

OCT 20 2021

REAL ESTATE COMMISSION

BY Emily Tatter

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JULES MITCHELL LEHR

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator.) Case No.: 2019-521
REAL ESTATE DIVISION,)
DEPARTMENT OF BUSINESS &)
INDUSTRY, STATE OF NEVADA)

**MOTION FOR RECONSIDERATION OF
DISCIPLINARY ACTION**

Petitioner.)

vs.)

**and
REQUEST TO STAY IMPOSITION OF
DISCIPLINARY ACTION**

JULES MITCHELL LEHR.)

Respondent.)

Hearing Date: September 14-16, 2021

Effective Order Date: October 23, 2021

COMES NOW Respondent, JULES MITCHELL LEHR, ("Respondent"), by and through his attorney, KATHRYN HOLBERT, Esq., of NEVADA REAL ESTATE LAW, LLC, and requests that the commission reconsider the disciplinary action set forth in its Order regarding the above referenced matter for the following reasons:

1. The Commissions' decision to take the devastating and extraordinary disciplinary action of revocation of the Respondent's real estate license was based primarily upon the fact that this case was the Respondent's third complaint submitted against him.

2. However, the assumptions which the Commission made regarding the timeline of the complaints submitted against the Respondent were inaccurate.

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1 3. Specifically, this was not a case of “you did it”- “we told you not do it” – “you
2 did it, again”- “we told you not do it”- “you did it yet again”--- “you do not get any more
3 chances”.

4 4. The actual timeline of events is as follows:

5 February 2016	The rental transaction at issue in the 2016 case occurred
6 August 2016	The complaint which is the basis of the 2016 case was submitted.
7 March 2018	A settlement was reached regarding the 2016 case.
8 May 2018	The rental transaction at issue in the 2019 case occurred.
9 July 2018	The rental transaction at issue in the 2018 case occurred.
10 August 2018	The complaint which is the basis of the 2018 case was submitted.
11 May 2019	The complaint which is the basis of the 2019 case was submitted.
12 June 2021	The 2018 case was heard and decided.
13 September 2021	The 2019 case was heard and decided.

14 5. Furthermore, the settlement of the 2016 case required the respondent to take
15 some CE classes. However, none of those CE classes discussed rental transaction and the
16 Respondent did not receive any education from a broker or his attorney about what he did
17 wrong or how to appropriately handle rental transactions.

18 6. Additionally, the complainants in the three cases were as follows:

- 19 a. The 2016 case was submitted by Respondents broker at the time- against
20 the specific request of the landlord.
- 21 b. The 2018 case was submitted by the landlord who later specifically
22 requested to withdraw the complaint as the misunderstanding had been
23 resolved.
- 24 c. The 2019 case was submitted by the tenant, Edward Labate. However,
25 the actions complained of were never corroborated by the landlord.

1 Therefore, there was actually only ONE complaint submitted by a member of the public
2 against Respondent and even Mr. Labate testified that Respondent had helped him with several
3 other rental transactions without issue and that he is grateful to be in his current rental property-
4 which Respondent assisting him in obtaining.

5 7. Also, although any amount of money is always significant- especially to a
6 member of the public- the dollar amount at issue in all three cases was not large- and in all three
7 cases Respondent paid (repaid?) all of the sums at issue- and then some.

8 8. Additionally, in the more than three years since the last complained of rental
9 transaction occurred, Respondent has handled numerous sales transactions for buyers and sellers
10 and has also handled several rental transactions-all without further complaint- proving that he
11 has learned his lesson, is an asset to the industry and that he is capable of practicing real estate
12 effectively and in compliance with his professional duties.

13 9. Furthermore, there are numerous lesser disciplinary actions available to the
14 Commission which would deter similar actions by others in a more meaningful way which
15 would also be more in line with the disciplinary actions imposed in the 2016 and 2018 cases
16 against Respondent. Of particular concern is that although the allegations and facts in all of the
17 complaints submitted against the Respondent are very similar (i.e. handling rental transactions
18 (managing property?) for friends involving cash, without his broker's knowledge and without
19 completing the proper paperwork) the consequences imposed by the division regarding those
20 actions have been vastly different- making it impossible for any other licensed agent to have any
21 real understanding of the possible consequences of committing similar acts- which is in direct
22 conflict with the Commission's stated goal of clarity and consistency.

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10. Finally, if the commission's intent was to institute an informal, "three strikes and you're out" rule, even if such action were appropriate to take generally, it is not applicable in this case as the timeline of events clearly demonstrates that the Respondent in this case has actually had- at most- two strikes- not three!

Based on the above and foregoing, Respondent respectfully requests that the Commission reconsider the disciplinary action which was ordered regarding this matter. Additionally, Respondent respectfully requests that the Commission stay imposition of the Order until the Commission can meet, deliberate and decide the Motion for Reconsideration.

Dated this 20th day of October, 2021. NEVADA REAL ESTATE LAW

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1 **CERTIFICATE OF SERVICE and/or MAILING**

2 I hereby certify that on the 20th day of October, 2021, I caused to be served a true copy
3 of the following document(s):

4 **MOTION FOR RECONSIDERATION OF DISCIPLINARY ACTION**
5 **and**
6 **REQUEST TO STAY IMPOSITION OF DISCIPLINARY ACTION**

7 to be served on the following,

8 Evelyn Pettee
Commission Coordinator
epattee@red.nv.gov

Karissa D. Neff, Esq.
Senior Deputy Attorney General
kneff@ag.nv.gov

9 By:

10 ☒ **ELECTRONIC SERVICE:** Said document(s) was served electronically upon the above
11 recipients via the above stated email addresses.

12 ☐ **U.S. MAIL:** I deposited a true and correct copy of said document(s) in a sealed, postage
13 prepaid envelope, in the United States Mail, to those parties which were not on the Court's
electronic service list.

14 ☐ **FACSIMILE:** I caused said document(s) to be transmitted by facsimile transmission. The
15 sending facsimile machine properly issued a transmission report confirming that the
transmission was complete and without error.

16 ☐ **OVERNIGHT MAIL:** I caused said document(s) to be deposited in a box or other facility
17 regularly maintained by an express service carrier providing overnight delivery in an envelope
or package designated by the express service carrier with delivery fees paid or provided.

18 Dated this 20th day of October, 2021. NEVADA REAL ESTATE LAW

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