

FILED

MAY 25 2017

REAL ESTATE COMMISSION
BY *Reba Adams*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. RES 14-10-09-122

Petitioner,

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

vs.

HEATHER HICKS,

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, Sharath Chandra, and Respondent, HEATHER HICKS ("Respondent").

JURISDICTION

Respondent stipulates and agrees that she engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson 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 COMPLAINT

1. RESPONDENT has been licensed by the Division as a Salesperson under license number S.0035070, since January 20, 1995, and is in active status.
2. At all times relevant to this Complaint, RESPONDENT was associated with First United Management Group, LLC ("FUMG").
3. At all times relevant to this Complaint, Keith Leary and Sara Linton (collectively "Complainants") were tenants at rental unit located at 8805 Jeffreys Street, Unit 2079, Las Vegas, Nevada 89123 which included an accompanying garage unit designated as "Unit U-1".

1 4. At all times relevant to this Complaint, Stanley Willie ("Willie") and Toni Tillman
2 ("Tillman) were tenants at rental unit located at 8805 Jeffreys Street, Unit 1052, Las Vegas, Nevada
3 89123 which included an accompanying garage unit designated as "Unit T-1".

4 5. On or about April 25, 2013, RESPONDENT rented out Unit 1052 to Willie and Tillman.

5 6. RESPONDENT incorrectly informed Willie and Tillman that their garage unit was Unit
6 U-1, when in actuality it was Unit T-1.

7 7. On or about April 30, 2013, Complainant Leary went to his garage unit, Unit U-1, where
8 he had stored his possessions and noted that there were items in said Unit that did not belong to him.

9 8. Complainant Leary further noted that some his possessions, a patio set, were located on
10 the premises of Unit 1052.

11 9. Upon further investigation, it was found that the tenants in Unit 1052 were told by
12 RESPONDENT that they could dispose of the items in Unit U-1, though the garage unit actually
13 assigned to Unit 1052 was Unit T-1.

14 10. The Complainants' items were removed from Unit U-1 without their knowledge or
15 permission.

16 11. On or about October 23, 2013, RESPONDENT informed the Division that on or about
17 April 27, 2013, Tillman texted RESPONDENT indicating there were items in Unit U-1 and requested
18 whether these items could be thrown away.

19 12. RESPONDENT indicated that she sent her broker a text to confirm if Unit U-1 was the
20 correct garage unit.

21 13. RESPONDENT admitted she did not receive a response from her broker prior to her
22 subsequent actions.

23 14. RESPONDENT admitted she "told them [Willie and Tillman] to go ahead clear it [Unit
24 U-1] out".

25 15. Tillman and/or Willie proceeded to dispose of some items in garage Unit U-1.

26 16. RESPONDENT failed to verify that she and FUMG had the correct garage unit for Unit
27 1052 prior to giving permission to dispose of the items in Unit U-1.

28 ///

1 **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN COMPLAINT**

2 1. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(2) by acting
3 with gross negligence or incompetence in performing any act for which the person is required to hold a
4 license pursuant to this chapter.

5 **SETTLEMENT**

6 1. The Division was prepared to present its case based upon the Complaint filed with the
7 Commission, and the Respondent was prepared to defend against the penalty to be imposed.

8 2. Respondent admits to the facts and violations as alleged in the Complaint.

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

11 4. Respondent agrees to pay a total of \$3,000.00 (\$2,500 as an administrative fine and \$500
12 and investigative costs) to the Division as follows: Respondent shall pay an initial payment of \$500
13 due within 7 days of the effective date of this Order, and \$50 a month thereafter, until paid in full. Each
14 payment shall be due on the 15th of every month. No grace period is permitted. Any payment not
15 actually received by the Division on or before its due date shall be construed as an event of default by
16 Respondent.

17 5. Respondent further agrees to attend 6 hours of agency, 6 hours of contracts, and 6 hours
18 of ethics to be completed within 6 months of the effective date of this Order. The hours will not count
19 towards Respondent's continuing education requirements.

20 6. In the event of default, Respondent agrees that the unpaid balance, together with any
21 attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten
22 calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this
23 case may be instituted by the Division.

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

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

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

4 10. Respondent agrees and understands that by entering into this Stipulation, Respondent is
5 waiving her right to a hearing at which Respondent may present evidence in her defense, her right to a
6 written decision on the merits of the complaint, her rights to reconsideration and/or rehearing, appeal
7 and/or judicial review, and all other rights which may be accorded by the Nevada Administrative
8 Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and accompanying
9 regulations, and the federal and state constitutions. Respondent understands that this Agreement and
10 other documentation may be subject to public records laws. The Commission members who review
11 this matter for approval of this Stipulation may be the same members who ultimately hear, consider and
12 decide the Complaint if this Stipulation is either not approved by the Commission or is not timely
13 performed by Respondent. Respondent fully understands that she has the right to be represented by
14 legal counsel in this matter at her own expense.

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

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

19 13. Approval of Stipulation. Once executed, this Stipulation will be filed with the
20 Commission and will be placed on the agenda for approval at its May 2017 public meeting. The
21 Division will recommend to the Commission approval of the Stipulation. Respondent agrees that the
22 Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or
23 rejected by Respondent before any amendment is effective.

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

27 15. Release. In consideration of execution of this Stipulation, the Respondent for herself,
28 her heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever

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

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

15 17. Respondent has signed and dated this Stipulation only after reading and understanding
16 all terms herein.

17 Dated: 2-19-17

By: Heather Hicks
Heather Hicks, Respondent

18
19 Dated: 2/24/17

State of Nevada
Department of Business and Industry
Real Estate Division
By: [Signature]
Sharath Chandra, Administrator

22 Approved as to form:

23 Dated: 5/22/17

24 ADAM PAUL LAXALT
25 Attorney General

26 By: [Signature]
27 Donald J. Bordelove
28 Deputy Attorney General
Attorney for the Real Estate Division

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER APPROVING STIPULATION

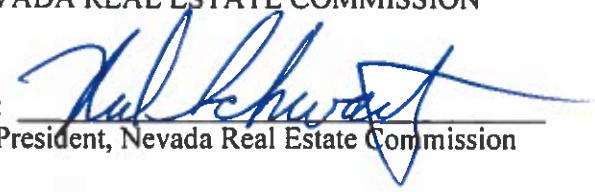
The Stipulation for Settlement of Disciplinary Action having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on May ____, 2017, and the Commission being fully apprised in the premises, and good cause appearing,

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

This Order shall become effective on the 3RD day of July, 2017.

Dated this 24th day of May, 2017.

NEVADA REAL ESTATE COMMISSION

By: 
President, Nevada Real Estate Commission

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