

REAL ESTATE COMMISSION  
SEPTEMBER 20, 2011

Grant Sawyer Building  
555 E. Washington Ave.  
Room 4412  
Las Vegas, NV 89101

VIDEO CONFERENCE TO:  
Legislative Building  
401 S. Carson St.  
Room 2134  
Carson City, NV 89701

## **MINUTES**

Meeting started at 8:32 AM

### **2. COMMISSION/DIVISION BUSINESS**

#### **A) Introduction of Commissioners in Attendance**

Marc Sykes, Washoe County; Richard Johnson, Washoe County; Bert Gurr, Elko County, Paul Murad, Clark County; David Boyer, Clark County; Rose Marie Reynolds, Commission Counsel.

#### **B) Introduction of Division staff in Attendance**

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator; Carolyn Washington, Compliance Audit Investigator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer; Kimberly Arguello, Senior Deputy Attorney General; Daniel Ebihara, Deputy Attorney General; Christopher Eccles, Deputy Attorney General

In Carson City: Steve Aldinger, Deputy Administrator; Kip Steele, Compliance Audit Investigator; Harry Ward, Deputy Attorney General

### **1. PUBLIC COMMENT**

President Boyer called for public comments. There were none.

The court reporter was sworn in.

### **6. DISCIPLINARY ACTION**

#### **13) NRED v. Preston Walrath Case No. RES 11-10-51-165 License No. Unlicensed**

The respondent was not present but was represented by counsel, Attorney Scott Russo.

Daniel Ebihara, Deputy Attorney General, was present on behalf of the division.

Mr. Ebihara read the Stipulation into the record.

Mr. Russo stated that his client had read, understood and signed the settlement.

Commissioners Sykes and Gurr questioned Mr. Russo.

Commissioner Sykes moved to accept the stipulated settlement as written. Commissioner Gurr seconded. Commissioner Murad was not present for the vote. Motion carried.

**8) NRED v. Robert Schlegel**  
**Case No. RES 08-01-40-219**  
**License No. S.0055733 (Active)**

President Boyer stated for the record that he and Mr. Schlegel had recently been involved in a real estate transaction together, but he did not recuse himself.

The respondent was present, but not represented by counsel.

Kimberly Arguello, Senior Deputy Attorney General, was present on behalf of the division.

Mr. Schlegel was sworn in.

Ms. Arguello read the Stipulation and Factual Allegations.

Mr. Schlegel stated that he had read, understood and signed the settlement.

Commissioner Sykes questioned Mr. Schlegel.

Commissioner Gurr moved to accept the Stipulation agreement. Commissioner Johnson seconded. Commissioner Murad was not present for the vote. Motion carried.

**14) NRED v. Anthony Rufo**  
**Case No. RES 11-03-33-346**  
**License No. S.0076431 (Voluntary Surrender)**

The respondent was not present, but was represented by counsel, attorney Duane Frizell.

Daniel Ebihara was present on behalf of the division.

Mr. Ebihara stated that the respondent agreed to surrender his license in lieu of any other discipline and read the Voluntary Surrender Order.

Mr. Frizell stated that Mr. Rufo read, understood and signed the Voluntary Surrender.

Commissioner Sykes moved to approve the license surrender. Commissioner Johnson seconded.

Commissioner Murad was not present for the vote. Motion carried.

**4) NRED v. Curtis Briley**  
**Case No. RES 09-08-08-050**  
**License No. S.0038617 (Closed – Expired)**

The respondent was not present or represented by counsel.

Christopher Eccles, Deputy Attorney General, was present on behalf of the division.

Joanne Gierer, Legal Administrative Officer for the Real Estate Division, was sworn in and testified regarding service of notice.

Commissioner Sykes moved that the State had proven service and by statute they had also proven the Factual Allegations and Violations of Law. Commissioner Gurr seconded. Commissioner Murad was not present for the vote. Motion carried.

Mr. Eccles read the Jurisdiction, Factual Allegations, Violations of Law, and Discipline Authorized.

Jan Holle, Chief Investigator, stated that the Division recommended discipline of an administrative fine of \$7,500, plus costs of \$1,951.02, payable within 30 days of the effective date of the order with the usual provisions for debt collection.

Commissioner Sykes moved to accept the Division's recommendation. Commissioner Gurr seconded. Commissioner Murad was not present for the vote. Motion carried.

- 1) **NRED v. Daniel Blackhorse-Smith**  
**Case Nos. REN10-03-04-053, REN10-11-02-042, REN10-05-05-065,**  
**REN10-06-01-068, REN11-07-04-004**  
**License No. B.0052664.INDV (Expired, Not Renewed)**

Harry Ward, Deputy Attorney General was present on behalf of the division.

The respondent was not present or represented by counsel.

Mr. Ward read the Voluntary Surrender Order, which had been signed by the respondent.

At President Boyer's request Mr. Ward read exhibit 1, regarding the restitution amounts.

Discussion ensued.

President Boyer called for a vote on the motion to accept the Voluntary Surrender and the restitution as stipulated in Exhibit A. Commissioner Murad was not present for the vote. Motion carried.

## 8. APPEAL OF INSTRUCTOR DENIAL

### (1) **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 **BRAD HANKS** as an instructor for "**Certified Distressed Property Expert (CDPE)**" sponsored by **Distressed Property Institute, LLC (CE.5186000-RE - 15 hours - General – Classroom)**.

It was moved and seconded to close this portion of the hearing.

- B. Discussion in closed session.

The respondent was present, but not represented by counsel.

A motion was made to reopen the meeting.

- C. Discussion and possible action in open session.

President Boyer called the hearing back into session and stated for the record that in closed session there was a discussion of the applicant's background and information, but no action was taken.

Commissioner Gurr moved to grant the appeal. Commissioner Johnson seconded. Commissioner Murad was not present for the vote. Motion carried.

**(2) 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 **JASON EKUS** as an instructor for **“Negotiating Bank Owned Properties” sponsored by National Real Estate Institute (CE.3846001-RE - 3 hours - Contracts – Classroom).**

Commissioner Sykes moved to close this portion of the hearing. Per President Boyer, the motion was seconded, however it was but not audible on recording.

- B. Discussion in closed session.

The respondent was present, but not represented by counsel.

A motion was made to reopen the meeting.

- C. Discussion and possible action in open session.

President Boyer called the hearing back into session and stated for the record that in closed session there was a discussion of the applicant’s background and information, but no action was taken.

Commissioner Johnson moved to grant the appeal. Commissioner Gurr seconded. Commissioner Murad was not present for the vote. Motion carried.

**6. DISCIPLINARY ACTION**

- 12) NRED v. Ted Buchman  
Case No. RES 11-07-06-006  
License No. B.0036717.INDV (Active)**

The respondent was not present or represented by counsel.

Kimberly Arguello was present on behalf of the division.

Joanne Gierer was called to testify regarding service of notice.

Commissioner Sykes moved that the State has proven service and therefore by statute have proven the Factual Allegation items 3 – 16 and the violations of law items 17 – 26. Commissioner Gurr seconded. Commissioner Murad was not present for the vote. Motion carried.

Ms. Arguello read the Jurisdiction, Factual Allegations, Violations of Law and Discipline Authorized.

Gail Anderson, Administrator, stated that Real Estate Division recommended revocation of license, a fine of \$30,000 (10 violations of law), plus investigative and hearing costs of \$1,311.10.

Commissioner Sykes moved to accept the Division’s recommendation. Commissioner Johnson seconded. Commissioner Murad was not present for the vote. Motion carried.

- 5) NRED v. Charles Jeff Moore  
Case No. RES 08-06-22-344  
License No. B.0022985.CORP (Active)**

The respondent was present and represented by counsel, Attorney Chris Richardson.

Kimberly Arguello was present on behalf of the division.

Mr. Moore was sworn in.

Ms. Arguello read the Jurisdiction, Stipulation for Settlement, Factual Allegations, Violations of Law, and authorized discipline.

Commissioner Sykes moved to accept the Stipulation. Commissioner Johnson seconded. Commissioner Murad came in late and did not vote. Motion carried.

**3) NRED v. Paulina Biggs-Sparkuhl**  
**Case No. RES 09-05-17-359**  
**License No. Unlicensed**

The respondent was not present, but was represented by counsel, Attorney Richard Smalls.

Christopher Eccles was present on behalf of the division.

Mr. Eccles read the Jurisdiction, Stipulation for Settlement, Factual Allegations, Violations of Law, and authorized discipline.

Commissioner Gurr moved to accept the Stipulation settlement agreement as presented by the State. Commissioner Johnson seconded. Motion carried.

**7. LICENSE DENIAL APPEAL**

**(1) Note: Portions of this discussion may be closed in accordance with NRS 241.030**

- A. Motion to close session to review the license denial appeal of **KENT PRESTON, FILE NO. S-LDA-11-007**, and why applicant should or should not be granted a license.

Commissioner Sykes moved to close this portion of the hearing. The motion was seconded.

- B. Discussion in closed session.

The applicant was present and represented by counsel, attorney Jack Buchanan.

Kimberly Arguello was present on behalf of the division.

A motion was made and seconded to reopen the hearing. Motion carried.

- C. Discussion and possible action in open session.

President Boyer called the hearing back into public session and stated, for the record, that in closed session there was a discussion of the applicant's background, but no decisions were made.

Commissioner Gurr moved to postpone the decision on the license denial appeal until the November meeting, to be held in Las Vegas, for purposes of gathering additional information. Commissioner Murad seconded.

Commissioner Sykes suggested that Division counsel might be able to research the matter that evening and the issue could be continued the next day, rather than waiting until the November meeting.

President Boyer called for a vote on Commissioner Gurr's motion to continue the matter until the next Commission meeting. Motion carried 3 to 2. Commissioners Sykes and Johnson opposed.

President Boyer asked Mr. Buchanan and Ms. Arguello to present their findings, in writing, to the Commission prior to the next meeting, so that the information could be reviewed before the hearing.

**Lunch – 11:50 AM to 1:00 PM**

**5. WORKSHOP:**

**A) 09/20/11 @ 1:15 PM REGULATION WORKSHOP FOR LCB FILE No. R157-08:**

Workshop by the Nevada Real Estate Commission to adopt proposed regulations known as LCB File No. R157-08, which establishes the following:

- < A REGULATION relating to real estate;
- < Requiring the Real Estate Division of the Department of Business and Industry to provide on its website certain information concerning courses that satisfy educational requirements for holders of a license, permit, certificate or registration issued by the Division;
- < Authorizing certain persons to electronically transfer to the Division's website certain information concerning credits obtained for continuing education and post-licensing education courses;
- < Revising the educational requirements for the renewal of a license of a real estate broker, real estate broker-salesman and real estate salesman whose license has been placed on inactive status; and
- < Providing other matters properly relating thereto.

**Introduction of Commissioners in Attendance**

Paul Murad, Clark County; Bert Gurr, Elko County; Richard Johnson, Washoe County; Marc Sykes, Washoe County; David Boyer, Clark County; Rose Marie Reynolds, Commission Counsel.

**Introduction of Division staff in Attendance**

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator; Carolyn Washington, Compliance Audit Investigator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer

In Carson City: Steve Aldinger, Deputy Administrator

**Section 1:**

No change.

**Section 2:**

President Boyer read the revisions and called for comments.

Joanne Levy, 2011 Legislative Chair for the Nevada Association of Realtors, reported on a working group created, at the request of the Commission in 2009, to discuss education and proposed regulation, expansion of the law and legislation education requirement with regard to the changes coming with the four-year license renewal period and the two-year post licensing period. The amendments contained in 157-08, as presented, were supported during workshops and other hearings in 2010. NVAR continues to support the amendments to regulations, as set forth in 157-08. The electronic submission of class records and website information will hopefully make the online renewal system more efficient and improve the overall education tracking system for the benefit of licensees. There was also support of the removal of the increase of administrative fines that was found in previous versions of this proposed regulation.

**Section 3:**

President Boyer read the revisions and called for comments. There were none.

**Section 4:**

President Boyer read the revisions and called for comments.

Cindy Weber, ABC Real Estate School, asked how the listings would be handled for a single identical course given by multiple providers.

Gail Anderson stated that the same course number would be used for identical packaged courses being taught by different providers, with identifying letters for each sponsor.

**Section 5:**

1. President Boyer read the revisions and called for comments. There were none.
2. President Boyer read the revisions and called for comments. There were none.

President Boyer asked if the Division would be ready to accept electronic submissions when this is made part of the Nevada Administrative Code.

Gail Anderson answered that the Division would be able to accept the submissions in the form of an Excel spreadsheet; however they could not be uploaded into the data system until some customizations are done for that program. The format had been shown to a number of the sponsors to make sure that they understood

President Boyer asked if there was an idea of when the actual electronic submissions would be used.

Ms. Anderson stated that upgrades were scheduled for January, but realistically it would take the fiscal year to become fully operational.

**Section 6:**

President Boyer read the revisions and called for comments. There were none.

**Section 8:**

President Boyer read the revisions and called for comments. There were none.

**Section 9:**

President Boyer read the revisions and called for comments. There were none.

President Boyer asked if this was a step towards reducing reciprocity with other states.

Gail Anderson responded that the Commission on Post Secondary Education, which licenses proprietary schools, had some issues with the language in our regulations that stated that we would accept courses from any proprietary schools across the country. The intention of the change, in conjunction with section 11, is that a school must be part of the Nevada system of higher education or any other university or college bearing the same or equivalent accreditation. The deletion under B1 basically says that just because a Commission in another state has approved education does not mean that Nevada will accept it. It would have to be approved by this Commission, except for the exception that's set forth in section 11. We don't have reciprocity, but we do have license recognition for a

licensee who already holds a license in another state. These changes do not affect that license recognition. This is about the pre-licensing education.

Cindy Weber asked if an unlicensed student has taken courses in another state at a private school that is not a recognized university or college, would the Real Estate Division policy change on that with regards to accepting that credit on a pre-licensing licensee.

Ms. Anderson responded that it could.

Ms. Weber stated that her understanding was that the Division would be basically looking for education that had been taken by a state college only, but not a private institution, in another state.

Ms. Anderson answered that when someone comes into Nevada with education from another jurisdiction, it would have to be evaluated, to see if it is equivalent in quality, to be considered. Otherwise, pre-licensing education has to be from a specifically approved Nevada education provider.

#### **Section 10:**

President Boyer read the revisions.

#### **Section 11:**

President Boyer read the revisions and called for comments.

Gail Anderson stated that with the growth of distance education, this became a much more relevant concern, because a business in another state could market and/or teach anywhere by way of Internet. The Commission needs to determine the content, quality and instruction on Nevada specific subjects appropriate for original licensing.

#### **Section 12:**

President Boyer read the revisions and called for comments.

Commissioner Sykes stated that sometimes a person may only need one module to complete either their initial license or license renewal. He suggested that it would be advantageous to be able to identify the modules as discrete modules, so if someone only needed one module, they could get it without having to take the entire package.

Discussion ensued about whether any action could be taken on this suggestion. It was decided that this was only a discussion in the workshop, but item 4E on the agenda was an action item concerning this topic.

President Boyer asked if there were any course providers in the audience who had something to say about a mandate that they provide a particular course or module in a particular format.

Forrest Barbee, Prudential American Group, stated he was opposed to any mandate that would require him break out in discrete modules. The courses are not intended to be discrete courses, but a building block of instruction with actual pedagogy that would allow the development of post/pre-licensing for that new licensee. Mr. Barbee further stated that his modules are not discrete. They are interrelated so there are building blocks that progress from one session to the next, so the material can be used from the previous session to build that and develop the competencies and skills.

Peggy Simon, Director of Education, Realty One Group, stated their post-license course is in individual modules. They are listed on the Real Estate Divisions website on the post-licensing calendar, so she didn't see any problem.

Tony Pessini, Tigor Title, spoke in favor of discrete modules, stating they were given the option of doing discrete modules or packaging the modules. He stated that there might be a problem with the issuance of certificates for packages, because they would have to issue a different kind of certificate that didn't include the module not taken.

Commissioner Sykes stated that he had no trouble with packaging or with offering a discounted price for packaging all of post-licensing for 30 hours as a business model. However, he still felt the modules needed to be offered discretely so that those people seeking that education would have access to it

President Boyer asked Commissioner Sykes if he intended to make a motion on this subject at the appropriate time. Commissioner Sykes said yes.

**Section 13:**

President Boyer read the revisions and called for comments. There were none.

**Section 14:**

President Boyer read the revisions and called for comments.

Cindy Miller, ABC Real Estate School, asked if a licensed salesperson upgrades to a broker-salesperson or broker, is that considered a new license?

Gail Anderson stated that her understanding was that a salesperson to broker-salesperson or broker is considered a new original license.

Teresa McKee, Nevada Association of Realtors, stated that discussion was scheduled for the next day on the regulation R93-10 which talks about original licensing and should clarify the issue.

**Section 15:**

President Boyer read the revisions up to clause 7 and called for comments. There were none.

Gail Anderson stated the intent of section 15 was to simplify the reinstatement education requirement process.

President Boyer continued read the revisions from section 15 - clause 8.

**Section 16:**

President Boyer read the revisions and called for comments. There were none.

**Section 17:**

President Boyer read the revisions.

President Boyer requested an explanation, for the public's benefit, of what would happen to LCB File No. R157-08 after the workshop.

Gail Anderson stated that comments would be prepared by Ms. Gierer when the workshop was concluded and that would be part of the documentation process for regulations. When the Commission discusses an action item, any changes they want to consider making to the proposed regulation draft would be moved forward to the legislative counsel bureau for final drafting. When that draft is returned, it would be put on the agenda for adoption; unless there were substantive issues that needed to continue to be addressed by workshop.

President Boyer called for comments for any part of the workshop. There were none.

President Boyer declared the workshop closed at 2:10PM.

## **6. DISCIPLINARY ACTION**

### **6) NRED v. Richard Naft**

Case No. RES 09-02-03-257

**License No. Unlicensed**

The respondent was present and represented by counsel, Attorney Carrie Hurtik.

Christopher Eccles was present on behalf of the division.

Mr. Eccles stated that there was a Stipulation for settlement of this disciplinary action

President Boyer swore in Mr. Naft.

Mr. Eccles read the Jurisdiction, Factual Allegations, Violations of Law, and Discipline Authorized.

Mr. Naft stated that he read, understood and signed the settlement.

Commissioner Sykes moved to accept the stipulated settlement. Commissioner Johnson seconded. Motion carried.

## **6. DISCIPLINARY ACTION – CONTINUED CASES**

President Boyer announced that although the following respondents appear on the Agenda for this week's meeting, the cases have been continued until the November 2011 meeting.

### **16) NRED v. Danya Gresham**

Case No. RES 10-02-24-212

**License No. S.0073948 (Active in Renewal)**

### **17) NRED v. Brooke Boemio**

Case No. RES 10-08-13-040

**License No. S.0072963 (Active)**

### **18) NRED v. Teri Brenkus**

Case No. RES 10-02-23-211

**License No. B.0023077.LLC (Active)**

### **19) NRED v. Richard Brenkus**

Case No. RES 10-12-20-155

**License No. B.0016186.LLC (Active)**

## **6. DISCIPLINARY ACTION**

### **15) NRED v. Ashley Hall**

Case No. RES 08-01-27-206

**License No. B.0037992.CORP (Active)**

The respondent was present and represented by counsel, Attorney Assly Sayyar.

Daniel Ebihara was present on behalf of the division.

President Boyer asked if there were any preliminary matters.

President Boyer swore in all of the witnesses in this case. They were asked to wait in the hall until they were called, per Commission policy.

Mr. Ebihara and Ms. Sayyar interviewed the witnesses and presented their cases.

Commissioner Sykes moved that the state had proven Factual Allegations 3, 4, 7, 8, 11, 13 and 14; but had not proven Allegations 5, 6, 9, 10 and 12. Commissioner Gurr seconded for discussion.

Discussion ensued.

Commissioner Gurr moved to make a friendly amendment that allegation 14 had not been proven. Commissioner Sykes seconded. The motion was amended to exclude allegation 14 and that Factual Allegations 3, 4, 7, 8, 11 and 13 had been proven.

President Boyer called for a vote on the amended motion. Motion carried.

Commissioner Sykes moved that the State had proven the violation of law. Commissioner Johnson seconded.

Discussion ensued.

President Boyer called for a vote on the motion that violation of law had been proven. Motion carried.

Jan Holle, Chief Investigator, stated the Division's recommendation of an administrative fine of \$5,000, plus \$1,243.20 for the cost of the investigation and hearing, payable within 60 days of the order.

Commissioner Murad moved to lower the fine to \$500, plus investigation and hearing costs of \$1,243.20. Commissioner Gurr seconded for discussion.

Discussion ensued.

President Boyer called for a vote. Motion failed, 4 to 1, with Commissioner Murad voting in favor and Commissioner's Gurr, Johnson, Sykes, and President Boyer opposing.

Commissioner Sykes moved to assess a fine of \$5,000; investigation and hearing costs of \$1,243.20, to be paid within 60 days, plus 6 hours of live What Every Licensee Should Know continuing education, to be completed within six months. Commissioner Johnson seconded.

Commissioner Gurr stated that a \$5,000 fine might be excessive and suggested \$2,000 would be more reasonable. He agreed with the 6 hours of continuing education.

Commissioner Gurr agreed to make the suggestion a friendly amendment. Commissioner Sykes agreed to the amendment if the fine was \$2,500. Commissioner Johnson did not approve the amendment; so the motion stood as originally stated.

Commissioner Murad made another friendly amendment to reduce the fine to \$1,000. Commissioner Sykes did not accept the amendment; the motion stood as originally stated.

President Boyer called for a vote on the original motion. Motion failed 3 to 2, with Commissioners Sykes and Johnson voting in favor; Commissioners Gurr, Murad and President Boyer opposing.

President Boyer asked for a new motion.

Commissioner Gurr moved to fine the respondent \$2,500; plus investigation and hearing costs of \$1,243.20, to be paid within 60 days, along with 6 hours of What Every Licensee Should Know continuing education, to be completed within six months. Motion was seconded for discussion. Note: second was not audible enough on recording to identify.

Discussion ensued.

President Boyer called for a vote. Motion carried by unanimous decision.

#### **10. PUBLIC COMMENTS**

President Boyer called for public comments. There were none.

September 20, 2011 meeting recessed for the day at 4:58 PM.

DRAFT

REAL ESTATE COMMISSION  
SEPTEMBER 21, 2011

Grant Sawyer Building  
555 E. Washington Ave.  
Room 4412  
Las Vegas, NV 89101

VIDEO CONFERENCE TO:  
Legislative Building  
401 S. Carson St.  
Room 2134  
Carson City, NV 89701

**MINUTES**

Meeting started at 8:35 a.m.

**1. PUBLIC COMMENTS**

President Boyer called for public comments. There were none.

**2. COMMISSION/DIVISION BUSINESS**

**A) Introduction of Commissioners in Attendance**

Marc Sykes, Washoe County; Richard Johnson, Washoe County; Paul Murad, Clark County; Bert Gurr, Elko County; David Boyer, Clark County; Rose Marie Reynolds, Commission Counsel.

**B) Introduction of Division staff in Attendance**

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer; Kimberly Arguello, Senior Deputy Attorney General; other attorneys may be present later.

In Carson City: Steve Aldinger, Deputy Administrator

**9. EDUCATION**

The Commission may take the following actions:

1. Approve, disapprove any of the following courses for the amount of hours requested or recommended or any amount they deem appropriate; and
2. Change designation of any of the courses.

**NEW REAL ESTATE PRE- LICENSING EDUCATION COURSES:**

1. Americana Real Estate Academy  
"Nevada Property Management Pre-Permit Course"  
**Request:** 24 Hours Classroom

**NEW REAL ESTATE CONTINUING EDUCATION COURSES:**

2. Nevada Association of REALTORS®  
"GRI V – Current Legal, Environmental & HOAs/CICs"  
**Request:** 14 Hours General Classroom

3. Greater Las Vegas Association of REALTORS®  
 “Green 101: Real Estate for a Sustainable Future”  
**Request:** 6 Hours General Classroom
4. Greater Las Vegas Association of REALTORS®  
 “Real Estate Update – 2011-2012”  
**Request:** 3 Hours Law & Legislation Classroom
5. Greater Las Vegas Association of REALTORS®  
 “2011 Nevada Law Update”  
**Request:** 3 Hours Law & Legislation Classroom
6. Greater Las Vegas Association of REALTORS®  
 “Green 200: The Science of Green Building”  
**Request:** 6 Hours General Classroom
7. Greater Las Vegas Association of REALTORS®  
 “Negotiation Win/Loose Win/Win for the Client/Customer”  
**Request:** 4 Hours Personal Development Classroom
8. Greater Las Vegas Association of REALTORS®  
 “Do You Pass the Ethics Test?”  
**Request:** 3 Hours Ethics Classroom
9. Performance School of Real Estate Finance (PSRE)  
 “Understanding FICO and Managing Credit”  
**Request:** 3 Hours General Classroom
10. Performance School of Real Estate Finance (PSRE)  
 “FHA / VA Loans – What Agents Need to Know”  
**Request:** 3 Hours General Classroom
11. Performance School of Real Estate Finance (PSRE)  
 “Home Affordable Foreclosure Alternative Program”  
**Request:** 3 Hours General Classroom
12. Performance School of Real Estate Finance (PSRE)  
 “Understanding the FHA and VA Distressed Property Options”  
**Request:** 3 Hours General Classroom
13. Performance School of Real Estate Finance (PSRE)  
 “Understanding Short Sales and REOs”  
**Request:** 3 Hours General Classroom
14. Continuing Ed Express LLC  
 “Selling a Business”  
**Request:** 3 Hours General Internet
15. Continuing Ed Express LLC  
 “Using Feng Shui Principles to Improve Living Spaces”  
**Request:** 3 Hours Personal Development Internet
16. Anderson, Nancy  
 “How to Nail Your Listing Presentation”  
**Request:** 3 Hours General Classroom
17. Anderson, Nancy  
 “How to Nail Your Buyer Presentation”  
**Request:** 3 Hours General Classroom
18. Anderson, Nancy  
 “Now I Have the Listing, What Do I Do to Close It?”  
**Request:** 3 Hours Contracts Classroom
19. Online Ed, Inc.  
 “Buyer Agency”  
**Request:** 4 Hours Agency Internet
20. Online Ed, Inc.  
 “The Duty to Disclose”  
**Request:** 5 Hours General Internet

21. Online Ed, Inc.  
 "Managing Risk for Profit"  
**Request:** 6 Hours                      General                      Internet
22. Realty One Group  
 "Residential Contract Sales & Writing the Purchase Agreement"  
**Request:** 3 Hours                      Contracts                      Classroom
23. Realty One Group  
 "The Nevada Legislature 2011 – A Report for Licensees"  
**Request:** 3 Hours                      Law & Legislation                      Classroom
24. First Centennial Title Company  
 "Law & Legislative Update 2011"  
**Request:** 3 Hours                      Law & Legislation                      Classroom
25. First Centennial Title Company  
 "What is Agency"  
**Request:** 3 Hours                      Agency                      Classroom
26. First Centennial Title Company  
 "Ethics of Short Sales"  
**Request:** 3 Hours                      Ethics                      Classroom
27. Subdivision Sales, Inc.  
 "Building and Selling the New Green Home"  
**Request:** 3 Hours                      General                      Classroom
28. Subdivision Sales, Inc.  
 "Cooperating on New Home Sales"  
**Request:** 3 Hours                      General                      Classroom
29. Subdivision Sales, Inc.  
 "Developing and Selling New Built Homes"  
**Request:** 3 Hours                      General                      Classroom
30. McKissock, LP.  
 "Agency Law in Nevada"  
**Request:** 4 Hours                      Agency                      Internet
31. Ticor Title Company of Northern Nevada  
 "2011 Legislative Impact"  
**Request:** 3 Hours                      Law & Legislation                      Classroom
32. JC Melvin Seminars, Inc.  
 "2011 Nevada Legislative Update"  
**Request:** 3 Hours                      Law & Legislation                      Classroom
33. Society of Industrial & Office Realtors  
 "2011 SIOR World Fall Conference"  
**Request:** 5 Hours                      General                      Classroom
34. All Western Mortgage, Inc.  
 "Today's Mortgage Loan"  
**Request:** 3 Hours                      General                      Classroom
35. Americana Real Estate Academy  
 "Legislative Law and How it Affect You"  
**Request:** 3 Hours                      Law & Legislation                      Classroom
36. The CE Shop, Inc.  
 "Real Estate Investors and Your Business"  
**Request:** 3 Hours                      General                      Internet
37. Digital Learning Centers  
 "Nevada Legislative Update 2011 – The 76<sup>th</sup> Legislature"  
**Request:** 3 Hours                      Law & Legislation                      Internet
38. SERVPRO of NW Las Vegas  
 "Business Continuity Planning & It's Place in Commercial Real Estate"  
**Request:** 3 Hours                      Property Management                      Classroom

- |  |         |                              |                |
|--|---------|------------------------------|----------------|
| 39. National Business Institute  |         |                              |                |
| "Mastering Land Use and Planning Processes"                                  |         |                              |                |
| <b>Request:</b>  | 6 Hours | General / Ethics             | Classroom      |
| 40. NAIOP Northern Nevada  |         |                              |                |
| "Legal Analysis of Commercial Real Estate Transactions"                      |         |                              |                |
| <b>Request:</b>  | 8 Hours | Contracts                    | Classroom      |
| 41. Kaplan Professional Schools  |         |                              |                |
| "Nevada Real Estate Legislation and Regulation Update 2011"                  |         |                              |                |
| <b>Request:</b>  | 3 Hours | Law & Legislation            | Correspondence |
| 42. Cook & Company, Ltd.   |         |                              |                |
| "Abandoned Property: Residential & Commercial Tenancies"                     |         |                              |                |
| <b>Request:</b>  | 3 Hours | Property Management          | Classroom      |
| 43. NAIOP – The Commercial Real Estate Development Association               |         |                              |                |
| "Development'11: The Annual Meeting for Commercial Real Estate"              |         |                              |                |
| <b>Request:</b>  | 6 Hours | General                      | Classroom      |
| 44. Old Republic Title Company of Nevada                                     |         |                              |                |
| "Subject To's / All-Inclusive Deeds of Trust aka AITD's / Contracts of Sale" |         |                              |                |
| <b>Request:</b>  | 3 Hours | Contracts                    | Classroom      |
| 45. The Liberty Group of Nevada, LLC   |         |                              |                |
| "Introduction to Valuing a Small Business"                                   |         |                              |                |
| <b>Request:</b>  | 3 Hours | General/Personal Development | Classroom      |

**CHANGE OF HOURS REQUEST BY THE DIVISION:**

- |  |         |                      |           |
|--|---------|----------------------|-----------|
| 46. Nevada Association of REALTORS®        |         |                      |           |
| "GRI VI – Technology Strategies for Today" |         |                      |           |
| <b>Request:</b>                            | 3 Hours | Personal Development | Classroom |

**OPEN DISCUSSION AGENDA EDUCATION COURSES:**

- |  |         |         |           |
|--|---------|---------|-----------|
| 47. Continuing Ed Express LLC                            |         |         |           |
| "Code of Ethics Case Studies"                            |         |         |           |
| <b>Request:</b>  | 3 Hours | General | Internet  |
| 48. Realty One Group                                     |         |         |           |
| "Ethics Training 2012 and Beyond"                        |         |         |           |
| <b>Request:</b>  | 3 Hours | Ethics  | Classroom |
| 49. McKissock, LP.                                       |         |         |           |
| "Ethics and Standards of Professional Conduct in Nevada" |         |         |           |
| <b>Request:</b>  | 3 Hours | Ethics  | Internet  |

President Boyer asked the Commissioners if there were any courses that need to taken out of the consent agenda for questions and discussion.

Commissioner Sykes pulled coursed 3, 6, 9, 27, 39, 45, 47, 48, 49 and 4, 5, 8

Commissioner Johnson moved to approve the classes that were not pulled from the consent agenda. Commissioner Gurr seconded. Motion carried.

**Discussion on pulled items ensued as follows.**

- |   |         |         |           |
|---|---------|---------|-----------|
| 3. Greater Las Vegas Association of REALTORS®     |         |         |           |
| "Green 101: Real Estate for a Sustainable Future" |         |         |           |
| <b>Request:</b>                                   | 6 Hours | General | Classroom |

Commissioner Sykes noted that staff had notified the provider about the hour and designation change and wanted to see if the provider wanted to talk about it.

Ingrid Trillo, Education Program Officer, stated that the sponsor was contacted because on the standards of courses “green” is not a one of our standards, the course was changed to 3 hours of personal development.

Wendy DiVecchio, Greater Las Vegas Association of REALTORS®, stated that she was contacted and agreed with the changes.

Commissioner Sykes moved to approve education agenda item 3, as recommended by staff. Commissioner Gurr seconded. Motion carried.

President Boyer recused himself on the following items, passing the Chair to Vice-President Johnson.

4. Greater Las Vegas Association of REALTORS®  
“Real Estate Update – 2011-2012”  
**Request:** 3 Hours Law & Legislation Classroom
5. Greater Las Vegas Association of REALTORS®  
“2011 Nevada Law Update”  
**Request:** 3 Hours Law & Legislation Classroom
8. Greater Las Vegas Association of REALTORS®  
“Do You Pass the Ethics Test?”  
**Request:** 3 Hours Ethics Classroom

Commissioner Gurr moved to approve education agenda items 4, 5 and 8, as recommended by staff. Commissioner Sykes seconded. Motion carried.

The Chair was returned to President Boyer.

6. Greater Las Vegas Association of REALTORS®  
“Green 200: The Science of Green Building”  
**Request:** 6 Hours General Classroom

Wendy DiVecchio confirmed that she had no problem with the change in designation or hours.

Commissioner Sykes moved to approve education agenda item 6, as recommended by staff. Commissioner Gurr seconded. Motion carried.

9. Performance School of Real Estate Finance (PSRE)  
“Understanding FICO and Managing Credit”  
**Request:** 3 Hours General Classroom

Commissioner Sykes moved to uphold denial of education agenda item 9, as recommended by staff. Commissioner Gurr seconded. Motion carried.

27. Subdivision Sales, Inc.  
“Building and Selling the New Green Home”  
**Request:** 3 Hours General Classroom

Commissioner Sykes moved to approve recommendation of staff for 3 hours of personal development on education agenda item 27. Commissioner Gurr seconded. Motion carried.

39. National Business Institute  
“Mastering Land Use and Planning Processes”  
**Request:** 6 Hours General / Ethics Classroom

Commissioner Sykes moved to approve staff's recommendation for 7 hours of general classroom on education agenda item 39. Commissioner Johnson seconded. Motion carried.

45. The Liberty Group of Nevada, LLC

"Introduction to Valuing a Small Business"

**Request:** 3 Hours General/Personal Development Classroom

Commissioner Sykes asked for a comment from the education staff or the Administrator about the status of multiple designations.

Ingrid Trillo suggested that this topic be postponed until the next meeting.

Commissioner Sykes requested that the topic be put on the agenda for the next meeting.

Commissioner Sykes moved to approve education agenda item 45 for 3 hours of personal development, based on the recommendation of staff. Commissioner Johnson seconded. Motion carried.

47. Continuing Ed Express LLC

"Code of Ethics Case Studies"

**Request:** 3 Hours General Internet

48. Realty One Group

"Ethics Training 2012 and Beyond"

**Request:** 3 Hours Ethics Classroom

49. McKissock, LP.

"Ethics and Standards of Professional Conduct in Nevada"

**Request:** 3 Hours Ethics Internet

Commissioner Sykes asked if there had been any negative feedback on the last course approved that was based on the National Association of Realtors Code of Ethics and Standards of Practice

Ingrid Trillo stated that there was negative feedback from someone who had audited the course, saying only that not all licensees were realtors. There have been no comments from students.

Peggy Simon, Realty One Group Education Director, stated that she wrote a new ethics class, because quadrennial ethics must be done by every realtor by December of next year. She spoke with Wendy DiVecchio of GLAVR, who said that NAR has now given permission for outside instructors to do quadrennial ethics outside of the board classroom. Ms. Simon commented that the course would be good for almost any agent to take, whether they were a designated realtor or not and proceeded to describe the class.

Commissioner Gurr stated that ethics classes would be relevant for any agent.

Commissioner Sykes moved to approve education agenda items 47, 48 and 49, each with an ethics designation.

President Boyer called for a second on Commissioner Sykes motion to approve education agenda items 47, 48 and 49, with ethics designations. Commissioner Johnson seconded. Motion carried.

## 5. WORKSHOP:

### B) REGULATION WORKSHOP FOR LCB FILE No. R093-10:

Workshop by the Nevada Real Estate Commission to adopt proposed regulations known as LCB File No. R093-10, which establishes the following:

- < A regulation relating to licensing and education in real estate;
- < Revises the general requirements for continuing education for first time licensees;
- < Revises the specific requirements for renewal of license other than initial license and for reinstatement of license;
- < Revises the courses required for first-year licenses; exempt licensees; standards for courses; and
- < Providing other matters properly relating thereto.

#### Introduction of Commissioners in Attendance

Paul Murad, Clark County; Bert Gurr, Elko County; Richard Johnson, Washoe County; Marc Sykes, Washoe County; David Boyer, Clark County; Rose Marie Reynolds, Commission Counsel.

#### Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer

In Carson City: Steve Aldinger, Deputy Administrator

#### Section 1

President Boyer read the revisions of section 1, article 1 and called for comments on section.

Commissioner Sykes commented on the "first year" versus "first time" wording and accounting for when a course is taken within the renewal period.

Gail Anderson stated that she would comment on the subject at the end of the workshop.

President Boyer read the revisions and called for comments on section 1, articles 2 – 7.

Tony Pessini, Ticor Title, asked why the requirement was being changed.

Commissioner Sykes stated the change was statutory.

Commissioner Gurr commented on the wording in the definition of rural.

Soozi Jones Walker agreed that the wording might be awkward, but it is almost verbatim of what is in the current regulations.

Discussion ensued.

Cindy Weber, ABC Real Estate School, talked about criteria for developing courses and delivery methods for teaching them.

Commissioner Sykes suggested that the discussion portion of this issue is under Agenda item 4E and any changes that had to be made should be made there and asked if it would be appropriate to have members of the public speak at that time.

## **Section 2**

President Boyer read the revisions and called for comments. There were none.

## **Section 3**

President Boyer read the revisions of section 3, article 1 asked for comment from Gail Anderson.

Ms. Anderson stated that she was concerned with the wording, “must provide the Division with a copy of the certificate”, because of the move to online uploading, after which physical certificates won’t be wanted or needed. The language needs to be more generic, such as “proof of completion”.

A lengthy discussion ensued concerning the educational requirements, the Division’s abilities to enforce the new rules and future technology that would make the process more efficient.

President Boyer read the revisions of section 3, article 2 and called for comments.

Commissioner Murad suggested changing salesman to salesperson and broker salesman to broker salesperson.

President Boyer read the revisions of section 3, articles 4 – 8 and called for comments.

Soozi Jones Walker stated that the portion concerning hardship was removed at the request of staff, because it created a difficult situation that put them in a difficult position. In addition, requiring that 50% of education has to be live was a result of testimony from the public, the licensees and the brokers. There was a real concern about the agents caring more about how fast they could get the education done, than about the quality. The general consensus was more live education was needed. The purpose of the two-year requirement is to prevent people from waiting until the last minute to complete the entire educational requirement.

Harry Ward, Deputy Attorney General, had a reminder to change 6b and 6c to gender neutral language.

Mike Young, 2011 President of the Nevada Association of Realtors, stated that a working group was created, at the request of the Commission. They discussed proposed regulations concerning the changes coming from the 4 year license renewal period and the 2 year post licensing period. NVAR stands strongly behind the concept of a 2 year check of education and a 50% live classroom requirement. If the regulations are rejected at this meeting or if the concepts of a 2 year check or a 50% live education are significantly altered NVAR would request that an additional workshop be held so they may further comment on any suggestions or solutions.

Jennifer Capurro, Reno Sparks Association of Realtor Education Committee spoke in favor of adopting the concept presented by the NVAR workgroup. With the expanded time to renew a license and no regulation to require midterm renewal verification, it is feared that a majority of real estate professionals will fall behind the curve in keeping current on real estate issues, which may lead uninformed real estate agents to misinform or mislead the consumer. It is an important consumer protection measure that agents are constantly being educated. In addition, while online education serves a purpose, there is no substitute for face to face instruction and the encounter with other students that takes place. It is important that online education be limited to no more than 50%. A minimum of 50% of continuing education should be taken in the form of live instruction.

Forrest Barbee, Prudential Americana Group, agreed with two year check point.

Cindy Weber, ABC Real Estate School, spoke in favor of as much education as can be required and the two year education requirement. She also spoke about the merits of online learning versus live education.

President Boyer commented on Oregon's honor system for education, suggesting that that method might allow for a different allocation of resources in the Real Estate Division.

The workshop was closed at 10:02 a.m.

President Boyer swore in the court reporter

#### **6. DISCIPLINARY ACTION**

**9) NRED v. Anca Trusca  
Case No. RES 08-01-37-216  
License No. S.0057070 (Active)**

The respondent was present and represented by counsel, Attorney Christopher Reade.

Kimberly Arguello, Senior Deputy Attorney General, was present on behalf of the division.

President Boyer swore in the respondent.

Ms. Arguello read the Jurisdiction, Factual Allegations, violations of law, Discipline Authorized, and Stipulation for settlement.

Ms. Trusca stated that she read, understood and signed the Stipulation for Settlement.

Commissioner Sykes moved to approve the Stipulation as presented by the Division. Commissioner Johnson seconded. Motion carried unanimously.

**11. NRED v. Steve Barcel  
Case No. RES 11-10-04-118  
License No. Unlicensed**

The respondent was present, but not represented by an attorney

Daniel Ebihara, Deputy Attorney General, was present on behalf of the division.

Mr. Ebihara read the Jurisdiction, Factual Allegations, violations of law, Discipline Authorized, and Stipulation for settlement.

The respondent stated that he read, understood, and signed the Stipulation.

Commissioner Gurr moved to approve the Stipulation as presented by the Division. Commissioner Johnson seconded. Motion carried.

Discussion ensued concerning Mr. Barcel's question asking for clarification of his violations. It was decided that it was not the Commission's place to provide answers to Mr. Barcel's questions. It was further stated that a discussion on the law was not appropriate because it was not an agenda item.

#### **4. COMMISSION/DIVISION BUSINESS**

A) Discussion regarding Attorney General Case Status Report.

Rose Marie Reynolds summarized the Case Status Report.

B) Discussion regarding the Disciplinary Report.

Joanne Gierer summarized the Disciplinary Report.

- C) Discussion regarding the Compliance Section's current caseload report, including summary of recent topics of complaints filed.

Jan Holle summarized the Compliance caseload report.

- D) Discussion regarding Administrator's report on:

1. Fiscal Year 2011 closing financial statement for Real Estate Education, Research and Recovery Fund pursuant to NAC 645.470.

Gail Anderson, Administrator gave a presentation on the Division's Education, Research and Recovery Fund.

2. Licensing statistics for closing Fiscal Year 2011 and comparing recent fiscal year statistics to Fiscal Year 2011.

Ms. Anderson discussed the Licensing statistics for the close of Fiscal Year 2011.

3. Personnel.

Open positions include Publication Writer in the Education section, Commission Coordinator for the Real Estate Commission and the Appraisal Commission, Energy Auditor Program Officer I (new position), Projects Chief (reclassified as a lower position).

Lunch break – 12:05 p.m. to 1:17 p.m.

#### **4. COMMISSION/DIVISION BUSINESS**

- F) Discussion and possible action regarding revisions to the Residential Disclosure Guide published pursuant to NRS 645.194 to address recent legislative changes.

Safia Anwari, Education Officer, gave summarized the changes made to the Residential Disclosure Guide.

Commissioner Sykes asked if there was a way to rearrange the guide with less white space and fewer pages. Ms. Anderson stated that they would look at it and see what could be done without sacrificing readability.

Commissioner Murad asked for clarification on the unpaid obligation section, specifically concerning the possibility of charging fees for corrected statements. Ms. Anderson stated that if that issued was not addressed in the bill, the Division could not clarify it. She agreed to do some legislative research to see if it was addressed.

Commissioner Sykes moved to approve the changes to the Residential Disclosure Guide, as presented by staff. Commissioner Murad seconded. Motion carried.

- G. Report on what is available through the Division's on-line look up and how to use it.

Gail Anderson stated that she probably couldn't give an accurate report, because she only had notes from the IT person, which she did not completely understand. She summarized what is available on the online lookup.

Steve Aldinger, Deputy Administrator, spoke from Carson City. He stated that the goal was to make the website more user-friendly and provide filtering to narrow down the search. He described what is currently available.

- H. Discussion concerning changes to the Seller Real Property Disclosure form prepared by the Division pursuant to NRS 113.120 to address 2011 Legislative Session changes.

Gail Anderson described changes to be made to the Seller Real Property Disclosure form.

Discussion ensued about what should or should not be on the form.

- I. Discussion regarding proposal for Commission meeting documentation to be provided in electronic compact disk format rather than paper format, which would require commissioners to have access and use of personal laptop computer.

Gail Anderson polled the Commission to see if they were willing to use their personal equipment to view the electronic documentation.

Discussion ensued of what method of electronic distribution should be used, such as a flash drive or web-based applications, like a Drop Box.

- J. Discussion and possible action concerning the Division's development of a course designated "broker management" to address property management requirements, including trust account maintenance and annual reconciliations; and to authorize funding through the Education Research Fund for:

1. Revision and printing of a 4<sup>th</sup> Edition of "Trust Fund Accounting and Record Keeping for Nevada Brokers".
2. Contracting with qualified instructors to present the course.
3. Training contracted instructors on the curriculum for the course.

Gail Anderson presented her proposal for this agenda item.

Commissioner Gurr moved to allow the Division to apply the necessary steps to print 500 copies of the Trust Account booklet and contract for the proposed 3 hour continuing education program relating to trust accounting management and compliance for broker management at a cost of up to \$10,000. Commissioner Sykes seconded. Motion carried.

- K. Discussion concerning recurring licensing questions and issues, including but not limited to lawful procedures for terminating a licensee and the reinstatement of an expired license after July 1, 2011.

Gail Anderson commented on licensing processing procedure. Generally the operation is very efficient, however there are always exceptions. The Licensing section of the Real Estate Division processes things very quickly once they get all of the pieces they need. Some of the recurring issues are as follows.

A "yes" answer to any of the questions requires a follow-up.

A deficiency in the application, such as no payment, incorrect payment amount, misunderstanding of the new licensing, resulting in late or early submissions.

Improperly filled out and submitted "Termination".

## **6. DISCIPLINARY ACTION**

### **2) NRED v. Gary Anter Case No. RES 10-11-12-118 License No. S.0060096.PC (Active)**

Daniel Ebihara was present on behalf of the Division. He stated that there were three related cases (Gary Anter, Yelena Vangstad and Michael Reiss). All three contain stipulated facts which are exactly the same, even though there are three separate settlement agreements. It was determined by the Division's legal counsel that each case must be presented separately.

Commissioner Gurr stated that he knew two of the respondents personally, but felt he could meet his obligation to be fair and honest to everybody. He did not recuse himself.

The respondent was present and represented by counsel, attorney Chris Richardson.

The respondent was sworn in.

Mr. Ebihara read the violations of law, Discipline Authorized, and stipulated settlement.

Mr. Anter stated that he had not read or signed the Stipulation for Settlement.

Recessed at 3:10 p.m. for further negotiation

## **4. COMMISSION/DIVISION BUSINESS**

- L. Discussion concerning Asset Management Program and its relationship to real estate licensees.

Ms. Anderson and Teresa McKee gave a presentation of the Asset Management Program

A lengthy discussion ensued after the presentation, including public comment.

## **6. DISCIPLINARY ACTION**

### **2) NRED v. Gary Anter Case No. RES 10-11-12-118 License No. S.0060096.PC (Active)**

President Boyer reopened this case, which had been postponed at 3:10 p.m.

The respondent's attorney, Chris Richardson, represented that he and his clients had reviewed the new documentation.

Daniel Ebihara stated that there were changes to the violations of law, but no changes to the statement of facts or the settlement portion, other than to correct a couple of spelling errors.

Mr. Ebihara read the changed violations of law.

Mr. Anter stated that he had read, understood and signed the Stipulation for Settlement.

Commissioner Gurr moved to accept the Stipulation for Settlement as outlined by the Deputy Attorney General's office. Commissioner Johnson seconded. Motion carried.

**10) NRED v. Yelena Vangstad**  
**Case No. RES 10-06-14-332**  
**License No. S.0069081.LLC (Active)**

The respondent was present and represented by counsel, attorney Chris Richardson.

Daniel Ebihara was present on behalf of the Division.

The respondent was sworn in.

Mr. Ebihara stated that the stipulated facts were the same as the Gary Anter case and proceeded to read the violations of law and the stipulated settlement.

Ms. Vangstad stated that she had read, understood and signed the Stipulation for Settlement.

Commissioner Gurr moved to accept the Stipulation for Settlement. Commissioner Murad seconded. Motion carried.

**7) NRED v. Michael Reiss**  
**Case No. RES 10-06-15-333**  
**License No. B.0021603.CORP (Active)**

The respondent was present and represented by counsel, attorney Chris Richardson.

President Boyer stated that he knew the respondent personally, but did not recuse himself.

Daniel Ebihara was present on behalf of the Division.

The respondent was sworn in.

Mr. Ebihara stated that the stipulated facts were the same as the Gary Anter and Yelena Vangstad cases and proceeded to read the violations of law and the stipulated settlement.

Mr. Reiss stated that she had read, understood and signed the Stipulation for Settlement.

Commissioner Gurr moved to accept the Stipulation for Settlement. Commissioner Johnson seconded. Motion carried.

**10. PUBLIC COMMENTS**

President Boyer called for public comment. There were none.

Today's meeting recessed at 4:55 p.m.

REAL ESTATE COMMISSION  
SEPTEMBER 22, 2011

Grant Sawyer Building  
555 E. Washington Ave.  
Room 4412  
Las Vegas, NV 89101

VIDEO CONFERENCE TO:  
Legislative Building  
401 S. Carson St.  
Room 2134  
Carson City, NV 89701

**MINUTES**

Meeting started at 8:33 a.m.

**2. COMMISSION/DIVISION BUSINESS**

**A) Introduction of Commissioners in Attendance**

Paul Murad, Clark County; Bert Gurr, Elko County; Richard Johnson, Washoe County; Marc Sykes, Washoe County; David Boyer, Clark County; Rose Marie Reynolds, Commission Counsel.

**B) Introduction of Division staff in Attendance**

In Las Vegas: Gail Anderson, Administrator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer; Kimberly Arguello, Senior Deputy Attorney General;

In Carson City: Steve Aldinger, Deputy Administrator

**1. PUBLIC COMMENT**

President Boyer called for public comments. There were none.

**4. COMMISSION/DIVISION BUSINESS**

- E) Discussion and possible action regarding proposed regulatory changes to NAC 645, including but not limited to R003-10, R093-10 and R157-08.

**Discussion of changes to R093-10.**

Gail Anderson, Administrator proposed new language to clarify the effective date of the amended requirement set forth in NAC645.448, section 3 in the LCB file 093-10.

It was decided to table the discussion until the November meeting workshop.

Commissioner Sykes moved to change the renewal requirements to remove one 3 hour block of ethics and replace it with a 6 hour block of What Every Licensee Should Know.

Commissioner Johnson seconded for discussion.

After discussion Commissioner Sykes withdrew his motion in favor of adding the topic to the November meeting workshop...

President Boyer discussed the definition of "rural area" as stated in R093-10.

Teresa McKee, Nevada Association of Realtors, supported the definition be stated as within a hundred miles of a city whose population is 40,000 or more.

Commissioner Gurr moved the following language change on section 7; replace “an area” with “rural area means any area which is more than 100 miles from a city of the state whose population is 40,000 or more”. Commissioner Johnson seconded. Motion carried.

Gail Anderson commented that language in section 3 needed to be changed throughout where it says “must provide Division with a copy of the certificate of completion” and use “proof of completion”.

Commissioner Sykes moved to change the language in section 3. Commissioner Gurr seconded. Motion carried.

### **Discussion of R003-10**

President Boyer suggested that language in section 3 needed to be changed where it says “copy of the certificate of completion” and use “proof of completion”.

Gail Anderson stated that this should be left as it is at this time.

### **Discussion of R157-08**

President Boyer referred to a written statement from a licensee, who is also an education provider, supporting discreet post licensing classes to enable licensees to take only certain modules of course packages, when needed.

Discussion ensued concerning the validity of taking individual modules from different vendors and whether or not educators should be required to offer discreet classes.

M) Discussion and possible action concerning proposed meeting schedule for calendar year 2012.

The calendars were not ready, so discussion tabled until the next meeting.

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

Discussion postponed until the next meeting.

## **10. PUBLIC COMMENT**

President Boyer called for public comments. There were none.

President Boyer called for comments from the Commissioner.

Commissioner Gurr commented on the respondent who asked for advice on how to find out about the law, stating that perhaps there should be somewhere within the Real Estate Division to point people in the right direction, without giving an actual legal opinion.

Commissioner Murad requested that foreclosure auctions be put on the agenda for the next meeting.

President Boyer adjourned the meeting at 9:52 a.m.