BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. JOHN PRUDHONT, B.1001930.LLC, Respondent.	**Case No. 2023-217**

FILED

FEB 28 2024

REAL ESTATE COMMISSION

BY Kelly Valadez

STIPULATION AND ORDER 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, Phil W. Su, Esq., and JOHN PRUDHONT, ("RESPONDENT").

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.1001930.LLC and holds a Business Broker Permit Number BUSB.0006958.BKR and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN COMPLAINT

1. RESPONDENT is broker of record of The Business Brokers LLC.

2. RESPONDENT broker's license was first issued in 2017.

3. In 2021, The Division sent a courtesy email to RESPONDENT reminding him to submit Trust Account Reconciliation form 546, or 546A, annually, and reminding RESPONDENT of the annual deadline for submitting these forms (the last day in February every year). The RESPONDENT did submit his 546A Affidavit form for 2022.

4. In 2023, RESPONDENT failed to submit his mandatory 546A Affidavit form by the expiration month of his broker's license (February 28, 2023).

5. Between April 3, 2023, and April 16, 2023, The Division sent two letters to RESPONDENT, notifying him of the $250 fine, requesting him to complete his 546A form, and advising him of his appeal rights if he disagreed with the finding of violation and/or imposition of the fine.

6. On April 3, 2023, the Division fined RESPONDENT $250 for failing to timely submit the mandatory 546A Affidavit form pursuant to NAC 645.806(3).

7. The April 3, 2023, letter was returned as undeliverable to RESPONDENT's business address on record with the Division.

8. The April 16, 2023, second letter was mailed to RESPONDENTs business address listed on RESPONDENT's brokerage website.

9. On May 22, 2023, the Division Investigator emailed RESPONDENT to request that he return his 546A form, pay the $250.00 fine, and to advise RESPONDENT of potential fines from the Commission.

10. On May 23, 2023, Eileen Prudhont, wife of RESPONDENT and a concurrent broker for The Business Brokers LLC with RESPONDENT, responded with two emails from RESPONDENT's email address claiming RESPONDENT did not receive notification of the 2021 violation.

11. In response, the Division Investigator sent a copy of the March 18, 2021, email, which included the investigator's reminder to submit a 546A form on an annual basis.

12. On May 23, 2023, The Division received the RESPONDENT's completed 546A form for 2023, but **did not** receive the $250 fine payment for the violation.

13. On June 6, 2023, the Division sent an NRS 233B letter, return receipt requested, to RESPONDENT stating the Division's intent to file a complaint with the Commission for violation of NAC 645.804 (3).

SUMMARY OF ALLEGED VIOLATIONS OF LAW

1. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.806(3) by failing to timely submit his annual Form 546A Affidavit to the Division for 2023, due by the last day of the expiration month for his broker license.

2. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.695 by failing to pay the $250.00 administrative fine levied by the Division for failure to timely submit the 2023 Form 546A Affidavit.

PROPOSED SETTLEMENT

By entering into this Stipulation, the RESPONDENT does not admit the above factual allegations but agrees to waive his right to contest the above alleged violations if the Stipulation is approved by the Commission. Accordingly, in an effort to avoid the time and expense of litigating these issues before the Commission, as well as any possible further legal appeals from any such decision, and the parties desire to compromise and settle the instant controversy upon the following terms and conditions:

1. RESPONDENT agrees to pay the Division a total amount of $1,846.47 ("Amount Due"), consisting of a $250.00 administrative fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of $560.00, and pre-hearing attorney's fees in the amount of $1,036.47.

a. The Amount Due shall be payable to the Division in twelve (12) equal monthly installments of One Hundred Fifty-Three Dollars and 87/100 cents ($153.87), with first installment payment to be made within thirty (30) days of the date the order approving this settlement is signed. Lump sum pre-payments may be made to the Division at any time with no penalty.

b. No grace period is permitted. If the 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.

2. 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.

3. The Division agrees not to pursue any other or greater remedies or fines in connection with RESPONDENT'S alleged conduct referenced herein. The Division further agrees that unless RESPONDENT fails to make timely payment, the Division will not bring any claim or cause directly or indirectly based upon any of the facts, circumstances, or allegations discovered during the Division's investigation and prosecution of this case.

4. RESPONDENT agrees and understands that by entering into this Stipulation RESPONDENT is waiving his right to a hearing at which RESPONDENT may present evidence in his defense, his right to a written decision on the merits of the complaint, his 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 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 his own expense.

5. RESPONDENT shall bear his own attorney's fees and costs.

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 may be considered 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.

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

9. Release. In consideration of the execution of this Stipulation, RESPONDENT for himself, his 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 of this action, this disciplinary action, and all matters related thereto.

10. 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.

11. Default. In the event of default, RESPONDENT agrees that his active licenses and permits issued by the Division, if any, 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 the foregoing suspensions shall continue until the unpaid monetary assessments are paid in full.

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12. RESPONDENT confirms that he has signed and dated this Stipulation only after reading and fully understanding all terms herein. DATED this 16th day of February, 2024.

By: John Prudhont
JOHN PRUDHONT
Respondent

DATED this 20 day of February, 2024.

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

Approved as to form:

AARON D. FORD
Attorney General

By: /s/ Phil W. Su
PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
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Attorneys for Real Estate Division

ORDER APPROVING STIPULATION
Case No. 2023-217

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 February 20-22, 2024, and the Commission being fully apprised in the premises, and good cause appearing,

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

Dated: this 28 day of February 2024.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: _____
President, Nevada Real Estate Commission