

FILED

MAR 10 2020

REAL ESTATE COMMISSION
BY *Evelyn Patten*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2017-48

Petitioner,

vs

KEVIN DUNLAP,

Respondent.

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, Kevin Dunlap ("RESPONDENT").

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a salesperson and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. At all relevant times mentioned in this Complaint, RESPONDENT held a salesperson's real estate license with the State of Nevada, license number S.0172165.

2. At all relevant times mentioned in this Complaint, RESPONDENT was associated with Vegas International Properties Realty Group ("VIP") and broker Glenn S. Plantone, B.1000920.I.I.C.

3. RESPONDENT was contacted by Ramisia Watson ("COMPLAINANT") to lease or lease-option her home at 9534 Log Jam Street.

4. RESPONDENT advertised and conducted business under the name Titan Investment Group.

5. RESPONDENT collected initial rent and deposits on behalf of COMPLAINANT from a tenant ("Tenant") for 9534 Log Jam Street.

- 1 6. RESPONDENT withheld money so collected from COMPLAINANT.
- 2 7. RESPONDENT did not at any relevant time mentioned in this complaint hold a property
- 3 management permit.
- 4 8. RESPONDENT acted on behalf of both COMPLAINANT and Tenant without the written
- 5 consent from both. *Tir dent*
- 6 9. RESPONDENT listed numerous properties under his name and *Titan* Investment Group
- 7 when in fact neither he nor Titan Investment Group was the owner. *6*

8 **VIOLATIONS OF LAW ASSERTED IN THE COMPLAINT**

- 9 RESPONDENT has committed the following violation of law:
- 10 10. RESPONDENT violated NRS 645.230(1)(b), by engaging in property management
- 11 without a permit to do so, when he received rent money and a security deposit.
- 12 11. RESPONDENT violated NRS 645.633(1)(h), NAC 645.610(1)(c) or (e), or NAC
- 13 645.611(4) in using the nickname *Tir dent* *Titan* Investment Group to advertise properties and not clearly
- 14 identifying the broker's name with prominence. *6*
- 15 12. RESPONDENT violated NRS 645.630(1)(i), when he collected rent from a tenant but
- 16 did not remit it to his broker.
- 17 13. RESPONDENT violated NRS 645.252(1)(d) in failing to obtain written consent to act on
- 18 behalf of both parties to a lease agreement.
- 19 14. RESPONDENT violated NRS 645.630(1)(a) by making material misrepresentations in
- 20 advertising lease options on his website.

21 **SETTLEMENT**

- 22 1. The Division was prepared to present its case based upon the Complaint filed with the
- 23 Commission.
- 24 2. However, in an effort to avoid the time and expense of litigating these issues before the
- 25 Commission, the parties desire to compromise and settle the instant controversy upon the following terms,
- 26 and conditions.
- 27 3. Respondent agrees to the immediate surrender of his license and to refrain from
- 28 applying for any license, permit, or certificate issued by the Real Estate Division, or successor thereto, in the

1 State of Nevada for a period of 10 years.

2 4. RESPONDENT agrees he will pay to the Division as investigative costs and attorneys'
3 fees in the amount of \$773.08 within sixty (60) days of entry of the order hereinbelow. No grace period is
4 permitted. If the payment is not actually received by the Division on or before its due date, it shall be
5 construed as an event of default by RESPONDENT. RESPONDENT waives any itemization of
6 investigative costs or attorneys' fees.

7 5. In the event of default, RESPONDENT agrees that debt collection actions for unpaid
8 monetary assessments in this case may be instituted by the Division or its assignee.

9 6. In the event of full compliance herewith, the Division agrees not to pursue any other
10 or greater remedies or fines in connection with RESPONDENT's alleged conduct referenced herein. The
11 Division further agrees that upon RESPONDENT's timely payment of the administrative fine and costs
12 that the Division will not bring any claim or cause directly or indirectly any other claim to be brought by
13 others against RESPONDENT based upon any of the facts, circumstances or allegations discovered
14 during the Division's investigation and prosecution of this case.

15 7. 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 this
17 Stipulation is approved and fully performed, the Division will close its file in this matter. Nothing herein
18 prevents proof and giving consideration to acts complained of in this matter in determining or penalizing
19 a future violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter 645.

20 8. RESPONDENT agrees that if the costs are not paid within the time period set forth
21 hereinabove, the Division may, at its option, rescind this Stipulation and proceed with prosecuting the
22 Complaint before the Commission. In that case, the Stipulation shall be null and void.

23 9. RESPONDENT agrees and understands that by entering into this Stipulation,
24 RESPONDENT is waiving his right to a hearing at which RESPONDENT may present evidence in his
25 defense, his right to a written decision on the merits of the complaint, his rights to reconsideration and/or
26 rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada
27 Administrative Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and
28 accompanying regulations, and the federal and state constitutions. RESPONDENT understands that this

1 Agreement and other documentation may be subject to public records laws. The Commission members
2 who review this matter for approval of this Stipulation may be the same members who ultimately hear,
3 consider and decide the Complaint if this Stipulation is either not approved by the Commission or is not
4 timely performed by RESPONDENT. RESPONDENT fully understands that he has the right to be
5 represented by legal counsel in this matter at his own expense.

6 10. RESPONDENT shall bear his own attorneys' fees and costs.

7 11. Stipulation is Not Evidence. Neither this Stipulation nor any statements made
8 concerning this Stipulation may be discussed or introduced into evidence at any hearing on the
9 Complaint, if the Division must ultimately present its case based on the 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 March 2020 public meeting. The
12 Division will recommend to the Commission approval of the Stipulation. RESPONDENT agrees that
13 the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or
14 rejected by RESPONDENT before any amendment is effective.

15 13. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
16 amendments unacceptable to RESPONDENT, RESPONDENT may withdraw from this Stipulation and
17 the Division may pursue its Complaint before the Commission. This Stipulation shall then become null
18 and void and unenforceable in any manner against either party.

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

28 15. Indemnification. RESPONDENT hereby indemnifies and holds harmless the State of

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

7 16. RESPONDENT has signed and dated this Stipulation only after reading and
8 understanding all terms herein.


9
10 Dated: 2/24/2020



KEVIN DUNLAP, Respondent

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12 Dated: 3/5/2020

STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
REAL ESTATE DIVISION

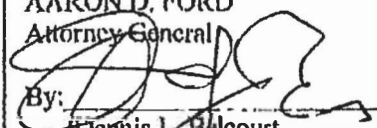
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14
15 By: 

SHARATH CHANDRA, Administrator

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17 Approved as to form:

18 Dated: 3/4/2020

19 AARON D. FORD
Attorney General

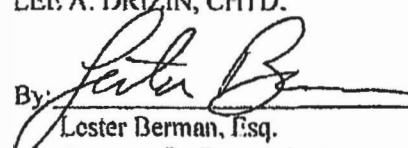
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21 By: 

Dennis L. Belcourt
Deputy Attorney General
Attorney for the Real Estate Division

Approved as to form:

22 Dated: 2/26/20

LEE A. DRIZIN, CHTD.

23 By: 

Lester Berman, Esq.
Attorney for Respondent

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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 March 10, 2020, 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 10th day of March, 2020.

Dated this 10th day of March, 20²⁰.

NEVADA REAL ESTATE COMMISSION

By: 
President, Nevada Real Estate Commission