BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. MICHAEL DALAN ULMER, (S.0181655) Respondent.	Case No. 2024-505 FILED NOV 2 1 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, Christal Park Keegan, and Michael Dalan Ulmer ("RESPONDENT").

RESPONDENT is actively licensed as a Salesperson S.0181655. 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. At all times relevant, RESPONDENT placed solicitation flyers on doors within a gated community that allegedly restricts such acts. NRED 000023 – NRED 000025.

2. The RESPONDENT was asked to vacate the private community but allegedly refused. NRED 000024.

3. Upon review of the flyer stuck in the Complainant's door, the distributed material failed to include RESPONDENT'S license number. NRED 000025.

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4. The flyer also made representations of a specific real estate transaction that RESPONDENT did not appear to be involved in. NRED 000024, NRED 000025, and NRED 000019 – NRED 000021.

5. Therefore, on or about June 5, 2024, the Division sent a Notice of Violation letter for not including his license number in his advertising and an administrative fine of $500 due by July 5, 2024. NRED 000005 – NRED 000016.

6. On or about June 10, 2024, the RESPONDENT contacted the Division requesting additional time to pay the administrative fine amount. NRED 000028.

7. As a courtesy, the Division granted the RESPONDENT an extension to August 2, 2024 to pay the $500 administrative fine in full. NRED 000028.

8. In response, the RESPONDENT replied, "Thank you!" NRED 000028.

9. But by August 21, 2024, the RESPONDENT had not paid the administrative fine. NRED 000017.

10. Therefore, the Division informed the RESPONDENT it would proceed formally due to his failure to remit the fine. NRED 000017.

11. On or about August 24, 2024, the letter was delivered to the RESPONDENT. NRED 000018.

SUMMARY OF ALLEGED VIOLATIONS

1. RESPONDENT violated NAC 645.610(1)(e) for failing to include his license number in his advertising.

2. RESPONDENT violated NAC 645.610(1)(a) for making representations on his flyer regarding a home just sold in a misleading manner.

3. RESPONDENT violated NRS 645.633(1)(b) pursuant to NAC 645.695 for failing to pay the $500 administrative fine levied by the Division.

PROPOSED SETTLEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not contest nor admit 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 One Thousand Eight Hundred-and-Two Dollars and 24/100 ($1,802.24) ("Amount Due"), consisting of Five Hundred Dollars ($500.00) fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of Three Hundred Sixty Dollars ($360.00), and the Attorney's pre-hearing costs and fees in the amount of Nine Hundred Forty-Two Dollars and 24/100 ($942.24) payable to the Division in full upon approval of this Stipulation by the Commission.

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

RESPONDENT shall pay One Hundred Fifty Dollars and 19/100 ($150.19) a month, with monthly payments to start sixty (60) days after approval of this Stipulation by the Commission, as follows:

Within the First Year 11 payments at $150.19/month

With $150.15 to be paid on the 12th and final payment within the first year

for a total payment of One Thousand Eight Hundred-and-Two Dollars and 24/100 ($1,802.24), 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.

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. 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 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 all his 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 (10) 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 his license shall continue until the unpaid monetary assessments are paid in full.

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

DATED this 29th day of October 2024.

By: _____
MICHAEL DALAN ULMER
Respondent

DATED this 29 day of November 2024.

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

Approved as to form:

AARON D. FORD
Attorney General

By: _____
CHRISTAL P. KEEGAN (Bar No. 12725)
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Attorney for Real Estate Division

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA,

Petitioner,

vs.

MICHAEL DALAN ULMER, (S.0181655)

Respondent.

Case No. 2024-505

FILED

NOV 2 1 2024

REAL ESTATE COMMISSION

BY Kelley Valadez

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 November 19 –21, 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: November 21, 2024.

FOR THE COMMISSION:

By: _____
Nevada Real Estate Commission

AARON D. FORD
Attorney General

By: epkeegan
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