BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. ERIS ATAR-KRUPSKI, (S.0192427) Respondent.	**Case No. 2021-405** FILED MAR 0 3 2023 REAL ESTATE COMMISSION BY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda set for a three-day stack commencing February 21, 2023 (the "Hearing"). RESPONDENT Eris Atar-Krupski ("RESPONDENT") appeared on her own behalf. Christal Park Keegan, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"). After hearing testimony presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order against RESPONDENT as follows:

JURISDICTION

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

FINDINGS OF FACT

The Commission, based on the evidence presented during the Hearing and the vote that carried, enters the finding of the following facts:

RESPONDENT'S real estate salesperson license (S.0192427) was issued on February 03, 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.

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

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

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

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

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

"5183 n miller is available for showing I am trying to get you a video

5111 crown cypress is vacant and available

9261 spruce under contract

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

2421 rice flower under contract"

NRED 000060, NRED 000089, and NRED 000091.

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

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

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

On February 1, 2021, at 1:02 AM, RESPONDENT allegedly texted Complainant with an update on a property: "I haven't heard from the agent for emerald. I texted her but

didn't get a reply I will call her tomorrow morning". NRED 000098.

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

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

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

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

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

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

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

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

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

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

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

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

On April 15, 2021, the Division noticed RESPONDENT that it received a complaint against her; on or about April 30, 2021, RESPONDENT provided her sworn statement to the Division, after which, the Division determined it had sufficient evidence to commence a disciplinary action by way of filing a complaint before the Real Estate Commission, now comes herewith. NRED 000007, and NRED 124 – NRED 000129.

The Commission, based on the evidence presented during the Hearing and the vote that carried, found that the Division proved by preponderance of the evidence all factual allegations in the complaint.

CONCLUSIONS OF LAW

Whereas, the Commission found that the Division proved by preponderance of the evidence all factual allegations in the complaint, the Commission, by the vote that carried, found that the RESPONDENT did not commit the violations of law alleged in the complaint.

DATED this 3rd day of March, 2023.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: Spiridon Filios
President, Nevada Real Estate Commission

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