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies LARRY D. JANVRIN (RESPONDENT), of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 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 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint, licensed as a broker under B.0007364.CORP and holds an active property management permit (PM.0162187.BKR) 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. RESPONDENT is currently licensed by the Division as a broker under B.0007364.CORP and holds an active property management permit (PM.0162187.BKR).

2. RESPONDENT has been licensed as a broker since 1987 and has held a property management permit since 2005.

3. RESPONDENT is an officer, director, and owner of INXS, INC., a Nevada corporation doing business as A.C.E Property Management ("ACE").

4. RESPONDENT's wife, Shannon Janvrin, is, or was, the secretary and treasurer of ACE, and upon information and belief, is also an owner of ACE.

5. Mrs. Janvrin was licensed by the Division as a broker salesperson (BS.0015422) since March of 1999 and also held a property manager permit (PM.0115422), both of which expired on March 31, 2019 due to non-renewal.

6. ACE provides property management services to clients in Clark County, Nevada.

7. Robert L. Hunt II ("Hunt") hired ACE to provide property management services for one of his residential rental properties located at 1721 Shadow Mountain Place, Las Vegas, NV 89108 ("Property").

8. On July 17, 2019, after failing to receive rental money due from the Property, Hunt filed a complaint with the Division.

9. In his complaint with the Division, Hunt stated that he became concerned on or around July 1, 2019, regarding ACE's management of the Property and regarding the funds ACE was holding in trust due to him from the Property.

10. According to the 2018 tax information ACE provided to Hunt, ACE was holding funds due to him in the amount of $24,358.86 ("Funds Owed").

11. On or around July 1, 2019, Hunt contacted RESPONDENT regarding the Funds Owed and requested that RESPONDENT transfer the Funds Owed to his checking account.

12. RESPONDENT informed Hunt that he would transfer the Funds Owed to Hunt's checking account within two days.

13. As of July 8, 2019, RESPONDENT failed to transfer Hunt the Funds Owed, and to date, has failed to transfer Hunt the Funds Owed.

14. Thereafter, Hunt made repeated attempts to contact RESPONDENT, ACE, and/or ACE's employees regarding the Funds Owed but received no response back.

15. On July 26, 2019, the Division properly notified RESPONDENT that it had opened an investigation regarding Hunt's complaint and requested a copy of the transaction file for the Property.

16. On August 4, 2019, attorney Leo P. Flangas, Esq. ("Flangas") responded to the Division on behalf of both RESPONDENT and Mrs. Janvrin.

17. In Flangas' response to the Division, Flangas stated that RESPONDENT recently discovered discrepancies in his bank accounts, intended to close his business, and was exploring ways to handle its wind up and closure.

18. RESPONDENT's wife provided an affidavit to the Division but invoked her 5th Amendment right to remain silent.

19. RESPONDENT provided an affidavit to the Division and stated that he had only recently became aware of a discrepancy in his company's trust accounts, notified the Division of the same, and delivered the Division the company's annual trust account reconciliations.

20. RESPONDENT also claimed any further information he knew was subject to the spousal privilege.

21. On or around August 22, 2019, RESPONDENT emailed Hunt and stated that money was missing from ACE's trust accounts and that, "we cannot cover the amount due in your account at this time."

22. On October 10, 2019, the Division properly gave notice to RESPONDENT that it intended to file a complaint for hearing before the Real Estate Commission.

VIOLATIONS

RESPONDENT committed the following violations of law:

23. RESPONDENT violated NRS 645.630(1)(f) by failing within a reasonable amount of time to account for, or to remit, any money which came into his possession and belonged to others by failing to timely pay Hunt the Funds Owed.

24. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) by committing gross negligence or incompetence by breaching his obligation of absolute fidelity to his principal's interest or his obligation to deal fairly with all parties to a real estate transaction by failing to pay RESPONDENT the Funds Owed and by failing to properly supervise his company's trust accounts.

25. RESPONDENT violated NRS 645.633(1)(i) by engaging in conduct that was deceitful,

fraudulent, or dishonest by representing to Hunt he would deposit the Funds Owed knowing that he was not able to.

DISCIPLINE AUTHORIZED

1. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to $10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

2. Additionally, under NRS Chapter 622, 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.

3. 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 March 10, 2020 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 March 12, 2020 or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 10, 2020, at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will continue on March 11, 2020 at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101, commencing at 9:00 a.m., and on March 12, 2020, should business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

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 March 10, 2020 through March 12, 2020, 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 Evelyn Pattee, Commission Coordinator at (702) 486-4074.

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.

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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.

DATED this 3rd day of February, 2020.

State of Nevada
Department of Business and Industry
Real Estate Division

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