

**FILED**

APR 01 2022

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

REAL ESTATE COMMISSION  
BY *Emily Patten*

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

Petitioner,

vs.

MARY T. HOTCHKISS,  
(S.0030376)

Respondent.

Case No. 2019-829

**STIPULATION AND ORDER  
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"), by and through their attorney of record, Alexander E. Quagge, Deputy Attorney General, and Mary T. Hotchkiss ("RESPONDENT").

RESPONDENT, at all relevant times mentioned in this Complaint, was licensed by the Division as a real estate salesperson. She is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645 and NAC chapter 645.

**SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

1. At all times relevant, RESPONDENT held a Nevada Real Estate Salesperson License, S.0030376, issued by the Division on September 28, 1992.

2. At all times relevant, RESPONDENT held a Nevada Real Estate Property Management permit, PM.0130376.

3. On or about July 19, 2019, the Division received a complaint/statement of fact from Randy Kochis (Complainant) regarding property located at 8232 Cactus Canyon Ct. Las Vegas, NV 89128 (subject property).

1           4.     The complaint alleged that RESPONDENT failed to collect three months of  
2 rent from the tenant and failed to evict the tenant residing in the subject property.

3           5.     RESPONDENT managed the subject property for three years prior to the  
4 instant complaint.

5           6.     Rent was not paid for the subject property for the months of March, April, and  
6 May of 2019.

7           7.     On May 22, 2019, RESPONDENT posted a 5-day eviction notice on the subject  
8 property's door.

9           8.     On May 28, 2019, Complainant arrived at the subject property with the Las  
10 Vegas Metropolitan Police Department.

11          9.     On May 28, 2019, Complainant found the subject property abandoned with  
12 two pets and all the doors unlocked.

13          10.    On July 27, 2020, the Division sent RESPONDENT a Notice of Violation with  
14 Imposition of Administrative Fine. In the Notice, the Division ordered RESPONDENT to  
15 pay an administrative fine in the amount of \$500 for violating NRS 645.633(1)(h).

16          11.    RESPONDENT appealed the administrative fine imposed by the Division.

17                   **SUMMARY OF VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

18          12.    RESPONDENT violated NRS 645.633(1)(h), as explained by NAC 645.605(6),  
19 for failing to collect three months of rent and/or timely evict the tenants from the subject  
20 property; thereby breaching her obligation of absolute fidelity to her principal's interest.

21                   **PROPOSED SETTLEMENT**

22           In an effort to avoid the time and expense of litigating these issues before the  
23 Commission, the parties desire to compromise and settle the instant controversy upon the  
24 following terms and conditions:

25           1. RESPONDENT agrees to pay the Division a total amount of \$2,460.78 ("Amount  
26 Due"), consisting of a \$500 fine imposed by the Division and the Division's pre-hearing costs  
27 and attorneys' fees in the amount of \$1,960.78.

28

1           2. The Amount Due shall be payable to the Division as follows: RESPONDENT shall  
2 pay the Amount Due within 60 days of date of the order approving this Stipulation.

3           3. RESPONDENT and the Division agree that by entering into this Stipulation, the  
4 Division does not concede any defense or mitigation RESPONDENT may assert and that  
5 once this Stipulation is approved and fully performed, the Division will close its file in this  
6 matter.

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

20           5. Each party shall bear their own attorney's fees and costs, except as provided  
21 above.

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

28           7. Withdrawal of Stipulation. If the Commission rejects this Stipulation or

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

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

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

24 10. Default. In the event of default under this Stipulation, RESPONDENT agrees  
25 that her license shall be immediately suspended, and the unpaid balance of the  
26 administrative fine and costs, together with any attorneys' fees and costs that may have  
27 been assessed, shall be due in full to the Division within ten calendar days of the date of  
28 default. Debt collection actions for unpaid monetary assessments in this case may be

1 instituted by the Division or its assignee.

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

4  
5 DATED this 03 day of March, 2022.

DATED this 3 day of March, 2022.

6  
7 NEVADA DEPARTMENT OF BUSINESS  
8 & INDUSTRY, REAL ESTATE DIVISION

9 By: Mary T Hotchkiss  
10 MARY T. HOTCHKISS

By: [Signature]  
11 SHARATH CHANDRA  
12 Administrator

13 AARON D. FORD  
14 Attorney General

15 By: /s/ Alexander E. Quagge  
16 ALEXANDER E. QUAGGE  
17 Deputy Attorney General  
18 Bar No. 13938  
19 100 North Carson Street  
20 Carson City, Nevada 89701  
21 Tel: (775) 684-1223

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

**ORDER**

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action, submitted by Petitioner and Respondent, is approved in full.

Dated: March 29, 2022.

REAL ESTATE COMMISSION  
STATE OF NEVADA

By:   
President, Nevada Real Estate Commission

Submitted by:

AARON FORD, Attorney General

By: /s/ Alexander E. Quagge  
ALEXANDER E. QUAGGE  
Deputy Attorney General  
Bar No. 13938  
100 North Carson Street  
Carson City, Nevada 89701  
Tel: (775) 684-1223  
Attorneys for Real Estate Division