

FILED

MAR 28 2016

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

GAIL J. ANDERSON, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 13-08-24-058

Petitioner,

vs.

KORY L. SCHEELER,

**ORDER APPROVING STIPULATION FOR
SETTLEMENT OF DISCIPLINARY ACTION**

Respondent.

The Stipulation for Settlement of Disciplinary Action having come before Nevada Real Estate Commission (Commission) on March 26, 2014, and the Commission being fully apprised in the premises, and good cause appearing to the Commission,

IT IS HEREBY ORDERED that the Stipulation for Settlement of Disciplinary Action, attached hereto as **Exhibit "A"** and incorporated herein, be and is hereby approved.

The Stipulation was effective March 26, 2014, the day it was approved by the Commission.

DATED this 16th day of MARCH, 2016.

NEVADA REAL ESTATE COMMISSION

By: *[Signature]*

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

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EXHIBIT “A”

MAR 28 2016

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Robert H. ...*

GAIL J. ANDERSON, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES13-08-24-058

Petitioner,

vs.

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

KORY L. SCHEELER,

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, Gail J. Anderson, and Respondent, KORY L. SCHEELER ("Respondent" or "SCHEELER").

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 PROCEEDINGS

2. On or about June 13, 2013, the Division filed a Complaint against RESPONDENT which alleges that RESPONDENT violated NRS 645.630(1)(a), NRS 645.630(1)(a) and NAC 645.605(1). *Block*

3. On or about July 12, 2013, RESPONDENT filed his Answer which denies most of the allegations contained in the Complaint.

4. RESPONDENT and the Buyers have resolved their dispute and the Buyers have advised the Division that the dispute has been resolved to their satisfaction.

SETTLEMENT

5. The Division was prepared to present its case based upon the Complaint filed

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1 with the Commission and the Respondent was prepared to defend against the Complaint.

2 6. Respondent does not admit to the facts or violations of law as alleged in the
3 Complaint. However, the parties desire to compromise and settle the instant controversy upon
4 the following terms and conditions.

5 7. Respondent agrees to pay to the Division \$3,000 in an administrative fine within
6 90 days of the date of the Commission's Order Approving Stipulation. No grace period is
7 permitted. Any fine payment not actually received by the Division on or before its due date
8 shall be construed as an event of default by the Respondent

9 8. In the event of default, Respondent agrees that his license shall be immediately
10 suspended, the unpaid balance of the administrative fine shall become immediately
11 accelerated, and the unpaid balance, shall be due in full to the Division within ten calendar
12 days of the date of default. Respondent agrees that the suspension of his license shall
13 continue until the unpaid balance is paid in full. Further, debt collection actions for unpaid
14 monetary assessments in this case may be instituted by the Division.

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

17 10. 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 this
19 Stipulation is approved and fully performed, the Division will close its file in this matter.

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

23 12. 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 13. Each party shall bear its own attorney's fees and costs.

8 14. 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 the
10 Complaint, if the Division must ultimately present its case based on the Complaint filed in this
11 matter.

12 15. 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 March 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 16. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
18 amendments unacceptable to Respondent, Respondent may withdraw from this Stipulation and
19 the Division may pursue its Complaint before the Commission at the Commission's next regular
20 public meeting.

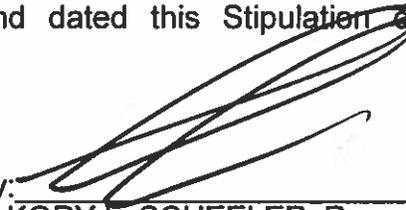
21 17. Release. In consideration of execution of this Stipulation, the Respondent for
22 himself or herself, his or her heirs, executors, administrators, successors, and assigns, hereby
23 release, remise, and forever discharge the State of Nevada, the Department of Business and
24 Industry and the Division, 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 18. Indemnification. Respondent hereby indemnifies and holds harmless the State of
4 Nevada, the Department of Business and Industry, the Division, and each of their respective
5 members, agents, employees and counsel in their individual and representative capacities
6 against any and all claims, suits, and actions brought against said persons and/or entities by
7 reason of the Division's investigation, this disciplinary action and all other matters relating
8 thereto, and against any and all expenses, damages, and costs, including court costs and
9 attorney fees, which may be sustained by the persons and/or entities named in this section as
10 a result of said claims, suits, and actions.

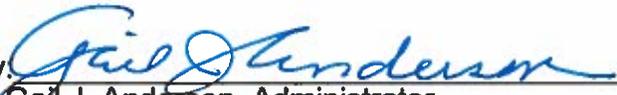
11 19. Respondent has signed and dated this Stipulation ~~only~~ after reading and
12 understanding all terms herein.

13 Dated: 3/26/14

14 By: 
KORY L. SCHEELER, Respondent

15 Dated: 3-26-14

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

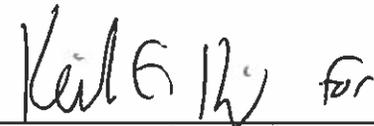
19 By: 
Gail J. Anderson, Administrator

20 Approved as to form:
21 Dated: March 26, 2014

22 Approved as to form:
23 Dated: 3/26/14

24 CATHERINE CORTEZ MASTO
25 Attorney General

26 SNELL & WILMER L.L.P.

27 By:  for
28 Kimberly A. Arguello
Senior Deputy Attorney General
Attorney for the Real Estate Division

By: 
Bob L. Olson
Attorney for RESPONDENT