

FILED

AUG 04 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2015-3529

Petitioner,

**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION**

vs.

BARBARA A. MARIN,

Respondent.

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into between the Petitioner, State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator, Sharath Chandra, and Respondent, BARBARA A. MARIN ("Respondent").

JURISDICTION

Respondent stipulates and agrees that she engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson as alleged in the Complaint. Respondent agrees that she is subject to Nevada Revised Statutes ("NRS") Chapter 645 and Nevada Administrative Code ("NAC") Chapter 645 and to the jurisdiction of the Division and the Commission.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN COMPLAINT

1. RESPONDENT has been licensed as a salesperson under license number S.0172297 since October 9, 2012, and as a property manager under permit number PM.0165847 since August 6, 2013, and is currently in active status.

2. On or about March 15, 2015, RESPONDENT signed a management agreement with Complainant and property owner Yujian Liu ("Liu") for a property located at Via Olivero, Las Vegas, NV ("Via Olivero Property").

3. Liu supplied RESPONDENT with a bank debit card to Liu's account to reportedly pay for necessary repairs to make the Via Olivero Property rent ready.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 4. RESPONDENT's license was under Penn Realty from about January 29, 2015 to March
2 23, 2015 when RESPONDENT moved to Investpro Realty LLC for roughly 3 weeks, from Mach 25,
3 2015 to April 16, 2015, before moving back to Penn Realty, where she would remain from April 16,
4 2015 until March 14, 2016.

5 5. On or about March 30, 2015, RESPONDENT received \$2,000.00 from Liu's bank
6 account which was deposited into RESPONDENT's own personal bank account.

7 6. From about March 30, 2015 to June 22, 2015, bank records showed cash withdrawals
8 and purchases totaling roughly \$6,204.98 – no invoices or receipts were provided.

9 7. On or about June 6, 2015, RESPONDENT signed a residential lease agreement placing a
10 tenant in the Via Olivero Property.

11 8. Said residential lease agreement listed Joe Sulima Penn Realty as the broker for the
12 owner; however, broker Sulima never saw a copy of this lease and was unaware it existed.

13 9. Said residential lease agreement also listed RESPONDENT as the landlord/owner of the
14 subject property.

15 10. Said residential lease agreement also listed the management company (broker) as "Get it
16 Done PM Group".

17 11. Get it Done PM Group is an unlicensed fictitious business name that RESPONDENT
18 goes by.

19 12. Said residential lease agreement also listed RESPONDENT as the authorized agent for
20 broker signature.

21 13. On or about July 11, 2015, Liu received a handwritten list of expenses for a total of
22 \$9,614.00 – this included the pre-deduction of June and July rents, fees and security deposit with a
23 \$428.02 balance owed to RESPONDENT.

24 14. RESPONDENT also withheld June and July management fees which were not paid
25 through the broker of Penn Realty.

26 15. After 5 months of collecting rent from the tenant, only one month was deposited into
27 Liu's account.

28 16. By end of October 2015, Liu changed management companies.

1 2. The Parties desire to compromise and settle the instant controversy upon the following
2 terms and conditions.

3 3. Respondent agrees to the voluntary surrender of her all of her licenses including her
4 salesperson license and property manager permit and further agrees to not apply for any real estate
5 license or permit in Nevada for three (3) years from the effective date of this Order.

6 4. The Division agrees not to pursue any other or greater remedies or fines in connection
7 with Respondent's alleged conduct referenced herein.

8 5. Respondent and the Division agree that by entering into this Stipulation, the Division
9 does not concede any defense or mitigation Respondent may assert and that once this Stipulation is
10 approved and fully performed, the Division will close its file in this matter.

11 6. Respondent agrees and understands that by entering into this Stipulation, Respondent is
12 waiving her right to a hearing at which Respondent may present evidence in her defense, her right to a
13 written decision on the merits of the complaint, her rights to reconsideration and/or rehearing, appeal
14 and/or judicial review, and all other rights which may be accorded by the Nevada Administrative
15 Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and accompanying
16 regulations, and the federal and state constitutions. Respondent understands that this Agreement and
17 other documentation may be subject to public records laws. The Commission members who review
18 this matter for approval of this Stipulation may be the same members who ultimately hear, consider and
19 decide the Complaint if this Stipulation is either not approved by the Commission or is not timely
20 performed by Respondent. Respondent fully understands that she has the right to be represented by
21 legal counsel in this matter at her own expense.

22 7. Each party shall bear its or her own attorney's fees and costs.

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

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1 9. Approval of Stipulation. Once executed, this Stipulation will be filed with the
2 Commission and will be placed on the agenda for approval at its May 2017 public meeting. The
3 Division will recommend to the Commission approval of the Stipulation. Respondent agrees that the
4 Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or
5 rejected by Respondent before any amendment is effective.

6 10. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
7 amendments unacceptable to Respondent, Respondent may withdraw from this Stipulation and the
8 Division may pursue its Complaint before the Commission at the Commission's regular public meeting.

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

18 12. Indemnification. Respondent hereby indemnifies and holds harmless the State of
19 Nevada, the Department of Business and Industry, the Division, and each of their respective members,
20 agents, employees and counsel in their individual and representative capacities against any and all
21 claims, suits, and actions brought against said persons and/or entities by reason of the Division's
22 investigation, this disciplinary action and all other matters relating thereto, and against any and all
23 expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the
24 persons and/or entities named in this section as a result of said claims, suits, and actions.

25 13. Respondent has signed and dated this Stipulation only after reading and understanding
26 all terms herein.

27 ...

28 [signatures on following page]

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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Dated: 5/16/2017

By: 
Barbara Marin, Respondent

Dated: _____

State of Nevada
Department of Business and Industry
Real Estate Division

By: _____
Shamath Chandra, Administrator

Approved as to form:

Dated: _____

ADAM PAUL LAXALT
Attorney General

By: _____
Donald J. Hordlove
Deputy Attorney General
Attorney for the Real Estate Division

ORDER APPROVING STIPULATION

The Stipulation for Settlement of Disciplinary Action having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on May _____, 2017, and the Commission being fully apprised in the premises, and good cause appearing,

IT IS ORDERED that the above Stipulation is approved in full.

This Order shall become effective on the _____ day of _____, 2017.

Dated this _____ day of May, 2017.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Nevada Real Estate Commission

Attorney General's Office
535 E. Washington, Suite 1900
Las Vegas, NV 89101

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Dated: _____

By: _____

Barbara Marin, Respondent

Dated: 08/03/17

State of Nevada
Department of Business and Industry
Real Estate Division

By: _____

Sharath Chandra, Administrator

Approved as to form:

Dated: 8/31/17

ADAM PAUL LAXALT
Attorney General

By: _____

Donald J. Bordelove
Deputy Attorney General
Attorney for the Real Estate Division

ORDER APPROVING STIPULATION

The Stipulation for Settlement of Disciplinary Action having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on May _____, 2017, and the Commission being fully apprised in the premises, and good cause appearing,

IT IS ORDERED that the above Stipulation is approved in full.

This Order shall become effective on the 6th day of September, 2017.

Dated this 4th day of AUGUST, 2017. AD

NEVADA REAL ESTATE COMMISSION

By: _____

Neil Stewart
President, Nevada Real Estate Commission