

BEFORE THE REAL ESTATE COMMISSION

FILED

STATE OF NEVADA

SEP 08 2020

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

REAL ESTATE COMMISSION
BY *Evelyn Patten*

Case No. 2018-1715

Petitioner,

STIPULATION FOR SETTLEMENT OF

vs.

DISCIPLINARY COMPLAINT

RONALD B. STICHTER,

Respondent.

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 Ron Hoy ("RESPONDENT").

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint, licensed as a real estate broker under License Number B.0032575.MGR, and is therefore subject to the jurisdiction of the Division and the provisions of NRS Chapter 645 and NAC Chapter 645.

PROCEDURAL HISTORY

1. On or about December 11, 2018, the Division received an email from Sherine Kuckhoff ("Kuckhoff") indicating that she had recently lost her property management permit and that she had neglected to renew it.

2. On or about December 11, 2018, the Division responded to Kuckhoff and informed her that her property management permit had expired on January 31, 2013.

3. On or about December 18, 2018, Kuckhoff met with the Division's investigator and explained that she had acted in the capacity of a property manager since February of 2013, while being unaware her property management's permit had expired.

1 4. On or about December 18, 2018, the Division sent an investigation opening-
2 letter to Kuckhoff and required her to provide a sworn statement explaining her failure to
3 timely renew her property management permit.

4 5. On or about December 18, 2018, the Division sent an investigation opening-
5 letter, to RESPONDENT, BS.0032575.MGR, Kuckhoff's then broker-salesperson manager
6 of record, at Coldwell Banker Select Real Estate of Nevada, Inc., requiring him to provide
7 a sworn statement, explaining how Kuckhoff, while under his supervision, was allowed to
8 act in the capacity of a property manager without a valid property manager's permit.

9 6. On or about December 18, 2018, the Division sent an investigation opening-
10 letter to Kuckhoff's broker of record, Ron Hoy ("Hoy"), B.0017991.CORP, requiring him to
11 provide a sworn statement explaining how Kuckhoff, while under his supervision, was
12 allowed to act in the capacity of a property manager without a valid property manager's
13 permit.

14 7. On or about December 29, 2018, the Division received Kuckhoff's sworn
15 affidavit.

16 8. On or about December 28, 2018, the Division received RESPONDENT's sworn
17 affidavit.

18 9. On or about January 2, 2019, the Division received Hoy's sworn affidavit.

19 10. On or about May 28, 2019, the Division sent Kuckhoff, an NRS 233B letter,
20 indicating that the Division's investigation had obtained sufficient evidence to commence
21 disciplinary action, by filing a complaint with the Nevada Real Estate Commission
22 ("Commission").

23 11. On or about May 28, 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 12. On or about May 28, 2019, the Division sent Hoy an NRS 233B letter,
28 indicating that the Division's investigation had obtained sufficient evidence to commence

1 disciplinary action by filing a complaint with the Nevada Real Estate Commission
2 (“Commission”).

3 13. On July 29, 2020, the Division filed a Complaint and Notice of Hearing with
4 the Commission, which was served upon the Respondent.

5 FACTUAL ALLEGATIONS

6 1. At all times relevant, Kuckhoff held a real estate broker-salesperson license,
7 BS.005345.

8 2. Kuckhoff’s property management permit, PM.0163303.DES, issued in March
9 of 2008, and expired on January 31, 2013.

10 3. At all times relevant, RESPONDENT held a broker salesperson’s license,
11 BS.0032575.MGR, which the Division issued on July 13, 1994.

12 4. RESPONDENT affiliated with Coldwell Banker Select Real Estate as the
13 Incline Village branch office managing broker-salesperson on January 7, 2014, and was
14 responsible for managing Kuckhoff.

15 5. At all times relevant, Hoy held a broker’s license, B.0017991.CORP, which the
16 Division issued on November 17, 1986.

17 6. Hoy has held a broker’s license since 1983.

18 7. Hoy affiliated with Coldwell Banker Select Real Estate as its corporate broker
19 on July 20, 2004, and was responsible for managing Kuckhoff.

20 8. On or about January 31, 2013, Kuckhoff’s broker-salesperson license and
21 property management permit expired and were due for renewal.

22 9. Kuckhoff properly renewed her property management permit at least once
23 between 2008 and 2013.

24 10. On or about February 20, 2013, Kuckhoff submitted her renewal application
25 for her broker-salesperson license, along with a late fee.

26 11. Kuckhoff’s February 20, 2013, renewal application did not include her
27 property management permit number or the renewal fee for the property manager’s permit.
28

1 12. Between January 10, 2013, and February 20, 2013, there were attempts made
2 by Kuckhoff to submit her broker-salesperson renewal application, which were rejected;
3 however, none of those applications included her property management permit.

4 13. On February 21, 2013, the Division sent Kuckhoff a Deficient Transaction
5 notification, which required Kuckhoff to submit form 544 with original signatures to
6 complete her broker-salesperson, BS.0005345 license reinstatement.

7 14. On January 23, 2017, the Division received Kuckhoff's continuing education
8 certificates and renewal fee for her broker-salesperson license, BS.0005345.

9 15. On or about January 23, 2017, the Division sent Kuckhoff a Deficient
10 Transaction notification, which required Kuckhoff to submit proof of 3 hours of Broker
11 Management and to complete and submit Division form 580 to complete the renewal of her
12 broker-salesperson, BS.0005345 license.

13 16. On or about December 11, 2018, the Division received an email from Kuckhoff
14 indicating that she had recently lost her property management permit and that she had
15 neglected to renew it.

16 17. On or about December 11, 2018, the Division notified Kuckhoff that she would
17 not be allowed to renew her property manager's permit and would be required to submit a
18 new application for a property manager's permit as required by NRS 645.785.

19 18. Kuckhoff conducted property management activities from February 1, 2013,
20 through at least December 18, 2018, without a property management permit.

21 19. On or about December 31, 2018, Kuckhoff provided the Division a written
22 statement indicating she earned a net income of \$568,770.64, with expenses of \$34,561.95,
23 for her property management during the period January 1, 2013 through December 31,
24 2018.

25 20. On or about January 2, 2019, Hoy provided a written statement to the
26 Division indicating that his brokerage earned approximately \$30,000.00 from Kuckhoff's
27 property management activities from March 1, 2013 through December 28, 2013.

28

1 21. On or about January 7, 2019, the Division received a Division Form 580,
2 Renewal Application from Kuckhoff, for her broker-salesperson license and property
3 management permit.

4 22. On January 8, 2019, the Division sent Kuckhoff a Deficient Transaction
5 notification, which informed her that her property management permit expired January
6 31, 2013, and she was required to reapply with Division form 524.

7 **VIOLATIONS ALLEGED**

8 RESPONDENT has committed the following violations of law:

9 1. RESPONDENT violated NAC 645.600(1) for failing to supervise the activities
10 of his licensee.

11 **DISCIPLINE AUTHORIZED**

12 1. Pursuant to NRS 645.633(1)(b), the Commission is empowered to impose an
13 administrative fine of up to \$10,000 per violation against RESPONDENT and further to
14 suspend, revoke or place conditions on the license of RESPONDENT.

15 2. Pursuant to NRS 645.314, the Division is authorized to request its
16 investigative costs where the investigation was undertaken for disciplinary purposes.

17 3. Additionally, under NRS 622.400, the Commission is authorized to impose
18 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
19 fees, if the Commission otherwise imposes discipline on RESPONDENT.

20 4. Therefore, the Division requests that the Commission take such disciplinary
21 action as it deems appropriate under the circumstances.

22 **VIOLATIONS ALLEGED**

23 RESPONDENT has committed the following violations of law:

24 2. RESPONDENT violated NAC 645.600(1) for failing to supervise the activities
25 of his licensee.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISCIPLINE AUTHORIZED

5. Pursuant to NRS 645.630 and NRS 645.633 the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

6. Pursuant to NRS 645.314, the Division is authorized to request its investigative costs where the investigation was undertaken for disciplinary purposes.

7. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.

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

STIPULATED AGREEMENT

1. 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 admits to the facts as stated above. RESPONDENT does not admit to the above violations.
- b. RESPONDENT agrees to pay \$2,000.00 plus \$1,206.16 in administrative costs, for a total of \$3,206.16. RESPONDENT agrees to pay the total balance within 30 days of the date of the Commission's Order approving this stipulation.

2. If the total payment is not received by the Division, on or before the expiration of the 30 days, it shall be construed as an event of default by RESPONDENT.

3. In the event of default, RESPONDENT agrees that any license(s) and any permit(s) held by Respondent shall be immediately suspended; the Division may rescind this Stipulation and proceed with prosecuting the Complaint before the Commission. In

1 that case, the Stipulation shall be null and void.

2 4. The Division agrees not to pursue any other or greater remedies or fines in
3 connection with RESPONDENT's alleged conduct referenced herein. The Division further
4 agrees that unless RESPONDENT fails to make timely payment, the Division will not
5 bring any claim or cause directly or indirectly based upon any of the facts, circumstances,
6 or allegations discovered during the Division's investigation and prosecution of this case.

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

20 6. Each party shall bear its own attorney's fees and costs.

21 7. Approval of Stipulation. This Stipulation is subject to approval by the
22 Commission at a public meeting.

23 8. **Release.** In consideration of the execution of this Stipulation, the Division
24 and the RESPONDENT, for themselves, their heirs, executors, administrators, successors,
25 employees, officers and assigns, hereby release, remise, and forever discharge each other,
26 and each of their respective members, agents, employees, and counsel in their individual
27 and representative capacities, from any and all manner of actions, causes of action, suits,
28 debts, judgments, executions, claims, and demands whatsoever, known and unknown, in

1 law or equity, that the Division or RESPONDENT ever had, now has, may have, or claim
2 to have against any or all of the persons or entities named in this section, arising out of,
3 relating to the facts and circumstances of the Division's investigation, this disciplinary
4 action, and all other matters relating thereto.

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


13 The parties have signed and dated this Stipulation only after reading and
14 understanding all terms herein.

15 DATED this 25 day of August 2020.

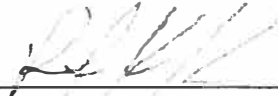
DATED this 27 day of August 2020.

16 NEVADA DEPARTMENT OF BUSINESS
17 & INDUSTRY, REAL ESTATE DIVISION

18 By: 
19 RONALD B. STICHTER
20 Respondent

By: 
SHARATH CHANDRA
Administrator

21
22 Approved as to form:
AARON D. FORD
23 Attorney General

24 By: 
25 PETER K. KEEGAN
26 Deputy Attorney General
27 *Attorney for the Real Estate Division*
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2018-1715

Petitioner,

vs.

RONALD B. STICHTER,

Respondent.


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 September 1, 2020, and the Commission being fully apprised of terms and good cause appearing,

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

This Order shall become effective on the 1st day of September 2020.

NEVADA REAL ESTATE COMMISSION

By: 
[Print Name] Devin Reiss
Commission President