

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Petitioner,

vs.

JOHN PALMER,

Respondent.

Case No. 2015-2622

STIPULATION FOR SETTLEMENT OF  
DISCIPLINARY ACTION

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, JOHN PALMER ("Respondent").

JURISDICTION

Respondent agrees that he 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. On or about September 10, 2015, Allison White filed a complaint against RESPONDENT for conducting real estate and property management activities without first obtaining licenses from the Nevada Real Estate Division to perform such activities.

2. As part owner of Las Vegas Retreats (with Linda Logan), RESPONDENT enters into Rental Marketing Agreements with property owners.

3. Pursuant to NRS 645.019, RESPONDENT performed property management services by the physical, administrative or financial maintenance and management of real property, or the supervision of such activities for a fee, commission, or other compensation or valuable consideration.

1           4.     RESPONDENT does not hold a Nevada Real Estate license or property management  
2 permit in Nevada.

3           5.     On or about August 15, 2016, the Administrator of the Division issued a Cease  
4 and Desist Order to RESPONDENT, ordering RESPONDENT to cease and desist from  
5 conducting all broker and property management activities.

6                           **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN COMPLAINT**

7           1.     RESPONDENT violated NRS 645.230(1)(b) by engaging in the business of,  
8 acting in the capacity of, advertising or assuming to act as a property manager without  
9 first obtaining from the Division a license as a real estate broker, real estate broker-  
10 salesperson, or real estate salesperson, and a permit to engage in property management.

11           2.     RESPONDENT violated NRS 645.235(1)(a) by knowingly engaging or offering  
12 to engage in any activity for which a license, permit, certificate or registration or any type  
13 of authorization is required pursuant to this chapter, or any regulation adopted pursuant  
14 thereto, if the person does not hold the required license, permit, certificate or registration  
15 or has not been given the required authorization.

16   **SETTLEMENT**

17           1.     The Division was prepared to present its case based upon the Complaint filed  
18 with the Commission, and the Respondent was prepared to defend against the penalty to  
19 be imposed.

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

22           3.     Linda Logan has stated her intention to become properly licensed by the  
23 Division in order to lawfully conduct property management activities in the State of  
24 Nevada.

25           4.     Respondent agrees to cease and desist from conducting all real estate and  
26 property management activities until the time Linda Logan is fully licensed from the  
27 Division in order to conduct said activities. Respondent further agrees that only Linda  
28

1 Logan will perform property management services thereafter as Respondent will solely  
2 maintain the website, as webmaster, for Las Vegas Retreats.

3 5. Respondent further agrees to pay a total of \$2,000 (\$1,500 as an  
4 administrative fine and \$500 in investigative costs) to the Division as follows: Respondent  
5 shall pay an initial payment of \$500 due within 7 days of the effective date of this Order,  
6 and \$50 a month thereafter, until paid in full. Each payment shall be due on the 15th of  
7 every month. No grace period is permitted. Any payment not actually received by the  
8 Division on or before its due date shall be construed as an event of default by Respondent.

9 6. In the event of default, Respondent agrees that the unpaid balance, together  
10 with any attorney's fees and costs that may have been assessed, shall be due in full to the  
11 Division within ten calendar days of the date of default. Debt collection actions for unpaid  
12 monetary assessments in this case may be instituted by the Division.

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

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

19 9. Respondent agrees and understands that by entering into this Stipulation,  
20 Respondent is waiving the right to a hearing at which Respondent may present evidence  
21 in defense, right to a written decision on the merits of the complaint, rights to  
22 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which  
23 may be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate  
24 Brokers and Salespersons statutes and accompanying regulations, and the federal and  
25 state constitutions. Respondent understands that this Agreement and other  
26 documentation may be subject to public records laws. The Commission members who  
27 review this matter for approval of this Stipulation may be the same members who  
28 ultimately hear, consider and decide the Complaint if this Stipulation is either not

1 approved by the Commission or is not timely performed by Respondent. Respondent fully  
2 understands that Respondent has the right to be represented by legal counsel in this matter  
3 at his own expense.

4 10. Except as provided above, each party shall bear its or her own attorney's fees  
5 and costs.

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

10 12. Approval of Stipulation. Once executed, this Stipulation will be filed with the  
11 Commission and will be placed on the agenda for approval at its August 2017 public  
12 meeting. The Division will recommend to the Commission approval of the Stipulation.  
13 Respondent agrees that the Commission may approve, reject, or suggest amendments to  
14 this Stipulation that must be accepted or rejected by Respondent before any amendment is  
15 effective.

16 13. Withdrawal of Stipulation. If the Commission rejects this Stipulation or  
17 suggests amendments unacceptable to Respondent, Respondent may withdraw from this  
18 Stipulation and the Division may pursue its Complaint before the Commission at the  
19 Commission's regular public meeting.


20 14. Release. In consideration of execution of this Stipulation, the Respondent for  
21 himself, his heirs, executors, administrators, successors, and assigns, hereby release,  
22 remise, and forever discharge the State of Nevada, the Department of Business and  
23 Industry and the Division, and each of their respective members, agents, employees and  
24 counsel in their individual and representative capacities, from any and all manner of  
25 actions, causes of action, suits, debts, judgments, executions, claims, and demands  
26 whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has,  
27 may have, or claim to have, against any or all of the persons or entities named in this  
28

1 section, arising out of or by reason of the Division's investigation, this disciplinary action,  
2 and all other matters relating thereto.

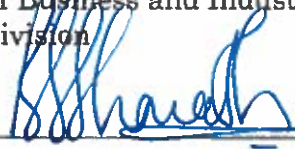
3 15. Indemnification. Respondent hereby indemnifies and holds harmless the  
4 State of Nevada, the Department of Business and Industry, the Division, and each of their  
5 respective members, agents, employees and counsel in their individual and representative  
6 capacities against any and all claims,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

11 16. Respondent has signed and dated this Stipulation only after reading and  
12 understanding all terms herein.

13  
14 Dated: 8/14/17

By:   
John Palmer, Respondent

15  
16 Dated: 8/25/17

17 State of Nevada  
18 Department of Business and Industry  
19 Real Estate Division  
By:   
Sharath Chandra, Administrator

1 Approved as to form:

Approved as to form:

2 Dated: 8/15/17

Dated: \_\_\_\_\_

3 ADAM PAUL LAXALT  
4 Attorney General

Brown, Brown & Premsrirut

5 By: \_\_\_\_\_

By: \_\_\_\_\_

6 Donald J. Bordelove  
7 Deputy Attorney General  
8 Attorney for the Real Estate  
9 Division

Jay Brown  
Jay Brown  
Attorney for Respondent

10  
11 **ORDER APPROVING STIPULATION**

12 The Stipulation for Settlement of Disciplinary Action having come before the Real  
13 Estate Commission, Department of Business and Industry, State of Nevada, during its  
14 regular agenda on August \_\_, 2017, and the Commission being fully apprised in the  
15 premises, and good cause appearing,

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

17 This Order shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

18 Dated this \_\_\_\_\_ day of August, 2017.

19 NEVADA REAL ESTATE COMMISSION

20  
21  
22 By: \_\_\_\_\_  
23 President, Nevada Real Estate Commission

1 Approved as to form:

2 Dated: 8/15/17

3 ADAM PAUL LAXALT  
4 Attorney General

5 By: 

6 Donald J. Bordelove  
7 Deputy Attorney General  
8 Attorney for the Real Estate  
9 Division

Approved as to form:

Dated: \_\_\_\_\_

Brown, Brown & Premsrirut

By: 

Jay Brown  
Attorney for Respondent

10  
11 **ORDER APPROVING STIPULATION**

12 The Stipulation for Settlement of Disciplinary Action having come before the Real  
13 Estate Commission, Department of Business and Industry, State of Nevada, during its  
14 regular agenda on August 15, 2017, and the Commission being fully apprised in the  
15 premises, and good cause appearing,  
16

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

18 This Order shall become effective on the 19<sup>th</sup> day of October, 2017.

19 Dated this 29<sup>th</sup> day of August, 2017.

20 NEVADA REAL ESTATE COMMISSION

21  
22 By:   
23 President, Nevada Real Estate Commission