BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

FILED
SEP 10 2020
REAL ESTATE COMMISSION
BY

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| SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA,<br><br>Petitioner,<br><br>vs.<br><br>CYNTHIA L. GLICKMAN,<br><br>Respondent. | **Case No. 2019-508** |

## 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"), and Cynthia L. Glickman ("RESPONDENT").

### JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division and 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 has been licensed as a Broker, license number B.0007614.CORP, operating under the name Windermere Excellence since January 15, 2014.

2. On or about September 10, 2019, the Administrator of the Real Estate Division issued RESPONDENT a Notice of Violation with the Imposition of Administrative Fine in the amount of $3,000.00 for three separate violations of NRS 645.633(1)(i) by engaging in conduct which constitutes deceitful, fraudulent, or dishonest dealing.

3. The Notice of Violation with Imposition of Administrative Fine was properly served upon RESPONDENT.

4. The Notice of Violation and accompanying letter from the Division advised that the fine must be remitted to the Division by October 10, 2019.

5. The Notice of Violation and accompanying letter contained notice to RESPONDENT advising RESPONDENT of her appeal rights if she disagreed with the finding of violation and/or imposition of the fine.

6. RESPONDENT did not appeal and did not request a hearing prior to October 10, 2019.

7. RESPONDENT did not pay timely the administrative fine.

8. RESPONDENT alleges she had paid the administrative fine on or about November 12, 2019 with check number 2244.

9. RESPONDENT did not initially confirm the administrative fine was paid.

10. When RESPONDENT received the complaint in this matter she contacted her bank to find that check number 2244 had never been deposited.

11. RESPONDENT immediately cancelled check number 2244, at her bank on June 4, 2020.

12. RESPONDENT immediately issued a new check, dated June 2, 2020, check number 2315, which the division received on June 5, 2020 and deposited.

**VIOLATION**

RESPONDENT has committed the following violation of law:

13. RESPONDENT violated NRS 645.647(2), by failing to pay money which she owes to the Commission or the Division.

**DISCIPLINE AUTHORIZED**

14. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to $10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

15. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.

16. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

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## PROPOSED STIPULATION AGREEMENT

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

   a. RESPONDENT agrees to pay $4.449.65 to the Division. The amount includes a $3,000.00 fine and $1,449.65 to cover the Division's investigatory costs and attorneys' fees.

   b. RESPONDENT will complete and three (3) hours ethics, and three (3) hours agency of continuing education by December 31, 2020 which will not be counted toward the required hours for license/permit renewal.

2. RESPONDENT paid $3,000.00 towards this amount on June 5, 2020, and the balance of $1,449.65, representing the costs and attorney's fees in this matter, will be paid no later than September 30, 2020.

3. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation RESPONDENT may assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter. Nothing herein prevents proof and giving consideration to acts complained of in this matter in determining or penalizing a future violation by RESPONDENT of any provision of NRS Chapter 645 or NAC Chapter 645.

4. RESPONDENT agrees and understands that by entering into this Stipulation, RESPONDENT is waiving her right to a hearing at which RESPONDENT may present evidence in her defense except as provided herein, her right to a written decision on the merits of the complaint, her rights to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and accompanying regulations, and the federal and state Constitutions. RESPONDENT understands that this Agreement and other documentation may be subject to public records laws. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the

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Commission or is not timely performed by RESPONDENT. RESPONDENT fully understands that he has the right to be represented by legal counsel in this matter at her own expense.

5. Each party shall bear its or her own attorney's fees and costs, except as provided above.

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

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

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

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

10. Default. In the event of default, RESPONDENT agrees that her license shall be immediately suspended, and the unpaid balance of the administrative fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this case may be instituted by the Division or its assignee. RESPONDENT agrees that her license shall be immediately suspended if he fails to timely attend and complete the above continuing education. RESPONDENT agrees that the suspension of her license shall continue until the continuing education is completed.

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

DATED this 31 day of August, 2020.

By: _____
CYNTHIA L. GLICKMAN

DATED this 3 day of ~~August~~ SEPTEMBER, 2020.

NEVADA DEPARTMENT OF BUSINESS & INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

Approved as to form:

AARON D. FORD
Attorney General

By: _____
ROBERT E. WERBICKY
Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT

By: _____
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Las Vegas, Nevada 89144

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**ORDER APPROVING STIPULATION**

This Stipulation for Settlement of Disciplinary Action ("Stipulation") having come before the Real Estate Commission, Department of Business and Industry, State of Nevada, during its regular agenda on September 1, 2020 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 1st day of September 2020.

Dated this 10th day of September, 2020.

NEVADA REAL ESTATE COMMISSION

By: 

[Print Name] Devin Ross

Commission President