

FILED

BEFORE THE REAL ESTATE COMMISSION

JUL 28 2020

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *[Signature]*

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

Case No. 2018-160

Petitioner,

**COMPLAINT AND NOTICE OF
HEARING**

vs.

KATHERINE D. SCHANDER,

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 KATHERINE D. SCHANDER ("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

RESPONDENT engaged in activities that 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.

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PROCEDURAL HISTORY

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2 1. On or about January 30, 2018, the Division received a statement of fact
3 (“complaint”) that RESPONDENT provided unprofessional property management services
4 to the complainant.

5 2. On or about February 5, 2018, the Division sent an investigation-opening
6 letter to RESPONDENT, which required RESPONDENT to provide a sworn statement
7 responding to the complaint as well as copies of relevant property management files for the
8 involved properties.

9 3. On or about February 20, 2018, the Division received the RESPONDENT’s
10 sworn affidavit and property management files.

11 4. On or about March 1, 2018, the Division sent to the RESPONDENT, a Cease
12 and Desist Order, demanding the RESPONDENT cease and desist from engaging in the
13 business of, real estate property management or any other activity requirement licensure
14 under NRS 645.

15 5. On or about June 27, 2018, the Division sent RESPONDENT an NRS 233B
16 letter indicating that the Division’s investigation had obtained sufficient evidence to
17 commence disciplinary action by filing a complaint with the Nevada Real Estate
18 Commission (“Commission”).

FACTUAL ALLEGATIONS

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20 1. At all times relevant, RESPONDENT was not licensed by the Division in
21 any capacity.

22 2. On or about August 17, 2010, the RESPONDENT signed a one-year
23 residential lease agreement as the agent for the property owners of 203 Blue Skies,
24 Sparks, NV 89426 (“Blue Skies”).

25 3. The Respondent continued to provide property management services for the
26 property owners of Blue Skies through at least October of 2017.

1 4. On or about January 6, 2015, the RESPONDENT signed a one-year
2 residential lease agreement as the agent for the property owners of 7510 Pah Rah Dr.,
3 Sparks, NV 89436 ("Pah Rah").

4 5. The RESPONDENT continued to provide property management services for
5 the property owners of Pah Rah through at least April of 2017.

6 6. On or about May 14, 2015, the RESPONDENT signed a one-year residential
7 lease agreement as the agent for the property owners of 3490 Golden Valley Road, Reno,
8 NV 89506 ("Golden Valley").

9 7. The RESPONDENT continued to provide property management services for
10 the owners of Golden Valley through at least October 2017.

11 8. On or about October 28, 2015, the RESPONDENT signed a one-year
12 residential lease agreement as the agent for the property owners of 1543 Satellite Drive,
13 Sparks, NV 89436 ("Satellite Drive").

14 9. The RESPONDENT continued to provide property management services for
15 the owners of Satellite Drive through at least October 2016.

16 10. On or about September 27, 2017, the RESPONDENT signed a one-year
17 residential lease agreement as the agent for the property owners of 1255 Ian St., Sparks,
18 NV 89434 ("Ian St.").

19 11. The RESPONDENT continued to provide property management services for
20 the owners of Ian St. through at least November 2017.

21 12. On or about September 29, 2017, the RESPONDENT signed a one-year
22 residential lease agreement as the agent for the property owners of 2825 Watervale Dr.,
23 Sparks, NV 89436 ("Watervale Dr.").

24 13. The RESPONDENT continued to provide property management services for
25 the owners of Watervale Dr. through at least November 2017.

26 14. On or about October 31, 2017, the RESPONDENT signed a one-year
27 residential lease agreement as the agent for the property owners of 2755 Ashland Ave.,
28 Sparks, NV 89436 ("Ashland Ave.").

1 15. The RESPONDENT continued to provide property management services for
2 the owners of Watervale Dr. through at least November 2017.

3 16. In July 2013, RESPONDENT appeared before the Nevada Real Estate
4 Commission for acting in the capacity of a property manager without holding a real estate
5 license or property manager's permit.

6 17. At the July 2013, hearing, the Nevada Real Estate Commission accepted a
7 stipulated agreement between the RESPONDENT and the Division wherein the
8 RESPONDENT agreed to pay a \$5,000.00 fine for unlicensed activity and to cease and
9 desist from managing properties.

10 18. On or about June 20, 2016, the RESPONDENT received check number 3013
11 in the amount of \$700.00 for her work as the property manager for the property owners of
12 Blue Skies, Pah Rah, Golden Valley, Satellite Driver, Ian St., Watervale Dr., and Ashland
13 Ave. (collectively "the Properties").

14 19. On or about September 20, 2016, the RESPONDENT received check number
15 3045 in the amount of \$700.00 for her work as the property manager for the property
16 owners of the Properties.

17 20. On or about December 24, 2016, the RESPONDENT received check number
18 3080 in the amount of \$700.00 for her work as the property manager for the property
19 owners of the Properties.

20 21. On or about February 25, 2017, the RESPONDENT received check number
21 3101 in the amount of \$700.00 for her work as the property manager for the property
22 owners of the Properties.

23 22. On or about April 22, 2017, the RESPONDENT received check number 3125
24 in the amount of \$700.00 for her work as the property manager for the property owners of
25 the Properties.

26 23. On or about June 28, 2017, the RESPONDENT received check number 3162
27 in the amount of \$700.00 for her work as the property manager for the property owners of
28 the Properties.

1 24. On or about August 31, 2017, the RESPONDENT received check number
2 3195 in the amount of \$700.00 for her work as the property manager for the property
3 owners of the Properties.

4 25. On or about November 12, 2017, the property owners of the Properties
5 mailed a letter terminating their property management agreement with the
6 RESPONDENT for the Properties.

7 26. On or about January 31, 2018, the Division confirmed via email that the
8 RESPONDENT was working as an apartment manager for Eugene Burger Management
9 Corporation in Reno, Nevada.

10 27. On or about February 21, 2018, the Division confirmed via email that the
11 RESPONDENT did not have proof of ownership for the Properties she provided property
12 management services for as the agent of the Property Owners.

13 VIOLATIONS ALLEGED

14 RESPONDENT has committed the following violations of law:

15 1. RESPONDENT violated NRS 645.230(1)(a) and (b) on seven (7) occasions by
16 acting in the capacity of a real estate broker, real estate broker-salesperson, real estate
17 salesperson, and/or property manager without first obtaining the required license and/or
18 permit.

19 DISCIPLINE AUTHORIZED

20 1. Pursuant to NRS 645.235(2), the Commission is empowered to impose an
21 administrative fine of up to the amount of any gain or economic benefit derived from the
22 violation or \$5,000.00, whichever amount is greater, per violation against RESPONDENT.

23 2. Pursuant to NRS 645.314, the Division has authorization to request its
24 investigative costs, where the investigation was undertaken for disciplinary purposes.

25 3. Additionally, under NRS 622.400, the Commission is authorized to impose
26 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
27 fees, if the Commission otherwise imposes discipline on RESPONDENT.
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1 4. Therefore, the Division requests that the Commission take such disciplinary
2 action as it deems appropriate under the circumstances.

3 **NOTICE OF HEARING**

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

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

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

15 **TUESDAY, SEPTEMBER 1, 2020** Meeting number (Access code): 146 276 8028

16 Password (Attendee ID): MgCrCbJq662 (64272257662 from phones and video systems)

17 **WEDNESDAY, SEPTEMBER 2, 2020** Meeting number (Access Code): 146 650 1911

18 Password (Attendee ID): 2rGzteBYY24 (27498329924 from phones and video systems)

19 **THURSDAY, SEPTEMBER 3, 2020** Meeting number (Access code): 146 520 3582

20 Password (Attendee ID): umV3mJJ2gP2 (86836552472 from phones and video systems)

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22 If you do not have internet access, you may attend by phone at 1-844-621-3956 using
23 the access codes and attendee IDs listed above. Some mobile devices may ask attendees to
24 enter a numeric attendee ID, provided above.

25 If Emergency Directive 006, is not extended and the meeting is held in person, then
26 the meeting will be located at the following locations:

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

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

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

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

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

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


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


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8
9 DATED this 23 day of July, 2020.

DATED this 22nd day of July, 2020.

10
11 STATE OF NEVADA,
12 Department of Business & Industry
13 Real Estate Division

AARON D. FORD
Attorney General

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