

FILED

BEFORE THE REAL ESTATE COMMISSION JUL 29 2020

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Emily Talle*

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

Case No. 2018-1714

Petitioner,

**COMPLAINT AND NOTICE OF
HEARING**

vs.

SHERINE KUCKHOFF,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter Keegan, Deputy Attorney General, hereby notifies RESPONDENT SHERINE KUCKHOFF ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapter 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty or other discipline authorized by NRS 645 and/or NAC 645, if violations of law are proven.

JURISDICTION

At all times relevant, RESPONDENT held a real estate broker-salesperson license, BS.0005345. RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and/or a permit to engage in property management, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

///

///

PROCEDURAL HISTORY

1
2 1. On or about December 11, 2018, the Division received an email from the
3 RESPONDENT indicating that she had recently lost her property management permit and
4 that she had neglected to renew it.

5 2. On or about December 11, 2018, the Division responded to the RESPONDENT
6 and informed her that her property management permit had expired on January 31, 2013.

7 3. On or about December 18, 2018, the RESPONDENT met with the Division's
8 investigator and explained that she had acted in the capacity of a property manager since
9 February of 2013, while being unaware her property management's permit had expired.

10 4. On or about December 18, 2018, the Division sent an investigation opening-
11 letter to the RESPONDENT and required her to provide a sworn statement explaining her
12 failure to timely renew her property management permit.

13 5. On or about December 18, 2018, the Division sent an investigation opening-
14 letter to Ronald B. Stichter ("Stichter") BS.0032575.MGR, the RESPONDENT's broker-
15 salesperson manager at Coldwell Banker Select Real Estate of Nevada Inc., requiring him
16 to provide a sworn statement explaining how the RESPONDENT, while under his
17 supervision, was allowed to act in the capacity of a property manager without a valid
18 property manager's permit.

19 6. On or about December 18, 2018, the Division sent an investigation opening-
20 letter to the RESPONDENT's broker of record, Ron L. Hoy ("Hoy"), B.0017991.CORP
21 requiring him to provide a sworn statement explaining how the RESPONDENT, while
22 under his supervision, was allowed to act in the capacity of a property manager without a
23 valid property manager's permit.

24 7. On or about December 29, 2018, the Division received the RESPONDENT's
25 sworn affidavit.

26 8. On or about December 28, 2018, the Division received Stichter's sworn
27 affidavit.

28 9. On or about January 2, 2019, the Division received Hoy's sworn affidavit.

1 10. On or about May 28, 2019, the Division sent RESPONDENT an NRS 233B
2 letter indicating that the Division's investigation had obtained sufficient evidence to
3 commence disciplinary action by filing a complaint with the Nevada Real Estate
4 Commission ("Commission").

5 11. On or about May 28, 2019, the Division sent Stichter an NRS 233B letter
6 indicating that the Division's investigation had obtained sufficient evidence to commence
7 disciplinary action by filing a complaint with the Nevada Real Estate Commission
8 ("Commission").

9 12. On or about May 28, 2019, the Division sent Hoy an NRS 233B letter
10 indicating that the Division's investigation had obtained sufficient evidence to commence
11 disciplinary action by filing a complaint with the Nevada Real Estate Commission
12 ("Commission").

13 **FACTUAL ALLEGATIONS**

14 1. At all times relevant, RESPONDENT held a real estate broker-salesperson
15 license, BS.005345.

16 2. RESPONDENT's property management permit, PM.0163303.DES, which
17 issued in March of 2008, expired on January 31, 2013.

18 3. At all times relevant, Stichter held a broker salesperson's license,
19 BS.0032575.MGR, which the Division issued on July 13, 1994.

20 4. Stichter affiliated with Coldwell Banker Select Real Estate as Incline Village
21 branch office as the managing broker-salesperson on January 7, 2014, and was responsible
22 for managing RESPONDENT.

23 5. At all times relevant, Hoy held a broker's license, B.0017991.CORP, which the
24 Division issued on November 17, 1986.

25 6. Hoy has held a broker's license since 1983.

26 7. Hoy affiliated with Coldwell Banker Select Real Estate as its corporate broker
27 on July 20, 2004, and was responsible for managing RESPONDENT.

28 ///

1 8. On or about January 31, 2013, RESPONDENT's broker-salesperson license
2 and property management permit expired and were due for renewal.

3 9. RESPONDENT properly renewed her property management permit at least
4 once between 2008 and 2013.

5 10. On or about February 20, 2013, the RESPONDENT's submitted her renewal
6 application for her broker-salesperson license, along with a late fee.

7 11. RESPONDENT's February 20, 2013, renewal application did not include her
8 property management permit number or the renewal fee for the property manger's permit.

9 12. Between January 10, 2013, and February 20, 2013, there were attempts made
10 by RESPONDENT to submit her broker-salesperson renewal application, which were
11 rejected; however, none of those applications included her property management permit.

12 13. On February 21, 2013, the Division sent RESPONDENT a Deficient
13 Transaction notification, which required RESPONDENT to submit form 544 with original
14 signatures to complete her broker-salesperson, BS.0005345 license reinstatement.

15 14. On January 23, 2017, the Division received RESPONDENT's continuing
16 education certificates and renewal fee for her broker-salesperson license, BS.0005345.

17 15. On or about January 23, 2017, the Division sent RESPONDENT a Deficient
18 Transaction notification, which required RESPONDENT to submit proof of 3 hours of
19 Broker Management and to complete and submit Division form 580 to complete the renewal
20 of her broker-salesperson, BS.0005345 license.

21 16. On or about December 11, 2018, the Division received an email from the
22 RESPONDENT indicating that she had recently lost her property management permit and
23 that she had neglected to renew it.

24 17. On or about December 11, 2018, the Division notified RESPONDENT that she
25 would not be allowed to renew her property manager's permit and would be required to
26 submit a new application for a property manager's permit as required by NRS 645.785.

27 18. RESPONDENT conducted property management activities from February 1,
28 2013, through at least December 18, 2018, without a property management permit.

1 19. On or about December 31, 2018, the RESPONDENT provided the Division a
2 written statement indicating she earned a net income of \$568,770.64, with expenses of
3 \$34,561.95, for her property management during the period January 1, 2013 through
4 December 31, 2018.

5 20. On or about January 2, 2019, Hoy provided a written statement to the Division
6 indicating that his brokerage earned approximately \$30,000.00 from RESPONDENT's
7 property management activities from March 1, 2013 through December 28, 2013.

8 21. On or about January 7, 2019, the Division received a Division form 580
9 renewal application from RESPONDENT for her broker-salesperson license and property
10 management permit.

11 22. On January 8, 2019, the Division sent the RESPONDENT a Deficient
12 Transaction notification which informed her that her property management permit expired
13 January 31, 2013, and she was required to reapply with Division form 524.

14 VIOLATIONS ALLEGED

15 RESPONDENT has committed the following violations of law:

16 1. RESPONDENT violated NRS 645.230(1)(b) and NRS 645.235(1)(a) for acting
17 as a property manager without an active property manager's permit.

18 2. RESPONDENT violated NRS 645.630(1)(a) for materially misrepresenting
19 herself as a property manager while her property manager's permit is expired.

20 3. RESPONDENT is in violation of NRS 645.633(1)(h) for gross negligence for
21 not renewing her property manager's permit.

22 4. RESPONDENT is in violation of NRS 645.633(1)(i) pursuant to NAC
23 645.605(1) as she represented herself as a property manager while her property
24 management permit was expired.

25 DISCIPLINE AUTHORIZED

26 1. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
27 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
28 further to suspend, revoke or place conditions on the license of RESPONDENT.

1 2. Pursuant to NRS 645.314, the Division is authorized to request its
2 investigative costs where the investigation was undertaken for disciplinary purposes.

3 3. Additionally, under NRS 622.400, the Commission is authorized to impose
4 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
5 fees, if the Commission otherwise imposes discipline on RESPONDENT.

6 4. Therefore, the Division requests that the Commission take such disciplinary
7 action as it deems appropriate under the circumstances.

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

 ///

1 **NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
3 Administrative Complaint against the above-named RESPONDENTS in accordance with
4 Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada
5 Administrative Code.

6 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for
7 September 1-3, 2020, beginning at approximately 9:00 a.m. each day, or until such time as
8 the Commission concludes its business.

9 If the Governor's Emergency Directive 006 - suspending physical location
10 requirements - is extended through the date of the meeting, then the hearing will be held
11 via virtual meeting. The Commission uses WebEx for its meetings. To join the hearing go
12 to the Webex.com website and put in the Access code and Attendee ID:

13 **TUESDAY, SEPTEMBER 1, 2020** Meeting number (Access code): 146 276 8028
14 Password (Attendee ID): MgCrCbJq662 (64272257662 from phones and video systems)

15 **WEDNESDAY, SEPTEMBER 2, 2020** Meeting number (Access code): 146 650 1911
16 Password (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

17 **THURSDAY, SEPTEMBER 3, 2020** Meeting number (Access code): 146 520 3582
18 Password (Attendee ID): umV3mJJ2gP2 (86836552472 from phones and video systems)

19 If you do not have internet access, you may attend by phone at 1-844-621-3956 using
20 the access codes and attendee IDs listed above. Some mobile devices may ask attendees to
21 enter a numeric attendee ID provided above. If Emergency Directive 006 is not extended
22 and the meeting is held in person, then the meeting will be located at the following
23 locations:

24 Nevada State Business Center
25 Real Estate Division
26 3300 West Sahara Avenue, Suite 350
27 Las Vegas, NV 89102

28 If you would like an email containing this information, before the hearing, please
contact Evelyn Pattee, Commission Coordinator, at (702) 486-4074 or epattee@red.nv.gov.

1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
2 at the same time as part of a regular meeting of the Commission that is expected
3 to last from September 1st through September 3, 2020, but may end earlier if the
4 business of the Commission is concluded. Thus, your hearing may be continued
5 until later in the day or from day to day. It is your responsibility to be present
6 when your case is called. If you are not present when your hearing is called, a
7 default may be entered against you and the Commission may decide the case as
8 if all allegations in the complaint were true. If you have any questions please call
9 Evelyn Pattee Commission Coordinator (702) 486-4074.

10 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
11 open meeting under Nevada's Open Meeting Law (OML), and may be attended by the
12 public. After the evidence and arguments, the commission may conduct a closed meeting
13 to discuss your alleged misconduct or professional competence. You are entitled to a copy
14 of the transcript of the open and closed portions of the meeting, although you must pay for
15 the transcription.

16 As the RESPONDENT you are specifically informed that you have the right to
17 appear and be heard in your defense, either personally or through your counsel of choice.
18 At the hearing, the Division has the burden of proving the allegations in the complaint and
19 will call witnesses and present evidence against you. You have the right to respond and to
20 present relevant evidence and argument on all issues involved. You have the right to call
21 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
22 matter relevant to the issues involved.

23 You have the right to request that the Commission issue subpoenas to compel
24 witnesses to testify and/or evidence to be offered on your behalf. In making the request,
25 you may be required to demonstrate the relevance of the witness' testimony and/or
26 evidence. Other important rights you have are listed in NRS 645.680 through 645.990, NRS
27 Chapter 233B, and NAC 645.810 through 645.920.

28 ///

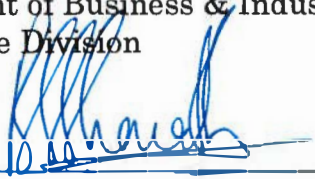
1 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
2 645 and/or NAC 645 and if the allegations contained herein are substantially proven
3 by the evidence presented and to further determine what administrative penalty, if any, is
4 to be assessed against the RESPONDENT.


5
6 DATED this ____ day of July, 2020.

DATED this 16th day of July, 2020.

7
8 STATE OF NEVADA,
9 Department of Business & Industry
10 Real Estate Division

AARON D. FORD
Attorney General

11 By: 
12 SHARATH CHANDRA
13 Administrator
14 3300 W. Sahara Avenue, Ste. 35
15 Las Vegas, Nevada 89102

By: 
16 PETER K. KEEGAN
17 Deputy Attorney General
18 100 North Carson Street
19 Carson City, Nevada 89701
20 Tel: (775) 684-1153
21 *Attorneys for the Real Estate Division*