

FILED

BEFORE THE REAL ESTATE COMMISSION

MAY 12 2015

STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *Robert A. ...*

JOSEPH R. DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2015-365

Petitioner,

**STIPULATION FOR SETTLEMENT  
OF DISCIPLINARY ACTION**

vs.

OVIDIU ENE,

Respondent.

This Stipulation for Settlement of Disciplinary Action (Stipulation) is entered into between the Petitioner, State of Nevada, Department of Business and Industry, Real Estate Division (Division), through its Administrator, Joseph R. Decker, and Respondent, Ovidiu Ene ("Respondent" or "Ene").

**JURISDICTION**

1. Respondent stipulates and agrees that he was at all relevant times, licensed in Nevada by the Division as alleged in the Complaint. Respondent agrees that he is subject to Nevada Revised Statutes (NRS) Chapter 645 and Nevada Administrative Code (NAC) Chapter 645 and to the jurisdiction of the Division and the Commission.

**SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

2. RESPONDENT, at the relevant times mentioned in this Complaint, is licensed as a Salesperson, license number S.0049918 from August 15, 2001 to present, and is currently in active status and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

3. On January 9, 2014, Respondent plead guilty to two counts of mail fraud in violation of 18 USC §1341, felonies, United States District Court, District of Nevada, in the matter of United States of America v. Ovidiu Ene, Case No.: 2:11-cr-444-PMP-PAL.

4. Respondent plead guilty because Respondent is guilty of the charged offenses.

1           5.     In the Plea Agreement, Respondent specifically admits and declares under  
2 penalty of perjury that the facts set forth below are true and correct.

3           6.     Beginning December 2006 and continuing through February 2007, Respondent  
4 devised and intended to devise a scheme to defraud to obtain money through false and  
5 fraudulent pretenses, representations and promises.

6           7.     Respondent sold two condos owned by Respondent to co-schemer Marcello  
7 Kazan knowing that Kazan would purchase using fraudulently obtained mortgages.

8           8.     At the time, Respondent had mortgages on both properties.

9           9.     Respondent arranged for Kazan to use false and fraudulent letters in support of  
10 Kazan's mortgage loan application stating that he had significant income when, in truth, Kazan  
11 was unemployed.

12          10.    As part of the sales from Respondent to Kazan, the escrow officers sent checks  
13 by Federal Express from California to Texas to pay off Respondents existing mortgages.

14          11.    Respondent is required to pay restitution in the amount of \$299,000.

15          12.    Respondent did not notify the Division of the above referenced plea until  
16 February 9, 2015.

17                   **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

18          13.    RESPONDENT committed two violations NRS 645.633(1)(d)(1 and 2) by  
19 pleading guilty to a felony relating to the practice of the licensee which also involves fraud.

20          14.    RESPONDENT violated NRS 645.995 by failing to report the plea to the Division  
21 within 10 days of entering into the plea.

22                   **DISCIPLINE AUTHORIZED**

23          15.    For each violation of NRS 645 and/or NAC 645, the Commission is empowered  
24 to impose an administrative fine of not more than \$10,000.00 per violation. For each violation  
25 of NRS 645 and/or NAC 645, the Commission is also empowered to suspend, revoke or place  
26 conditions on the license of Respondent. Pursuant to NRS 622.400, the Commission is  
27 authorized to impose the costs of this proceeding upon the Respondent, including  
28 investigative costs and attorney's fees.

SETTLEMENT

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2 16. The Division was prepared to present its case based upon the Complaint filed  
3 with the Commission and the Respondent was prepared to defend against the Complaint.

4 17. Respondent admits to the facts and violations of law as alleged in the Complaint.  
5 The Parties desire to compromise and settle the instant controversy upon the following terms  
6 and conditions.

7 18. Respondent agrees to voluntarily surrender his salesperson license number  
8 S.0049918 and further agrees that he will not apply for a real estate license in the State of  
9 Nevada for a period of three years from the effective date of the Order Approving Settlement  
10 Agreement.

11 19. Respondent agrees to pay to the Division a fine of ten thousand dollars  
12 (\$10,000.00, including \$487.00 in costs) within 60 days. In the event that payment in full in  
13 not made within 60 days, debt collection actions for unpaid monetary assessments in this  
14 case may be instituted by the Division.

15 20. The Division agrees not to pursue any other or greater remedies or fines in  
16 connection with Respondent's alleged conduct referenced herein.

17 21. Respondent and the Division agree that by entering into this Stipulation, the  
18 Division does not concede any defense or mitigation Respondent may assert and that once  
19 this Stipulation is approved and fully performed, the Division will close its file in this matter.

20 22. Respondent agrees that if the administrative fine is not paid within the time  
21 period set forth hereinabove, the Division may, at its option, rescind this Stipulation and  
22 proceed with prosecuting the Complaint before the Commission.

23 23. Respondent agrees and understands that by entering into this Stipulation,  
24 Respondent is waiving his right to a hearing at which Respondent may present evidence in his  
25 defense, his right to a written decision on the merits of the complaint, his rights to  
26 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may  
27 be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate Brokers  
28 and Salespersons statutes and accompanying regulations, and the federal and state

1 constitutions. Respondent understands that this Agreement and other documentation may be  
2 subject to public records laws. The Commission members who review this matter for approval  
3 of this Stipulation may be the same members who ultimately hear, consider and decide the  
4 Complaint if this Stipulation is either not approved by the Commission or is not timely  
5 performed by Respondent. Respondent fully understands that he has the right to be  
6 represented by legal counsel in this matter at his own expense.

7 24. Each party shall bear its own attorney's fees and costs.

8 25. Stipulation is Not Evidence. Neither this Stipulation nor any statements made  
9 concerning this Stipulation may be discussed or introduced into evidence at any hearing on  
10 the Complaint, if the Division must ultimately present its case based on the Complaint filed in  
11 this matter.

12 26. Approval of Stipulation. Once executed, this Stipulation will be filed with the  
13 Commission and will be placed on the agenda for approval at its April 2014 public meeting.  
14 The Division will recommend to the Commission approval of the Stipulation. Respondent  
15 agrees that the Commission may approve, reject, or suggest amendments to this Stipulation  
16 that must be accepted or rejected by Respondent before any amendment is effective.

17 27. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests  
18 amendments unacceptable to Respondent, Respondent may withdraw from this Stipulation  
19 and the Division may pursue its Complaint before the Commission at the Commission's next  
20 regular public meeting.

21 28. Release. In consideration of execution of this Stipulation, the Respondent for  
22 himself or herself, his or her heirs, executors, administrators, successors, and assigns, hereby  
23 release, remise, and forever discharge the State of Nevada, the Department of Business and  
24 Industry and the Division, and each of their respective members, agents, employees and  
25 counsel in their individual and representative capacities, from any and all manner of actions,  
26 causes of action, suits, debts, judgments, executions, claims, and demands whatsoever,  
27 known and unknown, in law or equity, that the Respondent ever had, now has, may have, or  
28 claim to have, against any or all of the persons or entities named in this section, arising out of

1 or by reason of the Division's investigation, this disciplinary action, and all other matters  
2 relating thereto.

3 29. Indemnification. Respondent hereby indemnifies and holds harmless the State  
4 of Nevada, the Department of Business and Industry, the Division, and each of their  
5 respective members, agents, employees and counsel in their individual and representative  
6 capacities against any and all claims, suits, and actions brought against said persons and/or  
7 entities by reason of the Division's investigation, this disciplinary action and all other matters  
8 relating thereto, and against any and all expenses, damages, and costs, including court costs  
9 and attorney fees, which may be sustained by the persons and/or entities named in this  
10 section as a result of said claims, suits, and actions.

11 30. Respondent has signed and dated this Stipulation only after reading and

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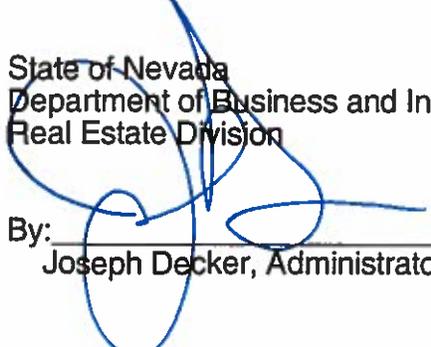
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1 understanding all terms herein.

2 Dated: 4/21/15

By:   
Ovidiu Ene, Respondent

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4 Dated: 4-21-15

State of Nevada  
Department of Business and Industry  
Real Estate Division  
By:   
Joseph Decker, Administrator

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7 Approved as to form:

8 Dated: 4/21/15

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11 By:   
12 Gabriel L. Grasso, Esq.  
Attorney for Respondent

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15 **ORDER APPROVING STIPULATION**

16 The Stipulation for Settlement of Disciplinary Action having come before the Real  
17 Estate Commission, Department of Business and Industry, State of Nevada, during its regular  
18 agenda on 4-21-15, and the Commission being fully apprised in the  
19 premises, and good cause appearing,

20 IT IS ORDERED that the above Stipulation is approved in full.

21 This Order shall become effective on the 12<sup>th</sup> day of JUNE, 2014<sup>5</sup> 

22 Dated this 12<sup>th</sup> day of MAY, 2014.

23 NEVADA REAL ESTATE COMMISSION

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25 By:   
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