

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,

7 Petitioner,

8 vs.

9 MARY KATHLEEN KROL,

10 Respondent.

Case No. 2018-909

FILED

MAY 15 2020

REAL ESTATE COMMISSION

BY *Evelyn Patten*

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney
14 General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies
15 RESPONDENT MARY KATHLEEN KROL ("RESPONDENT") of an administrative hearing before
16 the STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to
17 Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the
18 Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated
19 below and to determine if the RESPONDENT should be subject to an administrative penalty as set
20 forth in NRS 645.230, NRS 645.235, NRS 645.630, NRS 645.633 and NRS 622.400, and the discipline
21 to be imposed, if violations of law are proven.

22 **JURISDICTION**

23 RESPONDENT at all relevant times mentioned in this Complaint conducted activities for which
24 a license or permit is required by NRS Chapter 645 and is therefore subject to the jurisdiction of the
25 Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

26 **FACTUAL ALLEGATIONS**

27 1. RESPONDENT is a licensed salesperson under NRS Chapter 645, license
28 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.

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

4 3. The seven properties were all in Henderson:

- 5 a. 2389 Garberville Place
- 6 b. 2553 Grandville Avenue
- 7 c. 2146 Fort Sanders Street
- 8 d. 36 Blue Bench Lane
- 9 e. 2143 Fort Sanders
- 10 f. 1980 Oliver Springs Street
- 11 g. 2040 Wolverine Ct.

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

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

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

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

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

20 **VIOLATIONS**

21 RESPONDENT has committed the following violations of law:

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

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

28 ...

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

3 **DISCIPLINE AUTHORIZED**

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

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

11 14. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs
12 of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
13 Commission otherwise imposes discipline on RESPONDENT.

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

16 **NOTICE OF HEARING**

17 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
18 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
19 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

20 **THE HEARING WILL TAKE PLACE on June 16, 2020 commencing at 9:00 a.m., or as**
21 **soon thereafter as the Commission is able to hear the matter, and each day thereafter**
22 **commencing at 9:00 a.m. through June 18, 2020, or earlier if the business of the Commission is**
23 **concluded. The Commission meeting will be held on June 16, 2020, at the Nevada State Business**
24 **Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The**
25 **meeting will continue on June 17, 2020, at the Nevada State Business Center, 3300 West Sahara**
26 **Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on**
27 **June 18, 2020, should business not be concluded, starting at 9:00 a.m. at the Nevada State**
28 **Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.**

1 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
2 time as part of a regular meeting of the Commission that is expected to last from June 16, 2020,
3 through June 18, 2020, or earlier if the business of the Commission is concluded. Thus, your
4 hearing may be continued until later in the day or from day to day. It is your responsibility to be
5 present when your case is called. If you are not present when your hearing is called, a default
6 may be entered against you and the Commission may decide the case as if all allegations in the
7 complaint were true. If you have any questions please call Evelyn Pattee, Commission
8 Coordinator (702) 486-4074.

9 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
10 meeting under Nevada’s open meeting law, and may be attended by the public. After the evidence and
11 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct
12 or professional competence. You are entitled to a copy of the transcript of the open and closed
13 portions of the meeting, although you must pay for the transcription.

14 As the Respondent, you are specifically informed that you have the right to appear and be heard
15 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
16 the burden of proving the allegations in the complaint and will call witnesses and present evidence
17 against you. You have the right to respond and to present relevant evidence and argument on all issues
18 involved.

19 You have the right to call and examine witnesses, introduce exhibits, and cross-examine
20 opposing witnesses on any matter relevant to the issues involved.

21 You have the right to request that the Commission issue subpoenas to compel witnesses to
22 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
23 demonstrate the relevance of the witness’ testimony and/or evidence. Other important rights you have
24 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

25 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645
26 and if the allegations contained herein are substantially proven by the evidence presented and to further

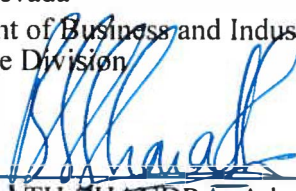
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28 ...

1 determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to
2 NRS 645.235, NRS 645.230, NRS 633.630 or NRS 633.633.

3 DATED this 12 day of May, 2020.

4 State of Nevada
5 Department of Business and Industry
6 Real Estate Division

7 By: 
8 SHARATH CHANDRA, Administrator
9 3300 West Sahara Avenue, Suite 350
10 Las Vegas, Nevada 89102

11 AARON D. FORD
12 Attorney General

13 By: /s/ Dennis L. Belcourt
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