

FILED

BEFORE THE REAL ESTATE COMMISSION

DEC 21 2015

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. 2015-903

Petitioner,

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

vs.

ROBERT L. LUJAN,

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, Robert L. Lujan ("Respondent").

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

The following are the alleged facts set forth in the Complaint. Respondent does not admit to any of the allegations, and, in fact, most of the alleged facts are contested by the Respondent.

2. Respondent began working as a real estate salesperson for Frank P. Gatski ("Gatski"), broker for Gatski Commercial Real Estate Services ("Gatski Services") on or about January 2, 2002.

3. On or about October 13, 2014, Respondent emailed his bio and information about his industrial portfolio, to Bret Davis ("Davis"), broker for Jones Lang LaSalle Brokerage Inc. ("JLL").

1 4. In that October 13, 2014 email, Respondent informed Davis that Respondent
2 would "be able to carry over [to JLL] about +/- 2.5MM square feet."

3 5. At or about that time, Harsch Investment Properties ("Harsch") had standard
4 exclusive listing agreements with Gatski Services, covering approximately 2.5M square feet.

5 6. On or about January 12, 2015, Respondent met with representatives from
6 Harsch.

7 7. Later that day, Respondent submitted a letter of resignation to Gatski and Gatski
8 Services.

9 8. On or about January 16, 2015, Harsch gave 15-day notice to Gatski that Harsch
10 was terminating all its listing agreements with Gatski Services.

11 9. Also on or about January 12, 2015, Respondent emailed the principal contact at
12 Dornin Investment Group ("Dornin"), asking that the contact call Respondent so Respondent
13 could "give [him] a heads up on some news."

14 10. Dornin had been a client of Gatski Services, and had signed a new exclusive
15 listing agreement on January 7, 2015.

16 11. On or about January 16, 2015, Dornin terminated its listing agreements with
17 Gatski Services, effective January 19, 2015.

18 12. Gatski Services has handled the property management and leasing of Dr. Joel
19 Matta's properties for approximately 20 years, and were parties to exclusive lease and listing
20 agreements.

21 13. On March 12, 2015, Dr. Matta informed Gatski that Respondent had repeatedly
22 called Dr. Matta and attempted to solicit business from him.

23 14. While at Gatski Services, Respondent took and/or made copies of some files of
24 Gatski Services clients.

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

26 The following are the alleged violations set forth in the Complaint. Respondent does
27 not admit to any of alleged violations.

28 ...

1 Division on or before its due date, it shall be construed as an event of default by the
2 Respondent.

3 21. In the event of default, Respondent agrees that his licenses shall be immediately
4 suspended, and the unpaid balance, together with any attorney's fees and costs that may
5 have been assessed, shall be due in full to the Division within ten calendar days of the date of
6 default. Respondent agrees that the suspension of his licenses shall continue until the unpaid
7 balance is paid in full. Further, debt collection actions for unpaid monetary assessments in
8 this case may be instituted by the Division.

9 22. Respondent agrees to attend three hours of continuing education in the area
10 designated as agency and three hours of continuing education in the area designated as ethics,
11 all of which must be completed within 90 days of the date of the Commission's Order Approving
12 Stipulation. The hours must be live education and will not count towards Respondent's
13 continuing education requirements. Respondent agrees that his licenses shall be immediately
14 suspended if he fails to timely attend and complete the above continuing education.
15 Respondent agrees that the suspension of his licenses shall continue until the continuing
16 education is completed.

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

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

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

26 26. Respondent agrees and understands that by entering into this Stipulation,
27 Respondent is waiving his right to a hearing at which Respondent may present evidence in his
28 defense, his right to a written decision on the merits of the complaint, his rights to

1 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may
2 be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate Brokers
3 and Salespersons statutes and accompanying regulations, and the federal and state
4 constitutions. Respondent understands that this Agreement and other documentation may be
5 subject to public records laws. The Commission members who review this matter for approval
6 of this Stipulation may be the same members who ultimately hear, consider and decide the
7 Complaint if this Stipulation is either not approved by the Commission or is not timely
8 performed by Respondent. Respondent fully understands that he has the right to be
9 represented by legal counsel in this matter at his own expense.

10 27. Each party shall bear its or his own attorney's fees and costs.

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

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

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

25 31. Release. In consideration of execution of this Stipulation, the Respondent for
26 himself, his heirs, executors, administrators, successors, and assigns, hereby release, remise,
27 and forever discharge the State of Nevada, the Department of Business and Industry and the
28 Division, and each of their respective members, agents, employees and counsel in their

1 individual and representative capacities, from any and all manner of actions, causes of action,
2 suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown,
3 in law or equity, that the Respondent ever had, now has, may have, or claim to have, against
4 any or all of the persons or entities named in this section, arising out of or by reason of the
5 Division's investigation, this disciplinary action, and all other matters relating thereto.

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

14 ...
15 ...
16 ...
17 ...

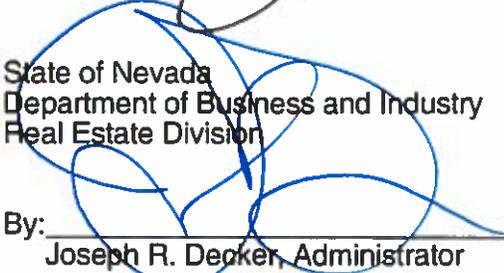
18
19
20
21
22
23
24
25
26
27
28

1 33. Respondent has signed and dated this Stipulation only after reading and
2 understanding all terms herein.

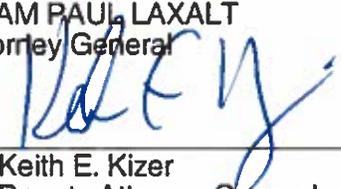
3
4 Dated: 11/30/15

By: 
Robert L. Lujan, Respondent

5
6 Dated: 12/10/15

7 State of Nevada
8 Department of Business and Industry
9 Real Estate Division
By: 
Joseph R. Decker, Administrator

10
11 Approved as to form:
12 Dated: 12/16/15

13 ADAM PAUL LAXALT
14 Attorney General
15 By: 
16 Keith E. Kizer
17 Deputy Attorney General
18 Attorney for the Real Estate Division

Approved as to form:
Dated: 12/2/15

Kravitz, Schnitzer & Johnson
By: 
Gary E. Schnitzer, Esq.
Attorney for Respondent

19 **ORDER APPROVING STIPULATION**

20 The Stipulation for Settlement of Disciplinary Action having come before the Real
21 Estate Commission, Department of Business and Industry, State of Nevada, during its regular
22 agenda on December 16, 2015, and the Commission being fully apprised in the premises, and
23 good cause appearing,

24 IT IS ORDERED that the above Stipulation is approved in full.
25 This Order shall become effective on the 16th day of Dec, 2016. ^{16 December}
26 Dated this 16th day of December, 2015. ^{February}

27 NEVADA REAL ESTATE COMMISSION

28 By: 