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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2021-715

Petitioner,

FILED

vs.

AUG 29 2023

TOD A. WEVER,

REAL ESTATE COMMISSION

Respondent.

BY *Kelley Valadez*

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"), by and through their attorney of record, Deputy Attorney General Matthew Feeley and TOD A. WEVER ("RESPONDENT"), by and through his counsel Aaron D. Shipley of the law firm McDonald Carano LLP.

JURISDICTION

RESPONDENT is licensed as a real estate broker by the Division and holds a property management permit. He 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. RESPONDENT is licensed with the Division as a broker under license B.0144020.LLC, said license being issued on May 27, 2015, and is currently in "active" status; and holds a Property Management permit, PM.0163809.BKR. (Ex. A, NRED0002-3)

2. RESPONDENT was associated with and owned REAL PROPERTY MANAGEMENT OF LAS VEGAS, LLC from May 27, 2015, through November 25, 2019. (Ex. A, NRED0002)

3. RESPONDENT was associated with RENTMAX PROPERTY MANAGEMENT from November 25, 2019, through the present date. (Ex. A, NRED0002)

1 4. On June 11, 2021, Christina Unruh (“Complainant”), submitted a Complaint to the
2 Division regarding a job interview she attended as she was applying to work for RENTMAX PROPERTY
3 MANAGEMENT, the interview having been held with RESPONDENT. (Ex. B, NRED0039-41)

4 5. Complainant stated that during the interview for the job RESPONDENT informed her that
5 he charged the property owners more than what the repairs on their properties actually cost. The
6 Complainant stated that RESPONDENT informed her that he up-charged the property owner on repairs
7 as much as 100%. (Ex. B, NRED0040).

8 6. RESPONDENT submitted his annual Trust Account Reconciliations for P-Trust account
9 Number XXXXXX5056 (“5056”) ending on January 31, 2021, on February 27, 2021, via email. (Ex. A,
10 NRED 0004-35)

11 7. RESPONDENT Trust Account Reconciliation for the P-Trust account 5056 listed that
12 there were 148 checks cleared with a total amount of \$174,972.45. (NRED0007-8)

13 8. The Bank statement listed 74 cleared checks with amount of \$69,275.92. With a different
14 of \$105,696.53. (NRED0021-24)

15 9. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056 listed 20
16 unreconciled Deposits and other increases from August 1, 2020, to January 29, 2021. (NRED0015).

17 10. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056, under
18 “Unreconciled Checks and other Decreases”, lists seven (7) entries titled “Payment Ref Online Transfer
19 RENTMAX PROPERTY MANAGEMENT”. These transactions were dated from December 17, 2020,
20 through January 18, 2021. (NRED0015-16)

21 11. Of these entries, one (1) entry is dated December 17, 2020, two (2) are dated December
22 18, 2020, and one is dated December 21, 2020. (NRED0015-16)

23 12. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056, under “Cleared
24 Deposits and other Increases” lists nineteen (19) Deposits that are not listed on the bank statement and
25 are dated from January 18, 2017, to December 22, 2020. (NRED 0007) (NRED0018-21).

26 13. RESPONDENT’s Trust Account Reconciliation for P-Trust account 5056, under “Cleared
27 Checks and other Decreases” lists four (4) entries titled “Deposits #Autometic ACH Deposit NSF” and
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1 are dated May 12, 2020; another May 12, 2020; June 8, 2020; and January 1, 2021, that is not listed on
2 the bank statement. (NRED0007) (NRED0021).

3 14. RESPONDENT's Trust Account Reconciliation for P-Trust account number 5056, under
4 "Cleared Checks and other Decreases" lists 4 entries titled "Ref NMM-HRES THEFT — RENTMAX
5 PROPERTY MANAGEMENT". (NRED0007) (NRED21-22)

6 15. One of these entries is dated September 26, 2019, and the other three are all dated March
7 31, 2020. These items are not listed on the Bank statement. (NRED0007) (NRED21-22)

8 16. RESPONDENT's Trust Account Reconciliation for the P-Trust account 5056, under
9 "Cleared Checks and other Decreases" lists nineteen (19) checks made out to "RENTMAX PROPERTY
10 MANAGEMENT" all dated between January 4, 2021 and January 8, 2021 - Check numbers 15909,
11 15911, 15914, 15915, 15916, 15917, 15918, 15919, 15920, 15921, 15922, 15923, 15924, 15925, 15926,
12 15927, 15928, 15929 and 15930 – that are not listed on the Bank statement for the Trust Account
13 Reconciliations submitted February 27, 2021. (NRED0007) (NRED0022-23).

14 17. RESPONDENT's Trust Account Reconciliation for the Security Deposit Trust account
15 number XXXXXXX4978 ("4978"), under "Cleared Checks and other Decreases" lists seven (7) checks
16 dated from August 29, 2018, to July 30, 2020. There was one item also listed as "Payment ref NMM —
17 Real Property Management" dated July 19, 2017. None of these entries are listed on the Bank statement
18 provided with the Trust Account Reconciliation. (NRED0029) (NRED0034).

19 18. On August 26, 2021, the Division sent RESPONDENT a letter requesting additional
20 information. The due date for him to provide the requested information and documents was September
21 10, 2021. (NRED0036-37).

22 19. RESPONDENT provided the Invoice number 31186. This invoice is a Bill to "The
23 Girdlestone Family Trust Dated 11/23/94", for \$155.00. (NRED0073-76).

24 20. This document was provided in electronic format and included metadata that shows
25 details about alterations that have been made to the document. This invoice had been altered by the
26 RESPONDENT on August 27, 2021, and September 3, 2021, in nine (9) different areas and ten (10)
27 times. RESPONDENT provided invoice number 31189 dated November 12, 2020, from Boss Plumbing
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1 for \$155.00. RESPONDENT altered this invoice three (3) times on 9/3/2021, to include RESPONDENT
2 changed the amount of the invoice to \$155.00. (NRED0073-76).

3 21. RESPONDENT provided the Invoice number 31838, Bill to Michael Kong, for \$2,380.00.
4 This document was provided in electronic format and included metadata that shows details about
5 alterations that have been made to the document. (NRED0081-84).

6 22. This invoice was altered by RESPONDENT on August 27, 2021, and September 3, 2021,
7 in nine (9) different areas and ten (10) times. RESPONDENT provided invoice number 31838 dated
8 January 4, 2021, from Boss Plumbing for \$2,380.00. RESPONDENT altered this invoice seven (7) time
9 on September 3, 2021, to include RESPONDENT changed the amount of the invoice to \$2,380.00,
10 Invoice #, Total Due, Date, Description and Amount. (NRED0081-84).

11 23. RESPONDENT provided the Invoice number 31590, Bill to Gayane Davtian & Jack
12 Arutunian, for \$135.00. (NRED0085-88).

13 24. This document was provided in electronic format and included metadata that shows
14 details about alterations that have been made to the document. This invoice was altered by
15 RESPONDENT on August 27, 2021, and September 3, 2021 in 9 different areas and 10 times.
16 RESPONDENT provided invoice # 31590 dated January 4, 2021 from Boss Plumbing for \$135.00.
17 RESPONDENT changed this invoice eight (8) time on September 3, 2021 RESPONDENT changed the
18 "Bill To" area, the invoice number, Date, Total Due, Date, Description, Amount and Balance Due.
19 (NRED0085-88).

20 25. RESPONDENT provided the Invoice number 7057, Bill to Daryl Daniels, for \$200.00
21 and dated January 8, 2021. (NRED0085-92).

22 26. This document was provided in electronic format and included metadata that shows details
23 about alterations that have been made to the document. This invoice was altered by RESPONDENT on
24 August 27, 2021, and September 20, 2021, in 9 different areas and 10 times. RESPONDENT provided
25 invoice number "75057-1410 Jamielinn" dated June 12, 2020, from Wiley Services for \$200.00.
26 RESPONDENT altered this invoice 3 times. (NRED0085-92).

27 27. RESPONDENT provided the Invoice number 7511, Bill to Victor Depinto, for \$310.00
28 and dated 01/08/2021. (NRED0093-96).

1 28. This document was provided in electronic format and included metadata that shows
2 details about alterations that have been made to the document. This invoice was altered by
3 RESPONDENT on August 27, 2021, and September 20, 2021, in 9 different areas and 10 times.
4 RESPONDENT provided invoice # “7511-3709 Hudson” dated November 3, 2020, from Wiley Services
5 for \$310.00. RESPONDENT altered this invoice 6 times. (NRED0093-96).

6 29. RESPONDENT provided Invoice number 12359 from All In One Handyman Home
7 Services LLC for a property located at 5388 Winning Spirit Lane. The invoice was for installing
8 earthquake straps to the water heater for \$90.00. (NRED0097-102).

9 30. RESPONDENT provided check number 15935 made payable to All In One Handyman
10 Home Service LLC and the check was made out in the amount of \$90.00. (NRED0097-102).

11 31. RESPONDENT provided an invoice Bill to Leticia Apuya. The description was for
12 Installed water-heater earthquake straps for \$90.00. (NRED0097-102).

13 32. RESPONDENT also provided the Owner Statement for 5388 Winning Spirit Ln., Las
14 Vegas NV 89113 with the Owner Leticia Apuya. This Owner Statement list a check number 15935 in
15 the amount of \$117.00 with payee/payer listed as Rentmax Property Management (The Respondent’s
16 Brokerage). The Description was for “Water Heater Maintenance - Installed earthquake straps to the
17 water heater of unit — INSTALL WATER HEATER STRAPS”. (NRED0097-102).

18 33. On September 3, 2021, RESPONDENT provided the requested documents for Number
19 One Plumbing Heating & Air Conditioning and Check number 15968. The Invoice # 0020177989 dated
20 December 20, 2020 form Number One Plumbing and HVAC listed the Description of Work was for
21 removing wall mounted water heater and installing a new water heater. The amount of the invoice was
22 for \$3,332.34. (NRED0103-108).

23 34. RESPONDENT provided the Invoice # 0020177989 dated January 8, 2021, a Bill to “The
24 Girdlestone Family Trust Dated 11/23/94” for Replaced tankless hot water heater for \$3,332.34.
25 (NRED0103-108).

26 35. This document was provided in electronic format and included metadata that shows details
27 about alterations that have been made to the document. This invoice was altered by THE RESPONDENT
28 on August 27, 2021, and September 3, 2021, 10 times in 9 different areas. THE RESPONDENT provided

1 check number 15968 made out to Number One Plumbing Heating & Air Conditioning. The Description
2 was for Replaced tankless hot water heater. The amount of the check was for \$2,332.34. (NRED0103-
3 108).

4 36. RESPONDENT provided the Invoice number 108667, Bill to Mark Perlmutter, for
5 \$134.19 and dated January 8, 2021. (NRED00124-126)

6 37. This document was provided in electronic format and included metadata that shows details
7 about alterations that have been made to the document. This invoice was changed by RESPONDENT on
8 August 27, 2021, and September 10, 2021, in 9 different areas and 10 times. RESPONDENT provided
9 invoice number 108667 dated January 11, 2021, from H2O to GO for \$134.19. RESPONDENT's invoice
10 "Bill to Mark Perlmutter" was dated three days before the invoice of H2O to GO to RESPONDENT
11 (NRED00124-126)

12 38. RESPONDENT's email to the Division on September 29, 2021, stated that "we uses an
13 invoice template anytime we have to create an invoice for a bill which is very redundant."
14 RESPONDENT additionally claimed that he only used the owner statement as the invoice because it
15 "saves time." (NRED0253)

16 39. On October 5, 2021, and based on the results of the investigation, RESPONDENT was
17 issued a Notice that the Division intends to commence disciplinary action against him by filing a
18 complaint for hearing before the Real Estate Commission. (NRED0287-289).

19 **ALLEGED VIOLATIONS**

20 The Division alleges that RESPONDENT has committed the following violations of law:

21 40. The Division alleges that RESPONDENT has violated NRS 645.630(1)(h) three times.
22 The Division alleges that the Respondent has failed to remove funds that belong to him or his Brokerage
23 within a reasonable time.

24 a. The Respondent's Trust Account Reconciliation for the P-Trust account number
25 5056 listed seven (7) Payment "Ref Online Transfer - RENTMAX PROPERTY
26 MANAGEMENT" under Unreconciled Checks and other Decreases. These
27 transactions were dated from December 17, 2020, through January 18, 2021. There
28 are four (4) Payments "Ref online Transfer - RENTMAX PROPERTY

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MANAGEMENT” dated 12/17/2020, two on 12/18/2020 and 12/21/2020.

b. Respondent's Trust Account Reconciliation for the P-Trust account 5056, under “Cleared Checks and other Decreases” lists nineteen (19) checks made out to “RENTMAX PROPERTY MANAGEMENT” all dated between January 4, 2021 and January 8, 2021 - Check numbers 15909, 15911, 15914, 15915, 15916, 15917, 15918, 15919, 15920, 15921, 15922, 15923, 15924, 15925, 15926, 15927, 15928, 15929 and 15930 – that are not listed on the Bank statement for the Trust Account Reconciliations submitted February 27, 2021.

c. RESPONDENT's Trust Account Reconciliation for the Security Deposit Trust account number XXXXXXXX4978 (“4978”), under “Cleared Checks and other Decreases” lists seven (7) checks dated from August 29, 2018, to July 30, 2020. There was one item also listed as “Payment ref NMM — Real Property Management” dated July 19, 2017. None of these entries are listed on the Bank statement provided with the Trust Account Reconciliation.

41. The Division alleges that RESPONDENT has violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(c) and/or (d) two (2) times when he submitted the annual Trust Accounts Reconciliations. The Respondent reconciled and cleared deposits, checks and other debits and credits that were not listed on the Bank Statements provided with each of the Trust Account Reconciliations.

42. The Division alleges that RESPONDENT has violated NRS 645.633(1)(i) pursuant to NAC 645.605 (11)(c) and/or (d) five (5) times. The Respondent provided four (4) invoices from Boss Plumbing that were altered before submitting the invoice to the Nevada Real Estate Division. RESPONDENT provided documents that were altered in the area of the amount charged on these invoices. The Respondent provided one (1) invoice from Wiley Services that was altered on the amount on the invoice before submitting it to the NRED.

43. The Division alleges that RESPONDENT has violated NRS 645.633(1)(i) pursuant to NAC 645.605(11)(c) and/or (d). RESPONDENT provided Invoices from his brokerage and All In One Handyman Home Service, LLC and check No. 15935. The Invoices state that Earthquake strips were

1 installed on the water heater at 5388 Winning Spirit Lane for \$90.00. The check provided by the
2 Respondent was made out to All In One Handyman Home Service LLC for installing earthquake straps
3 to the water heater and was for \$90.00. The Owner statement for 5388 Winning Spirit Ln Las Vegas, NV
4 89113 provided by the RESPONDENT stated on January 08, 2021, the payee RENTMAX Property
5 Management, Check No 15935 - Water Heater Maintenance - installed earthquake straps to the water
6 heater for \$117.00.

7 44. The Division alleges that RESPONDENT has violated NRS 645.633(1)(i) pursuant to
8 NAC 645.605(11)(c) and/or (d). RESPONDENT provided Invoices from his brokerage and #1 Plumbing
9 Heating & Air Conditioning. Both invoices have the same invoice number 0020177989 and was for
10 Replaced tankless water heater and for \$3,332.34. The Respondent invoice was billed to "The Girdlestone
11 Family Trust Dated 11/23/94." The Plumbing company's invoice was billed to RENTMAX Property
12 Management and was for the property 9204 Tesoras Dr. Unit 201 Las Vegas, NV 89144. The Respondent
13 provided a copy of a check paid to the order of Number One Plumbing Heating & Air Conditioning in
14 the amount \$2,332.34 and the check listed the property as 9204 Tesoras Dr. #201 Las Vegas, NV 89144
15 / Water Heater Maintenance / Replaced tankless water heater.

16 PROPOSED STIPULATION AGREEMENT

17 45. In an effort to avoid the uncertainty, time, and expense of litigation, the parties desire
18 to compromise and settle the instant controversy upon the following terms and conditions:

- 19 a. RESPONDENT agrees to pay the Division \$13,800 upon the Commission's Order
20 approving the stipulation. This amount includes a \$13,000.00 fine and \$800.00 to
21 cover the Division's fees and costs.
- 22 b. RESPONDENT'S full amount will be paid in equal monthly installments of
23 \$2,300.00 per month to the division for six (6) months beginning on September 1,
24 2023 and to be fully paid by February 1, 2024. RESPONDENT shall be permitted
25 to pay off the amount sooner if he so chooses.
- 26 c. The Division recommends, and the Commission shall revoke, and by stipulating
27 to this agreement RESPONDENT voluntarily surrenders, RESPONDENT's
28 Property Management permit. RESPONDENT may not re-apply for his Property

1 Management permit until three years beyond the effective date of the
2 Commission's Order Approving this Stipulation, and with the knowledge that
3 RESPONDENT will have to appear before the Commission for their approval to
4 regain his permit.

5 d. RESPONDENT, without admitting the merits of, or liability with respect to, any
6 of the alleged violations at issue, voluntarily accepts the Division's disciplinary
7 action by agreeing to this settlement, waives the right to contest the factual
8 allegations or that any violations occurred.

9 46. RESPONDENT and the Division agree that by entering into this Stipulation, the Division
10 does not concede any defense or mitigation RESPONDENT may assert and that once this Stipulation is
11 approved and fully performed, the Division will close its file in this matter. Nothing herein prevents proof
12 and giving consideration to acts complained of in this matter in determining or penalizing a future
13 violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter 645. In addition,
14 nothing herein prevents proof and giving consideration to the acts complained of in this matter, and the
15 settlement thereof, for RESPONDENT to defend against any future allegations of violations of these
16 same statutes and codes.

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

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

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

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

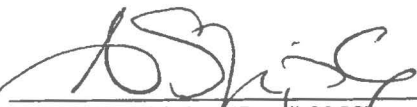
10 51. Default. In the event of default, RESPONDENT agrees that his license shall be
11 immediately suspended, and the unpaid balance of the administrative fine and costs, together with any
12 attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten
13 calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this case
14 may be instituted by the Division or its assignee.

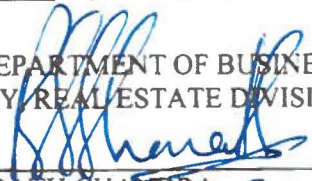
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1 52. RESPONDENT has signed and dated this Stipulation only after reading and
2 understanding all terms herein.

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4 DATED this 18 day of August, 2023


DATED this 21 day of August, 2023.

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6
7 By: 
8 Aaron D. Shipley (Bar # 8258)
9 MCDONALD CARANO
2300 West Sahara, Suite 1200
Las Vegas, NV 89102

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

10
11 By: 
12 TOD A. WEVER

13
14
15 Approved as to form:
16 AARON D. FORD
17 Attorney General

18 By: 
19 MATTHEW FEELEY (Bar #13336)
20 Deputy Attorney General
21 555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101

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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2019-1186

Petitioner,

vs.

TOD A WEVER,

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 August 22, 2023, and the Commission being fully apprised of the terms and good cause appearing,

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

This Order shall become effective on the 29 day of August, 2023.

Dated this 29 day of August, 2023.

NEVADA REAL ESTATE COMMISSION

By: David Tina
[Print Name] DAVID TINA
Vice
Commission President