

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED

MAR 11 2021

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

Case No. 2018-1513

REAL ESTATE COMMISSION

BY *Evilyn Jattie*

Petitioner,

vs.

PERRY LOWE,

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 Perry Lowe (“RESPONDENT”).

JURISDICTION

In conducting activities alleged herein, by bringing together sellers and buyers of real estate, RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued 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. At all times relevant to this Complaint, RESPONDENT has not been licensed by the Division as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson in the State of Nevada.

2. At all times relevant to this Complaint, RESPONDENT has been licensed as a real estate salesperson, license SA655948000 by the Arizona Department of Real Estate.

3. On or about October 23, 2018, RESPONDENT advertised for sale as an “investor whole sale deal” a single family residence at 4455 S Mountain Vista St, Las Vegas, NV 89121 (4455 S. Mountain Vista”), as follows:

- a. Close of escrow 11-16-18
- b. Owner Occupied until close of escrow
- c. Access for qualified buyer with earnest deposit \$5,000
- d. Price: \$210,000
- e. ARV: \$260,000
- f. Call Perry Lowe, 480-489-4297
- g. Email: dlowe@highestcashoffer.com

4. Highest Cash Offer, LLC (“HCO”), is an Arizona limited liability company.

5. At the time of the above advertisement, RESPONDENT was affiliated with West USA Realty.

6. At the time of the above advertisement, 4455 S. Mountain Vista was owned by Gerald T Clark and Sheri S. Clark.

7. On November 8, 2018, the Division issued a Cease and Desist for Case No. 2018-1513.

VIOLATIONS

8. RESPONDENT violated NRS 645.230(1) and NRS 645.235(1)(a) by willfully acting as a real estate broker or salesperson in the State of Nevada without a license issued by the Division.

DISCIPLINE AUTHORIZED

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

10. Additionally, under NRS Chapter 622, 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.

PROPOSED STIPULATION 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 agrees to pay \$3,907.40 to the Division within four (4) months of

1 the date of the Commission's order approving this stipulation. The amount includes
2 a \$2,500 fine and \$1,407.40 to cover the Division's investigatory costs and
3 attorneys' fees.

4 b. RESPONDENT full amount will be paid in equal monthly installments of \$976.85
5 per month to the Division for four (4) months beginning on April 1, 2021.

6 2. RESPONDENT and the Division agree that by entering into this Stipulation, the
7 Division does not concede any defense or mitigation RESPONDENT may assert and that once this
8 Stipulation is approved and fully performed, the Division will close its file in this matter. Nothing
9 herein prevents proof and giving consideration to acts complained of in this matter in determining or
10 penalizing a future violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter
11 645.

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

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

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

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

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

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

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

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

DATED this 1st day of March, 2021

DATED this 8 day of March, 2021.

By: David Perry Lowe, Jr.
PERRY LOWE

NEVADA DEPARTMENT OF BUSINESS
& INDUSTRY REAL ESTATE DIVISION
By: [Signature]
SHARATH CHANDRA
Administrator

Approved as to form:

AARON D. FORD
Attorney General

By: [Signature]
ROBERT L. WERBICKY
Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101

By: [Signature]

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

3 DATED this 1st day of March, 2021

DATED this ____ day of March, 2021.

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By: David Perry Lowe Jr.
D.avid Perry Lowe Jr. (Mar 1, 2021 16:42 PST)
PERRY LOWE

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

Approved as to form:

AARON D. FORD
Attorney General

By: _____
ROBERT E. WERBICKY
Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101

By: John Holiday
JOHN HOLIDAY, 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,

Case No. 2018-1513

7 Petitioner,

8 vs.

9 PERRY LOWE,

Respondent.

10 This Stipulation for Settlement of Disciplinary Action ("Stipulation") having come before the
11 Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular
12 agenda on March 4, 2021 and the Commission being fully apprised of the terms and good cause
13 appearing,

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

16 This Order shall become effective on the 4th day of March, 2021.

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18 Dated this 11th day of March, 2021.

19
20 NEVADA REAL ESTATE COMMISSION

21
22 By: 

23 [Print Name]

DEVIN REISS

24 Commission President