1 2	BEFORE THE REAL ESTATE COMMISSION STATE OF NEVADA REAL ESTATE COMMISSIO	
3	SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION,	By Evely Pattle
4	DEPARTMENT OF BUSINESS & INDUSTRY,	Case No. 2018-1703
5	STATE OF NEVADA,	
6	Petitioner,	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
7	vs.	OF LAW, AND ORDER
8	CINDY KRSHUL,	
9	Respondent.	
10		
11	DECISION	

This matter came before the Nevada Real Estate Commission ("Commission") for
hearing on Tuesday, September 2, 2020, via virtual telephone and video conference.
Respondent Cindy Krshul ("Respondent") did not appear. Deputy Attorney General, Peter
K. Keegan, appeared and prosecuted the Complaint on behalf of petitioner Sharath
Chandra, Administrator of the Real Estate Division, Department of Business & Industry,
State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the
Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as
follows:

JURISDICTION

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RESPONDENT engaged in activities, which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, and/or a permit to engage in property management, issued by the Division, and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

FINDINGS OF FACT

The Commission, finds that there is substantial evidence in the record to establish each of the following: 11. The Respondent failed to appear on the date and time scheduled for this2matter, as required by NAC 645.860.

3 2. Proper notice was served upon the Respondent and Respondent's Broker in
4 accordance with NRS 645.680(5).

5 3. Respondent's Broker of Record appeared at the scheduled time for the hearing
6 in this matter.

7 4. Default is entered against the Respondent pursuant to NAC 645.860 and the
8 charges in the Complaint and Notice of Hearing, and recited herein, are considered true.

9 5. On or about December 13, 2018, the Division received a statement of fact 10 ("complaint") complaining that the RESPONDENT had engaged in unlicensed property 11 management, failed to remit rental payments and security deposits timely, and was 12 unresponsive to owners.

6. On or about December 17, 2018, the Division sent an investigation-opening
letter to RESPONDENT, which required RESPONDENT to provide a sworn statement
responding to the complaint and a complete copy of the broker's file for the property in
question by December 31, 2018.

7. On or about January 14, 2019, the Division received the RESPONDENT's sworn-affidavit and a partial copy of the brokerage file for the property in question.

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8. On or about February 5, 2019, the Division received additional documentation
 from the broker's property management file in question.

9. On or about May 21, 2019, the Division received a copy of the lease agreement
for the property in question.

23 10. On or about May 29, 2019, the Division sent RESPONDENT an NRS 233B
24 letter indicating that the Division's investigation had obtained sufficient evidence to
25 commence disciplinary action by filing a complaint with the Nevada Real Estate
26 Commission ("Commission").

27 11. The Division issued RESPONDENT a corporate real estate broker's license,
28 B.1000682.CORP, on August 20, 2010.

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1 12. The Division issued RESPONDENT an individual real estate broker's license,
 2 B.1002017.INDV, on August 16, 2017.

3 13. The Division issued RESPONDENT a property manager's permit,
4 PM.164639.BKR, on August 30, 2010.

14. RESPONDENT has been a licensee since April 12, 2005.

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6 15. RESPONDENT's property management permit, PM.164639.BKR, expired on
7 August 31, 2018.

8 16. RESPONDENT's broker license, B.1002017.INDV became inactive on August
9 20, 2019.

10 17. On or about July 7, 2013, RESPONDENT signed a Residential Property
 11 Management Agreement for the 2205 Ellice Way, Fernley, NV 89408 ("the Property").

12 18. On or about July 14, 2017, RESPONDENT notified the owners of the Property
13 that she had changed the name of her brokerage to Accelerated Realty.

14 19. On or about August 15, 2017, RESPONDENT sent the owners of the Property
15 in question a rent distribution check from the Accelerated Realty trust account.

16 20. On or about August 31, 2017, RESPONDENT submitted the last Trust
17 Account Reconciliation received by the Division.

18 21. On or about November 16, 2018, RESPONDENT sent the owners of the
19 Property in question a rent distribution check from the Accelerated Realty trust account.

20 22. On or about November 20, 2018, the complainant notified the RESPONDENT 21 on behalf of the owners of the Property that she had taken over management of the 22 Property.

CONCLUSIONS OF LAW

The Commission, based upon the preponderance of the evidence, makes the following
legal conclusions:

1. RESPONDENT violated NRS 645.230(1)(a) and NRS 645.235(1)(a) for acting
 as a real estate broker and property manager without an active real estate broker's license
 or property management permit.

2. RESPONDENT is in violation of NRS 645.633(1)(h) for gross negligence for not renewing her broker's license and property manager's permit.

3. RESPONDENT is in violation of NRS 645.633(1)(i) pursuant to NAC 645.605(1) as she represented herself as a real estate licensee and permit holder while her broker's license and property manager's permit were expired.

ORDER

7 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of
\$26,555.52. The total reflects a fine of \$5,000.00 for violating NRS 645.235(1)(a);
9 \$10,000.00 for violating NRS 645.633(1)(h); and \$10,000.00 for violating NRS 645.633(1)(i)
10 pursuant to NAC 645.605(1); as well as \$1,555.52 for hearing and investigative costs.
11 Respondent shall pay the total fine to the Division within ninety (90) days of the effective
12 date of this Order.

If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent. In the event of default, Respondent's licenses and permit shall be immediately suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten calendar days of the date of default. The Division may institute debt collection proceedings for failure to timely pay the total fine.

The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this Decision.

This Order shall become effective on the $\frac{\mu_e + h}{\mu_e}$ day of $\underline{October}$, 2020.

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DATED this 16 thay of September 2020

REAL ESTATE COMMISSION STATE OF NEVADA

By; President, Nevada Real Estate Commission