

# **Exhibit C**

**In The Matter Of:**  
*Joseph Decker, et al. vs.*  
*Elsie P. Brown*

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*Real Estate Commission Hearing*  
*September 16, 2015*

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*Min-U-Script® with Word Index*

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

JOSEPH R. DECKER, Administrator, )  
REAL ESTATE DIVISION, DEPARTMENT )  
OF BUSINESS & INDUSTRY, )  
STATE OF NEVADA, )  
Petitioner, )  
vs. ) CASE NO: RES 14-05-80-1060  
ELsie P. BROWN, )  
Respondent. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Taken at Grant Sawyer Building  
555 East Washington Avenue  
Room 4401  
Las Vegas, Nevada

on Wednesday, September 16, 2015  
1:44 p.m.

Depo International - Las Vegas  
Reported by: Andrea Martin, CSR, RPR, NV CCR 887  
Certified Realtime Reporter

1 Las Vegas, Nevada; Wednesday, September 16, 2015  
2 1:44 p.m.  
3 -oOo-  
4 **CHAIRMAN JOHNSON:** This is would be the  
5 time and place for the Nevada Real Estate Division  
6 versus Elsie P. Brown.  
7 **MR. KIZER:** Keith Kizer, Deputy Attorney  
8 General, on behalf of the Division.  
9 **MR. MANINGO:** Good afternoon,  
10 Commissioners. Lance Maningo on behalf of the  
11 Respondent, Elsie Brown.  
12 **MR. KIZER:** Commissioners, this is sort of  
13 a companion case of the John Brown case you heard  
14 yesterday.  
15 Maybe, in the interest of time, it would  
16 be okay not to read all the transactions, or do you  
17 want me to read the abbreviated version?  
18 **CHAIRMAN JOHNSON:** No. I think -- it's  
19 two separate cases.  
20 **MR. KIZER:** Okay. I'll do that, then.  
21 Ms. Brown, salesperson under S.0069366  
22 since January 23, 2006, currently in inactive  
23 status, subject to the jurisdiction of the Division  
24 and the Commission. She was associated with Broker  
25 John M. Brown Jr. Ameri-Dream Realty.

1 APPEARANCES:  
2 PRESIDENT: RICHARD JOHNSON  
3 COMMISSIONERS: NEIL SCHWARTZ  
SHERRI CARTINELLA  
4 NORMA JEAN OPATIK  
DEVIN REISS  
5 COMMISSION COORDINATOR: REBECCA HARDIN  
6 COMMISSION COUNSEL: ROSE MARIE REYNOLDS  
DEPUTY ATTORNEY GENERAL  
7 CHIEF INVESTIGATOR: JAN HOLLEY  
8  
9 FOR PETITIONER:  
10 NEVADA ATTORNEY GENERAL  
BY: KEITH KIZER  
11 DEPUTY ATTORNEY GENERAL  
Suite 3900  
12 555 East Washington Avenue  
Las Vegas, Nevada 89101-6011  
13 TEL: (702) 486-3326  
FAX: (702) 486-3416  
14  
15 FOR RESPONDENT:  
16 BELLON & MANINGO  
BY: LANCE MANINGO, ESQ.  
17 Suite 102  
732 South Sixth Street  
18 Las Vegas, Nevada 89101-6011  
TEL: (702) 452-6299  
19 FAX: (702) 452-6298  
E-mail: LAM@bellonandmaningo.com  
20  
21  
22  
23  
24  
25

1 Ameri-Dream Realty had a general account  
2 at JPMorgan Chase Bank and a security deposit  
3 account at JPMorgan Bank.  
4 On the following dates, I'll read, she  
5 transferred the money I'll mention to -- all,  
6 obviously -- Unibank Inc. Metro Philippines.  
7 So on February 27th, she transferred  
8 \$25,000 from the general account to that bank;  
9 May 14th, 2013, \$50,000 from the  
10 security deposit account to that bank;  
11 April 10th, 2013, \$49,263 from the  
12 security deposit account to that bank;  
13 April 17, 2013, transferred \$24,600 from  
14 the security deposit account to that bank;  
15 May 17th, '13, transferred \$97,930 from  
16 the security deposit account to that bank;  
17 May 24th, 2013, transferred \$49,000 from  
18 the security deposit to that bank;  
19 June 25, 2013, transferred \$71,500 from  
20 the security deposit account to that bank;  
21 July 18, 2013, transferred \$35,000 from  
22 the security deposit account to that bank.  
23 September 10, 2013, transferred \$7,670  
24 from the security deposit account to that bank;  
25 September 23rd, 2013, transferred

<p style="text-align: right;">Page 5</p> <p>1 \$18,700 from the security deposit account to that 2 bank; 3 September 27th, 2013, transferred \$23,255 4 from the security deposit account to that bank; 5 October 9th, 2013, respondent 6 transferred \$10,020 from the security deposit 7 account to that bank; 8 October 22, 2013, transferred \$13,960 9 from the security deposit account to that bank. 10 October 24, '13, transferred \$11,700 from 11 the security deposit account to that bank. 12 On December 20th, '13, Respondent 13 transferred \$8,000 from the from the security 14 deposit account to that bank; 15 And on May 16, 2014, John M. Brown Jr. 16 filed a statement of fact with the Division, 17 complaining about Respondent's conduct. 18 Based thereon, we're alleging 16 different 19 violations: One violation for violating 20 NRS 645.630(1)(h) by converting money from the 21 general account to her use; 14 violations of 22 645.630(1)(h) by converting money from the security 23 deposit account to her use; and then, last, violated 24 NRS 645.633(1)(i), pursuant to NAC 645.605(1), by 25 failing to do her utmost to protect the public</p>	<p style="text-align: right;">Page 7</p> <p>1 need there, and immediately replaced those funds 2 when available. 3 I offer that by way of explanation, not 4 excuse. She acknowledges what she did is wrong, and 5 I represent that the Attorney General. 6 With that, my client has agreed to the 7 revocation and surrender of her license immediately. 8 She would, however, ask that the Commission take 9 into consideration what I've just told you all and 10 not impose fees and costs, nor impose any monetary 11 fine in excess of, what I would suggest, a \$10,000 12 fine. 13 I don't ask that only to lessen the burden 14 on my client but also to give her the opportunity to 15 make whole those that were actually victimized in 16 this situation. This is her ultimate intent. I'm 17 not sure of the time frame by which she's going to 18 be able to do that, but she has expressed to me her 19 want to make reparation to those that were hurt 20 financially. 21 So, with that, again, I will just 22 summarize. She will surrender/agrees to revocation 23 of her license and asks that there not be fines and 24 fees imposed and asks for a fine no more 25 than \$10,000.</p>
<p style="text-align: right;">Page 6</p> <p>1 against fraud, misrepresentation, or unethical 2 practices related to real estate. 3 Mr. Minigo and I have spoken, and there's 4 agreement to Ms. Brown to agree to the facts and 5 violations in the complaint and to agree to a 6 revocation of her license and whatever other 7 discipline the commission feels is appropriate. 8 <b>CHAIRMAN JOHNSON:</b> Comments? 9 <b>MR. MANINGO:</b> Yes, sir. Thank you, 10 Commission. 11 I have the authority from my client, who 12 is not present but is situated in the Philippines 13 now to submit to the jurisdiction of this commission 14 to acquiesce to the factual allegations contained in 15 the complaint and to offer, by way of mitigation, 16 just some facts and circumstances that relate to the 17 allegations. 18 Specifically, I've spoken to Mr. Kizer 19 about this. Specifically, Ms. Brown has asked me to 20 represent to this commission that the money was not 21 specifically taken for her personal use. The 22 transfer of the funds was in relation to a 23 catastrophic event that happened in the Philippines, 24 a hurricane, followed by earthquake, and her hope 25 was to provide temporary funds and help to those in</p>	<p style="text-align: right;">Page 8</p> <p>1 Thank you. 2 <b>CHAIRMAN JOHNSON:</b> I'm a little concerned 3 on where we're headed, because we technically don't 4 have a stipulation, if I'm understanding you right. 5 <b>MR. KIZER:</b> Well, we have a -- I guess in 6 terms of -- a "guilty plea," would be the proper 7 terminology. 8 <b>CHAIRMAN JOHNSON:</b> Right. 9 <b>MR. KIZER:</b> So it would be up to you to 10 determine, in addition -- first of all, that you'd 11 be willing to accept our agreement to a revocation 12 and then additional penalties that you have. So 13 it's completely in your discretion. 14 You can have Chief Holle come up and tell 15 you all -- 16 <b>CHAIRMAN JOHNSON:</b> -- recommendation -- 17 <b>MR. KIZER:</b> -- recommendation, in addition 18 to the agreed-upon revocation. 19 <b>CHIEF INVESTIGATOR HOLLE:</b> Jan Holle, 20 Chief Investigator. 21 There's a total of 16 violations. The 22 Division would recommend the maximum fine for each 23 violation of \$10,000, for a total of \$160,000, plus 24 the costs of the hearing investigation, payable 25 within 90 days, and also the revocation that</p>

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1 Mr. Kizer talked about.  
 2 Thank you.  
 3 **CHAIRMAN JOHNSON:** And if I'm  
 4 understanding right, the offer is no fines. In  
 5 other words, where we're headed, if we don't  
 6 accept --  
 7 **MR. KIZER:** No, no, no.  
 8 **COMMISSION COUNSEL REYNOLDS:** No.  
 9 **CHAIRMAN JOHNSON:** No?  
 10 **MR. KIZER:** This is a lot like the Linda  
 11 Akiki case from last time.  
 12 Ms. Brown is basically throwing herself on  
 13 your mercy. She's agreed to the revocation, and  
 14 then throwing herself on your mercy to fine her as  
 15 little as possible. We're asking to fine her as  
 16 much as possible.  
 17 **CHAIRMAN JOHNSON:** Right.  
 18 **MR. KIZER:** It's your call.  
 19 **CHAIRMAN JOHNSON:** And you have the  
 20 authority to accept whatever --  
 21 **MR. MANINGO:** I do.  
 22 **CHAIRMAN JOHNSON:** -- we come up with?  
 23 **MR. MANINGO:** I do. I think so.  
 24 **COMMISSION COUNSEL REYNOLDS:** ...  
 25 acceptance. There's no stipulation to anything

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1 beyond revocation.  
 2 **MR. MANINGO:** Yes.  
 3 **COMMISSION COUNSEL REYNOLDS:** The  
 4 Commission is determining the penalty. They've  
 5 stipulated to the facts; they've stipulated to the  
 6 liability. They've agreed to that, but as far as  
 7 the appropriate punishment, that's up to the  
 8 Commission to decide. He's agreed to one part of  
 9 that punishment, which is the revocation of the  
 10 license. But whether or not the Commission chooses  
 11 to do anything else is the Commission's decision,  
 12 and you've heard two -- two positions, what the  
 13 Division wants and then what Ms. Brown, through her  
 14 counsel, has asked for.  
 15 **CHAIRMAN JOHNSON:** So what I'd really  
 16 being cautious about is whatever we decide, we  
 17 decide. We're not -- it's like a stipulation: If  
 18 we don't accept it, we go back to a full hearing.  
 19 That is not the case here or is it?  
 20 **MR. KIZER:** That is not --  
 21 **COMMISSION COUNSEL REYNOLDS:** ...  
 22 not the case here --  
 23 **CHAIRMAN JOHNSON:** All right.  
 24 **COMMISSION COUNSEL REYNOLDS:** ...  
 25 they've stipulated to the facts and liability.

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1 **CHAIRMAN JOHNSON:** I just wanted to  
 2 understand what we're talking about.  
 3 **COMMISSION COUNSEL REYNOLDS:** ...  
 4 **CHAIRMAN JOHNSON:** Okay. All right.  
 5 **COMMISSION COUNSEL REYNOLDS:** ...  
 6 to make it clear, we should have a first -- why  
 7 don't you do a motion to accept the stipulation as  
 8 to the facts and liabilities that she's agreed to,  
 9 and separate that from the penalty?  
 10 **CHAIRMAN JOHNSON:** Somebody want to make  
 11 that motion?  
 12 **COMMISSIONER OPATIK:** You just want  
 13 acceptance of the proving of facts?  
 14 **COMMISSION COUNSEL REYNOLDS:** ...  
 15 a motion to accept the stipulation that Ms. Brown  
 16 has agreed that the facts have been proven and the  
 17 violations have been proven as well.  
 18 **COMMISSIONER OPATIK:** I move that this  
 19 Commission accept the stipulation, facts, and  
 20 violations as stated and that Ms. Brown, Ms. Elsie  
 21 Brown, has agreed to the revocation and has agreed  
 22 to -- has agreed to admitting the facts as true and  
 23 proven.  
 24 Will that work? No? She's not sure.  
 25 **COMMISSION COUNSEL REYNOLDS:** ...

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1 will.  
 2 **COMMISSIONER REISS:** And I'll second.  
 3 **CHAIRMAN JOHNSON:** We have a motion and a  
 4 second.  
 5 Discussion?  
 6 (No response.)  
 7 **CHAIRMAN JOHNSON:** Hearing none, all those  
 8 in favor signify by saying "Aye."  
 9 (Board Commission responds simultaneously:  
 10 "Aye.")  
 11 **CHAIRMAN JOHNSON:** Opposed?  
 12 (No response.)  
 13 **CHAIRMAN JOHNSON:** Motion is carried.  
 14 Now its up for discussion as to --  
 15 **COMMISSION COUNSEL REYNOLDS:** ...  
 16 penalties.  
 17 **COMMISSIONER REISS:** I'll make a motion --  
 18 if I could, Mr. President? --  
 19 **CHAIRMAN JOHNSON:** Yes.  
 20 **COMMISSIONER REISS:** -- that we impose  
 21 a fine of -- we impose a hundred -- based on the  
 22 16 allegations, the \$160,000 plus costs, if we could  
 23 have that determined, and that a application for  
 24 license couldn't reoccur anytime within ten years.  
 25 **COMMISSIONER OPATIK:** I can't do that.

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1       **COMMISSION COUNSEL REYNOLDS:** ...  
 2 not able to change the terms of the statutes.  
 3       **COMMISSIONER REISS:** Okay. Then I'll have  
 4 that -- the \$160,000, plus costs --  
 5       **COMMISSIONER OPATIK:** -- to be paid --  
 6       **COMMISSIONER REISS:** -- terms to be paid  
 7 in 90 days.  
 8       (Discussion held off the record between  
 9 Mr. Maningo and Mr. Kizer.)  
 10       **COMMISSION COUNSEL REYNOLDS:** ...  
 11 confused about what they're --  
 12       **MR. MANINGO:** Pardon my inexperience  
 13 before the Commission.  
 14       I just asked the Attorney General if I was  
 15 able to be heard after a motion is made by a  
 16 commissioner.  
 17       **COMMISSION COUNSEL REYNOLDS:** ...  
 18 the deliberations.  
 19       **MR. MANINGO:** Thank you.  
 20       **CHAIRMAN JOHNSON:** So a motion was made  
 21 and seconded.  
 22       **MEMBER SCHWARTZ:** Mr. President, I would  
 23 vote in favor of that motion.  
 24       **MR. KIZER:** Was there a -- on the costs,  
 25 was there a time frame on payment?

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1       **COMMISSIONER REISS:** Ninety days.  
 2       **CHAIRMAN JOHNSON:** Ninety days.  
 3       **MR. KIZER:** Okay. Thank you.  
 4       **COMMISSIONER REISS:** Further discussion?  
 5       **CHAIRMAN JOHNSON:** Yes.  
 6       **COMMISSIONER REISS:** Okay.  
 7       The way I look at it, even with the  
 8 admittance and the agreement -- or it's not even so  
 9 much an agreement, but a wish not to exceed \$10,000,  
 10 I don't -- I would be -- I'm more concerned that the  
 11 penalty fit the crime, and I think that the full  
 12 amount is warranted here, more so than the concern  
 13 about \$10,000 or whatever amount we choose.  
 14       So I'd say, for the crime, that the  
 15 \$160,000 would be warranted.  
 16       **CHAIRMAN JOHNSON:** What are the costs?  
 17       **COORDINATOR HARDIN:** \$1,283.81.  
 18       **CHAIRMAN JOHNSON:** Any other comments?  
 19       **COMMISSIONER OPATIK:** I would just speak  
 20 to the motion.  
 21       I'm in agreement with it, given -- given  
 22 the gravity of the offense, I would like to see  
 23 the -- the fine of \$160,000 as well, because the  
 24 respondent would have to pay the fine before they  
 25 could get their license, so I would just like to see

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1 that as an added precaution.  
 2       **COMMISSION COUNSEL REYNOLDS:** ...  
 3 commissioners are under the understanding that  
 4 before a license would be able to be reissued, that  
 5 the fine would have to be paid in full; is that  
 6 correct?  
 7       **CHIEF INVESTIGATOR HOLLE:** Well, they  
 8 would need to come before the Commission.  
 9       **COMMISSION COUNSEL REYNOLDS:** ...  
 10 have to come before the Commission --  
 11       **CHIEF INVESTIGATOR HOLLE:** Right.  
 12       **COMMISSION COUNSEL REYNOLDS:** ...  
 13 isn't anything in the statute that I'm aware of that  
 14 requires the payment in full before a license would  
 15 be issued.  
 16       **CHIEF INVESTIGATOR HOLLE:** Again, that  
 17 could be a determination that was made before the  
 18 Commission --  
 19       **CHAIRMAN JOHNSON:** -- would follow through  
 20 on it.  
 21       **COMMISSION COUNSEL REYNOLDS:** ...  
 22       **CHAIRMAN JOHNSON:** Okay.  
 23       I also would support the motion.  
 24       The number I added up was  
 25 495,000-and-some-odd dollars that was taken, for

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1 whatever reason, and I do not think that the  
 2 reason -- I mean, you can say reasons all day long,  
 3 but how do you prove that?  
 4       So the bottom line, to me, was the offense  
 5 was done. This is what I think is -- should be  
 6 fined, and the fine is a fifth of what the crime  
 7 was.  
 8       Anyone else want to comment? Any other  
 9 discussion?  
 10       (No response.)  
 11       **CHAIRMAN JOHNSON:** Hearing none, all those  
 12 in favor signify by saying "Aye."  
 13       (Board Commission responds simultaneously:  
 14 "Aye.")  
 15       **CHAIRMAN JOHNSON:** Opposed?  
 16       (No response.)  
 17       **CHAIRMAN JOHNSON:** Motion is carried.  
 18       **MR. KIZER:** Thank you.  
 19       **MR. MANINGO:** Thank you.  
 20       (Proceedings concluded at 2:00 p.m.)  
 21       -oOo-  
 22  
 23  
 24  
 25

1 STATE OF NEVADA )  
2 COUNTY OF CLARK )

3 CERTIFICATE OF REPORTER

4 I, Andrea N. Martin, a duly commissioned and  
5 licensed court reporter, Clark County, State of  
6 Nevada, do hereby certify:

7 That I reported the taking of the  
8 aforementioned State of Nevada Real Estate  
9 Commission Hearing, commencing on Wednesday,  
10 September 16, 2015, at the hour of 1:44 p.m.; that I  
11 thereafter transcribed my said shorthand notes into  
12 typewriting, and that the typewritten transcript  
13 herein is a complete, true, and accurate  
14 transcription of said proceedings; that I am not a  
15 relative or employee of any of the parties involved  
16 in said action, nor a relative or employee of an  
17 attorney involved in nor a person financially  
18 interested in said action.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 in my office in the County of Clark, State of  
21 Nevada, this 30th day of September, 2015.

22  
23  
24  
25

ANDREA N. MARTIN, CRR, CCR NO. 887