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BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

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

Petitioner,

VS.

CHRISTINA MARIE DEHLINGER, (CAM.0009099 - INACTIVE)

Respondent.

Case No. 2023-322



DEC 1 4 2023

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into by and between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record, Christal Park Keegan, and Christina Marie Dehlinger, by and through her attorney of record, Kirk T. Kennedy ("RESPONDENT").

JURISDICTION AND NOTICE

During all relevant times mentioned in this complaint, RESPONDENT held a community manager certificate from the Division (CAM.0009099) 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. RESPONDENT'S certificate is currently in "inactive" status as of June 30, 2022.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

- 1. At all times relevant to this Complaint, RESPONDENT was the community manager for One Turnberry Place Condominium Association ("Association").
- 2. From about August 2021 through February 2023, the RESPONDENT embezzled funds from the Association in amounts estimated at \$95,121.79. EXHIBIT 1.

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- 3. On February 8, 2023, the RESPONDENT confessed to Board of Director Gail Poll that she misappropriated Association funds. *EXHIBIT 5*.
- 4. In February of 2023, RESPONDENT advanced repayment plans that never happened. *EXHIBIT 6*.
- 5. On April 24, 2023, the Division received a complaint against the RESPONDENT for embezzling funds from the Association. EXHIBIT 1.
- 6. Therefore, on or about May 3, 2023, the Division sent the RESPONDENT a request for information and/or documents. *EXHIBIT 2*.
- 7. On or about May 30, 2023, the Division sent a second request for information to the RESPONDENT after it had received no response. *EXHIBIT 3*.
- 8. On June 2, 2023, RESPONDENT'S attorney represented to the Division that she was advised not to make any further statements regarding the complaints against her. *EXHIBIT 4*.
- 9. As of June 20, 2023, RESPONDENT has not paid back any of the Association's funds she misappropriated. *EXHIBIT* 7.

VIOLATIONS OF LAW

- 10. RESPONDENT violated NRS 116A.630(1)(a) for failing to act as a fiduciary to the client when she embezzled funds from the Association.
- 11. RESPONDENT violated NRS 116A.630(1)(b) for failing to exercise ordinary and reasonable care in the performance of her duties when she deposited Association checks to herself.
- 12. RESPONDENT violated NRS 116A.640(4) for using Association money for her own personal use.
- 13. RESPONDENT violated NRS 116A.640(2)(a) for impeding or otherwise interfering with the Division's investigation by failing to provide documents.

14. RESPONDENT violated NAC 116A.355(1)(a) as determined by NAC 116A.355(4)(g) by engaging in unprofessional conduct or professional incompetence by failing to act in the best interest of her client when she took Association monies, and never repaid it.

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the parties desire to compromise and settle the Division's findings of violations of law in Case No. 2023-322 upon the following terms and conditions:

- a. Since the Division's filing of its Complaint, the RESPONDENT has taken steps to repay her liability towards the \$92,052.50 Proof of Loss filed by the victim/insured Association and has tendered a down payment of \$25,000. RESPONDENT has made additional monthly payments of \$300, and shall continue to make such monthly payments until her obligation is completely repaid.
- b. RESPONDENT shall pay the Division a total amount of \$1,392.24 ("Amount Due"), consisting of the Division's incurred costs in the amount of \$450.00, and the Attorney's pre-hearing fees in the amount of \$942.24, within sixty (60) days of the date of the Order approving this Stipulation and Order.
- c. RESPONDENT further agrees to voluntarily surrender her community manager certificate, and shall not reapply until the restitution to the Association's insurer and the Amount Due to the Division is paid in full and final satisfaction, with such reapplication subject to appearance before the Commission for approval of any licensure prior to obtaining licensure.
- 1. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation the RESPONDENT may assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter.

- 2. RESPONDENT agree and understand that by entering into this Stipulation she is waiving her right to a hearing at which she may present evidence in her defense, her right to a written decision on the merits of the complaint, her rights to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and accompanying regulations, and the federal and state Constitutions. The RESPONDENT understands that this Agreement and other documentation may be subject to public records laws. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the Commission or is not timely performed by the RESPONDENT. The RESPONDENT fully understands that she has the right to be represented by legal counsel in this matter at her own expense.
 - 3. Each party shall bear their own attorney's fees and costs.
- 4. Approval of Stipulation. Once executed, this Stipulation will be filed with the Commission and will be placed on the agenda for approval at its next public meeting. The Division will recommend to the Commission approval of the Stipulation. RESPONDENT agrees that the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by RESPONDENT before any amendment is effective.
- 5. <u>Withdrawal of Stipulation</u>. If the Commission rejects this Stipulation or suggests amendments unacceptable to the RESPONDENT, she may withdraw from this Stipulation, and the Division may pursue its Complaint before the Commission. This Stipulation then shall become null and void and unenforceable in any manner against either party.
- 6. <u>Release</u>. In consideration of the execution of this Stipulation, RESPONDENT for herself, her heirs, executors, administrators, successors, and assigns, hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and

Industry, and the Division, and each of their respective members, agents, employees, and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigation of this action, this disciplinary action, and all matters related thereto.

- 7. <u>Indemnification</u>. RESPONDENT hereby agrees to indemnify and hold harmless the State of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective members, agents, employees, and counsel, in their individual and representative capacities, against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's investigation, this disciplinary action, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.
- 8. <u>Default</u>. In the event of default under any terms of this Stipulation, RESPONDENT agrees that her license shall be immediately suspended, and the unpaid balance of the administrative fine and costs, together with any attorneys' fees and costs that may have been assessed, shall be due in full to the Division within ten (10) calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this case may be instituted by the Division or its assignee.

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1	9. RESPONDENT has signed and dated this Stipulation only after reading an		
2	understanding all terms herein.		
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4	DATED: October 31, 2023.	NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION	
5		AND INDUSTRY, REAL ESTATE DIVISION	
6		By: SHARATH CHANDRA, Administrator	
7		Difatatii Oliatybita, Administrator	
8	DATED: October <u> </u>	RESPONDENT	
9 10		By: Tina M. Dehlinger CHRISTINA MARIE DEHLINGER	
11		CHRISTINA MARIE DEHLINGER	
12			
13	Approved as to form:	Approved as to form:	
14	AARON D. FORD Attorney General	LAW OFFICE OF KIRK T. KENNEDY	
15	a - ka		
16	By: CHRISTAL P. KEEGAN	By: KIRK T. KENNEDY	
17	Deputy Attorney General Bar No. 12725	Bar No. 5032 815 S. Casino Center Blvd.	
18	5420 Kietzke Lane, #202 Reno, Nevada 89511	Las Vegas, NV 89101 (702) 383-5534	
19	(775) 687-2141 Attorney for Real Estate Division	Attorney for Respondent	
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BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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3	STATE OF NEVADA			
5	REAL ESTATE DIVISION, DEPARTMENT	ase No. 2023-322		
6	6			
7	Petitioner,			
8	vs.			
9	CHRISTINA MARIE DEHLINGER,			
10	0 Respondent.			
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12	IT IS ORDERED that the foregoing Stipulation and Order for Settlement of			
13	Disciplinary Action is approved in full.			
14	Dated: December 14th, 2023			
15	5 COMMISS	ION FOR COMMON-INTEREST		
16	6 HOTELS, I	ITIES AND CONDOMINIUM DEPARTMENT OF BUSINESS JSTRY, STATE OF NEVADA		
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19	By: PF	TYLLIS TOMASSO, Chairman		
20	0 Submitted by:			
21	AARON D. FORD			
22	Attorney General			
	Dakes as			
23	CHRISTAL P. KEEGAN (Bar No. 12725)			
24	5420 Kietzke Lane, #202			
25	5 Reno, Nevada 89511 (775) 687-2141			
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