

FILED

BEFORE THE REAL ESTATE COMMISSION JUL 29 2020

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Swely Patten*

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

Case No. 2018-1715

Petitioner,

**COMPLAINT AND NOTICE OF
HEARING**

vs.

RONALD B. STICHTER,

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 RONALD B. STICHTER ("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 the law are proven.

JURISDICTION

At all times relevant, RESPONDENT held a real estate broker license, B.0032575.MGR. 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

1. On or about December 11, 2018, the Division received an email from Sherine Kuckhoff (“Kuckhoff”) indicating that she had recently lost her property management permit and that she had neglected to renew it.

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

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

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

5. On or about December 18, 2018, the Division sent an investigation opening-letter, to RESPONDENT, BS.0032575.MGR, Kuckhoff’s then broker-salesperson manager of record, at Coldwell Banker Select Real Estate of Nevada, Inc., requiring him to provide a sworn statement, explaining how Kuckhoff, while under his supervision, was allowed to act in the capacity of a property manager without a valid property manager’s permit.

6. On or about December 18, 2018, the Division sent an investigation opening-letter to the Kuckhoff’s broker of record, Ron Hoy (“Hoy”), B.0017991.CORP, requiring him to provide a sworn statement explaining how Kuckhoff, while under his supervision, was allowed to act in the capacity of a property manager without a valid property manager’s permit.

7. On or about December 29, 2018, the Division received Kuckhoff’s sworn affidavit.

8. On or about December 28, 2018, the Division received RESPONDENT’s sworn affidavit.

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 Kuckhoff, an NRS 233B letter,
2 indicating that the Division's investigation had obtained sufficient evidence to commence
3 disciplinary action, by filing a complaint with the Nevada Real Estate Commission
4 ("Commission").

5 11. On or about May 28, 2019, the Division sent RESPONDENT an NRS 233B
6 letter, indicating that the Division's investigation had obtained sufficient evidence to
7 commence disciplinary action, by filing a complaint with the Nevada Real Estate
8 Commission ("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, Kuckhoff held a real estate broker-salesperson license,
15 BS.005345.

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

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

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

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 Kuckhoff.

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

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

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

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

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

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

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

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

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

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

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

1 19. On or about December 31, 2018, Kuckhoff provided the Division a written
2 statement indicating she earned a net income of \$568,770.64, with expenses of \$34,561.95,
3 for her property management during the period January 1, 2013 through December 31,
4 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 Kuckhoff's property
7 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 Kuckhoff, for her broker-salesperson license and property
10 management permit.

11 22. On January 8, 2019, the Division sent the Kuckhoff a Deficient Transaction
12 notification, which informed her that her property management permit expired January
13 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 NAC 645.600(1) for failing to supervise the activities
17 of his licensee.

18 **DISCIPLINE AUTHORIZED**

19 1. Pursuant to NRS 645.633(1)(b), the Commission is empowered to impose an
20 administrative fine of up to \$10,000 per violation against RESPONDENT and further to
21 suspend, revoke or place conditions on the license of RESPONDENT.

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

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

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

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
9 call 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.

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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.

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6
7 DATED this 27 day of July, 2020.

DATED this 23 day of July, 2020.

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

AARON D. FORD
Attorney General

12 By: 

By: 

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