

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

**FILED**

SEP 10 2020

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

Case No. 2018-394

REAL ESTATE COMMISSION

BY *Emily Patten*

Petitioner,

vs.

JOSHUA MICHAELI,

Respondent.

**STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTION**

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"), and Joshua Michaeli ("RESPONDENT").

**JURISDICTION**

RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which a license or permit is required by NRS Chapter 645 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**

1. RESPONDENT is not licensed as a broker, broker-salesperson or sales person under NRS Chapter 645 and does not hold a property management permit.

2. On or about March 14, 2018, the Division received a complaint that Respondent may have been conducting activity for which a license or permit is required under NRS Chapter 645.

3. RESPONDENT utilized the multiple listing services as a contact person to market the following properties:

- a. 3485 Shamrock Avenue, Las Vegas, Nevada 89120
- b. 634 N. Main Street, Las Vegas, Nevada 89115
- c. 5330 E. Craig Road, Las Vegas, Nevada 89101
- d. 2448-2524 Fremont Street, Las Vegas, Nevada 89104

1 e. Florece Bois Highway and Wells Road, West  
2 Wendover, NV 89883

3 4. RESPONDENT could not establish ownership in any of the above-listed properties to the  
4 satisfaction of the Division.

5 5. On June 14, 2018, the Division issued an order to RESPONDENT to cease and desist  
6 from actions that require a license or permit in the State of Nevada from the Nevada Real Estate Division.

7 **VIOLATIONS**

8 RESPONDENT has committed the following violations of law:

9 6. RESPONDENT violated NRS 645.230(1)(a) or (b) five (5) times by knowingly  
10 engaging the business of, acting in the capacity of, advertising or assuming to act as a real estate broker,  
11 real estate broker-salesperson or real estate salesperson within the State of Nevada without first obtaining  
12 the appropriate from the Real Estate Division, or a property manager within the State of Nevada without  
13 first obtaining from the Real Estate Division one of those licenses and a permit to engage in property  
14 management.

15 **DISCIPLINE AUTHORIZED**

16 7. Pursuant to NRS 645.230 and NRS 645.235, the Commission is empowered to impose  
17 an administrative fine per violation against RESPONDENT that may not exceed the amount of any gain  
18 or economic benefit that the person derived from the violation or \$5,000 per violation, whichever is  
19 greater.

20 8. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs  
21 of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the  
22 Commission otherwise imposes discipline on RESPONDENT.

23 9. Therefore, the Division requests that the Commission take such disciplinary action as  
24 it deems appropriate under the circumstances.

25 **PROPOSED STIPULATION AGREEMENT**

26 1. In an effort to avoid the time and expense of litigating these issues before the Commission,  
27 the parties desire to compromise and settle the instant controversy upon the following terms and  
28 conditions:

1 a. RESPONDENT agrees to pay \$4,803.08 to the Division by October 31, 2020. The  
2 amount includes a \$4,000.00 fine and \$803.08 to cover the Division's investigatory  
3 costs and attorneys' fees.

4 b. RESPONDENT agrees to cease any further unlicensed activity.

5 2. 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. Nothing herein prevents proof  
8 and giving consideration to acts complained of in this matter in determining or penalizing a future  
9 violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter 645.

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

21 4. Each party shall bear its or his own attorney's fees and costs, except as provided above.

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

27 6. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests  
28 amendments unacceptable to RESPONDENT, RESPONDENT may withdraw from this Stipulation, and

1 the Division may pursue its Complaint before the Commission. This Stipulation then shall become null  
2 and void and unenforceable in any manner against either party.

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

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

19 9. Default. In the event of default, RESPONDENT agrees the unpaid balance of the  
20 administrative fine and costs, together with any attorney's fees and costs that may have been assessed,  
21 shall be due in full to the Division within ten calendar days of the date of default. Debt collection actions  
22 for unpaid monetary assessments in this case may be instituted by the Division or its assignee.

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25 ...

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27 ...


28 ...

1 10. RESPONDENT has signed and dated this Stipulation only after reading and  
2 understanding all terms herein.

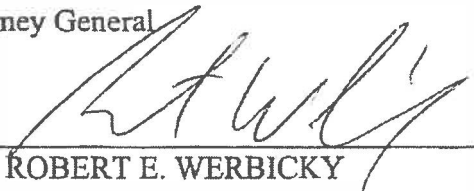
3 DATED this 31 day of ~~September~~<sup>August</sup>, 2020

DATED this 3 day of September, 2020.

4  
5  
6 By:   
7 JOSHUA MICHAELI

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

8  
9 Approved as to form:

10 AARON D. FORD  
11 Attorney General  
12 By:   
13 ROBERT E. WERBICKY  
14 Deputy Attorney General  
15 555 E. Washington Avenue, Suite 3900  
16 Las Vegas, NV 89101

FELD LAW  
By: \_\_\_\_\_  
JON E. FELD, ESQ

1           10. RESPONDENT has signed and dated this Stipulation only after reading and  
2 understanding all terms herein.

3 DATED this \_\_\_\_ day of September, 2020

DATED this \_\_\_\_ day of September, 2020.

4  
5 NEVADA DEPARTMENT OF BUSINESS  
& INDUSTRY, REAL ESTATE DIVISION

6 By: \_\_\_\_\_  
7 JOSHUA MICHAELI

By: \_\_\_\_\_  
SHARATH CHANDRA  
Administrator

8  
9 Approved as to form:

10 AARON D. FORD  
11 Attorney General

FELD LAW

12 By: \_\_\_\_\_  
13 ROBERT E. WERBICKY  
14 Deputy Attorney General  
15 555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

By: /s/ Jon E. Feld  
JON E. FELD, ESQ

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS & INDUSTRY,  
6 STATE OF NEVADA,

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Petitioner,

7 vs.

8 JOSHUA MICHAELI,

9 Respondent.

10 ORDER APPROVING STIPULATION

11 This Stipulation for Settlement of Disciplinary Action ("Stipulation") having come before the  
12 Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular  
13 agenda on September 2, 2020 and the Commission being fully apprised of the terms and good cause  
14 appearing,

15 IT IS ORDERED that the Stipulation for Settlement of Disciplinary Action in this matter is  
16 approved in full.

17 This Order shall become effective on the 2<sup>nd</sup> day of September, 2020.

18  
19 Dated this 10<sup>th</sup> day of September, 2020.

20  
21 NEVADA REAL ESTATE COMMISSION

22  
23 By: 

24 [Print Name] DEVIN REISS

25 Commission President