BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. SOPHIA MADALENA SMITH, (S.0183595.LLC, Inactive) Respondent.	Case No. 2024-67 **STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

FILED

MAY 28 2024

REAL ESTATE COMMISSION

BY Kelley Valadez

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, Christal Park Keegan, and Sophia Madalena Smith ("RESPONDENT").

RESPONDENT was actively licensed as a salesperson under license number S.0183595.LLC. RESPONDENT 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 THE COMPLAINT

1. The Division became aware of the RESPONDENT'S conviction of multiple felonies by way of a channel 8 News Now article. *NRED 029 – 033.*

2. The news article stated the RESPONDENT, a Las Vegas area realtor, was convicted of exploiting an elderly man with dementia out of hundreds of thousands of dollars, while convincing him they were in a relationship. *NRED 029.*

3. On or about December 15, 2023, a jury verdict filed in open court found the RESPONDENT guilty on multiple counts including exploitation of an older or vulnerable person, theft, and fraudulent use of credit or debit card. *NRED 012 – 017.*

4. On or about January 23, 2024, at the sentencing hearing, RESPONDENT was adjudged guilty by virtue of the Jury's Verdict. *NRED 018 – 020.*

5. On or about January 26, 2024, the court issued its Judgment of Conviction, whereby it entered its order for the RESPONDENT to pay approximately $279,994.23 in restitution and sentenced her to serve jail time. *NRED 021 – 026, NRED 022, and NRED 025.*

6. The Judgment also ordered special conditions of probation which included, RESPONDENT must provide complete disclosure of this conviction to present and potential employers and may not be in a position of trust over anyone. *NRED 025.*

7. On January 29, 2024, the Division notified the RESPONDENT it had opened an investigative case against her, with a deadline to respond by February 12, 2024. *NRED 006.*

8. The RESPONDENT did not respond to the Division by its deadline.

9. Accordingly, on or about March 5, 2024, the Division notified the RESPONDENT, that it intended to proceed with formal disciplinary action. *NRED 007 – 009.*

10. On or about March 7, 2024 at 1:53 PM, USPS Tracking confirms the Division's letter was delivered, left with individual. *NRED 010.*

SUMMARY OF ALLEGED VIOLATIONS

1. RESPONDENT violated NRS 645.633(1)(d)(2) having been convicted of felonies involving fraud, deceit, misrepresentation and/or moral turpitude.

2. RESPONDENT violated NRS 645.615(2)(a) for failing to submit notification to the Division of her convicted felonies and/or crimes involving fraud, deceit, misrepresentation and/or moral turpitude, within 10 days of entry.

PROPOSED SETTLEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not contest the violations alleged, 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 $6,536.32 ("Amount Due"), consisting of a $5,000 fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of $280, and the Attorney's pre-hearing costs and fees in the amount of $1,256.32 within 24-months.

a. The Amount Due shall be payable to the Division as follows:

RESPONDENT shall pay in monthly payments to start 120 days after approval of this Stipulation by the Commission, as follows:

1st Year: 12 payments at $275/month

2nd Year: 11 payments at $275/month

With $211.32 on the 12th and final payment in the 2nd year for a total payment of $6,536.32, as being the total Amount Due hereunder. At any time, RESPONDENT may elect to make pre-payments on the Amount Due with no penalties so long as the monthly amount due in the annual period is satisfied in full as specified above.

b. RESPONDENT further agrees to voluntarily surrender her real estate salesperson license.

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 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 her right to a hearing at which RESPONDENT may present evidence in her defense, 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 Commission or is not

timely performed by RESPONDENT. RESPONDENT fully understands that she has the right to be represented by legal counsel in this matter at her own expense.

5. Each party shall bear their own attorney's fees and costs, ***except*** as the Division's Attorney's pre-hearing costs 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. Stipulation is Not Evidence. 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.

9. Release. In consideration of the execution of this Stipulation, RESPONDENT for herself, 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 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 all her licenses 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 suspension of her license shall continue until the unpaid monetary assessments are paid in full.

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

DATED this 12th day of April 2024.

By: _____
SOPHIA MADALENA SMITH
Respondent

DATED this 15 day of April 2024.

NEVADA DEPARTMENT OF BUSINESS & INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

Approved as to form:

AARON D. FORD
Attorney General

By: _____
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, #202
Reno, Nevada 89511
(775) 687-2141
Attorney for Real Estate Division

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SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. SOPHIA MADALENA SMITH, (S.0183595.LLC, Inactive) Respondent.	Case No. 2024-67 **ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

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 May 14-16, 2024, and the Commission being fully apprised of terms and good cause appearing.

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action, submitted by Petitioner and Respondent, is approved in full and shall become effective immediately.

Dated: May 28, 2024.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Nevada Real Estate Commission

AARON D. FORD
Attorney General

By: epkeegar
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, #202
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