

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 ERIS ATAR-KRUPSKI,
10 (S.0192427)

11 Respondent.

Case No. 2021-405

FILED

JAN 20 2023

REAL ESTATE COMMISSION

BY *Kelley Valadez*

12 **COMPLAINT AND NOTICE OF HEARING**

13 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
14 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT ERIS ATAR-KRUPSKI
15 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE
16 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
17 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
18 The purpose of the hearing is to consider the allegations stated below and to determine if the
19 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235, NRS 645.630
20 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT, at all relevant times mentioned in this Complaint, held herself out and/or
23 otherwise performed acts as a person required to have a license, and is presently licensed as a Salesperson
24 under S.0192427. RESPONDENT is, therefore, subject to the jurisdiction of the Division and the
25 Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

26 **FACTUAL ALLEGATIONS**

27 1. RESPONDENT'S real estate salesperson license (S.0192427) was issued on February 03,
28 2021, to the Brokerage Pacific Group with Broker Gregory A. Hartline (B.0067304.INDV,
B.0036741.LLC, PM.0136741.BKR, BUSB.0000345.BKR, BUSB.0006819.BKR). NRED 000002 –
NRED 000004.

1 2. On or about December 7, 2020, Complainants and/or Complainant's family members
2 ("Complainants") allege, they were in search of a real estate agent in Las Vegas, Nevada, and reached
3 out to their sister-in-law for a recommendation, who in turn reached out to a close family friend,
4 RESPONDENT'S mother, who recommended her daughter RESPONDENT. NRED 000054 - NRED
5 000056.

6 3. On December 7, 2020, the real property located at 4894 Stavanger Lane, Clark County,
7 Las Vegas, Nevada 89147 (the "Property"), was listed for sale in the Las Vegas Realtors Multiple Listing
8 Service ("MLS") by real estate salesperson Alla Margaryan (S.0186534), of eXp Realty, 10845 Griffith
9 Peak Drive #2, Las Vegas 89135, with Broker Spencer Walden (B.0144881), offering a 2.00 %
10 cooperating commission pursuant to the terms of the listing agreement dated December 1, 2020, at 15:41
11 PM. NRED 000013, NRED 000032-NRED 000044.

12 4. On January 12, 2021, at 6:06 p.m. GMT, RESPONDENT, <eris.atarkrupski@gmail.com>
13 allegedly emailed Complainant, the real property located at 2880 S Tenaya Way, Las Vegas, 89117, and
14 represented it was not on the market yet and in "section 10 which is a very good area." NRED 000057
15 and NRED 000082.

16 5. On January 15, 2021, at 6:57 PM EST. RESPONDENT allegedly emailed Complainant,
17 the real property for sale located at 5232 Great Horizon, and represented that she was providing
18 information at their request, including purchase price opinions: "I think we can get it for around 800k,
19 maybe less Would you like me to start with an offer for 750k?" NRED 000058 - NRED 000059, and
20 NRED 000083.

21 6. On January 17, 2021, Complainant allegedly emailed RESPONDENT, a list of
22 prospective homes, and relayed 1031 exchange requirements, specifically that the purchase of two homes
23 must be in escrow on or before February 27, 2021. The next day, on January 18, 2021, RESPONDENT
24 allegedly responded via email to the Complainant that out of the eight houses, only three were available:

25 "5183 n miller is available for showing I am trying to get you a video
26 5111 crown cypress is vacant and available

27 9261 spruce under contract
28 7782 abalone is available – trying to get you a video
 9524 summer cypress under contract
 1004 royal plum under contract
 8225 irish eyes no shows at this time

1 2421 rice flower under contract”

2 NRED 000060, NRED 000089, and NRED 000091.

3 7. Also on January 18, 2021, RESPONDENT allegedly forwarded MLS listing information
4 “on the other 4” from her broker, Mr. Hartline, to Complainant. NRED 000089 - NRED 000090.

5 8. On January 30 at 4:46 PM, RESPONDENT allegedly texted Complainant about an
6 offering on a property and provided the monthly payment calculation: “Greg wrote to me Are we
7 proceeding with Abernethy?; “Total pymt: P & I \$1847.29 Hoi \$175 (est) Property taxes \$657.83 Hoa
8 \$73.66, Total pymt \$2753.78” NRED 000062 and NRED 000096.

9 9. RESPONDENT allegedly texted Complainant eliciting a bid on a property and agreed to
10 prepare the offer: At 8:42 AM “Do you want to bid on Marion Village?” At 8:58 AM Complainant
11 responds “Yes, please prepare the offer.” At 8:59 AM RESPONDENT replies “Ok” NRED 000111.

12 10. On February 1, 2021, at 1:02 AM, RESPONDENT allegedly texted Complainant with an
13 update on a property: “I haven’t heard from the agent for emerald. I texted her but didn’t get a reply I
14 will call her tomorrow morning”. NRED 000098.

15 11. On February 1, 2021, at 12:24 PM, RESPONDENT allegedly texted Complainant
16 confirming showings on properties: “They changed for 1:30pm tomorrow” “Please put a note for you”
17 “Please keep a record” “2:45 is cancelled No showings” NRED 000116.

18 12. RESPONDENT allegedly texted Complainant identifying the status of showings per
19 ShowingTime MLS’s showing manager for Complainant: “SHOWING DCLND Tue 2/2 12:00P 1931
20 Fox Canyon Circle, Las Vegas Sicknes in family BY: Listing Agent”; On February 1, at 9:05 PM
21 “SHOWING CONF Tue 2/2 12:30P 2728 Lakecrest Drive, Las Vegas” NRED 000110.

22 13. On February 2, 2021, at 2:11 PM, emails from Complainant and Complainant’s son to
23 RESPONDENT allege a 0.5% (\$3,250) commission fee agreement between Complainant’s son and
24 RESPONDENT for 4894 Stavanger Lane. NRED 000072 – NRED 000073, NRED 000115.

25 14. A Residential Purchase Agreement (“RPA”) on real property 4894 Stavanger Lane dated
26 February 2, 2021, for Complainant was fully executed on February 3, 2021. NRED 000014 – NRED
27 000024.

1 15. The Broker's Compensation/Fees of the RPA incorporates by reference the buyer's
2 broker's commission listed on the MLS (*See* Finding of Fact 4.). NRED 000020, NRED 000022, and
3 NRED 000024.

4 16. The RPA made no indication whether the buyer will or will not pay buyer's broker
5 additional compensation as both boxes were left blank. NRED 000020, NRED 000022, and NRED
6 000024.

7 17. The RPA did not include any additional terms or any counter offers that modified the
8 buyer's brokerage commission. NRED 000020, NRED 000022, and NRED 000024.

9 18. The Additional Terms of the RPA represents: "Eris Atar-Krupski, Esq. is recognized as
10 the attorney of record for the buyer. She may be included in any negotiations or administrative decisions
11 speaking on behalf of the buyer.". NRED 000022, NRED 000057 – NRED 000061, NRED 000082 –
12 NRED 000087, and NRED 000089 -NRED 000093.

13 19. RESPONDENT represented herself as an attorney during the entire Las Vegas, Nevada-
14 specific home buying process as indicated in email signatures: "Eris Atar-Krupski, Esq." and "Eris Atar-
15 Krupski, Esquire". NRED 000022, NRED 000057 – NRED 000061, NRED 000082 – NRED 000087,
16 and NRED 000089 -NRED 000093.

17 20. On February 3, 2021, RESPONDENT'S real estate salesperson license (S.192427) was
18 issued. NRED 000002.

19 21. On February 25, 2021, RESPONDENT allegedly text messaged Complainant her name
20 and address along with the text message "\$3,250 for the half percent that he deducted". NRED 000074,
21 NRED 000115, and NRED 000117.

22 22. On or about April 14, 2021, The Nevada Real Estate Division received a Complaint
23 reporting RESPONDENT acted as his attorney and real estate agent without a license when Complainant
24 purchased the real properties at 4894 Stavanger Lane, and 1153 Campsie Fells Court during January and
25 March 2021. NRED 000046 - NRED 000122.

26 23. On April 15, 2021, the Division noticed RESPONDENT that it received a complaint
27 against her; on or about April 30, 2021, RESPONDENT provided her sworn statement to the Division,
28 after which, the Division determined it had sufficient evidence to commence a disciplinary action by way

1 of filing a complaint before the Real Estate Commission, now comes herewith. NRED 000007, and
2 NRED 124 – NRED 000129.

3 **VIOLATIONS OF LAW**

4 RESPONDENT has committed the following violations of law:

5 24. RESPONDENT violated NRS 645.230(1)(a) between January 12, 2021, to February 2,
6 2021 when she committed a false start by engaging in the business of, and/or acted in the capacity of, a
7 real estate salesperson as defined by NRS 645.040 and as set out in NRS 645.030, prior to her real estate
8 license being issued on February 3, 2021, when she, for the Complainants, for an extra 0.5%
9 compensation or with the intention or expectation of receiving an extra 0.5% compensation, provided
10 real estate services such as solicited bids from Complainants; provided listings of housing offered in Las
11 Vegas, Nevada available on MLS only available to licensees; updated Complainants on the status of
12 showings per MLS's ShowingTime (confirmations, changes in time, cancellations); provided specific
13 property, monthly payment calculations; represented preparation of offers; and followed up with listing
14 agents when she did not get a reply.

15 25. RESPONDENT violated NRS 645.633(1)(i) when, after her real estate license was issued,
16 she perpetrated conduct on February 25, 2021 which constituted deceitful, fraudulent and/or dishonest
17 dealings, and pursuant to NAC 645.605(1), by demanding an extra 0.5% commission payment which she
18 knew to be false, which the Complainant relied on to be the commission rate, and resulted in a loss to the
19 Complainant in the amount of \$3,250.

20 26. RESPONDENT violated NRS 645.633(1)(i) when, pursuant to NAC 645.605 (8), she
21 committed deceitful, fraudulent, and/or dishonest dealings, by demanding the Complainant and/or
22 Complainant's son pay an extra 0.5% (\$3,250) commission without Complainant's permission or having
23 the change in commission payment approved by the Complainant within the purchase agreement.

24 **DISCIPLINE AUTHORIZED**

25 27. Pursuant to NRS 645.235(2), the Commission is empowered to impose an administrative
26 fine not to exceed the amount of any gain or economic benefit that the person derived from the violation
27 or \$5,000, whichever amount is greater.

1 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting
2 under Nevada's open meeting law and may be attended by the public. After the evidence and arguments,
3 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
4 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
5 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

6 As the Respondent, you are specifically informed that you have the right to appear and be heard
7 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
8 burden of proving the allegations in the complaint and will call witnesses and present evidence against
9 you. You have the right to respond and to present relevant evidence and argument on all issues involved.
10 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
11 witnesses on any matter relevant to the issues involved.

12 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
13 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
14 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
15 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

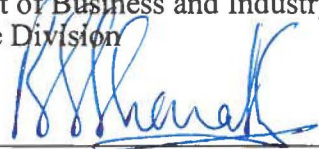
16 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
17 645 and if the allegations contained herein are substantially proven by the evidence presented and to
18 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
19 pursuant to NRS 645.235, 645.633 and or 645.630.


20
21 DATED this 19 day of January 2023.

DATED this 19th day of January 2023.

22 STATE OF NEVADA
23 Department of Business and Industry
Real Estate Division

AARON D. FORD
Attorney General

24
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