

FILED

BEFORE THE REAL ESTATE COMMISSION

JUL 14 2016

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Rhon Decker*

1
2
3 JOSEPH DECKER, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

Case No. 2015-3901

Petitioner,

vs.

7 CARINA G. RIVERA,

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

8 Respondent.
9

10 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into
11 between the Petitioner, State of Nevada, Department of Business and Industry, Real Estate
12 Division ("Division"), through its Administrator, Joseph R. Decker, and Respondent, Carina G.
13 Rivera ("Respondent").

14 **JURISDICTION**

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

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

20 1. Respondent has been licensed as a Salesperson, license number S.0175499,
21 since September 10, 2014, and is currently in inactive status.

22 2. On or about July 24, 2015, before the Eighth Judicial District Court, County of
23 Clark, State of Nevada, Respondent entered into a plea agreement in which she pled guilty to
24 Theft, NRS 205.0835(3).

25 3. On or about November 30, 2015, the Eighth Judicial District Court, County of
26 Clark, State of Nevada, sentenced Respondent to (a) serve 14 to 48 months in the Nevada
27 Department of Corrections (suspended), (2) probation for a period not to exceed 5 years of
28 imprisonment, and (3) pay \$115,000.00 in restitution.

1 4. Respondent failed to notify the Division in writing within 10 days after her plea of
2 guilty that she had entered that plea of guilty.

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

4 5. Respondent violated NRS 645.633(1)(d)(2) by being convicted of a felony
5 involving fraud, deceit, misrepresentation or moral turpitude.

6 6. Respondent violated NRS 645.615 by failing to notify the Division in writing that
7 she entered a plea of guilty to a crime involving fraud, deceit, misrepresentation or moral
8 turpitude within 10 days after the plea of guilty.

9 **SETTLEMENT**

10 7. The Division was prepared to present its case based upon the Complaint filed
11 with the Commission.

12 8. Respondent admits to the facts and violations of law as alleged in the Complaint.

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

15 10. Respondent agrees that her real estate license is REVOKED and that she may
16 not apply for any real estate license or permit in Nevada for five years from the effective date
17 of this Order.

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

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

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

26 14. Respondent agrees and understands that by entering into this Stipulation,
27 Respondent is waiving her right to a hearing at which Respondent may present evidence in
28 her defense, her right to a written decision on the merits of the complaint, her 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 she has the right to be
9 represented by legal counsel in this matter at her own expense.

10 15. Each party shall bear its or her own attorney's fees and costs.

11 16. 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 17. 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 July 2016 public meeting.
17 The Division will recommend to the Commission approval of the Stipulation. Respondent
18 agrees that the Commission may approve, reject, or suggest amendments to this Stipulation
19 that must be accepted or rejected by Respondent before any amendment is effective.

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

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

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

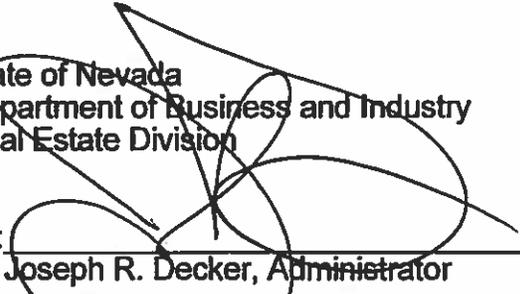
5 20. Indemnification. Respondent hereby indemnifies and holds harmless the State
6 of Nevada, the Department of Business and Industry, the Division, and each of their
7 respective members, agents, employees and counsel in their individual and representative
8 capacities against any and all claims, suits,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

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

15 Dated: 7/11/16

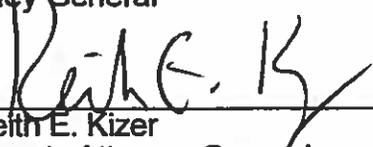
15 By: 
16 Carina G. Rivera, Respondent

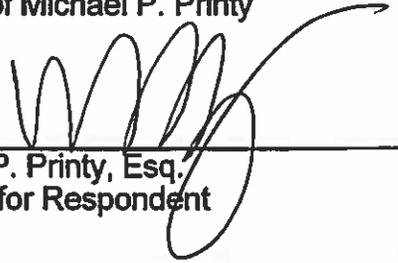
17 Dated: 07/12/16

18 State of Nevada
19 Department of Business and Industry
20 Real Estate Division
21 By: 
22 Joseph R. Decker, Administrator

22 Approved as to form:
23 Dated: 7-12-2016

22 Approved as to form:
23 Dated: 7/11/16

24 ADAM PAUL LAXALT
25 Attorney General
26 By: 
27 Keith E. Kizer
28 Deputy Attorney General
Attorney for the Real Estate Division

24 Law Office of Michael P. Printy
25 By: 
26 Michael P. Printy, Esq.
27 Attorney for Respondent

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 24th day of September, 2016.

Dated this 12th day of July, 2016.

NEVADA REAL ESTATE COMMISSION

By:
President, Nevada Real Estate Commission

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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