

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

FILED

MAY 31 2017

REAL ESTATE COMMISSION  
BY *Rebecca H. H.*

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

Case No. 2014-4418

Petitioner,

vs.

GARY M. WILSON,

Respondent.

**STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTION**

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into between petitioner REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") and respondent GARY M. WILSON ("Respondent").

**JURISDICTION**

Respondent stipulates and agrees that he was at all relevant times, licensed in Nevada by the Division as alleged in the Complaint. Respondent agrees that he is subject to Nevada Revised Statutes Chapter 645 and Nevada Administrative Code Chapter 645 and to the jurisdiction of the Division and the Commission.

**SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

1. Respondent has been licensed as a salesperson under license number S.0167821.LLC since March 17, 2009, and is currently in active status.

2. At all times relevant to this Complaint, Respondent was associated with broker Adam David Fenn at Haines and Krieger Realty.

3. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered April 1 to 30, 2014 bank statement from Clark County Credit Union regarding real property on East Reno Avenue, Las Vegas, Nevada.

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1 4. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered May 1 to  
2 31, 2014 bank statement from US Bank regarding real property on East Reno Avenue, Las Vegas,  
3 Nevada.

4 5. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered July 1 to 31,  
5 2014 bank statement from US Bank regarding real property on Cape Sand Drive, Las Vegas, Nevada.

6 6. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered August 1 to  
7 31, 2014 bank statement from US Bank regarding real property on Cape Sand Drive, Las Vegas,  
8 Nevada.

9 7. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered August 1 to  
10 31, 2014 bank statement from US Bank regarding real property on Furnace Gulch Avenue, Las Vegas,  
11 Nevada.

12 8. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered October 1 to  
13 31, 2014 bank statement from US Bank regarding real property on Auckland Drive, Las Vegas,  
14 Nevada.

15 9. Respondent knowingly submitted to Wells Fargo a fabricated and/or altered October 1 to  
16 31, 2014 bank statement from US Bank regarding real property on Escatawpa Bay Court, Las Vegas,  
17 Nevada.

18 10. On or about December 10, 2014, Wells Fargo filed a Statement of Fact with the Division  
19 complaining about Respondent's conduct.

20 **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

21 11. Respondent violated NRS 645.630(1)(a) and/or NRS 645.633(1)(i) by providing  
22 fabricated and/or altered bank statements to Wells Fargo.

23 **SETTLEMENT**

24 12. The Division was prepared to present its case based upon the Complaint filed with the  
25 Commission.

26 13. Respondent admits to the facts as alleged in the Complaint to the extent that each  
27 incident was in connection with short sale real estate purchase offers in which Wells Fargo was the

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1 bank statements as proof of funds.

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

4 15. Respondent voluntarily surrenders his salesperson license, effective immediately.

5 16. Respondent agrees that he may not apply to the Division for any real estate license or  
6 permit for a period of at least three years from the effective date of the Order Approving Settlement  
7 Agreement.

8 17. Respondent agrees to pay to the Division a total of \$400.00 in investigative costs within  
9 30 days of the date of the Commission's Order Approving Stipulation. No grace period is permitted. If  
10 the payment is not actually received by the Division on or before its due date, it shall be construed as an  
11 event of default by Respondent.

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

16 19. The Division agrees not to pursue any other or greater remedies or fines in connection  
17 with Respondent's conduct referenced herein.

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

21 21. Respondent agrees that if the administrative costs are not paid within the time period set  
22 forth hereinabove, the Division may, at its option, rescind this Stipulation and proceed with prosecuting  
23 the Complaint before the Commission.

24 22. Respondent agrees and understands that by entering into this Stipulation, Respondent is  
25 waiving his right to a hearing at which Respondent may present evidence in his defense, his right to a  
26 written decision on the merits of the complaint, his rights to reconsideration and/or rehearing, appeal  
27 and/or judicial review, and all other rights which may be accorded by the Nevada Administrative  
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1 Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and accompanying  
2 regulations, and the federal and state constitutions. Respondent understands that this Agreement and  
3 other documentation may be subject to public records laws. The Commission members who review  
4 this matter for approval of this Stipulation may be the same members who ultimately hear, consider and  
5 decide the Complaint if this Stipulation is either not approved by the Commission or is not timely  
6 performed by Respondent. Respondent fully understands that he has the right to be represented by  
7 legal counsel in this matter at his own expense.

8 23. Each party shall bear its or his own attorney's fees and costs.

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

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

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

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

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

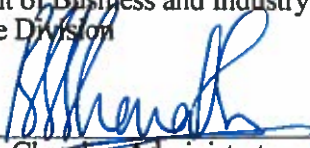
3 28. Indemnification. Respondent hereby indemnifies and holds harmless the State of  
4 Nevada, the Department of Business and Industry, the Division, and each of their respective members,  
5 agents, employees and counsel in their individual and representative capacities against any and all  
6 claims,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

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

12  
13 Dated: May 17, 2017

13 By:   
14 Gary M. Wilson, Respondent

15 Dated: 05/24/17

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

19  
20 Approved as to form:

20 Approved as to form:

21 Dated: May 23, 2017

21 Dated: May 17, 2017

22 ADAM PAUL LAXALT  
23 Attorney General

22 PATRICK N. CHAPIN, LTD.

24 By:   
25 Keith E. Kizer  
25 Senior Deputy Attorney General

24 By:   
25 Patrick N. Chapin, Esq.

26 Attorney for Real Estate Division

26 Attorney for Respondent

**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 24, 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 5<sup>th</sup> day of July, 2017.

Dated this 30<sup>th</sup> day of May, 2017.

NEVADA REAL ESTATE COMMISSION

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