

FILED

BEFORE THE REAL ESTATE COMMISSION

DEC 16 2020

STATE OF NEVADA

REAL ESTATE COMMISSION
BY *Emily Patten*

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

Case No. Case No. 2018-909

Petitioner,

vs.

MARY KATHLEEN KROL,

Respondent.

**STIPULATION AND ORDER
FOR SETTLEMENT
OF DISCIPLINARY ACTION**

I.

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, Karissa D. Neff, Esq. and Mary Kathleen Krol ("RESPONDENT").

RESPONDENT is a licensed salesperson under NRS Chapter 645, license S.0056651.LLC, and at all relevant times alleged in the complaint engaged in property management without holding a permit from the Division and is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

(I) SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. RESPONDENT is a licensed salesperson under NRS Chapter 645, license S.0056651.LLC, but she does not hold a property management permit. Her broker at the time of the violations alleged herein was Nationwide Realty, LLC, Cynthia D. Lujan, license B.0010125.LLC.

2. For a period of approximately eight years, until approximately June of 2018, RESPONDENT managed up to seven rental properties for owners Faviye Jones and Robert Parks ("the Owners"), collecting rents and seeing to repairs and maintenance.

3. The seven properties were all in Henderson:

a. 2389 Garberville Place

- b. 2553 Grandville Avenue
- c. 2146 Fort Sanders Street
- d. 36 Blue Bench Lane
- e. 2143 Fort Sanders
- f. 1980 Oliver Springs Street
- g. 2040 Wolverine Ct.

4. The Owners provided at least one property management agreement filled in by hand by RESPONDENT, wherein Ms. Lujan was listed as broker and RESPONDENT as property manager.

5. The Owners paid RESPONDENT directly for her management services.

6. RESPONDENT failed to turn over records to her broker that were of property managed by her under the name of the brokerage.

7. RESPONDENT deleted records of the rentals from her computer.

8. On or about September 25, 2018, the Division issued a cease and desist order regarding activities requiring a license or permit under NRS Chapter 645.

SUMMARY OF ALLEGED VIOLATIONS

9. RESPONDENT violated NRS 645.230(1)(b) by knowingly engaging the business of, acting in the capacity of, advertising or assuming to act as a property manager within the State of Nevada without first obtaining from the Real Estate Division a permit to engage in property management.

10. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645(11)(e), by deleting documents from her computer related to the properties she managed.

11. RESPONDENT violated NAC 645.650 four times by listing properties without providing her broker with the transaction documents.

PROPOSED SETTLEMENT

12. In an effort to avoid the time and expense of litigating these issues before the Commission, the parties desire to compromise and settle the instant controversy upon the following terms and

conditions:

a. RESPONDENT agrees to pay the Division a total amount of \$13,051.80 ("Amount Due"), consisting of a \$12,000 fine imposed by the Division, and the Division's pre-hearing costs and fees in the amount of \$1,051.80.

b. The Amount Due shall be payable to the Division in quarterly payments beginning on February 1, 2021, and ending on October 1, 2024, as follows:

February 1, 2021	\$1,087.65
June 1, 2021	\$1,087.65
October 1, 2021	\$1,087.65
February 1, 2022	\$1,087.65
June 1, 2022	\$1,087.65
October 1, 2022	\$1,087.65
February 1, 2023	\$1,087.65
June 1, 2023	\$1,087.65
October 1, 2023	\$1,087.65
February 1, 2024	\$1,087.65
June 1, 2024	\$1,087.65
October 1, 2024	\$1,087.65

At any time, RESPONDENT may elect to pay the Amount Due in full and/or may make monthly payments towards any quarterly payment due, so long as the quarterly amount due is satisfied in full on the quarterly due date specified above.

c. RESPONDENT further agrees to complete 3 hours of continuing education in ethics, 3 hours of continuing education in agency, and 3 hours of continuing education in contracts, which shall not count towards RESPONDENT's education needed for her annual license renewal. RESPONDENT shall complete the education set forth herein within 6 months of the date of the order approving this Stipulation.

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2 d. RESPONDENT further agrees not to apply for a property management permit from
3 the
4 Division for a period of ten years from the date of the order approving this Stipulation.

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

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

20 15. Each party shall bear their own attorney's fees and costs, except as provided above.

21 16. Approval of Stipulation. Once executed, this Stipulation will be filed with the Commission
22 and will be placed on the agenda for approval at its next public meeting. The Division will recommend
23 to the Commission approval of the Stipulation. RESPONDENT agrees that the Commission may
24 approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by
25 RESPONDENT before any amendment is effective.

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

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

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

22 20. Default. In the event of default, RESPONDENT agrees that her license shall be immediately
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24 suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's
25 fees and costs that may have been assessed, shall be due in full to the Division within ten calendar days
26 of the date of default. Debt collection actions for unpaid monetary assessments in this case may be
27 instituted by the Division or its assignee. RESPONDENT agrees that the foregoing suspension of her
28 license shall continue until the unpaid monetary assessments are paid in full. RESPONDENT agrees

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2 that her license shall also be immediately suspended if she fails to timely attend and complete the
3 above continuing education. RESPONDENT agrees that the suspension of her license shall continue
4 until the continuing education is completed.

5 21. RESPONDENT has signed and dated this Stipulation only after reading and understanding
6 all terms herein.

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8 DATED this 3rd day of December, 2020.

DATED this 14 day of December, 2020.

9
10 NEVADA DEPARTMENT OF BUSINESS
11 & INDUSTRY, REAL ESTATE DIVISION

12 By: Mary Kathleen Krol
13 MARY KATHLEEN KROL

14 By: Sharath Chandra
15 SHARATH CHANDRA
16 Administrator

17 Approved as to form:

18 AARON D. FORD
19 Attorney General

20 By: Karissa D. Neff
21 Karissa D. Neff (Bar. No. 9133)
22 Deputy Attorney General
23 555 E. Washington Avenue, Suite 3900
24 Las Vegas, NV 89101
25 Attorneys for Real Estate Division

26 **ORDER**

27 IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary
28 Action, submitted by Petitioner and Respondent, is approved in full.

1 Dated: December 8, 2020.
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3 REAL ESTATE COMMISSION
4 STATE OF NEVADA

5
6 By 
7 President, Nevada Real Estate Commission
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9 Submitted by:
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11 AARON FORD, Attorney General

12 By:
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15 Karissa D. Nell
16 Deputy Attorney General
555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division
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