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SEP 21 2017

REAL ESTATE COMMISSION
BY *[Signature]*

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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Petitioner,

vs.

ANTHONY KERSHAW,

Respondent.

Case No. 2015-2905

STIPULATION FOR SETTLEMENT OF
DISCIPLINARY ACTION

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, ANTHONY KERSHAW ("Respondent").

JURISDICTION

Respondent stipulates and agrees that he 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 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 COMPLAINT

1. On or about October 7, 2015, Michele Pombo filed a complaint against RESPONDENT for conducting real estate and property management activities without first obtaining licenses from the Nevada Real Estate Division to perform such activities.

2. RESPONDENT has never obtained from the Division a real estate license or a permit to engage in property management.

3. At all times relevant to this Complaint, RESPONDENT owned and operated Vegas Gateways.

1 4. RESPONDENT advertises properties for rent and provides property
2 management services through Vegas Gateways.

3 5. Pursuant to NRS 645.019, RESPONDENT performed property management
4 services by the physical, administrative or financial maintenance and management of real
5 property, or the supervision of such activities for a fee, commission, or other compensation
6 or valuable consideration.

7 6. On or about October 19, 2015, the Division sent a *Cease and Desist Order* to
8 RESPONDENT, ordering RESPONDENT to cease and desist "from conducting all broker
9 activity as defined by NRS 645.030 and all property management activity as defined by
10 NRS 645.6054 to include the management of properties, including but not limited to
11 collecting of rents and security deposits."

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

13 1. RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of,
14 acting in the capacity of, advertising or assuming to act as a property manager without
15 first obtaining from the Division a license as a real estate broker, real estate broker-
16 salesperson, or real estate salesperson, and a permit to engage in property management.

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

22 **SETTLEMENT**

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

26 2. Respondent admits to the violations as alleged in the Complaint.

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

1 4. Respondent agrees to hire a property manager licensed with the Division and
2 cease all property management activities unless performed by said manager.

3 5. Respondent has obtained a licensed property manager and salesperson with
4 the Division – Jessica B. Kershaw, who is licensed by the Division as a salesperson under
5 license number S.0178868, and as a property manager under permit number PM.0166704.

6 6. Respondent further agrees to pay a total of \$2,000 (\$1,500 as an
7 administrative fine and \$500 in investigative costs) within 30 days of the effective date of
8 the Commission's Order Approving Stipulation. No grace period is permitted. If full
9 payment is not actually received by the Division on or before its due date, it shall be
10 construed as an event of default by Respondent. Debt collection actions for unpaid
11 monetary assessments in this case may be instituted by the Division.

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

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

18 9. Respondent agrees and understands that by entering into this Stipulation,
19 Respondent is waiving the right to a hearing at which Respondent may present evidence
20 in defense, right to a written decision on the merits of the complaint, rights to
21 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which
22 may be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate
23 Brokers and Salespersons statutes and accompanying regulations, and the federal and
24 state constitutions. Respondent understands that this Agreement and other
25 documentation may be subject to public records laws. The Commission members who
26 review this matter for approval of this Stipulation may be the same members who
27 ultimately hear, consider and decide the Complaint if this Stipulation is either not
28 approved by the Commission or is not timely performed by Respondent. Respondent fully

1 understands that he has the right to be represented by legal counsel in this matter at his
2 own expense.

3 10. Except as provided above, each party shall bear its or her own attorney's fees
4 and costs.

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

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

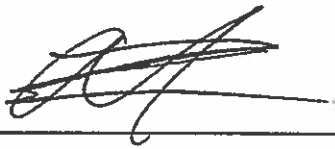
15 13. Withdrawal of Stipulation. If the Commission rejects this Stipulation or
16 suggests amendments unacceptable to Respondent, Respondent may withdraw from this
17 Stipulation and the Division may pursue its Complaint before the Commission at the
18 Commission's regular public meeting.

19 14. Release. In consideration of execution of this Stipulation, the Respondent for
20 himself, his heirs, executors, administrators, successors, and assigns, hereby release,
21 remise, and forever discharge the State of Nevada, the Department of Business and
22 Industry and the Division, and each of their respective members, agents, employees and
23 counsel in their individual and representative capacities, from any and all manner of
24 actions, causes of action, suits, debts, judgments, executions, claims, and demands
25 whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has,
26 may have, or claim to have, against any or all of the persons or entities named in this
27 section, arising out of or by reason of the Division's investigation, this disciplinary action,
28 and all other matters relating thereto.

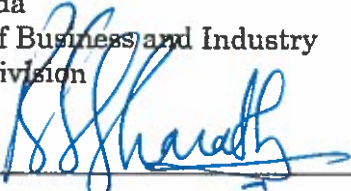
1 15. Indemnification. Respondent hereby indemnifies and holds harmless the
2 State of Nevada, the Department of Business and Industry, the Division, and each of their
3 respective members, agents, employees and counsel in their individual and representative
4 capacities against any and all claims, suits,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

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

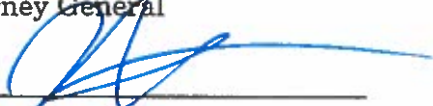
11
12 Dated: 8-15-2017

By: 
Anthony Kershaw, Respondent


13
14 Dated: 09/15/17

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

19 Approved as to form:
20 Dated: 8/16/17

21 ADAM PAUL LAXALT
Attorney General
22
23 By: 
24 Donald J. Bordelove
Deputy Attorney General
25 Attorney for the Real Estate
Division
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Approved as to form:
Dated: 8/15/17

Morris Law Center
By: 
Brian Morris
Attorney for Respondent

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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 August 15, 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 22nd day of October, 2017.

Dated this 15th day of August, 2017.

NEVADA REAL ESTATE COMMISSION

By: 
President, Nevada Real Estate Commission