BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. DINORA SHARPE, (S.0034139) Respondent.	Case No. 2023-460

FILED

DEC 2 2 2023

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 RESPONDENT DINORA SHARPE ("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 the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or NRS 622.400, 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 salesperson under license number S.0034139. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS Chapter 645 and NAC Chapter 645. As of the date of this Complaint, RESPONDENT'S license is in active status.

FACTUAL ALLEGATIONS

1. During all times relevant to the Complaint, the Complainant was an 83-year-old widower. *NRED 000098, and NRED 000030.*

. . .

2. On or about August 14, 2017, RESPONDENT commenced as the listing agent for Complainant's real property located at 3578 Homecrest Drive, Las Vegas, NV 89121 (the "Homecrest Property"). *NRED 000290 – NRED 000297.*

3. The listing agreement provided the listing price shall be $179,900 with a suggested amount of $3,000 earnest money deposit. *NRED 000290.*

4. The listing agreement indicated cash, conventional and FHA as terms of sale, and made no indication of intent to do an owner carry. *NRED 000290.*

5. The listing agreement, prepared by the RESPONDENT, also indicated it did not authorize keybox access to the property, which purpose and function was to permit access to other licensed professionals to the interior or the Property to facilitate the sale of the Property. *NRED 000292 – NRED 000293.*

6. On or about August 16, 2017, RESPONDENT obtained authorizations to represent Complainant/Seller and the Buyer Ben Clopot, with whom RESPONDENT had a relationship with. *NRED 000185, and NRED 000314.*

7. On or about September 7, 2017, RESPONDENT prepared a purchase agreement for the Homecrest Property between "Ben Clopot or assignee" and Complainant at the purchase price of $165,000. *NRED 000188 – NRED 000202.*

8. The purchase agreement was presented with zero earnest money down, and an owner carry of $88,500 subject to the financing addendum. *NRED 000188.*

9. The financing addendum terms stated the principal balance of $88,000.00 would be interest only payments. *NRED 000198 – NRED 000199.*

10. The financing addendum's additional terms clarified that "PAYMENTS SHALL GO AS FOLLOWS: INTEREST ONLY ON $88,500 @ 6% AMORTIZED OVER 30 YRS: $350.00…". *NRED 000200.*

11. On or about September 22, 2017, Complainant conveyed the Homecrest Property to Mr. Clopot. *NRED 000064 – NRED 000069.*

12. Mr. Clopot subsequently sold the Homecrest Property to the RESPONDENT. *NRED 000070 – NRED 000074.*

13. Shortly thereafter, RESPONDENT transferred the Homecrest Property into the Cintra Revocable Trust for which she was a trustee. *NRED 000075 – NRED 000082.*

14. Complainant also owned another property in joint tenancy located at 3390 Southridge Avenue, Las Vegas, Nevada 89121 ("Southridge Property"). *NRED 000100 – NRED 000103.*

15. At RESPONDENT'S request, on or about December 22, 2020, Complainant executed an Affidavit terminating the deceased joint tenant. *NRED 000028.*

16. The Affidavit requested recorded mail to be sent to Complainant but handwritten in was the RESPONDENT'S address located at 2911 Bel Air Drive, Las Vegas, NV 89109. *NRED 000028.*

17. The same day, on or about December 22, 2020, at RESPONDENT'S request, Complainant added the RESPONDENT as a joint tenant of the Southridge Property. *NRED 000024 – NRED 000027.*

18. Even though the Southridge Property was held jointly, it was only the RESPONDENT'S mailing address requested for tax statements to be sent to. *NRED 000027.*

19. The Clark County Recorder receipt demonstrates the RESPONDENT paid for these recorded items; the Affidavit Termination and the Deed for the Southridge Property. *NRED 000171.*

20. During all times relevant to the Complaint, RESPONDENT befriended the elderly Complainant. *NRED 000161 – NRED 000162, and NRED 000098.*

21. During all times relevant to the Complaint, RESPONDENT obtained use of Complainant's credit cards and checking account. *NRED 000161.*

22. RESPONDENT admitted she used three (3) or four (4) of Complainant's credit cards over the years. *NRED 000161.*

23. RESPONDENT admitted she used Complainant's checking account to pay her monthly dues for the Las Vegas Country Club. *NRED 000161.*

24. RESPONDENT did not deny that she paid $300 a month to Redbarn for dog food from Complainant's bank account when Complainant did not have a dog. *NRED 000098, and NRED 000161 – NRED 000162.*

25. RESPONDENT did not deny that she was spending over $5,000 a month on Complainant's Discover credit card for her own personal use. *NRED 000098, and NRED 000161.*

26. RESPONDENT admitted she takes "full responsibility for the charges made by me that were not for [Complainant]" on the Discover credit cards. *NRED 000161.*

27. RESPONDENT admitted in November of 2022 Complainant went to the hospital during which time she stated "Our purchases definitely got crossed." *NRED 000162.*

VIOLATIONS OF LAW

RESPONDENT committed the following violations of law:

1. RESPONDENT violated NRS 645.630(1)(h) for converting the money of her client for her own personal use.

2. RESPONDENT violated NRS 645.633(1)(i) for committing deceitful, fraudulent and/or dishonest acts on four counts:

   a. When RESPONDENT used Complainant's money for purposes other than intended, and spent over $5,000 a month on Complainant's credit card for her own personal use; and/or

   b. When RESPONDENT used Complainant's money to pay her $500 monthly dues for the Las Vegas Country Club; and/or

   c. When RESPONDENT used Complainant's money to pay for her dog's $300 monthly supply of food; and/or

   d. RESPONDENT committed misrepresentations upon the Complainant in furtherance of gaining joint ownership on to the Southridge Property.

3. RESPONDENT violated NRS 645.252(2) when she failed to exercise reasonable skill and care with respect to *all* parties with regards to the Homecrest Property transaction (emphasis added).

4. RESPONDENT violated NRS 645.254(1) when she failed to exercise reasonable skill and care in carrying out her duties to her client, the Complainant, pursuant to the terms spelled out in the brokerage listing agreement.

5. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) for committing grossly negligent and/or incompetent acts when she breached her obligation of absolute fidelity to her principal's interest and/or to deal fairly with all parties to the real estate transaction, when she was clearly advancing the interests of the buyer Mr. Clopot and/or herself.

DISCIPLINE AUTHORIZED

6. Pursuant to NRS 645.630 and NRS 645.633, the commission is empowered to impose an administrative fine per violation against RESPONDENT that may not exceed $10,000, and further to suspend, revoke, or place conditions on the license of RESPONDENT;

7. 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; and

8. 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 20, 2024, 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 22, 2024, or earlier if the business of the Commission is concluded at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102 with video conferencing to the Legislative Counsel Bureau, 401 South Carson Street, Room CC 3137, Carson City, Nevada 89701.

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 February 20, 2024 through February 22, 2024, 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 Kelly Valadez, Commission Coordinator, at (702) 486-4606.

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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 _22nd_ day of December 2023.

STATE OF NEVADA
Department of Business and Industry
Real Estate Division

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

DATED this 22nd day of December 2023.

AARON D. FORD
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