

APR 06 2017

BEFORE THE REAL ESTATE COMMISSION REAL ESTATE COMMISSION

STATE OF NEVADA

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

Case No.: 2016-3493

Petitioner,

vs.

DECISION:
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

PATTY STEELMAN,

Respondent.

This matter came on for hearing before the Nevada Real Estate Commission ("Commission"), State of Nevada, on Tuesday, March 14, 2017, at 1919 College Parkway, Carson City, Nevada 89701. Patty Steelman ("Respondent") appeared in person and testified at the hearing. Deputy Attorney General PETER K. KEEGAN appeared and prosecuted the Complaint on behalf of petitioner SHARATH CHANDRA, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law.

JURISDICTION

At all relevant times mentioned in this Complaint, Respondent was licensed as a Broker Salesperson, license Number BS.0023321, and therefore is subject to the jurisdiction of the Division and the provisions of Nevada Revised Statute ("NRS") Chapter 645 and Nevada Administrative Code ("NAC") Chapter 645.

FINDINGS OF FACT

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish the following Findings of Fact:

1 1. Respondent has been licensed as a Broker, license Number B.1001791.LLC,
2 since May 19, 2016 and currently is in active status. Respondent formerly was licensed as
3 a Property Manager, license Number PM.0163018, from February 2, 2006, to February
4 28, 2011. Respondent also was formerly licensed as a Salesperson, license number
5 S.0070063, from February 2, 2006, until May 19, 2016.

6 2. Respondent currently is contracted with KRCH Realty, LLC ("KRCH") in
7 Reno, Nevada.

8 3. On or about January 2, 2016, Complainant entered into a lease with
9 Respondent for the property located at 7826 Telaar Street, Reno Nevada, 89506.

10 4. The Term of the Lease was for one (1) year and included a security deposit of
11 One Thousand Three Hundred and No/100 Dollars (\$1,300.00), with a Six Hundred and
12 No/100 Dollars (\$600.00) "Pet Deposit."

13 5. On or about September 9, 2016, the Division received a Complaint from Cory
14 Tubbs ("Complainant") against Respondent claiming that Respondent had failed to fully
15 refund a rental property security deposit, failed to provide an accounting of deductions
16 from the security deposit, and failed to identify the "Pet Deposit" portion of the security
17 deposit as non-refundable in her lease.

18 6. Complainant's Complaint states she vacated the Property on July 31, 2016,
19 with proper advance notice in accordance with the lease.

20 7. Respondent's Affidavit response states that the Property was not vacated
21 and ready to rent until August 2, 2016, due to a carpet cleaning the afternoon of August 1,
22 2016.

23 8. On or about September 1, 2016, Respondent issued a check in the amount of
24 \$1,300.00 (Thirteen Hundred and No/100 Dollars) to Complainant as a refund for the
25 Complainant's security deposit.

26 9. On or about September 19, 2016, the Division sent Respondent, via certified
27 mail, an Opening Letter indicating that an investigation had commenced concerning the
28

1 September 9, 2016, Complaint, and informed Respondent that a response was due to the
2 Division by October 3, 2016.

3 10. On or about October 14, 2016, Respondent submitted her Affidavit response
4 to the Division.

5 11. In Respondent's October 14, 2016, Affidavit response, she acknowledges she
6 failed to identify herself as a Division licensee on the lease in question and also failed to
7 include a term stating that the pet deposit is a "non-refundable pet fee."

8 12. On or about November 23, 2016, the Division sent Respondent a Notice of
9 Violation and Order to Pay Fine, via certified mail, which ordered Respondent, pursuant
10 to NAC 645.695, to pay an administrative fine of One Thousand Five Hundred and
11 No/100 Dollars (\$1,500.00) to the Division for violations of NRS 645 and NAC 645.

12 13. On or about December 5, 2016, Respondent sent the Division a Notice of
13 Intent to Appeal the November 23, 2016, Notice of Violation and Order to Pay Fine.

14 14. On or about January 3, 2017, the Division sent Respondent, via certified
15 mail, an NRS 233B Notice of Intention to Commence Disciplinary Action against her by
16 filing a Complaint and request for hearing with the Nevada Real Estate Commission for
17 violations of NAC 645.640(1)(b), NRS 645.633(1)(h), NAC 645.605(6), and NRS
18 645.630(1)(f).

19 CONCLUSIONS OF LAW

20 The Commission, based upon the preponderance of the evidence, makes the
21 following legal conclusions:

22 15. Respondent violated NAC 645.640(1)(b) pursuant to NRS 645.633(1)(h) by
23 failing to disclose in writing to Complainant that she was a licensee of the Nevada Real
24 Estate Division.

25 16. Respondent violated NRS 645.630(1)(f) by failing to return Complainant's
26 "Pet Deposit" portion of the security deposit within a reasonable time for or to account for
27 the "Pet Deposit" portion of the security deposit paid to her and belonging to
28 Complainant.

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

ORDER

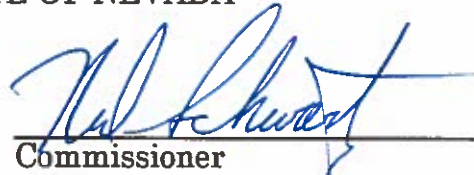
IT IS HEREBY ORDERED, that Respondent shall pay to the Division a total fine of Two Thousand Two Hundred Twenty-One and 25/100 Dollars (\$2,221.25). The total fine reflects a fine of One Thousand and No/100 Dollars (\$1,000.00) for committing the above violations of law, plus One Thousand Two Hundred Twenty-One and No/100 Dollars (\$1,221.25) for hearing and investigative costs. Respondent shall pay the total fine to the Division within One Hundred Eighty (180) days of the effective date of this Order. The Division may institute debt collection proceedings for failure to timely pay the total fine.

The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this Decision.

This Order shall become effective on the 10th day of MAY, 2017.

REAL ESTATE DIVISION
STATE OF NEVADA

By:



Commissioner
Nevada Real Estate Commission

4/6/17