

FILED

AUG 31 2017

REAL ESTATE COMMISSION
BY *Ruth Hahn*

1 BEFORE THE REAL ESTATE COMMISSION
2
3 STATE OF NEVADA

4 SHARATH CHANDRA, Administrator,
5 REAL ESTATE DIVISION, DEPARTMENT
6 OF BUSINESS & INDUSTRY,
7 STATE OF NEVADA,

8 Petitioner,

9 VS.

10 BRIAN JEFFREY CONOVER,
11 Respondent.

12 Case No. 2016-2878

13 STIPULATION FOR SETTLEMENT
14 OF DISCIPLINARY ACTION

15 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into between
16 the Petitioner, State of Nevada, Department of Business and Industry, Real Estate Division
17 ("Division"), through its Administrator, Sharath Chandra, and Respondent, Brian Jeffrey Conover
18 ("Respondent").

19 JURISDICTION

20 Respondent engaged in activities which require a license as a real estate broker, real estate
21 broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the
22 jurisdiction of the Division and the Nevada Real Estate Commission, and the provisions of NRS and
23 NAC 645.

24 SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

25 1. At all times relevant, Respondent was not licensed by the Division in any capacity.

26 2. Respondent is licensed with the California Bureau of Real Estate as a Salesperson,
27 License No. 01008195.

28 3. At all times relevant, Respondent was employed with Faris Lee Investments ("Faris
Lee"), in Irvine, California.

4. Faris Lee was previously credentialed with the Division on October 6, 2010, but
terminated its credentialing on January 12, 2016.

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5. On or about July 1, 2016, Respondent advertised himself, via Faris Lee's website, as one of the listing agents for a 24 Hour Fitness, commercial property, located in Las Vegas, Nevada, despite not having a Nevada real estate license.

6. On or about July 5, 2016, the Division sent Respondent, via certified mail, an Investigation Opening Letter and a Cease & Desist Order.

SUMMARY OF VIOLATION OF LAW ALLEGED IN THE COMPLAINT

7. Respondent violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, real estate broker-salesperson, or real estate salesperson within the State of Nevada without first obtaining the appropriate license from the Division.

SETTLEMENT

8. The Division was prepared to present its case based upon the Complaint filed with the Commission.

9. Respondent admits to the facts as alleged in the Complaint. Respondent represents that he and Faris Lee were in the process of re-credentialing with the Division, but this process was not consummated for relevant purposes of this action. Respondent further represents that he and/or Faris Lee are actively seeking, or will seek, direct licensure with the Division, or indirect license status, through Certification under NRS 645.605.

10. The Parties desire to compromise and settle the instant controversy upon the following terms and conditions.

11. Respondent agrees to pay to the Division \$2,000.00 as an administrative fine and \$500.00 in costs, for a total of \$2,500.00, within 30 days of the effective date of the Commission's Order Approving Stipulation. No grace period is permitted. If full payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent. Debt collection actions for unpaid monetary assessments in this case may be instituted by the Division.

12. The Division agrees not to pursue any other or greater remedies or fines in connection with Respondent's alleged conduct referenced herein. Additionally, the Division agrees that this Stipulation is without prejudice to Respondent and/or Faris Lee's present and/or future application for

1 licensee and/or certificated status and this Stipulation will not be given adverse and/or negative
2 consideration.

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

6 14. Respondent agrees that if the administrative fine is not paid within the time period set
7 forth hereinabove, the Division may, at its option, rescind this Stipulation and proceed with prosecuting
8 the Complaint before the Commission.

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

20 16. Except as provided above, each party shall bear its or his own attorney's fees and costs.

21 17. Stipulation is Not Evidence. Neither this Stipulation nor any statements made
22 concerning this Stipulation may be discussed or introduced into evidence at any hearing on the
23 Complaint, if the Division must ultimately present its case based on the Complaint filed in this matter.

24 18. 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 August 2017 public meeting. The
26 Division 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 19. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
2 amendments unacceptable to Respondent, Respondent may withdraw from this Stipulation and the
3 Division may pursue its Complaint before the Commission at the Commission's regular public meeting.

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

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

20 22. Respondent has signed and dated this Stipulation only after reading and understanding
21 all terms herein.

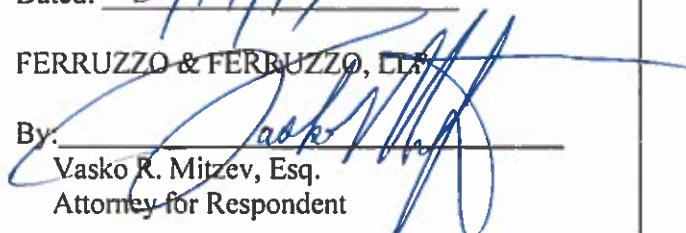
22 Dated: 8/11/2017

By: Brian Jeffrey Conover
Brian Jeffrey Conover, Respondent

23 Dated: 8/25/17

24 State of Nevada
25 Department of Business and Industry
26 Real Estate Division
27 By: Sharath Chandra
28 Sharath Chandra, Administrator

1 Approved as to form:
2 Dated: 8/22/2017
3
4 ADAM PAUL LAXALT
5 Attorney General
6 By: 
7 Keith E. Kizer
Senior Deputy Attorney General
Attorney for the Real Estate Division

1 Approved as to form:
2 Dated: 8/17/17
3
4 FERRUZZO & FERRUZZO, LLP
5 By: 
6 Vasko R. Mitzev, Esq.
7 Attorney for Respondent

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9 **ORDER APPROVING STIPULATION**

10 The Stipulation for Settlement of Disciplinary Action having come before the Real Estate
11 Commission, Department of Business and Industry, State of Nevada, during its regular agenda on
12 August 15, 2017, and the Commission being fully apprised in the premises, and good cause appearing,

13 **IT IS ORDERED** that the above Stipulation is approved in full.

14 This Order shall become effective on the _____ day of _____, 2017.

15 Dated this _____ day of August, 2017.

16 NEVADA REAL ESTATE COMMISSION

17
18 By: _____
19 President, Nevada Real Estate Commission

1 Approved as to form:

2 Dated: 8/22/2017

3 ADAM PAUL LAXALT

4 Attorney General

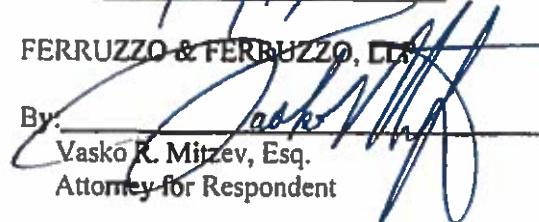
5 By: 

6 Keith E. Kizer
7 Senior Deputy Attorney General
Attorney for the Real Estate Division

Approved as to form:

Dated: 8/17/17

FERRUZZO & FERRUZZO, LLP

By: 

Vasko R. Mitzev, Esq.
Attorney for Respondent

ORDER APPROVING STIPULATION

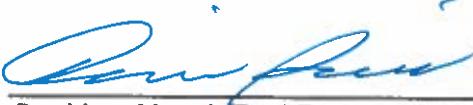
The Stipulation for Settlement of Disciplinary Action having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on August 15, 2017, and the Commission being fully apprised in the premises, and good cause appearing,

IT IS ORDERED that the above Stipulation is approved in full.

This Order shall become effective on the 8th day of October, 2017.

Dated this 29th day of August, 2017.

NEVADA REAL ESTATE COMMISSION

By: 

President, Nevada Real Estate Commission