

STEVE SISOLAK
Governor

STATE OF NEVADA



MICHAEL J BROWN
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
www.red.nv.gov

April 1, 2019

Certified No. 7018 1130 0001 8302 3907

Leach Kern Gruchow
Atten: John E. Leach, Esq.
2525 Box Canyon Dr.
Las Vegas, Nevada 89128

Re: NRED v. THOMAS KELLY
Case No: 2018-395

Mr. Leach:

Enclosed herewith you will find the STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION entered by the Nevada Commission for Common-Interest Communities and Condominium Hotels at the meeting held March 12, 2019 in Las Vegas, Nevada.

1. Mr. Kelly shall pay a fine in the amount of five thousand dollars (\$5,000.00) in thirty (30) days.
2. Mr. Kelly shall complete ten (10) hours of continuing education in courses approved by the Commission within six (6) months.

FINE DUE DATE: MAY 7, 2019
EDUCATION DUE DATE: OCTOBER 2, 2019

Submit your payment to the address below. Checks or money orders are to be made payable to the "Nevada Real Estate Division".

Nevada Real Estate Division
3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

There are two copies of this letter enclosed, one copy is marked "Remittance Copy" and should be returned with your check or money order to the Nevada Real Estate Division. The purpose of the remittance copy is to assure proper posting of fines to your disciplinary file.

Please note that Division staff does not have the authority to extend the due date for your fine or education requirements that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,



Teralyn Lewis
Administration Section Manager
Telephone: (702) 486-4036
Email: Teralyn.Lewis@red.nv.gov

Cc: Sharath Chandra, Administrator
Compliance
Michelle Briggs, Senior Deputy Attorney General

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

Sharath Chandra, Administrator, Real
Estate Division, Department of Business &
Industry, State of Nevada,

Case Nos. 2018-395

FILED

APR 01 2019

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Petitioner,

vs.

Thomas Kelly,

Respondent.

**STIPULATION AND ORDER FOR
SETTLEMENT OF DISCIPLINARY ACTION**

Petitioner, Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), through its Administrator, Sharath Chandra, and Respondent, Thomas Kelly enter into this STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order") as follows.

JURISDICTION

1. During all relevant times mentioned in the complaint, KELLY held, and currently holds, a supervisory community manager certificate from the Division (CAM.000025.SUPR) and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

FACTUAL ALLEGATIONS ALLEGED IN THE COMPLAINT

2. Beginning in December 2017, the Division opened three investigations against Riverwalk Homeowners Association (the "Association") based on complaints filed with the Division and began requesting documents from its community manager, RESPONDENT THOMAS KELLY.

3. After receiving three letters from the Division, on or about January 29, 2018, KELLY called the investigator and asked for an extension to February 2, 2018, which was given.

1 the fine shall be due 30 days from the date this Stipulation and Order is signed by the
2 Commission. The fine shall bear interest at the rate of 5.5% per annum beginning on the
3 day after it becomes due. KELLY shall be in default of the terms of this Stipulation and
4 Order if the fine is not paid in full within 90 days from the date this Stipulation and Order
5 is signed by the Commission.

6 18. KELLY shall complete 10 hours of continuing education in courses approved by
7 the Commission within 6 months from the date this Stipulation and Order is signed by the
8 Commission.

9 19. The Division agrees not to pursue any other or greater remedies or fines in
10 connection with KELLY'S alleged conduct referenced herein.

11 20. KELLY and the Division agree that once this Stipulation is approved and fully
12 complied with by KELLY, the Division will close this matter.

13 21. This Stipulation and Order includes any claims that could have been included
14 in a supplemental or amended complaint arising from the same operative facts, transactions
15 and occurrences in existence as of the effective date of this agreement. However, this
16 Stipulation and Order does not include claims arising from facts or circumstances which
17 have been concealed by KELLY.

18 22. KELLY agrees that if the terms and conditions of this Stipulation and Order
19 are not met, the Division may, at its option, rescind this agreement and proceed with
20 prosecuting the Complaint before the Commission.

21 23. KELLY agrees and understands that by entering into this Stipulation and
22 Order, KELLY is waiving his right to a hearing at which KELLY may present evidence in
23 his defense, his right to a written decision on the merits of the Complaint, his right to
24 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which
25 may be accorded by the Nevada Administrative Procedure Act, the Nevada Uniform
26 Common-Interest Ownership Act and accompanying regulations, and the federal and state
27 constitutions. KELLY understands that this Stipulation and Order and other
28 documentation may be subject to public records laws. The Commission members who review

1 this matter for approval of this Stipulation and Order may be the same members who
2 ultimately hear, consider and decide the Complaint if this Stipulation and Order is not
3 performed by KELLY.

4 24. Each party shall bear its own attorney's fees and costs.


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

9 26. Release. In consideration of execution of this Stipulation, RESPONDENT
10 KELLY for himself, his heirs, executors, administrators, successors, and assigns, hereby
11 releases, remises, and forever discharges the State of Nevada, the Department of Business
12 and Industry and the Division, and each of their respective members, agents, employees
13 and counsel in their individual and representative capacities, from any and all manner of
14 actions, causes of action, suits, debts, judgments, executions, claims, and demands
15 whatsoever, known and unknown, in law or equity, that RESPONDENT KELLY ever had,
16 now has, may have, or claim to have, against any or all of the persons or entities named in
17 this section, arising out of or by reason of the Division's investigation, this disciplinary
18 action, and all other matters relating thereto.

19 27. Indemnification. RESPONDENT KELLY hereby indemnifies and holds
20 harmless the State of Nevada, the Department of Business and Industry, the Division, and
21 each of their respective members, agents, employees and counsel in their individual and
22 representative capacities against any and all claims, suits, and actions brought against said
23 persons and/or entities related to the Release set forth above, including against any and all
24 expenses, damages, and costs, including court costs and attorney fees, which may be
25 sustained by the persons and/or entities named in this section as a result of said claims,
26 suits, and actions.

27 28. KELLY has signed and dated this Stipulation only after reading and
28 understanding all terms herein.

1 Real Estate Division,
2 Department of Business & Industry,
3 State of Nevada



Thomas Kelly

3 By: _____
4 Sharath Chandra, Administrator

5 Approved by:

6 AARON FORD
7 Attorney General

8 By: _____
9 Michelle D. Briggs
10 Senior Deputy Attorney General
11 555 E. Washington Ave. Ste 3900
12 Las Vegas, Nevada 89101
13 (702) 486-3420
14 Attorneys for Real Estate Division

By: 
John E. Leach, Esq.
Leach, Kern, Gruchow
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Attorney for Thomas Kelly

14 IT IS ORDERED that the foregoing STIPULATION AND ORDER FOR
15 SETTLEMENT OF DISCIPLINARY ACTION is approved in full.

16
17 DATED: March ____, 2019.

18 Commission for Common-Interest
19 Communities and Condominium Hotels,
20 Department of Business & Industry,
21 State of Nevada

22 By: _____
23 Michael Burke, Chairman

1 DATED: March 20, 2019.

DATED: March ____, 2019.

2 Real Estate Division,
3 Department of Business & Industry,
4 State of Nevada

Thomas Kelly

5 By: 
Sharath Chandra, Administrator

6 Approved by:

7 AARON FORD
8 Attorney General

9 By: 
10 Michelle D. Briggs
11 Senior Deputy Attorney General
12 555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
(702) 486-3420
Attorneys for Real Estate Division

By: _____
John E. Leach, Esq.
Leach, Kern, Gruchow
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Las Vegas, Nevada 89128
Attorney for Thomas Kelly

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20 Communities and Condominium Hotels,
21 Department of Business & Industry,
22 State of Nevada

23 By: _____
24 Michael Burke, Chairman

1 DATED: March 20, 2019.

DATED: March ____, 2019.


2 Real Estate Division,
3 Department of Business & Industry,
4 State of Nevada

Thomas Kelly

5 By: 
Sharath Chandra, Administrator

6 Approved by:

7 AARON FORD
8 Attorney General

9 By: 
10 Michelle D. Briggs
11 Senior Deputy Attorney General
12 555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
(702) 486-3420
Attorneys for Real Estate Division

By: _____
John E. Leach, Esq.
Leach, Kern, Gruchow
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Attorney for Thomas Kelly

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14
15 IT IS ORDERED that the foregoing STIPULATION AND ORDER FOR
16 SETTLEMENT OF DISCIPLINARY ACTION is approved in full.

17
18 DATED: March 22, 2019.

19 Commission for Common-Interest
20 Communities and Condominium Hotels,
21 Department of Business & Industry,
State of Nevada

22
23 By:  VICE CHAIR
for Michael Burke, Chairman