

FILED

AUG 01 2016

REAL ESTATE COMMISSION
BY *[Signature]*

**BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA**

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2
3 JOSEPH R. DECKER, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,
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8 Petitioner,
9
10 vs.
11 JACQUELINE EVANS,
12
13 Respondent.

Case No. RES 14-08-08-048

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

14 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into
15 between the Petitioner, State of Nevada, Department of Business and Industry, Real Estate
16 Division ("Division"), through its Administrator, Joseph R. Decker, and Respondent,
17 JACQUELINE EVANS ("Respondent").

JURISDICTION

18 1. Respondent stipulates and agrees that she engaged in activities which require a
19 license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and
20 a permit to engage in property management as alleged in the Complaint. Respondent agrees
21 that she is subject to Nevada Revised Statutes ("NRS") Chapter 645 and Nevada
22 Administrative Code ("NAC") Chapter 645 and to the jurisdiction of the Division and the
23 Commission.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

24 2. In or about February 2013, RESPONDENT became an assistant to a licensed
25 real estate agent, Shannon Dehelean ("Dehelean") at Homewood Assets Management
26 ("Homewood"). Thereafter, Dehelean moved her license to Elite Realty ("Elite") and Dehelean
27 took RESPONDENT with her to Elite.

28 3. On or about March 1, 2013, RESPONDENT opened three (3) bank accounts
with JP Morgan Chase Bank under the name Jacqueline L Evans dba J & S Realty and
Property Management. RESPONDENT was the only signer on those accounts.

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555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 4. J & S Realty and Property Management is not a company that is licensed with
2 the Division.

3 5. On or about June 28, 2013, RESPONDENT was issued a business license for J
4 & S Elite Realty & Property Management.

5 6. Under Account ending in 3150, RESPONDENT deposited \$27,349 that could be
6 identified as rents or security deposit funds or transfer payments under the name Jacqueline L
7 Evans dba J&S Realty & Property Management.

8 7. Under Account ending in 3839, RESPONDENT deposited \$68,635.92 that could
9 be identified as rent, security deposit funds, or transfer payments under the name Jacqueline
10 L Evans dba J&S Realty and Property Management.

11 8. Under Account ending in 1937, RESPONDENT deposited \$725 that could be
12 identified as funds for an application fee, transfer from one agency to Elite and what appears
13 to be a refund to a client into this account identified as her personal account.

14 9. Under Account ending in 6140, RESPONDENT deposited \$1,925 that is
15 identified as funds for a security deposit and a check she wrote to herself from Apple
16 Blossom, another entity she was working for as the manager of the leasing entities, into an
17 account identified as Jacqueline Evans dba QT services.

18 10. RESPONDENT performed property management services by collecting rents,
19 sending proceeds to the owners, and receiving compensation for those services and, by her
20 own admission, signed a lease agreement with someone else's signature.

21 11. In or about April 2013, RESPONDENT showed multiple properties to rental
22 clients with a Supra Key.

23 12. RESPONDENT paid herself \$142.20 property management fees from Apple
24 Blossom Arbitrage LLC (a company she was a signer on the account for), the check was
25 made payable to J & S Elite and deposited into her account ending in 3150 on or about March
26 18, 2013. RESPONDENT was not licensed as a real estate agent nor did she have a property
27 management permit with the Division.

28

1 13. On or about August 4, 2013, Aida Markarian, CEO/Managing Broker of Elite
2 Realty, filed a Statement of Fact with the Division complaining of conduct by RESPONDENT.

3 14. On or about July 12, 2013, RESPONDENT was licensed by the Division as a
4 salesperson under license no. S.0173198.LLC.

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

6 15. RESPONDENT violated NRS 645.230(1)(a) by acting as a real estate broker,
7 real estate broker-salesperson, or real estate salesperson within the State of Nevada without
8 first obtaining the appropriate license from the Division as provided for in this chapter.

9 16. RESPONDENT violated NRS 645.230(1)(b) by engaging in property
10 management activity without first obtaining from the Division a license as a real estate broker,
11 real estate broker-salesperson, or real estate salesperson, and a permit to engage in property
12 management.

13 17. RESPONDENT violated NRS 645.235(1)(a) by knowingly engaging or offering to
14 engage in any activity for which a license, permit, certificate or registration or any type of
15 authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto,
16 if the person does not hold the required license, permit, certificate or registration or has not
17 been given the required authorization.

18 **SETTLEMENT**

19 18. The Division was prepared to present its case based upon the Complaint filed
20 with the Commission and the Respondent was prepared to defend against the Complaint.

21 19. Respondent admits to the facts as alleged in the Complaint.

22 20. There was no financial harm to the public as the result of Respondent's actions.

23 21. The Parties desire to compromise and settle the instant controversy upon the
24 following terms and conditions.

25 22. Respondent agrees to pay to the Division a total of \$5,000 (\$4,500 as an
26 administrative fine and \$500 in investigative costs) within 60 days of the date of the
27 Commission's Order Approving Stipulation. No grace period is permitted. If the payment is
28 not actually received by the Division on or before its due date, it shall be construed as an

1 event of default by the Respondent. Respondent agrees to attend three hours of "What Every
2 Licensee Should Know" continuing education and three hours of continuing education in the
3 area designated as ethics, all of which must be completed within two months of the date of the
4 Commission's Order Approving Stipulation. The hours must be live education and will not
5 count towards Respondent's continuing education requirements.

6 23. Respondent agrees that she will not apply for a permit to engage in property
7 management in the State of Nevada for a period of ten years from the effective date of the
8 Order Approving Settlement Agreement. Moreover, any such application would need the
9 approval of the Commission.

10 24. In the event of default, Respondent agrees that her license shall be immediately
11 suspended, and the unpaid balance, together with any attorney's fees and costs that may
12 have been assessed, shall be due in full to the Division within ten calendar days of the date of
13 default. Respondent agrees that the suspension of her licenses shall continue until the unpaid
14 balance is paid in full. Further, debt collection actions for unpaid monetary assessments in
15 this case may be instituted by the Division.

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

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

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

24 28. 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 29. Each party shall bear its or her own attorney's fees and costs.

9 30. 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 31. 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 July 2016 public meeting.
15 The Division will recommend to the Commission approval of the Stipulation. Respondent
16 agrees that the Commission may approve, reject, or suggest amendments to this Stipulation
17 that must be accepted or rejected by Respondent before any amendment is effective.

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

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

1 any or all of the persons or entities named in this section, arising out of or by reason of the
2 Division's investigation, this disciplinary action, and all other matters relating thereto.

3 34. 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.

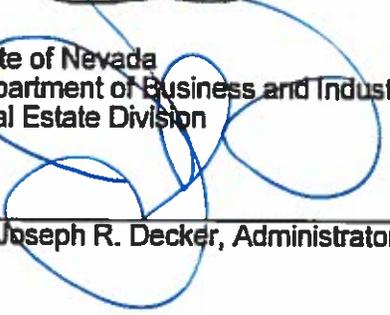
11 35. Respondent has signed and dated this Stipulation only after reading and
12 understanding all terms herein.

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14 Dated: 7/13/2016

15 By: 
Jacqueline Evans, Respondent

16 Dated: 08/01/16

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

20 By: 
Joseph R. Decker, Administrator

21 Approved as to form:

22 Dated: 7/13/16

23 ADAM PAUL LAXALT
24 Attorney General

25 By: 
26 Donald J. Boldlove
27 Deputy Attorney General
28 Attorney for the Real Estate Division

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ORDER APPROVING STIPULATION

The Stipulation for Settlement of Disciplinary Action having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on July 12, 2016, and the Commission being fully apprised in the premises, and good cause appearing,

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

This Order shall become effective on the 8th day of September, 2016.

Dated this 1st day of August 2016.

NEVADA REAL ESTATE COMMISSION

By: 