NEVADA REAL ESTATE COMMISSION

JULY 14-16, 2009

LEGISLATIVE BUILDING
401 S. CARSON ST
ROOM 2135
CARSON CITY, NV  89701

VIDEO-CONFERENCED TO:

GRANT SAWYER BUILDING
555 E. WASHINGTON AVE
ROOM 4412
LAS VEGAS, NV  89101

MINUTES

Called to order at 10:38 a.m.

1.  COMMISSION/DIVISION BUSINESS

   A) Introduction of Commissioners in Attendance.
   Bert Gurr, Marc Sykes, Janice Copple, Soozi Jones Walker, David Boyer, Deonne Contine, Deputy Attorney General.

   B) Introduction of Division Staff in Attendance.
   In Carson City:  Gail Anderson, Administrator; Bruce Alitt, Chief Investigator; Kip Steele, Investigator; Linda Pierson, Commission Coordinator; Bob Bryant, Deputy Attorney General.

   In Las Vegas:  Linda Hunt, Education Program Officer; Safia Anwari, Education Information Officer; Michael Wymer, Deputy Attorney General.

1.  DISCIPLINARY ACTION

3.  NRED v. Lord, Anna
    Case Nos. N07-08-12-013
    License Nos. B.30530.CORP

4.  NRED v. Lord, Edward
    Case Nos. N07-08-12-013
    License No. BS.363443MGR/PM.0136344

These cases were heard together.

The Respondents were present and represented by counsel, Wallace Stephens, Esq.

Robert Bryant, Deputy Attorney General, was present on behalf of the Division. Kip Steele, Investigator was also present on behalf of the Division.

Preliminary matters:
Mr. Stephens stated that the respondent would invoke the rule of exclusion. President Copple stated they would do that.

President Copple swore in the Respondents and witnesses, Rolando and Mary Uson.

The witnesses left the room at this time.
Mr. Bryant presented his opening statement.

Mr. Stephens reserved his right to present an opening statement.

Rolando Uson was called to testify. State’s Exhibits 1 and 2 were offered and admitted at this time.

Mr. Stephens questioned the witness on cross-examination.

Mr. Bryant had no further questions of the witness.

The witness was questioned by Commissioner Boyer.

The witness was excused. The State reserved the right to recall Mr. Uson.

Mr. Bryant called Anna Lord as a witness and questioned her on direct examination.

Mr. Stephens had no questions.

Mrs. Lord was questioned by Commissioner Gurr.

The State called Edward Lord as a witness and proceeded to question him on direct examination.

State’s Exhibits 5 were offered and admitted at this time.

Mr. Lord was questioned on cross-examination by Mr. Stephens.

Mr. Lord was questioned by Commissioner Jones Walker, Commissioner Boyer, and Commissioner Gurr.

Mr. Bryant called Mary Jean Uson as a witness and proceeded to question her on direct examination.

Mr. Stephens questioned the witness on cross-examination.

Mrs. Uson was questioned by Commissioner Jones Walker, Commissioner Sykes.

Mr. Bryant questioned Mrs. Uson on re-direct.

Recess for lunch at 1:35 p.m.

Back at 2:45 p.m.

Mr. Stephens moved to dismiss the complaint on the grounds of inadequate evidence.

Mr. Bryant stated the State’s opposition to the motion to dismiss.

President Copple stated that the motion to dismiss is denied.

Mr. Stephens presented his case.

Mr. Lord was called to testify on direct examination.

Respondent’s Exhibit 10 was offered and admitted at this time.

Respondent’s Exhibit 11 was offered and admitted.
Respondent’s Exhibit 12 was offered. Mr. Bryant objected to the admission of this exhibit. After review and advice by Commission Counsel, the exhibit was denied admission.

Mr. Bryant questioned Mr. Lord on cross-examination.

Mr. Lord was questioned by Commissioner Sykes, Commissioner Jones Walker, and President Copple.

Mr. Stephens called Mrs. Lord as a witness.

Mr. Bryant questioned Mrs. Lord on cross-examination.

No questions from Commissioners.

Mr. Stephens rested his case.

Mr. Bryant presented his closing arguments.

Mr. Stephens will present his closing arguments tomorrow morning.

Public comment
In Carson City -

Ron Hoy
Mr. Hoy stated that a real estate office should be able to open a satellite office in a high traffic area without a licensed broker having to be there. Mr. Hoy stated further that a company should be allowed to have more than one DBA.

None in Las Vegas.

Recessed at 4:53 p.m.

WEDNESDAY JULY 15, 2009

Called to order at 8:33 a.m.

2. COMMISSION/DIVISION BUSINESS

    C) Introduction of Commissioners in Attendance.

      Bert Gurr, Marc Sykes, Janice Copple, Soozi Jones Walker, David Walker.

    D) Introduction of Division Staff in Attendance.

      In Carson city: Gail Anderson, Administrator; Bruce Alitt, Chief Investigator; Kip Steele, Compliance/Audit Investigator; Linda Pierson, Commission Coordinator; Bob Bryant, Deputy Attorney General.

      In Las Vegas: Safia Anwari, Education/Information Officer; Linda Hunt, Education Program Officer.
Continued from July 14, 2009

Mr. Stephens presented his closing argument.

Deliberations on the Edward Lord case

President Copple noted the agreed upon allegations – 1, 2, 3, 6, 12, 19, 20, and 21.

**Factual Allegations:**

The allegations not agreed to: 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 22.

4 - Commissioner Sykes moved proven. Seconded by Commissioner Boyer. Motion carried.

5 - Commissioner Sykes moved proven. Seconded by Commissioner Boyer. Discussion ensued. Motion carried with Commissioner Gurr voting against.

7 – Commissioner Jones Walker moved proven. Seconded by Commissioner Gurr. Motion carried.

8 – Commissioner Jones Walker moved proven. Seconded by Commissioner Sykes. Discussion ensued. Motion carried. With Commissioner Boyer voting against.

9 – Commissioner Jones Walker moved proven. Seconded by Commissioner Boyer. Motion carried.

10 – Commissioner Jones Walker moved proven. Seconded by Commissioner Sykes. Discussion ensued. Motion carried with Commissioner Boyer and Commissioner Gurr voting against.

11 – Commissioner Boyer moved proven. Seconded by Commissioner Sykes. Motion carried.

13 – Commissioner Sykes moved proven. Seconded by Commissioner Jones Walker. Motion carried.

14 – Commissioner Jones Walker moved proven. Seconded by Commissioner Boyer. Motion carried.

15 – Commissioner Jones Walker moved proven. Seconded by Commissioner Sykes. Discussion ensued. Commissioner Gurr stated that there is not enough proof on either side. Commissioner Jones Walker spoke to her motion. Commissioner Sykes spoke in support of the motion. Commissioner Gurr stated that after listening to the other Commissioners he is swayed to agree with them. President Copple spoke in support of the motion. Commissioner Boyer spoke in support of the motion. Motion carried.

16 – Commissioner Sykes moved proven. Seconded by Commissioner Gurr. Motion carried.

17 – Commissioner Sykes moved proven. Seconded by Commissioner Boyer. Motion carried.

18 – Commissioner Sykes moved proven. Seconded by Commissioner Jones Walker. Discussion ensued. Commissioner Boyer spoke against the motion. Commissioner Gurr spoke in support of
Commissioner Boyer’s comments. President Copple spoke in support of the motion. Respondent was removed from the hearing after an outburst. Commissioner Jones Walker spoke to the motion. Commissioner Sykes spoke to his motion. Commissioner Gurr spoke against the motion. Roll call – Commissioner Gurr no, Commissioner Sykes yes, President Copple yes, Commissioner Jones Walker no, Commissioner Boyer no. Not proven.

Factual Allegation 22 – Commissioner Jones Walker moved proven. Seconded by Commissioner Boyer. Motion carried.

Violations of the Law

1 – Commissioner Sykes moved proven. Seconded by Commissioner Boyer. Discussion ensued. Commissioner Boyer spoke to the motion. Motion carried.

2 – Commissioner Sykes moved to dismiss. Seconded by Commissioner Gurr. Motion carried.

3 – Commissioner Boyer moved proven. Seconded by Commissioner Jones Walker. Motion carried.

Ms. Anderson presented the state’s recommendation for discipline, pointing out the qualifications listed in NRS 645 for a privilege license. Ms. Anderson stated that the State recommends revocation of Respondent’s license. Mr. Alitt presented the previous discipline.

Discussion amongst Commissioners: Commissioner Boyer looking for middle ground. Commissioner Gurr stated that revocation is appropriate. Commissioner Sykes moved the recommendation of the Administrator. Seconded by Commissioner Jones Walker. President Copple stated that she is in full agreement with revocation. Commissioner Jones Walker spoke to the motion, stating that it is a privilege to have a license and that the public needs to be protected. Commissioner Boyer asked Ms. Anderson for the rules regarding revocation and reapplication. Ms. Anderson explained the process for an individual to reapply after revocation, and suggested that the Commission write into the order that the applicant must appear before the Commission upon reapplying for a license. Commissioner Boyer suggested a friendly amendment to write into the order that the Respondent must appear before Commission before reapplying for a license. Commissioner Sykes accepted, Commissioner Jones Walker accepted. Motion carried.

Anna Lord case:

Factual Allegations

1, 2, 3, 6, 12, 19, 20, 21, 22 were admitted to by the Respondent.

4 – Commissioner Sykes moved proven. Seconded by Commissioner Gurr. Motion carried.

5 – Commissioner Jones Walker moved proven. Seconded by Commissioner Gurr. Commissioner Boyer spoke against the motion. Motion carried with Commissioner Boyer voting against.

7 – Commissioner Jones Walker moved proven. Seconded by Commissioner Sykes. Motion carried.

8 – Commissioner Jones Walker moved proven. Seconded by Commissioner Sykes. Motion carried. Commissioner Boyer against.

Commissioner Sykes moved that the State has proven the balance of the Factual Allegations with exception of Factual Allegation 18. Seconded by Commissioner Gurr. Motion carried.

Commissioner Sykes moved Factual Allegation not proven. Seconded by Commissioner Jones Walker. Motion carried.
Claims for Relief

1 – Discussion ensued. Commissioner Sykes moved proven. Seconded by Commissioner Jones Walker. Motion carried.

2 – Discussion ensued. Commissioner Sykes moved proven. Seconded by Commissioner Jones Walker. Commissioner Boyer spoke against the motion. Motion carried with Commissioner Boyer and Commissioner Gurr voting against.

Mr. Alitt stated that there was no previous discipline for Mrs. Lord and presented the recommendation for discipline from the State: a fine of $5,000 per violation for a total of $10,000, 45-hour pre-licensing broker management course, with the fine and education both due in six (6) months, one-half of the hearing costs, $1,249.33, with debt collection for any unpaid fine or costs, and license suspension if fine and costs not paid or education not completed in six months. Commissioner Boyer moved that the fine for the second claim should be $2,500, and $5,000 for first claim for total of $7,500, with all other recommendations remaining the same. Seconded by Commissioner Gurr. Commissioner Jones Walker asked if Mrs. Lord has a property management license. Mr. Alitt stated yes.

Motion carried.

Recess for lunch. 11:25 until 1 p.m.

Called to order at 1:03 p.m.

1. COMMISSION/DIVISION BUSINESS

R-1 Discussion and possible action regarding a petition to the Commission to rehear a case

1. NRED v. Benedict Prasad
   Case No. S08-09-09-093
   License No. B.0027625.INDV

Mr. Bryant read Mr. Prasad’s original petition for reconsideration into the record.

Commissioner Jones Walker moved to deny the request for reconsideration. Seconded by Commissioner Boyer. Commissioner Jones Walker spoke in support of her motion. Commissioner Boyer stated that prior to the hearing respondent had full opportunity to hire counsel and chose not to. Motion carried.

DISCIPLINARY ACTION

2. NRED v. Givani, Karen
   Case Nos. N07-01-04-034
   License No. S.0044349

The Respondent was not present or represented by counsel.

Bob Bryant, Deputy Attorney General, was present on behalf of the Division.

Ms. Pierson testified to service of notice.

Commissioner Gurr moved to accept the default. Seconded by Commissioner Sykes. Motion carried.

Mr. Bryant read the complaint and notice of hearing into the record.
Commissioner Sykes moved to approve the Factual Allegations and the Violations of Law. Seconded by Commissioner Jones Walker. Motion carried.

Bruce Alitt stated that Ms. Givani's license has expired and that the Division recommends a total fine of $5,000 plus costs of hearing with debt collection for unpaid fines, and a note in the Division database stating that she would have to appear before the Commission before any license is granted.

Commissioner Gurr moved to fine Respondent $1,000 plus costs of the hearing, with the remaining State's recommendations. Seconded by Commissioner Jones Walker. Motion carried.

1. COMMISSION/DIVISION BUSINESS

V) Discussion and possible action regarding report from the Nevada Association of REALTORS work group on the Consent to Act form.

Teresa McKee, legal counsel for NVAR, distributed a report to the Commissioners.

Ms. McKee stated that the Commission requested the Nevada Association of Realtors (NVAR) to create a task force to discuss the Consent to Act form and whether it adequately addresses the situation in which a broker represents one party in a transaction and one of his/her agents represents the other party, and proceeded to present the recommendations of the task force to the Commission:
- Current form does not address the situation and so must be revised;
- Changes to form
  - Form needs to distinguish that “licensee” includes both salespersons and brokers.
  - “Brokerage” replace by “Broker.”
  - Paragraph describing broker representation – add “broker may directly act for one party in the transaction while supervising the other party…may obtain confidential information.”
  - In other places added “licensee” to include either broker or salesperson.

Deanne Rymarowicz, legal counsel for Greater Las Vegas Association of Realtor, in Las Vegas addressed the issue also.

Discussion ensued amongst the Commissioners. Commissioner Sykes requested that this item remain on the agenda for the next meeting.

2) DISCIPLINARY ACTION

1) NRED v. Bissett, John
   Case No. REN08-10-02-016
   License No. B.0001597.CORP

Mr. Bissett was present and represented by counsel, James Beasley, Esq.

Bob Bryant, Deputy Attorney General, was present on behalf of the Division.

Mr. Bryant stated that the parties had entered into a Voluntary Surrender in Lieu of Other Disciplinary Action. Mr. Bryant read the Voluntary Surrender into the record.

Mr. Bissett stated he had read, understood, and signed the Voluntary Surrender.

Commissioner Sykes moved to accept the Voluntary Surrender. Seconded by Commissioner Gurr. Motion carried.
6) **NRED v. Chad Smittkamp**  
*Case Nos. REN08-04-03-033, REN09-08-06-010, REN09-09-02-014, REN09-10-02-018, REN09-10-05-021, REN09-10-06-022, REN09-10-07-023*  
*License No. B.0031508.CORP*

Respondent was present and not represented by counsel.

Bob Bryant, Deputy Attorney General, was present on behalf of the Division.

Mr. Bryant stated that a Voluntary Surrender in Lieu of Other Discipline has been reached. Mr. Bryant read the Voluntary Surrender into the record.

Mr. Smittkamp stated that he has read, agrees to, and signed the surrender. Commissioner Boyer questioned Mr. Smittkamp. Commissioner Jones Walker asked if public has been served with the Voluntary Surrender. Commissioner Gurr spoke to that statement, stating that the public is better served by getting him out of the business. Commissioner Jones Walker moved to accept the Voluntary Surrender. Seconded by Commissioner Gurr. Motion carried.

7) **NRED v. Sharon Wilson**  
*Case No. RES09-11-10-158*  
*License No. B.0030625.CORP/B.0043730.INDV/PM.0143730*

Continued until September.

1) **COMMISSION/DIVISION BUSINESS**

R) Discussion and possible action regarding a petition to the Commission to rehear a case pursuant to NAC 645.820.

2) **NRED v. Jay Dana**  
*Case Nos. RES07-03-09-253, RES07-02-20-242, RES07-02-17-239, RES08-06-04-327*  
*License No. B.0014575.INDV and B.0033669.CORP*

Commissioner Jones Walker moved to deny the reconsideration. Seconded by Commissioner Sykes. Motion carried.

S) Discussion and possible action regarding Respondent’s petition to reconsider Commission’s order.

1) **NRED v. Rodger Hetland**  
*Case No. S07-09-03-088*  
*License No. BS.0057697*

Mr. Hetland was present in Las Vegas and not represented by counsel.

Discussion ensued between the Commission and Mr. Hetland. Mr. Hetland was questioned by President Copple, Commissioner Jones Walker, and Commissioner Sykes.

Ms. Anderson stated that the Division is not able to accept partial payments because the order did not include partial payments, and that the Division is attempting to make payment plans a consideration for recommendations from the Division.
Commissioner Jones Walker moved that upon completion of all required education, and minimum payment of $2,500, that Respondent's license be reinstated, and that he pay no less than $500 each month until the remaining fine paid; if payments not made in a timely fashion his license will be suspended for non payment, and debt collection may be instituted for non-payment; the first payment will be due 30-days after the initial $2,500 payment, then every 30 days thereafter. Seconded by Commissioner Boyer. Motion carried.

3) ADVISORY REVIEW COMMITTEE INFORMAL CONFERENCE RESULTS.

1) Roger Baldwin
Case No. S07-09-43-384
License No. S.0044327

President Copple noted that the case number on the agenda is incorrect and should read S07-04-43-384.

Bruce Alitt, Chief Investigator, presented the stipulation.

Commissioner Sykes moved to approve. Seconded by Commissioner Boyer. Motion carried.

2) Cynthia Duffy
Case No. RES07-02-15-270
License No. B.0053256.INDV

Bruce Alitt, Chief Investigator, presented the stipulation.

Commissioner Gurr moved to accept the stipulation. Seconded by Commissioner Jones Walker. Motion carried.

3) James Fales
Case No. S07-09-41-126
License No. B.0054824.CORP

Tabled until next meeting.

   C) Discussion and possible action to approve minutes of the November 12-14, 2008 meeting.

Commissioner Sykes moved to approve. Seconded by Commissioner Jones Walker. Motion carried.

   D) Discussion and possible action to approve minutes of the April 14-16, 2009 meeting.

Commissioner Sykes moved to approve. Seconded by Commissioner Gurr. Motion carried.

   E) Discussion and possible action to approve minutes of the May 1, 2009 teleconference meeting.

Commissioner Jones Walker moved to approve. Seconded by Commissioner Sykes. Motion carried.

   F) Discussion regarding Attorney General Case Status Report.

Ms. Contine presented this report.
A) APPEAL OF DENIAL OF INSTRUCTOR APPLICATION
(Note: Portions of this discussion may be closed in accordance with NRS 241.030.)

A.* Motion to close session to consider the character and professional competence of Koleen Kelley to teach the courses entitled “Real Estate Foundations,”

Ms. Kelley was present in Las Vegas. Safia Anwari was present in Las Vegas and presented the reasons for the denial. Michael Wymer, Deputy Attorney General, was present on behalf of the Division.

Commissioner Sykes moved to close. Seconded by Commissioner Gurr. Motion carried.

B. Discussion in closed session.

C. Discussion and possible action in open session

Commissioner Boyer moved to approve Ms. Kelley to teach. Seconded by Commissioner Gurr. Commissioner Boyer spoke to his motion. Motion carried. Commissioner Jones Walker recused herself.

G) Discussion regarding the Disciplinary Report.

Ms. Pierson presented the report.

H) Discussion regarding Administrative Sanction report.

Mr. Alitt presented this report.

I) Discussion regarding the Compliance Section’s current caseload report.

Mr. Alitt presented this report.

J) Discussion regarding report from the Education/Information Officer on Prelicensing exam pass scores and pass rates for approved schools including, by specified delivery methods, as applicable.

Ms. Anwari presented this report.

K) Discussion regarding report from Education/Information Officer on:
   1. Instructor Development Workshop 2009;
   2. FY 09 WELSK contracts;

Ms. Anwari presented these reports.

L) Discussion and possible action regarding bids received in response to the Division’s solicitation for bids from sponsors to teach “What Every Licensee Should Know 2010 (WELSK) underwritten by the Education Research and Recovery Fund (ERRF).

Ms. Anwari presented the bids.

Commissioner Boyer moved to approve. Seconded by Commissioner Jones Walker.
M) Discussion and possible action regarding the Division’s request for approval in concept of the proposed funding for the yearly allocation of expenditures of the Education Research and Recovery Fund (ERRF) in 2010.

Ms. Anwari presented this report.

President Copple asked Ms. Anderson about classes for outlying areas such as Elko.

Commissioner Gurr moved to approve. Seconded by Commissioner Sykes. Motion carried.

Return to item K-1
Ms. Anwari stated that many instructors register for the workshops but don’t show up, and she would like input from the Commission regarding course content, etc.

President Copple suggested more notice for the workshop. Commissioner Jones Walker echoed President Copple comments on scheduling, and suggested registrants be held accountable for attending.

N) Discussion regarding report from Education Program Officer regarding audits of continuing education courses since January 2009.

Linda Hunt, Education Program Officer, presented this report. Discussion ensued regarding concerns from the Commissioners.

O) Discussion regarding Administrator’s report on:

Ms. Anderson presented these reports.

1. Efforts to collect debt for uncollected fines, including procedure to write off bad debt.
   - Legislation was passed, Assembly Bill 87, regarding debt collection, which is handled through the Controller’s Office.
   - Payments delinquent over 60 days will be turned over to the Controller’s office.
   - Licenses are suspended for non-payment of fines.

2. Implementation of 2009 Legislation which has impact to laws within the Division’s jurisdiction.

Ms. Anderson stated that the Division management is working in teams to create the necessary proposed regulations based on new laws.

PUBLIC COMMENTS

In Las Vegas:
Deanne Rymarowicz, legal counsel, Greater Las Vegas Association of Realtors, Commented on agenda item T. Associations need the information. Would like some kind of direction, if the seller can direct in writing that they only want to see offers that are pre-qualified with a particular lender, would draw the line at requiring a specific format for the offer; …can’t enforce a specific form…as long as all material terms are there…offer needs to be presented.

In REO situation, if a material term is missing the offer cannot be physically presented to the seller as they use specific software that won’t accept the offer with the missing information.

In Carson City:
Mitzi Edsall – asked if the debt collection falls into the respondent’s credit report. Ms. Anderson indicated no.

Recessed at 4:50 p.m.
THURSDAY JULY 16, 2009

Called to order at 8:35 a.m.

3. COMMISSION/DIVISION BUSINESS

E) Introduction of Commissioners in Attendance.
   Bert Gurr, Marc Sykes, Janice Copple, Soozi Jones Walker, David Boyer, and Deonne
   Contine, Deputy Attorney General serving as Commission Counsel.

F) Introduction of Division Staff in Attendance.
   In Carson City: Gail Anderson, Administrator; Bruce Alitt, Chief Investigator; Kip Steele,
   Compliance/Audit Investigator; Linda Pierson, Commission Coordinator.
   In Las Vegas: Safia Anwari, Education/Information Officer; Linda Hunt, Education Program
   Officer; Michael Wymer, Deputy Attorney General, on behalf of the Division.

O-3. Annual financial statement for the Real Estate Education, Research and Recovery
   Fund for FY 2009 pursuant to NAC 645.470.

4. Budget closings for Administration and Real Estate Education, Research and Recovery
   budget accounts for the biennium 2011 and 2012.

Ms. Anderson provided a handout to the Commissioners detailing the budget information for these
items and discussed the following:

- Fiscal year 09 has not closed yet; the Division has until August 30, 2009 to pay any
  outstanding invoices, travel claims, etc.
- Fiscal year 09 is the base year for FY 2010 unless there are enhancements, additions, or
  reductions.
- Budget account 3827 is the Real Estate Recovery account; the $40 per license fees go
  into this account. At close of fiscal year a transfer will be made into 3826.
  - Budget account 3827 must maintain a balance of $300,000. This is where ERRF
    claims are paid.
- Budget account 3826
  - Operating fund for Education Section
  - Salaries for staff of six
  - Out of State travel
  - Operating expenses
  - Commission authority expenses – Category 10.
- Budget account 3823 – Real Estate administration account

P) Discussion and possible action regarding status of R157-08 and R196-08.

Ms. Anderson asked to delay this item.

Q) Discussion and possible action regarding proposed regulatory changes to NAC 645.
   - President Copple discussed the Law and Legislative update class relative to the four year
     license renewal:
     - President Copple stated that she would like to do a regulation change to require the
       class every two years.
     - Commissioner Jones Walker stated that it can be cumbersome to do an annual
       requirement, but having all education done every two years is important.
Commissioner Gurr stated the Commission needs to look at all education, not just the Law and Legislative update. Suggested that the Commission come back in September, November, and January and take a look at it.

Commissioner Sykes stated if the license renewal period changes from two years to four, the education requirements should change from two years to four as well, and updating the Law and Legislative class to reflect the changes of the previous two years would take care of that.

Commissioner Gurr stated that he disagrees, and that when fees are paid have nothing to do with education.

Commissioner Boyer stated that he agrees with Commissioner Gurr, and that as the Division moves toward electronic licensing and recording continuing education credits, education can be checked on a regular basis, and licensing and education can be handled separately.

President Copple stated that she is pleased that licensees will be able to go online and check their continuing education and see what classes they need to take.

Commissioner Gurr stated the Division staff’s recommendations should be paramount before the Commission gives the Division a program that may not work to handle the changes.

Ms. Anderson stated that by regulation the Commission should define the designations.

Discussion ensued regarding the electronic uploading of continuing education courses. Commissioner Jones Walker suggested that the spreadsheet used by course providers identify the delivery method.

**P) Discussion and possible action regarding status of R157-08 and R196-08.** Return to this item.

Copies of LCB draft R157-08 were distributed to the Commission. Ms. Anderson stated R157-08 still needs some work. Discussion ensued on the following points:

- Page 3, sub 2: change “the Division may…” to “the Division shall.” This cannot be an option or the online renewal will not work.
- Commissioner Jones Walker discussed Section 11 regarding the cooperating Broker’s certification, stating that it needs to also say “or lease.”
- Commissioner Boyer discussed Section 3(1), stated that "may" should be changed to “shall” and not made an option. Commissioner Jones Walker stated that the reason “may” was used was because at the time not all of the form requirements had been defined and the Division wanted the latitude to change as needed.
- Ms. Anderson asked, regarding page 10, section 8, increase in hours, if it was anticipating something else? Commissioner Boyer stated Section 10 only applies for someone who has been inactive for more than two years.

Ms. Anderson asked if the Commission would like to have an adoption hearing on this regulation at the September meeting.

Commissioner Jones Walker moved to go to adoption hearing in September. Seconded by Commissioner Boyer. Motion carried.

Ms. Anderson stated should be R198-08 instead of R196-08. Ms. Anderson stated that there has not been through a workshop yet. Ms. Anwari stated that the language has been finalized but the approved Regulation has not come out of LCB. The Commission will be notified when the draft regulations are available.
W) Discussion and possible action regarding which Commission officer should grant continuance requests.

President Copple stated that the current policy is that the Secretary of the Commission grants continuance requests.

Ms. Anderson addressed this issue.

Commissioner Sykes stated that he is satisfied with current state of affairs. Commissioner Jones Walker requested that if the concern is just about the agenda, the president should be copied on the e-mails. Ms. Contine stated that could cause an open meeting law issue, and that the secretary needs to review it and make the decision, just need better communication.

Z) Discussion and possible action regarding election of officers for FY 2010.

Commissioner Sykes nominated Commissioner Gurr as President, and Commissioner Jones Walker as Secretary. Seconded by Commissioner Boyer. Commissioner Boyer nominated Commissioner Sykes as Vice-President. Seconded by Commissioner Jones Walker. Motion carried.

President Copple stated that she has been very honored to be the Commission President and hopes that she has lived up to the members expectation. President Copple also expressed thanks to Ms. Anderson and the staff for their support.

AA) Commissioner Comments.

Commissioner Gurr read an e-mail from Craig Boyak of the Idaho Real Estate Commission regarding the increase of the skimming of equity in short sale market. Teresa McKee, Legal Counsel for Nevada Association of Realtors, commented on what happens in Nevada regarding this issue. Commissioner Gurr stated that he will forward the letter to Bruce Alitt, Chief Investigator. Mr. Alitt stated that he will respond to the letter.

Commissioner Jones Walker requested that at the next meeting the Attorney General’s office report on the status of the individual cases and give an update based on the cases of how they will proceed.

Commissioner Sykes asked that agenda item U be continued to the next agenda in the North and that Broker Hoy’s topic regarding satellite office be added to that agenda as well, and that he would be interested in knowing if there has been any improvement in the turn around time in license issuance.

T) Discussion and possible action regarding the issue of submittal of “all offers” or “all bona fide offers” pursuant to NRS 645.254(4), NRS 645.635(7) & (8), and NAC 645.630(1).

Bruce Alitt discussed this issue, stating that the Division would like to see a clarification whereby only bona fide offers have to be submitted, and recommends that “bona fide” be defined by the seller in writing to listing agent, and may canceled or changed by the seller at any time. Mr. Alitt stated that the Division would like direction from Commission, perhaps as an advisory opinion.

Commissioner Sykes stated that the written instructions could open a Pandora’s box to abuse by licensees and that moving away from a strict interpretation could be worse problem than currently exists. Commissioner Boyer stated that he agrees with Commissioner Sykes’s comments, and that the only way it would work is to require that seller’s requirements be posted on MLS or something similar. President Copple stated that an affirmation from the Division stating that all offers are to be submitted is what they are looking for.
U) **Discussion and possible action regarding brokers doing business under multiple business names under a common brokerage license.**

Held until September agenda.

X) **Discussion and possible action on Advisory Review Committee member applications for:**
   1. Phil Claire
   2. Deirdre Felgar
   3. David Fordham
   4. Laura Gonce
   5. Hayward (Woody) Rossum
   6. Paul Walker
   7. Jack Woodcock

Commissioner Sykes moved to approve the applicants. Seconded by Commissioner Boyer, who stated for the record that he has a business relationship with one of the applicants.

Commissioner Sykes offered a friendly amendment to exclude Mr. Woodcock. Seconded by Commissioner Jones Walker. Commissioner Jones Walker asked about the number of people doing class audits currently. Motion carried.

Commissioner Sykes moved to approve Jack Woodcock. Seconded by Commissioner Jones Walker. Commissioner Boyer recused himself. Motion carried.

Y) *Discussion and possible action on date, time, place & agenda items for upcoming meetings.

Discussed earlier under Commissioner comments.

Commissioner Boyer requested that the Nevada Association of Realtors regarding NRS 113 requirements work group. Teresa McKee stated that she can have a report at the next meeting.

4. **EDUCATION** -

B. **APPEAL OF WITHDRAWAL OF INSTRUCTOR APPROVAL** continued until a future meeting.

   (Note: Portions of this discussion may be closed in accordance with NRS 241.030.)
   A.* Motion to close session to consider the character and professional competence of Joseph L. Iuliucci to teach the courses entitled “REO Auctions 101,” CE.3905000 and “REO Offers Simplified,” CE.3906000 
   B. Discussion in closed session.
   C.* Discussion and possible action in open session
C. EDUCATION COURSES

CONSENT AGENDA

REAL ESTATE PRE-LICENSING EDUCATION AGENDA

REQUEST FOR RE-APPROVAL

RECOMMENDATION: Approve for the hours and delivery methods listed from items #s 1 through 16.

1. ABC School of Real Estate
2. Berkshire Professional Schools, LLC
3. American Career Institute
4. American School of Real Estate Express
5. Americana Real Estate Academy
6. Avalon School of Real Estate
7. Kaplan Professional Schools Nevada
8a. Key Realty School
8b. Key Realty School
8c. Key Realty School
9. National Real Estate Institute
10. Northern Nevada Real Estate School
11. Online Ed.com
12. Pioneer School of Real Estate
13. Proschools Inc
14a. Real Estate School of Nevada
14b. Real Estate School of Nevada
15a. Truckee Meadows College
15b. Truckee Meadows College
16. Western Nevada College

Commissioner Boyer recused himself from voting on item 5 as that is sponsored by his brokerage. President Copple stated item 5 will be pulled from the agenda. Commissioner Sykes moved to approve items 1-16 excluding number 5. Seconded by Commissioner Jones Walker. Motion carried.
Commissioner Sykes moved to approve item 5. Seconded by Commissioner Jones Walker. Commissioner Boyer recused himself. Motion carried.

Commissioner Sykes moved to approve the balance of the education agenda excluding item 17b. Commissioner Jones Walker pulled items 47, 58, 59, and 66. President Copple pulled item 61. Commissioner Boyer pulled items, 17b-f, 35, 48, 52, 53, 54, 55, 56, and 57. Commissioner Sykes pulled items 28, 38, and 68.

Linda Hunt, Education Program Officer, stated that item 44 was recommended for denial, and that a letter has been received from the course sponsor. Ms. Pierson distributed the letter to the Commissioner.

Commissioner Sykes pulled 25, 26, 31, 32, 33, 50 as they were recommended denial by the Division. President Copple pulled course 44.

Commissioner Sykes restated his motion: Moved approval of the balance of the education agenda with the exclusions noted above. Seconded by Commissioner Boyer. Motion carried.

**DISCUSSION AGENDA**

**REAL ESTATE PRE-LICENSING EDUCATION AGENDA**

17b-17f – Commissioner Boyer stated that these courses appear to be recommended for denial because they haven’t been taught in the last two years, and asked if the vendor should have reapplied as a whole new course? Ms. Anwari stated that they have reapplied, and that the director told her that the courses have not been offered at all. Ms. Anwari stated further that she informed the director that it could be grounds for the Commission to deny the courses and he stated said that was fine.

Commissioner Sykes moved to approve these courses. Seconded by Commissioner Boyer. Motion carried.

17a. ABC School of Real Estate
17b. American Career Institute
17c. American Career Institute
17d. American Career Institute
17e. American Career Institute
17f. American Career Institute
18. College of Southern Nevada

**NEW REAL ESTATE POST-LICENSING EDUCATION COURSES**

   “Path to Success, Survivor Edition – Contracts Module A”
   Request: 3 Hours Classroom

20. Berkshire Professional School, LLC
   “Path to Success, Survivor Edition – Professional Conduct, Etiquette and Ethics - Module E”
   Request: 3 Hours Classroom
21. Berkshire Professional School, LLC  
“Path to Success, Survivor Edition – Advertising Module F”  
**Request:** 3 Hours  Classroom

22. Berkshire Professional School, LLC  
“Path to Success, Survivor Edition – Agency Relationships Module H”  
**Request:** 3 Hours  Classroom

23. Berkshire Professional School, LLC  
“Path to Success, Survivor Edition – Financing Module M”  
**Request:** 3 Hours  Classroom

**NEW REAL ESTATE CONTINUING EDUCATION COURSES**

24. Nevada Real Estate Division  
“What Every Licensee Should Know 2010”  
**Request:** 6 Hours  Nevada Law & Legislation / Ethics  Classroom

25. America’s Home Rescue  
“Short Sale Solutions: A Mini Course for Real Estate Agents”  
**Request:** 3 Hours  General  Classroom  
Commissioner Sykes moved deny 25, 26, 31, 32 based on staff recommendation. Seconded by Commissioner Jones Walker. Commissioner Sykes amended his motion to add 33. Seconded by Commissioner Jones Walker. Motion carried.

26. America’s Home Rescue  
“Short Sale Solutions: Reducing the Rate of Foreclosure…One Homeowner at a Time”  
**Request:** 8 Hours  General  Classroom

27. Seminars 4 Success  
“Advanced Foreclosure Seminar”  
**Request:** 4 Hours  General  Classroom

28. Seminars 4 Success  
“How to Stop a Foreclosure”  
**Request:** 3 Hours  General  Classroom  
Commissioner Sykes stated that there is no recommendation from staff. Ms. Hunt stated that is a typo, and the recommendation would have been to approve. Commissioner Sykes moved to approve. Seconded by Commissioner Boyer. Motion carried.

29. Seminars 4 Success  
“Home Affordable Loan Modification Program”  
**Request:** 3 Hours  General  Classroom

30. McKissock, LP  
“Real Estate Mathematics”  
**Request:** 3 Hours  General  Internet

31. McKissock, LP  
“Current Issues in Appraising”  
**Request:** 7 Hours  General  Internet
32. McKissock, LP
“Introduction to Expert Witness Testimony”
Request: 7 Hours General Internet

33. McKissock, LP
“Ad Valorem Tax Consultation”
Request: 3 Hours General Internet

34. Nevada Water Resources Association
“Advanced Water Rights in Nevada”
Request: 4 Hours General / Ethics Classroom

35. The CE Shop, Inc.
“Today’s MLS: New Paradigms, Better Results”
Request: 3 Hours General Internet

Commissioner Boyer asked why the recommendation for denial. Ms. Anwari stated per regulations any course that is part of an association or professional group’s programs is not a standard for Commission approved education.

Commissioner Boyer respectfully disagreed, and moved to approve with an audit. Commissioner Sykes asked if Commissioner Boyer is suggestion approval for General or Personal Development. Commissioner Sykes seconded for three hours of Personal Development. After discussion, Commissioner Boyer withdrew the motion and Commissioner Sykes withdrew his second. Commissioner Jones Walker moved to deny. Seconded by Commissioner Sykes. Motion carried.

36. Society of Industrial and Office Realtors
“2009 SIOR Spring World Conference”
Request: 10 Hours General Classroom

37. National Association of Realtors®
“Lease Options, Land Contracts, Wraps and Bankruptcy: Plan B”
Request: 3 Hours General Classroom

38. Agent Referral Council
“Out of Town Buyer – The Referral Course”
Request: 3 Hours General Classroom

Ken West, the course sponsor was present in Las Vegas and asked why Commissioner Sykes pulled it and why staff why recommended it for Personal Development. Commissioner Sykes stated it was originally requested for three hours of General and was approved by staff for three hours of Personal Development. Ms. Hunt stated that she felt that it dealt more with Personal Development that with General. President Copple agreed. Mr. West stated that he felt it was General, but that he would defer to staff. Commissioner Sykes moved approve for Personal Development. Seconded by Commissioner Jones Walker. Motion carried.

39. ABC Real Estate School
“Practical Applications: Fair Housing”
Request: 3 Hours Ethics Internet

40. ABC Real Estate School
“Practical Applications: Property Management Update”
Request: 3 Hours Property Management Internet
41. Fidelity National Title Agency of NV  
“Applying the Fundamentals of Escrow”  
Request: 3 Hours General Classroom

42. Draeger Construction, LLC  
“The ABC’s on Contracting Contractors – Series II”  
Request: 3 Hours Property Management Classroom

43. Draeger Construction, LLC  
“The ABC’s on Contracting Contractors – Series V”  
Request: 3 Hours Property Management Classroom

44. Randall van Reken Seminars  
“Taxation – Ownership, Capital Gains, and Death Taxes”  
Request: 3 Hours General Correspondence

Ms. Hunt stated that if the information in the letter had been in the original application, the recommendation would have been to approve. Commissioner Sykes moved to approve. Seconded by Commissioner Jones Walker. Motion carried.

45. Randall S. van Reken  
“Congratulations, You’re the Broker – Now What?”  
Request: 3 Hours Broker Management Correspondence

46. Mindset Dynamics, LLC  
“Advanced Negotiation Techniques for a Short Sale/REO Market”  
Request: 3 Hours Personal Development Classroom

47. Boardwalk Educational Systems  
“Ethics: The E Word”  
Request: 3 Hours Ethics Classroom

Commissioner Jones Walker moved to approve. Seconded by Commissioner Boyer. Arthur Mann, the course sponsor, addressed the Commission. Motion carried.

48. Americana School of Real Estate  
“Representing the HUD Buyer – A Guide to Selling HUD Homes”  
Request: 3 Hours Contracts Classroom

Commissioner Boyer recused himself as it is sponsored by his broker. Commissioner Jones Walker moved to approve. Seconded by Commissioner Sykes. Motion carried.

49. Dague, Jimmy  
“That’s Not What I Agreed To”  
Request: 4 Hours Contracts Classroom

50. Cornerstone Home Lending  
“Essential Tools to Plan & Grow Your Business”  
Request: 3 Hours Personal Development Classroom

Commissioner Sykes moved to deny. Seconded by Commissioner Boyer. Motion carried.

51. Rappaport, Shirley  
“Introduction to Investment Real Estate”  
Request: 6 Hours General Classroom
52. Steamatic of Southern Nevada
   “Aftermath of Water Damage – Mitigating the Loss”
   Request: 3 Hours  Property Management  Classroom

53. Steamatic of Southern Nevada
   “Disaster Recovery Minimizing the Effects of a Disaster”
   Request: 3 Hours  Property Management  Classroom

54. Steamatic of Southern Nevada
   “Indoor Air Quality – Mitigating the Liability”
   Request: 2 Hours  Property Management  Classroom

55. Steamatic of Southern Nevada
   “Aftermath of Fire Damage – Mitigating the Loss”
   Request: 3 Hours  Property Management  Classroom

56. Steamatic of Southern Nevada
   “Dehumidification / Drying & Information Media Recovery”
   Request: 3 Hours  Property Management  Classroom

57. Steamatic of Southern Nevada
   “Microbial Remediation – Mitigating the Loss”
   Request: 3 Hours  Property Management  Classroom

Commissioner Boyer recused himself from items 52-57 as he has a business relationship with some of the principles.

Commissioner Jones Walker moved to deny courses 52-57 per staff recommendation. Seconded by Commissioner Sykes. Motion carried.

58. Greater Las Vegas Association of REALTORS®
   “New Brokerage Office: Starting Your Own Brokerage Office”
   Request: 3 Hours  Broker Management  Classroom

59. Greater Las Vegas Association of REALTORS®
   “Economic Outlook for 2009 – Commercial Real Estate”
   Request: 3 Hours  Personal Development  Classroom

Commissioner Jones Walker recused herself from 58-59 as she teaches these courses.
Commissioner Boyer moved to approve. Commissioner Boyer then stated that he needed to recuse himself from voting as he may be teaching these courses. Commissioner Boyer stated that he has not yet been approved as an instructor. President Copple stated that Commissioner Boyer can vote on these items. Seconded by Commissioner Sykes. Motion carried.

60. Ben C. Scheible Seminars
    “Nevada Real Estate Law Update”
    Request: 3 Hours  Law & Legislation  Classroom

61. First Centennial Title Company
    “Commercial Escrow”
    Request: 3 Hours  General  Classroom

President Copple recused herself as her classes are sponsored by this title company.
Commissioner Jones Walker moved to approve. Seconded by Commissioner Sykes. Motion carried.
62. Griffin, Alice A.
   “Will a Lease-Option save the Day”
   Request: 3 Hours Contracts Classroom

63. Southern Nevada Eviction Services
   “Evictions 101: A Primer on the Eviction Process”
   Request: 3 Hours Property Management Classroom

64. Council of Residential Specialists
   “Business Planning & Marketing for the Residential Specialist” CRS 200
   Request: 3 Hours Personal Development Classroom

65. Council of Residential Specialists
   “Technologies to Advance Your Business” CRS 206
   Request: 3 Hours Personal Development Classroom

66. Realty Executives of Nevada
   “Understanding Contracts”
   Request: 4 Hours Contracts Classroom

Commissioner Jones Walker recused herself as she is an instructor for this course.
Commissioner Sykes moved to approve. Seconded by Commissioner Boyer. Motion carried.

67. Ace for Professionals
   “Financial Essentials for the Mortgage Industry”
   Request: 10 Hours General / Ethics / Personal Development Classroom

68. Remi School of Real Estate
   "About Fair Housing for Real Estate Practitioners,"
   Request: 3 Hours General Internet

Commissioner Sykes asked staff why the designation change to Ethics. Linda Hunt stated that fair housing courses deals with ethics and it has been a standard policy in the Education Department and the Commission. Commissioner Sykes moved to approve for 3 hours of Ethics. Seconded by Commissioner Boyer. Motion carried.

69. Remi School of Real Estate
   “1031 Exchange for Real Estate Practitioners”
   Request: 3 Hours General Internet

REQUEST FOR CHANGE OF HOURS

70. Realty One Group
   “Today’s Property Management in the Las Vegas Market”
   Request: 3 Hours Property Management Classroom

4. PUBLIC COMMENTS

Teresa McKee, Nevada Association of Realtors thanked President Copple for her service as president of the Commission and stated that the Association enjoys the relationship with the Commission.

5. ADJOURNMENT

Adjourned at 11:40 A.M.

Respectfully submitted,

Linda Pierson