BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

SHANNON JANVRIN,

Respondent.

Case No. 2019-638

FILED

FEB 07 2020

REAL ESTATE COMMISSION

BY Emily Pattee

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies SHANNON 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

1. At all relevant times, RESPONDENT was licensed by the Division as a broker salesperson (BS.0015422) since March of 1999 and also held a property manager permit (PM.0115422), 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

2. At all relevant times, RESPONDENT 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.

3. RESPONDENT is married to Larry D. Janvrin, who is also a licensee with the Division.

4. Mr. Janvrin is currently licensed by the Division as a broker under B.0007364.CORP and holds an active property management permit (PM.0162187.BKR).

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

6. RESPONDENT is, or was, the secretary and treasurer of ACE, and upon information and belief, is also an owner of ACE.

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

8. On or around May 30, 2019, ACE submitted a Trust Account Reconciliation to the Division for an account ending in 4735.

9. The reconciliation showed a shortage of approximately $83,308.78 in the rental trust account and a shortage of approximately $186,181.61 in the security deposit account.

10. On or around June 14, 2019, a trust account reviewer for the Division Enforcement Section contacted Mr. Janvrin to discuss the Trust Account Reconciliations because they were out of balance.

11. Mr. Janvrin informed the Division's account reviewer that, "his wife (RESPONDENT) who had been in charge of his books for many years has been converting the money from one account to the other and there is a shortage in excess of $300,000 dollars."

12. Mr. Janvrin informed the Division's account reviewer that RESPONDENT was not a signatory to the trust accounts but had been making electronic withdrawals.

13. Mr. Janvrin also informed the Division's account reviewer that eventually the money would run out and that he would not be able to refund deposits to, or cover expenses for his landlord/owner clients.

14. On or around August 5, 2019, the Division properly notified Mr. Janvrin of its investigation and requested that he explain the discrepancies in two of his trust accounts, and also requested the following documents: (1) any and all residential management lease agreements from December 2018 to April 2019, and (2) Any and all Residential Lease Agreements from December 2018 to April 2019.

15. In his response to the Division, Mr. Janvrin stated the following:

> "I only recently became aware of the discrepancy in the bank accounts. After I learned of the discrepancy with the bank accounts, I notified the Real Estate Division and deliver the annual reconciliation. All other information I know is privilege (sic) under spousal privilege."

16. RESPONDENT also provided a response to the Division and stated, "I hereby invoke my 5th Amendment Constitutional Right to remain silent."

17. RESPONDENT's attorney, Leo P. Flangus, Esq. ("Flangus"), also responded to the Division and stated that Larry's intent was to close his business due to the discrepancies with the bank accounts that he had discovered and that they were exploring options to wind up and close the business.

18. Thereafter, Flangus informed the Division that Larry sold his company to Platinum Group Companies, LLC dba Centurion Property Management ("Centurion") and that pursuant to the parties' agreement, Centurion would fund any short falls in both trust accounts so that ACE's former landlord/owner clients would be made whole.

VIOLATIONS

RESPONDENT committed the following violations of law:

1. RESPONDENT violated NRS 645.630(1)(h) by commingling the money of clients with her own or converting the money of others to his or her own use.

2. RESPONDENT violated NRS 645.633(1)(i) by engaging in conduct that was deceitful, fraudulent, or dishonest.

3. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) by committing gross negligence or incompetence by breaching her obligation of absolute fidelity to her principal's interest or her obligation to deal fairly with all parties to a real estate transaction by wrongfully embezzling and/or converting funds from ACE.

...

...

...

...

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

By: _____
SHARATH CHANDRA, Administrator
3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

AARON D. FORD
Attorney General

By: _____
KARISSA D. NEFF (Bar No. 9133)
Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
(702) 486-3894
Attorneys for Real Estate Division