BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. BEVERLY SCHAEFFER, Respondent.	**Case No. 2019-490**

FILED

FEB 07 2020

REAL ESTATE COMMISSION

BY

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies BEVERLY SCHAEFFER (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 BEVERLY SCHAEFFER was at all relevant times mentioned in this Complaint, licensed as a broker under B.0143231.LLC and holds a property manager permit 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 licensed by the Division as a broker under license B.0143231.LLC, which license is currently active and also holds an active property manager permit.

2. RESPONDENT is an owner and manager of Choice One Properties & Management L.L.C., a Nevada limited liability company (the "Company").

3. Respondent's Company entered into a property management agreement with the Diamond Family Trust ("Owner") to manage that certain residential rental property located at 2737 Valley Downs, Las Vegas, NV 89134 (the "Property").

4. Respondent's Company was to hold in trust the tenant's security and cleaning deposits paid by tenant in connection with renting the Property in the amount of $1,245.00 (the "Deposit").

5. On or around January of 2019, the Property Owner contacted Diane Romano, a broker salesperson and licensed property manager with Signature Real Estate Group ("Signature").

6. The Property Owner stated that they wanted Signature to manage the Property instead of RESPONDENT's company.

7. Signature agreed to manage the Property for Owner.

8. On March 29, 2019, Signature prepared the Transfer of Security Deposit form to transfer the Deposit from RESPONDENT's Company to Signature and emailed it to RESPONDENT's Company.

9. During the week of April 22, 2019, RESPONDENT's Company delivered a check for the Deposit to Signature's office.

10. On April 29, 2019, Signature's bookkeeper notified Ms. Romano of Signature that the check for the Deposit was returned by the bank due to insufficient funds in RESPONDENT's Company's bank account.

11. On or around May 6, 2019, Ms. Romano of Signature notified the Division regarding the RESPONDENT's Company's check for the Deposit and its failure to clear the bank due to insufficient funds.

12. The Division opened an investigation regarding the allegations set forth herein, and on May 14, 2019, properly notified the RESPONDENT of its investigation.

13. The Division requested RESPONDENT complete an affidavit and provide it along with any relevant documents to the Division by May 28, 2019.

14. RESPONDENT failed to respond to the Division.

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VIOLATIONS

RESPONDENT committed the following violations of law:

RESPONDENT violated NRS 645.630(1)(f) by failing, within a reasonable time, to account for or to remit money in her possession that belongs to others when she allowed a check for the Deposit to be drawn from the Company's account that did not have sufficient funds and could not timely transfer the Deposit to Signature.

RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(a) for failing to comply with a request by the Division to provide documents and/or a written response.

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.

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 5th day of February, 2020.

State of Nevada
Department of Business and Industry
Real Estate Division

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