

FILED

SEP 18 2015

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Rosa Horne*

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

Case No. RES 15-07-75-075

Petitioner,

vs.

YAWEN (AMY) PAN,

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

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, Yawen (Amy) Pan ("Respondent").

JURISDICTION

Respondent stipulates and agrees that she was at all relevant times, licensed in Nevada by the Division as alleged in the Complaint. Respondent agrees that she 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

1. Respondent has been licensed as a real estate salesperson, license number S.0074999, since December 8, 2006, and is currently in active status.

2. Respondent has never obtained from the Division a permit to engage in property management.

3. On or about January 1, 2014, Respondent entered into an Agreement to Manage and Lease Real Estate for a rental unit at 2060 Rancho Lake, Las Vegas, Nevada (the "Property").

4. Pursuant to the Agreement to Manage and Lease Real Estate, Respondent was to receive \$100 when a tenant moved into the Property, and 6% of the monthly rent.

1 5. On or about January 5, 2014, Respondent executed a Residential Lease
2 Agreement with a tenant for the Property.

3 6. The Residential Lease Agreement required the tenant to make rental payments
4 to Santa Gold Realty.

5 7. Respondent is the sole member of Santa Gold Realty LLC.

6 8. Respondent received compensation pursuant to the Agreement to Manage and
7 Lease Real Estate.

8 9. The compensation Respondent received pursuant to the Agreement to Manage
9 and Lease Real Estate was not paid to her by her broker.

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

11 10. Respondent violated NRS 645.230(1)(b) by engaging in property management
12 without a permit.

13 11. Respondent violated NRS 645.280(2) by accepting compensation from a person
14 other than the broker under whom she is licensed at the time of the real estate transaction.

15 **SETTLEMENT**

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

18 13. Respondent admits to the facts as alleged in the Complaint.

19 14. The Parties desire to compromise and settle the instant controversy upon the
20 following terms and conditions.

21 15. Respondent agrees to pay to the Division a total of \$3,250.00 in an
22 administrative fine (\$2,500.00) and costs (\$750.00) within 90 days of the date of the
23 Commission's Order Approving Stipulation. No grace period is permitted. If the payment is
24 not actually received by the Division on or before its due date, it shall be construed as an
25 event of default by the Respondent.

26 16. In the event of default, Respondent agrees that her license shall be immediately
27 suspended, and the unpaid balance, together with any attorney's fees and costs that may
28 have been assessed, shall be due in full to the Division within ten calendar days of the date of

1 default. Respondent agrees that the suspension of her license shall continue until the unpaid
2 balance is paid in full. Further, debt collection actions for unpaid monetary assessments in
3 this case may be instituted by the Division.

4 17. Respondent agrees to attend three hours of "What Every Licensee Should Know"
5 continuing education and three hours of continuing education in the area of ethics, all of which
6 must be completed within 90 days of the date of the Commission's Order Approving Stipulation.
7 The hours must be live education and will not count towards Respondent's continuing education
8 requirements. Respondent agrees that her license shall be immediately suspended if she fails to
9 timely attend and complete the above continuing education. Respondent agrees that the
10 suspension of her license shall continue until the continuing education is completed.

11 18. Respondent agrees that she will not apply for a permit to engage in property
12 management in the State of Nevada for a period of five years from the effective date of the
13 Order Approving Settlement Agreement. Moreover, any such application would need the
14 approval of the Commission.

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

17 20. 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 21. Respondent agrees that if the administrative fine is not paid within the time
21 period set forth hereinabove, or the continuing education is not timely completed, the Division
22 may, at its option, rescind this Stipulation and proceed with prosecuting the Complaint before
23 the Commission.

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

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

8 23. Each party shall bear its or her own attorney's fees and costs.

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

13 25. Approval of Stipulation. Once executed, this Stipulation will be filed with the
14 Commission and will be placed on the agenda for approval at its September 2015 public
15 meeting. The Division will recommend to the Commission approval of the Stipulation.
16 Respondent agrees that the Commission may approve, reject, or suggest amendments to this
17 Stipulation that must be accepted or rejected by Respondent before any amendment is
18 effective.

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

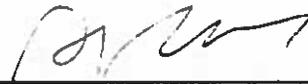
23 27. Release. In consideration of execution of this Stipulation, the Respondent for
24 herself, her heirs, executors, administrators, successors, and assigns, hereby release, remise,
25 and forever discharge the State of Nevada, the Department of Business and Industry and the
26 Division, and each of their respective members, agents, employees and counsel in their
27 individual and representative capacities, from any and all manner of actions, causes of action,
28 suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown,

1 in law or equity, that the Respondent ever had, now has, may have, or claim to have, against
2 any or all of the persons or entities named in this section, arising out of or by reason of the
3 Division's investigation, this disciplinary action, and all other matters relating thereto.

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

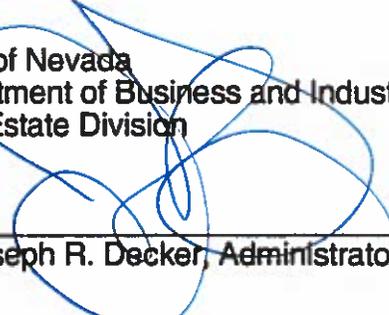
12 29. Respondent has signed and dated this Stipulation only after reading and
13 understanding all terms herein.

14 Dated: 9/14/2015

15 By: 
16 Yawen (Amy) Pan, Respondent

17 Dated: 09/10/10

18 State of Nevada
19 Department of Business and Industry
20 Real Estate Division

21 By: 
22 Joseph R. Decker, Administrator

23 Approved as to form:

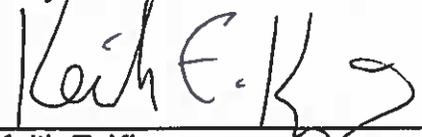
24 Approved as to form:

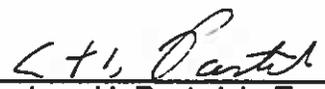
25 Dated: 9/15/15

26 Dated: 9/14/15

27 ADAM PAUL LAXALT
28 Attorney General

Law Office of Andrew H. Pastwick L.L.C.

By: 
Keith E. Kizer
Deputy Attorney General
Attorney for the Real Estate Division

By: 
Andrew H. Pastwick, Esq.
Attorney for Respondent

1 ORDER APPROVING STIPULATION

2 The Stipulation for Settlement of Disciplinary Action having come before the Real
3 Estate Commission, Department of Business and Industry, State of Nevada, during its regular
4 agenda on September 15, 2015, and the Commission being fully apprised in the premises,
5 and good cause appearing,

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

7 This Order shall become effective on the 29th day of October, 2015.

8 Dated this 15th day of September, 2015.

9 NEVADA REAL ESTATE COMMISSION

10
11 By: 