



CASE NO: A-19-796707-C
Department 16

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DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada, Department of Business
and Industry, Nevada Consumer Affairs,

Plaintiff,

vs.

Custom K9 Services LLC, a Nevada
limited-liability company; Honku, LLC
dba Custom K9 Services, a Nevada
limited-liability company; and Susan
Davis, an individual,

Defendants.

Case No.

Dept. No.

**REQUEST FOR BUSINESS COURT
EXEMPT FROM ARBITRATION**

**COMPLAINT FOR ENFORCEMENT OF
ADMINISTRATIVE DECISION AND FOR OTHER RELIEF**

The STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY,
NEVADA CONSUMER AFFAIRS (hereinafter "Plaintiff"), by AARON D. FORD, Attorney
General, ERNEST D. FIGUEROA, Consumer Advocate, and MICHELLE C. NEWMAN,
Deputy Attorney General, hereby brings this action against Custom K9 Services LLC, a
Nevada limited-liability company (hereinafter "Custom K9"); Honku, LLC dba Custom K9

1 Services, a Nevada limited-liability company (hereinafter “Honku”); and Susan Davis, an
2 individual, in the public interest pursuant to the Nevada Deceptive Trade Practices Act,
3 NRS 598.0903 et seq., to enforce the provisions of a Findings of Fact, Conclusions of Law,
4 and Order (“Administrative Order”) issued by an Administrative Law Judge on August 15,
5 2017, and for such other and further relief as this Court may deem appropriate.

6
7 **THE PARTIES**

8 1. Plaintiff, the State of Nevada, Department of Business and Industry, Nevada
9 Consumer Affairs, is represented by the Office of the Nevada Attorney General, who is
10 charged, inter alia, with the enforcement of the Nevada Deceptive Trade Practices Act,
11 NRS 598.0903 et seq., and authorized to bring this action on behalf of Plaintiff pursuant to
12 NRS 228.310, NRS 228.380, and NRS 598.0971.

13 2. Custom K9 was a domestic limited-liability company that was in the business
14 of dog sales and training. Custom K9, now in default with the Nevada Secretary of State,
15 was qualified to conduct business in Nevada since its filing with the Nevada Secretary of
16 State on August 29, 2012, through the expiration of its business license on August 31, 2018.
17 At all times relevant hereto, Custom K9’s principal place of business was in Clark County,
18 Nevada. Following the issuance of the Administrative Order, Susan Davis, though former
19 counsel, represented that Custom K9 was no longer in business. Concurrently, upon
20 information and belief, Susan Davis began operating a nearly identical dog sales and
21 training business under a new limited-liability company named Club K9 LLC., for which
22 she is the officer and managing member.

23 3. Honku is a domestic limited-liability company that has been qualified to
24 conduct business in Nevada since its filing with the Nevada Secretary of State on December
25 4, 2002. Honku did business as Custom K9 Services, and is the officer and manager of
26 Custom K9. Upon information and belief and at all times relevant hereto, Honku’s principal
27 place of business was and is in Clark County, Nevada.

1 represented through former counsel that Custom K9 is no longer in business. Upon
2 information and belief, Susan Davis began a nearly identical business under a new limited-
3 liability company, Club K9 LLC., in an effort to avoid compliance with the Administrative
4 Order. For example, the website for Custom K9 Services has been removed and Susan
5 Davis is now promoting herself as owner of Club K9 LLC. on Club K9's website.

6 9. If Custom K9 is no longer in business as represented, Susan Davis has failed
7 to observe corporate formalities by not taking the steps necessary to dissolve the business
8 and properly wind up its affairs, including, but not limited to, paying its creditors,
9 assuming the cessation of operations is an event that would trigger dissolution pursuant
10 to NRS 86.491.

11 10. Upon information and belief and at all times relevant hereto, Susan Davis
12 was the directing force behind both Custom K9 and Honku. Plaintiff should be allowed to
13 pierce the corporate veil of Custom K9 and Honku in order to reach the assets belonging to
14 Susan Davis as adherence to the corporate fiction of separate entities would, under these
15 circumstances, sanction fraud or promote injustice.

16 JURISDICTION AND VENUE

17 11. This action is brought for and on behalf of the State of the Nevada,
18 Department of Business and Industry, Nevada Consumer Affairs, pursuant to the
19 provisions of the Nevada Deceptive Trade Practices Act, NRS 598.0903 et seq.

20 12. This Court has jurisdiction over Custom K9, Honku, and Susan Davis to
21 enforce the provisions of the Administrative Order pursuant to NRS 598.0971(5) because
22 Custom K9 has failed to comply with the Administrative Order and more than thirty days
23 have passed since the Administrative Order has been served on Custom K9.

24 13. Venue for this action properly lies in the Eighth Judicial District Court, Clark
25 County, Nevada, pursuant to NRS 598.0971(5) as Custom K9's place of business was in
26 Clark County, Nevada. Upon information and belief, Honku's principal place of business is
27
28

1 in Clark County, Nevada, and, upon information and belief, Susan Davis resides in Clark
2 County, Nevada.

3 **CAUSES OF ACTION**

4 **COUNT I**

5 **Violations of the Nevada Deceptive Trade Practices Act**
6 **NRS 598.0903 et seq.**

7 14. Following an investigation and order to show cause hearing, Administrative
8 Law Judge Denise S. McKay issued an Administrative Order on August 15, 2017, against
9 Custom K9.

10 15. Pursuant to the evidence admitted, the Administrative Law Judge found that
11 Custom K9 committed deceptive trade practices that violated NRS 598.0915(2), (7), (9),
12 (14), (15), and NRS 598.0923(1)-(3) as detailed in the Administrative Order.

13 16. On August 15, 2017, the Administrative Order was served on Custom K9 by
14 certified mail, return receipt requested.

15 17. In the Administrative Order, Custom K9 was ordered to do the following:

- 16 (a) Cease and desist from engaging in any practice or activity that
17 constitutes a violation of Chapter 598 pursuant to NRS
18 598.0971(3)(a);
- 19 (b) Pay Nevada Consumer Affairs' costs of investigation in the amount of
20 \$2,342.00 in full within 90 days pursuant to NRS 598.0971(3)(b);
- 21 (c) Pay restitution in full to Alexandra Garrett in the amount of
22 \$1,400.00, to Esther Graciolett in the amount of \$5,500.00, and to
23 Jason Proctor in the amount of \$4,200.00 within 45 days pursuant to
24 NRS 598.0971(3)(c);
- 25 (d) Pay an administrative fine to Nevada Consumer Affairs in the
26 amount of \$3,000.00 in full within 90 days pursuant to NRS
27 598.0971(3)(d).

1 18. A letter was sent to Custom K9's former counsel on January 4, 2018,
2 requesting compliance with the Administrative Order by January 26, 2018.¹

3 19. On May 6, 2019, Shane Persaud, an investigator for Nevada Consumer
4 Affairs, sent a demand letter via certified mail, return receipt requested to Susan Davis
5 at 224 Jones Boulevard, Las Vegas, NV 89107, the address listed for her as managing
6 member of Club K9 LLC. according to the Nevada Secretary of State website. The demand
7 letter was returned on May 17, 2019. The demand letter was resent to Honku, LLC's
8 registered agent, Susan Davis, on June 7, 2019, at 2243 Mohawk St., Las Vegas, NV 89146.
9 Per the USPS tracking website, the letter has not been picked up despite a delivery notice
10 left on June 10, 2019. Additionally, on May 21, 2019, Shane Persaud attempted to hand-
11 deliver the demand letter at Susan Davis' current business, Club K9 LLC., but Susan
12 Davis was not present.

13 20. To date, Custom K9, through owner Susan Davis, has and continues to fail to
14 comply with the Administrative Order by engaging, at minimum, in the following three
15 separate acts of noncompliance: failing to pay the costs of investigation in the amount of
16 \$2,342.00, failing to pay restitution in the amount of \$11,100.00, and failing to pay the
17 administrative fine in the amount of \$3,000.00.

18 21. As alleged herein, Custom K9 has failed to comply with provisions of the
19 Administrative Order, in violation of the Nevada Deceptive Trade Practices Act, NRS
20 598.0903 et seq.

21 22. As thirty days have passed after the service of the Administrative Order, due
22 to Custom K9's continued noncompliance, Plaintiff brings this action to enforce the
23 provisions of the Administrative Order against Custom K9 and for other injunctive relief
24 pursuant to NRS 598.0971(5).
25

26 ¹ This letter was sent following the denial of Custom K9's Amended Motion to Stay of Enforcement of Final
27 Decision of the Administrative Law Judge for the Office of Consumer Affairs Pending Judicial Review at a
28 hearing on November 14, 2017, in Case No. A-17-761531-J.

1 E. Awarding such other, further, and equitable relief as the Court may
2 deem just and appropriate.

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4 Dated this 14th day of June, 2019.

5
6 AARON D. FORD
7 Attorney General
8 ERNEST D. FIGUEROA
9 Consumer Advocate

10 By: /s/ Michelle C. Newman
11 MICHELLE C. NEWMAN (Bar No. 13206)
12 Deputy Attorney General