

**FILED**

JUL 06 2020

REAL ESTATE COMMISSION  
BY *Emily Patten*

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

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

Case Nos.: 2019-1099  
2019-1353

Petitioner,

vs.

BARBARA A. SEEKER,

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 Barbara Seeker (“RESPONDENT”).

**JURISDICTION**

RESPONDENT at all relevant times mentioned in this Complaint was licensed as a broker by 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.

**FACTUAL ALLEGATIONS**

1. RESPONDENT has been licensed by the Division as a broker, B.0032019.INDV, operating under the name Absentee Property Management since November 12, 1997 and that license is currently in expired status.

2. On or about November 15, 2019, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of \$500.00 for a violation of NRS 645.630(1)(f).

3. The Notice of Violation with Imposition of Administrative Fine was properly served upon RESPONDENT.

4. The Notice of Violation and accompanying letter from the Division advised that the fine must be remitted to the Division by December 18, 2019.

1           5.       The Notice of Violation and accompanying letter contained notice to RESPONDENT  
2   advising RESPONDENT of her appeal rights if she disagreed with the finding of violation and/or  
3   imposition of the fine.

4           6.       RESPONDENT did not appeal and did not request a hearing prior to DECEMBER 18,  
5   2019.

6           7.       To date, RESPONDENT has failed to pay the administrative fine.

7           8.       On or about December 16, 2019 the Division sent a letter to RESPONDENT requesting  
8   the complete Broker's files for 2925 Wigwam Parkway #411, Henderson, NV, 6495 Stone Dry Ave.  
9   #102, Henderson, NV, 221 Queen Marie Ct., Henderson, NV, and 1309 Pinto Rock Lane 1302, Las  
10  Vegas, NV.

11          9.       The deadline for providing the requested documents was December 31, 2019.

12          10.      No response was received from RESPONDENT by the deadline.

13          11.      On or about January 20, 2020 the Division sent a letter to RESPONDENT via Certified  
14  Mail again requesting the complete Broker's files for 2925 Wigwam Parkway #411, Henderson, NV,  
15  6495 Stone Dry Ave. #102, Henderson, NV, 221 Queen Marie Ct., Henderson, NV, and 1309 Pinto Rock  
16  Lane 1302, Las Vegas, NV.

17          12.      The deadline for providing the requested documents was ten (10) days from the date of  
18  the letter or January 30, 2020.

19          13.      No response was received from RESPONDENT by the deadline.

20                                   **VIOLATIONS**

21           RESPONDENT has committed the following violations of law:

22          14.      RESPONDENT violated NRS 645.647(2), by failing to pay money which she owes to  
23  the Commission or the Division.

24          15.      RESPONDENT violated NRS 645.635(6) by failing to produce any document, book  
25  or record in his or her possession or under his or her control, concerning any real estate transaction under  
26  investigation by the Division.

27      ....

28      ....

1 **DISCIPLINE AUTHORIZED**

2 16. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose  
3 an administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further to  
4 suspend, revoke or place conditions on the license of RESPONDENT.

5 17. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs  
6 of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the  
7 Commission otherwise imposes discipline on RESPONDENT.

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

10 **PROPOSED STIPULATION AGREEMENT**

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

- 14 a. RESPONDENT agrees to pay \$2,311.39 to the Division within twenty-four (24)  
15 months of the date of the Commission's order approving this stipulation. The amount  
16 includes \$1,811.39 to cover the Division's investigatory costs and attorneys' fees, with  
17 the balance to be fines.
- 18 b. RESPONDENT will pay \$100 per month to the Division for twenty (23) months  
19 beginning July 1, 2020 and \$11.39 on June 1, 2022.
- 20 c. RESPONDENT agrees to surrender license B.0032019.INDV to Petitioner  
21 immediately.

22 2. RESPONDENT and the Division agree that by entering into this Stipulation, the Division  
23 does not concede any defense or mitigation RESPONDENT may assert and that once this Stipulation is  
24 approved and fully performed, the Division will close its file in this matter. Nothing herein prevents proof  
25 and giving consideration to acts complained of in this matter in determining or penalizing a future  
26 violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter 645.

27 3. RESPONDENT agrees and understands that by entering into this Stipulation,  
28 RESPONDENT is waiving his right to a hearing at which RESPONDENT may present evidence in his

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

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

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

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

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

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

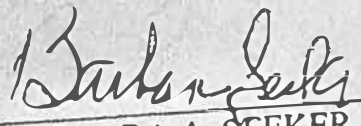
8 9. Default. In the event of default, RESPONDENT agrees that his license shall be  
9 immediately suspended, and the unpaid balance of the administrative fine and costs, together with any  
10 attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten  
11 calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this case  
12 may be instituted by the Division or its assignee. RESPONDENT agrees that his license shall be  
13 immediately suspended if he fails to timely attend and complete the above continuing education.  
14 RESPONDENT agrees that the suspension of his license shall continue until the continuing education is  
15 completed.

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

18 DATED this \_\_\_\_ day of June, 2020

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

NEVADA DEPARTMENT OF BUSINESS  
& INDUSTRY, REAL ESTATE DIVISION

19 By:   
BARBARA A. SEEKER

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

Approved as to form:

AARON D. FORD  
Attorney General

By: \_\_\_\_\_  
ROBERT E. WERBICKY (Bar No. 6166)  
Deputy Attorney General  
555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

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


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18 DATED this \_\_\_\_ day of June, 2020

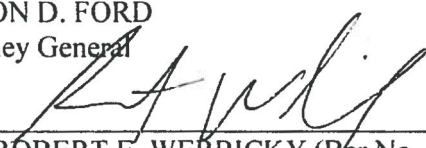
DATED this 17 day of June, 2020.

19  
20  
21 By: \_\_\_\_\_  
22 BARBARA A. SEEKER

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

23 Approved as to form:

24 AARON D. FORD  
25 Attorney General

26 By:   
27 ROBERT E. WERBICKY (Bar No. 6166)  
28 Deputy Attorney General  
555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

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BY Emily Patten

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**ORDER APPROVING STIPULATION**

This Stipulation for Settlement of Disciplinary Action ("Stipulation") having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on June 16, 2020 and the Commission being fully apprised of the terms and good cause appearing,

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

This Order shall become effective on the 16<sup>th</sup> day of June, 2020.

Dated this 6<sup>th</sup> day of July, 2020.

NEVADA REAL ESTATE COMMISSION

By: 

[Print Name]

DEVIN REISS

Commission President