

REAL ESTATE COMMISSION  
April 17, 2012

Gaming Control Board  
1919 College Parkway  
Carson City, NV 89706

VIDEO CONFERENCE TO:  
Bradley Building  
2501 E. Sahara Avenue  
3<sup>rd</sup> Floor Insurance Conference Room  
Las Vegas, NV 89104

## MINUTES

Meeting started at 8:45 a.m.

### **1. COMMISSION/DIVISION BUSINESS**

#### A) Introduction of Commissioners in Attendance

Bert Gurr, Elko County, Richard Johnson, Washoe County; Marc Sykes, Washoe County;  
David Boyer, Clark County and Sarah Bradley, Deputy Attorney General, as Commission Counsel

### **2. PUBLIC COMMENT**

None.

### **3. COMMISSION/DIVISION BUSINESS**

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

In Carson City: Gail Anderson, Administrator; Steve Aldinger, Deputy Administrator; Jan Holle, Chief Compliance Investigator; Kip Steele, Compliance Audit Investigator; Joanne Gierer, Legal Administrative Officer; Linda Chavez, Compliance Audit Investigator; Harry Ward, Deputy Attorney General and Kimberly Arguello, Senior Deputy Attorney General

In Las Vegas: Rebecca Hardin, Commission Coordinator; Susan Clark, Licensing Manager; Safia Anwari, Education Officer; Chad Freeman, Publication Writer and Christopher Eccles, Deputy Attorney General

#### E) Discussion and possible action to approve minutes of the February 14-16, 2012 meeting

The February 14-16 minutes were not available.

#### H) Discussion and possible action regarding revisions to the course and instructor evaluation forms, 612A and 612B, prescribed by the Division pursuant to NAC 645.444.

Safia Anwari, Education Officer, summarized the report and stated that the forms, as revised, met the NAC 645 standards for course content, presentation, and instruction requirements.

A) Discussion regarding Attorney General Case Status Report

Sarah Bradley, Deputy Attorney General, did not have a written report, but gave an oral summary, as follows. There were 77 cases being referred to the Attorney General's office. Of those 77, 16 were scheduled for the meeting in session, leaving 61 cases to be heard in upcoming meetings. There was one case pending judicial review.

In answer to Commissioner Gurr's question, Ms. Bradley stated that the case of Anna Lord and Edward Lord was pending judicial review.

Commissioner Gurr asked Ms. Bradley to read the summary of the Lord case.

President Boyer swore in the court reporter.

## 5 DISCIPLINARY ACTION

Harry Ward, Deputy Attorney General, requested a continuance for the following cases:

2. NRED v. Lori Bottari  
Case No. REN 10-04-03-058
13. NRED v. Kim Ilene Grist  
Case No. REN 11-08-01-007
15. NRED v. Barbara A. Nelson  
Case No. REN 11-09-05-018

**1. NRED v. Robin L. Benjamin**  
**Case No. REN 10-05-01-061**

The respondent was not present or represented by counsel.

Harry Ward was present on behalf of the Division.

Mr. Ward stated that he had a Voluntary Surrender to present to the Commission.

Mr. Ward read the Voluntary Surrender in Lieu of Other Disciplinary Action signed by the Respondent.

Commissioner Johnson moved to accept the Voluntary Surrender. Commissioner Sykes seconded. Motion carried unanimously.

3. **NRED v. Jennifer L. Capurro**  
**Case No. REN 11-10-01-020**
4. **NRED v. Jennifer L. Capurro**  
**Case No. REN 11-11-06-031**

Commissioner Sykes recused himself from this case.

The Respondent was present.

The Respondent's brokers, Kevin Sigstad and Amy Lessinger, were present.

Harry Ward was present on behalf of the Division.

The Respondent was sworn in.

Mr. Ward read the Factual Allegations for both cases.

The Respondent agreed with the Factual Allegations.

Harry Ward submitted exhibits, without objection.

Mr. Ward asked for a finding that the Respondent had accepted liability, as to facts.

Commissioner Johnson moved to accept the facts as submitted as true. Commissioner Gurr seconded. Motion carried unanimously.

Mr. Ward read the Violations of Law into the record.

The Respondent agreed to the Violations of Law.

Commissioner Gurr to accept the Violations of Law, as presented. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward had no closing statement.

Ms. Capurro made her statement.

Jan Holle, Chief Compliance Investigator, stated the Division recommended \$13,500 in administrative fines, plus hearing and investigation costs of \$1,726.65, payable within 90 days of the effective date of the order. 12 hours of continuing education to include 6 hours of What Every Licensee Should Know and 6 hours of Ethics, to be completed within 6 months of the effective date of the order. The hours will not count toward license renewal.

Commissioner Gurr moved to reduce the fine to \$5,000. Commissioner Johnson seconded.

President Boyer made a friendly amendment to the motion to allow the Respondent an installments plan.

The amended motion was a fine of \$5,000, plus costs of \$1,726.65, with the total of \$6,726.65 payable in 12 monthly installments with the first due within 30 days of the date of the order. 12 hours of continuing education to include 6 hours of What Every Licensee Should Know and 6 hours of ethics, to be completed within 6 months, not to be counted toward license renewal. Motion carried unanimously.

**7. *NRED v. Eddie Dorantes***  
***Case No. RES 12-10-16-112***

The respondent was present, but not represented by counsel.

The respondent's broker, Dave Madam, was present.

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

Mr. Eccles admitted bate-stamped documents numbered 1 – 63 into evidence.

Mr. Dorantes agreed to have the documents admitted.

Mr. Eccles stated, for the record, that he had a conversation with Mr. Dorantes before the hearing and explained his rights to him, specifically his right to be represented by an attorney and his right to a full and fair hearing before the Commissioners who would be neutral with respect to the hearing. Mr. Eccles further stated that Mr. Dorantes indicated that he understood his rights and wanted to proceed.

The Respondent was sworn in and agreed to proceed without counsel.

Mr. Eccles stated that the Respondent was not contesting anything in the complaint.

Mr. Eccles read the Factual Allegations and the Violations of Law.

The Respondent agreed with the Violations of Law.

Commissioner Sykes moved that the State had proven the Factual Allegations and Violations of Law. Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle, Chief Compliance Investigator, stated the Division recommended revocation of the Respondent's salespersons license, effective on the date of the order.

Commissioner Sykes moved to revoke the Respondent license. Commissioner Johnson seconded. Motion carried unanimously.

**12. NRED v. Randy Frost**  
**Case No. REN 11-11-11-036**

The Respondent was not present, but was represented by counsel, Scott Gronek.

The Respondent's broker, Lyle Martin, was present.

Harry Ward was present on behalf of the Division.

Mr. Ward stated that he had a Voluntary Surrender to present to the Commission.

Mr. Ward read the Voluntary Surrender and Stipulation for Settlement.

Settlement:

- Voluntary surrender of license.
- \$2,500 in administrative fines, payable within 30.

Commissioner Sykes moved to accept the Stipulation, as presented. Commissioner Johnson seconded. Motion carried unanimously.

**6. 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 **ROBIN FRASER, FILE No. S-LDA-12-002** and why applicant should or should not be granted a license.
- B. Discussion in closed session.
- C. Discussion and possible action in open session.

The Respondent was present.

Commissioner Sykes moved to close the hearing.

The rooms in Carson City and Las Vegas were cleared.

The Respondent was sworn in.

Commissioner Sykes moved to reopen the hearing.

Commissioner Sykes moved to grant the appeal. Commissioner Gurr seconded. Motion carried unanimously.

### 3. COMMISSION/DIVISION BUSINESS

K) Discussion and possible action regarding Respondent's petition to reconsider Commission's Order.

#### 2. NRED v. Kevin D. Littles

**Case No. RES 09-12-12-218**

Effective Date of Order: October 18, 2010

License No. S.0078045 – Suspended for failure to comply with Real Estate Commission Order

The Respondent was present, but not represented by counsel.

The Respondent's broker was not present.

The Respondent was sworn in.

The Respondent stated his case for reinstatement.

After discussion, it was decided that the Commission or the Division could not alter the terms or amount of the Respondent's suspension, because it had been turned over to collection. The suspension could be lifted once the entire amount was paid.

### 5 DISCIPLINARY ACTION

#### 5. NRED v. Karen Chapon aka Karen Hannafious

**Case No. REN 11-03-01-052**

Commissioner Sykes recused himself.

The Respondent was present, but was not represented by counsel.

Harry Ward was present on behalf of the Division.

The Respondent was sworn in.

Mr. Ward read the Factual Allegations and Violations of Law.

Ms. Chapon had no objections to admission of exhibits.

Ms. Chapon agreed to Factual Allegations and Violations of Law as read into record.

Commissioner Gurr moved that the State had proven the Factual Allegations and Violations of Law.

Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle, Chief Compliance Investigator, stated the Division recommended \$5,000 in administrative fines, plus hearing and investigation costs of \$590.15, payable within 90 days of the effective date of the order.

Ms. Chapon made a statement.

Commissioner Gurr moved to accept the State's recommendation. Commissioner Johnson seconded.

Motion carried unanimously.

**6. NRED v. Karen Hannafious aka Karen Chapon  
Case No. REN 10-03-02-051**

Harry Ward read the Factual Allegations and Violations of Law

The Respondent agreed to some of the allegations.

Commissioner Gurr moved to accept Factual Allegations 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, and 14 as proven. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward called Kip Steele, Compliance Audit Investigator.

Mr. Steele was sworn in and answered questions from Mr. Ward, concerning exhibit 2 for Allegation 4 and exhibit 4 for Allegation 8.

Ms. Chapon had no questions for Mr. Steele.

The matter was recessed until after the lunch break.

**PUBLIC COMMENT:**

Amy Lessinger made a comment about Jennifer Capurro's testimony.

Commissioner Sykes explained why he recused himself from Chapon/Hannfious case.

Lunch break 11:50 a.m. – 1:00 p.m.

**5. DISCIPLINARY ACTION**

**6. NRED v. Karen Hannafious aka Karen Chapon... continued  
Case No. REN 10-03-02-051**

Harry Ward submitted exhibits 1 – 8 and asked for them to be marked.

The Respondent had no objections to the exhibits.

Mr. Ward questioned the Respondent about her objection to the two disputed items.

Ms. Chapon responded to the questions.

The Respondent stated her case as to why Factual Allegations 4 and 8 were not true.

The Respondent was questioned by the Commission.

Mr. Ward made his closing statement.

Ms. Chapon did not have a closing statement.

Commissioner Gurr moved that the State failed to prove Factual Allegation 4. Commissioner Johnson seconded. Discussion ensued. Motion failed unanimously.

Commissioner Gurr moved to strike the words “on behalf of owners”, so the restated Factual Allegation # 4 read as follows: *“It is alleged that Respondent, Karen Hannafious a.k.a. Karen Chapon, d/b/a Tahoe MBNA Management (MBNA), was conducting short term leasing/renting of Nevada property without being licensed for such activity by the Division .Commissioner Johnson seconded. Motion carried unanimously.”*

Commissioner Gurr moved that the revised Factual Allegation #4 was proven. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward addressed the Violations of Law.

Commissioner Johnson moved that the Violations of Law had been proven. Commissioner Gurr seconded. Motion carried unanimously.

Jan Holle stated the Division recommended \$5,000 in administrative fines, plus hearing and investigation costs of \$857.58, payable within 180 days of the effective date of the order.

Commissioner Johnson moved to accept the State's recommendation. Commissioner Gurr seconded. Discussion ensued.

Commissioner Gurr moved to amend the motion to reduce fine to \$2,500 plus cost. Commissioner Johnson accepted the restated of motion. Motion carried unanimously.

### **3. COMMISSION/DIVISION BUSINESS**

K) Discussion and possible action regarding Respondent's petition to reconsider Commission's Order.

#### **1. NRED v. Ma Lourdes Cruz**

**Case No. RES 09-06-23-386**

Effective date of Order: October 15, 2010.

License No. S.0050225 – Suspended for failure to comply with Real Estate Commission's Order.

The Respondent was present, but not represented by counsel.

It was determined after discussion that the Commission cannot alter the amount and conditions of the fine, because it had been turned over to collection. Furthermore, there is no statute that allows for a temporary license. Request was denied.

### **5. DISCIPLINARY ACTION**

#### **8. NRED v. Leo M. Dupree**

**Case No. RES 12-11-20-150**

Commissioner Gurr revealed, for the record, that he knew the respondent, but did not recuse himself.

Commissioner Johnson revealed, for the record, that he knew the respondent, but did not recuse himself.

President Boyer revealed, for the record, that he knew the respondent, but did not recuse himself.

The respondent was not present or represented by counsel.

Kimberly Arguello was present on behalf of the Division.

Joanne Gierer, Legal Administrative Officer was sworn in and testified regarding service of notice.

Ms. Arguello asked for a finding that the Respondent was properly served in this matter.

Commissioner Sykes moved the State had proven service and by extension and by statute that the State has also proven the Factual Allegations and Violations of Law in this case. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Arguello read the Factual Allegations and Violations of Law.

Jan Holle stated the Division recommended \$160,000 in administrative fines, plus hearing and investigation costs of \$2,001.65, payable within 30 days of the effective date of the order; plus revocation of the license. Commissioner Sykes moved to accept the State's recommendation. Commissioner Johnson seconded. Motion carried unanimously.

**9. *NRED v. Margaret Eggenberger***  
***Case No. REN 09-02-04-033***

The respondent was not present or represented by counsel.

Harry Ward was present on behalf of the Division.

Joanne Gierer testified regarding service of notice.

Mr. Ward asked for a finding that the Respondent was properly served in this matter.

Commissioner Sykes moved the State had proven service and by extension and by statute that the State had also proven the Factual Allegations and Violations of Law. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward read the Factual Allegations and Violations of Law.

Mr. Ward submitted exhibits 1 – 5, with no objections.

Jan Holle stated the Division recommended \$6,265.60 in administrative fines, plus hearing and investigation costs of \$576.63, payable within 30 days of the effective date of the order.

Commissioner Johnson moved to accept the State's recommendation. Commissioner Gurr seconded. Motion carried unanimously.

**11. *NRED v. Barbara Frolich***  
***Case No. REN 11-08-06-012***

The Respondent was present via telephone, but was not represented by counsel.

Harry Ward was present on behalf of the Division.

The Respondent was sworn in.

Mr. Ward read the Factual Allegations.

Ms. Frolich stated that she did not know she was breaking any laws, but conceded to the Factual Allegations.

Mr. Ward read the Violations of Law.

Ms. Frolich stated that she did not know she was breaking any laws, but conceded to the Violations of Law.

Mr. Ward submitted exhibits, without objection.

Commissioner Sykes moved to accept the Factual Allegations and Violations of Law. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Frolich made a statement.

Jan Holle, Chief Compliance Investigator, stated the Division recommended \$1,200 in administrative fines, and would be agreeable to a payment plan.

Commissioner Johnson moved to reduce the fine to \$400, payable in monthly installments of \$40. Commissioner Gurr seconded. Motion carried unanimously.

**10. NRED v. Kevin J. Elliott**  
**Case No. REN 10-09-08-025**

The respondent was not present or represented by counsel.

Harry Ward was present on behalf of the Division.

Joanne Gierer testified regarding service of notice.

Mr. Ward asked for a finding that the Respondent was properly served in this matter.

Commissioner Sykes moved the State had proven service and by extension and by statute that the State has also proven the Factual Allegations and Violations of Law. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward read the Factual Allegations and Violations of Law.

Mr. Ward submitted exhibits 1, 2, and 3, with no objections.

Jan Holle stated the Division recommended \$25,000 in administrative fines, plus hearing and investigation costs of \$517.15, payable within 90 days of the effective date of the order; plus revocation of license.

Commissioner Sykes moved to accept the State's recommendation. Commissioner Johnson seconded. Motion carried unanimously.

**16. NRED v. Jimmy Rodriguez**  
**Case No. REN 10-06-03-070**

The Respondent was not present or represented by counsel.

The Respondent's broker, Vincent A. Rossi, was present.

Harry Ward was present on behalf of the Division.

Joanne Gierer testified regarding service of notice.

Mr. Ward asked for a finding that the Respondent was properly served in this matter.

Commissioner Sykes moved the State had proven service and by extension and by statute that the State has also proven the Factual Allegations and Violations of Law. Commissioner Johnson seconded. Motion carried unanimously.

Mr. Ward read the Factual Allegations and Violations of Law.

Mr. Ward submitted exhibits 1 – 11, with no objections.

Jan Holle stated the Division recommended revocation of the Respondent's expired license.

Commissioner Johnson moved to accept the Division's recommendation of license revocation. Commissioner Sykes seconded. Motion carried unanimously.

Sarah Bradley, Deputy Attorney General, was replaced by Kimberly Arguello, Senior Deputy Attorney General, as Commission Council.

**14. NRED v. Nancy Kam for possible action  
Case No. REN 10-12-02-046**

The Respondent was not present or represented by counsel.

Sarah Bradley, Deputy Attorney General, was present on behalf of the Division.

Ms. Bradley read the Stipulation for Factual Allegations, Settlement Facts that were not in the complaint, Violations of Law, and Settlement of Disciplinary Action.

**Settlement:**

\$10,000 in administrative fines, paid within 1 year of the effective date of the Commission's order approving stipulation, in four payments of \$2,500, as follows.

- First payment of \$2,500, due within 30 days
- Second payment of \$2,500, due within 90 days
- Remaining two payments of \$2,500, payable every 90 days thereafter.

Ms. Bradley confirmed that the settlement was signed by Ms. Kam, dated April 16, 2012.

Commissioner Johnson moved to accept the Stipulated Settlement. Commissioner Gurr seconded. Motion carried unanimously.

**8. Public Comments**

Jim Morris, Broker, Lake Tahoe Accommodations, stated that he had filed the original complaint on the Hannifious/Chapon case. He expressed his disappointment on the outcome of case. He commented on the evidence he had provided the Division of Ms. Hannifious/Chapon's activities.

The meeting was recessed at 4:08 p.m.

REAL ESTATE COMMISSION  
April 18, 2012

Legislative Building  
401 South Carson Street  
Room 2135  
Carson City, NV 89701

VIDEO CONFERENCE TO:  
Grant Sawyer Building  
555 East Washington Avenue  
Room 4401  
Las Vegas, NV 89101

## MINUTES

Meeting started at 8:37 a.m.

### **1. COMMISSION/DIVISION BUSINESS**

#### A) Introduction of Commissioners in Attendance

Paul Murad, Clark County; Richard Johnson, Washoe County; Bert Gurr, Elko County; Marc Sykes, Washoe County; David Boyer, Clark County and Sarah Bradley, Deputy Attorney General as Commission Counsel

### **2. PUBLIC COMMENT**

None.

### **1. COMMISSION/DIVISION BUSINESS**

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

In Carson City: Gail Anderson, Administrator; Steve Aldinger, Deputy Administrator; Joanne Gierer, Legal Administrative Officer; Donna Proper, Energy Inspector Program Officer and Kimberly Arguello, Senior Deputy Attorney General

In Las Vegas: Jan Holle, Chief Compliance Investigator; Susan Clark, Licensing Manager; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Chad Freeman, Publication Writer and Rebecca Hardin, Commission Coordinator

### **3. COMMISSION/DIVISION BUSINESS**

#### B) Discussion regarding the Disciplinary Report

Joanne Gierer, Legal Administrative Officer, summarized the Disciplinary Report.

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

Jan Holle, Chief Compliance Investigator summarized the Compliance Caseload Report.

D) Discussion regarding the Administrative Sanction Report

The Administrative Sanction Report was not available for review.

F) Discussion regarding Administrator's report on:

1. Property Manager Survey Results

Steve Aldinger, Deputy Administrator, gave the summary report on the Property Management Survey Results. The objectives of the survey were to determine the number of brokers who hold property management permits, but do not manage properties, and how many brokers who do not hold a permit, but do engage in property management, through a designated property manager. 71% of the brokers responded.

President Boyer recessed the Real Estate Commission hearing to open the scheduled workshop.

#### 4. WORKSHOP:

**A) 04/18/2012 @ 9:00 a.m. REGULATION WORKSHOP FOR LCB FILE No. R157-08:**

Workshop conducted 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;
- < Authorizing 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;
- < Revises the definition of "school" and providing a definition of "sponsor" for the purposes of provisions governing educational requirements for applicants for and holders of a license, permit, certificate or registration issued by the Division;
- < Revises the educational requirements for the renewal of a license of a real estate broker, real estate broker-salesperson and real estate salesperson whose license has been placed on inactive status; and
- < Providing other matters properly relating thereto.

Introduction of Commissioners in Attendance

Paul Murad, Clark County; Richard Johnson, Washoe County; Bert Gurr, Elko County,; Marc Sykes, Washoe County; David Boyer, Clark County and Sarah Bradley, Commission Counsel

Introduction of Division staff in Attendance

In Carson City: Gail Anderson, Administrator; Steve Aldinger, Deputy Administrator; Joanne Gierer, Legal Administrative Officer; Donna Proper, Energy Inspector Program Officer and Kimberly Arguello, Senior Deputy Attorney General

In Las Vegas: Susan Clark, Licensing Manager; Safia Anwari, Education Officer; Chad Freeman, Publication Writer; Ingrid Trillo, Education Program Officer and Rebecca Hardin, Commission Coordinator

President Boyer read the procedure for the hearing and proceeded to read changes to each section, calling for comments after each.

- Section 1:** No changes.
- Section 2:** President Boyer read the changes. No comments.
- Section 3:** President Boyer read the changes. No comments.
- Section 4:** President Boyer read the changes. No comments.
- Section 5:** President Boyer read the changes.

President Boyer asked at what point the Division would be in a position to start accepting the sponsor’s submissions online

Gail Anderson responded it should be by the end of the calendar year, but not in the current fiscal year.

President Boyer stated that we had to be careful about not making this a part of the Nevada administrative code until we could actually accept them electronically.

Gail Anderson – we can accept them, as soon as this becomes effective and I not too worried about the timeframe, given that it takes several months even after you adopt to get it approved into law. We can accept the electronic files. We’ll then be ready to do the uploading when we’re able to put them into the system, so I don’t think we have a conflict there that it will be a problem for us to accept it.

- Section 6:** President Boyer read the changes. No comments.

Commissioner Gurr pointed out the pronoun in Section 1 was not gender neutral.

- Section 7:** President Boyer read the changes. No comments.
- Section 8:** President Boyer read the changes. No comments.
- Section 9:** President Boyer read the changes.

President Boyer commented that the elimination of Section 9(3) seemed to remove any out-of-state university from the definition of school.

Gail Anderson responded that item #1 in Section 9 addressed any other university, not just part of the Nevada system of higher education that bears an accreditation. She explained the intent of eliminating Section 9(3).

Commissioner Gurr asked for clarification of his understanding that if a school is not approved by the Commission on Post-Secondary Education, even though it might be approved by a Real Estate Commission somewhere, it cannot operate in the state of Nevada.

Ms. Anderson explained that schools could not operate and market in Nevada without the approval of both the Commission on Post-Secondary Education and the Nevada Real Estate Commission. It did not mean that the Licensing section would not accept a pre-licensing certificate from that school. The school just couldn’t market or operate in Nevada.

- Section 10:** President Boyer read the changes. No comments.
- Section 11:** President Boyer read the changes. No comments.
- Section 12:** President Boyer read the changes. No comments.

**Section 13:** President Boyer read the changes. No comments.

**Section 14:** Gail Anderson read and explained the changes. No comments.

**Section 15(1-5):** Gail Anderson read and explained the changes.

President Boyer and Commissioner Gurr asked for clarification by citing specific situations and inquiring what the continuing education requirements would be to reinstate the license.

Ms. Anderson addressed specific scenarios, and explained the requirements stated in Section 15(4)(b).

**Section 15(6):** President Boyer read the changes.

Commissioner Gurr questioned why this had listed each type of licensee instead of just saying “if a real estate licensee wishes to renew his or her permit to engage in business”.

Ms. Anderson state that we could ask LCB to do that, because this was their drafting.

**Section 15(7-8):** President Boyer read new sub-sections. No comment

Commissioner Murad suggested 12 hours of education every year, instead of 24 hours every two years.

Ms. Anderson, referring to the business broker, stated that it would be appropriate to add to this file a similar paragraph for a property management.

**Section 16:** President Boyer read the changes. No comments.

**Section 17:** President Boyer read the changes.

Commissioner Murad asked about adding one line at this point to include the 12-month requirement.

President Boyer replied that a change there would entail other changes and could result in the necessity of a complete rewrite. He suggested that Commissioner Murad bring it up as a separate LCB item.

Commissioner Sykes, asked for clarification on the line that was stricken, in Section 17(1), asking what happens to the continuing education credits, if someone takes the same course twice in a renewal period.

Ms. Anderson stated, with this verbiage removed from law, there would be no limitation on repeating a class.

Commissioner Sykes asked for clarification on post-licensing for first-time licensees.

Ms. Anderson replied that first-time licensees, that are required to have post-licensing, have to take 30 hours in the first year and 12 hours in the second year.

Susan Clark questioned Section 17(1), where it says four years to satisfy the requirements for renewal and in the suggested amendments in Section 15 where the statement was put in that education must be completed within two years of reinstatement, application date. She had some concern on the four-year mark, because there were also two-year increments.

Ms. Anderson replied that they would have to look at it to see if this statement still applies.

The workshop was closed at 10:30 a.m.

### **3. COMMISSION/DIVISION BUSINESS**

F) Discussion regarding Administrator's report on:

2. Association of Real Estate License Law Officials (ARELLO) District 4 Meeting and Mid-Year Meeting in Austin, Texas, April 11-14, 2012

Gail Anderson summarized her experience at the ARELLO meetings. The major recurring themes at the District 4 meeting were short sale issues, including loan modification issues; property management, and unlicensed activity. The Mid-Year meeting was primarily focused on the workgroup and committee work that is an ongoing activity.

3. Status of Division's server and software up-grades

Gail Anderson summarized the progress in server and software upgrades. We have begun testing the upgraded version. It was anticipated that we would switch over to the virtual server in somewhere around the end of the fiscal year, late June or early July.

4. Personnel

Gail Anderson stated that there were no vacancies in the Real Estate Administration section, but there was an opening in the Education section.

### **7. EDUCATION FOR POSSIBLE ACTION:** 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
2. Change designation of any of the courses.

### **DISCUSSION AGENDA EDUCATION COURSES**

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

#### 1. Reno/Sparks Association of REALTORS

"Buyer Representation & Real Estate Contracts"

**Request:** 4 Hours Classroom

**Modules:** (a) Real Estate Contracts, including the Writing and Presenting of a Purchase Agreement and Qualifying Prospects.

(d) Buyer Representation, Including the Buyer's Brokerage Contract, Statutory Duties, Disclosures, Cooperation Between Agents and New-Home Tracts

#### 2. Reno/Sparks Association of REALTORS

"Listing Process & Negotiations"

**Request:** 4 Hours Classroom

**Modules:** (b) The listing process, Marketing Analysis and Inspections

(n) Negotiation

#### 3. Reno/Sparks Association of REALTORS

"Communications & Property Management"

**Request:** 4 Hours Classroom

**Modules:** (c) Communication, Technology and Records Management, Including Time Management, Goals Setting and Devising a Plan of Action

(k) Property Management and The Management of Common-Interest Communities

4. Reno/Sparks Association of REALTORS  
 “Professional Conduct & Advertising”  
**Request:** 4 Hours Classroom  
**Modules:** (e) Professional Conduct, Etiquette and Ethics  
 (f) Including Regulation Z of the Truth in Lending Act of the Federal Trade Commission Issued by the Board of Governors of the Federal Reserve System, 12 C.F.R. Part 226, Fair Housing, the Multiple-Listing Service, Internet Websites and Electronic Mail
5. Reno/Sparks Association of REALTORS  
 “Proceeds of Sale & Land”  
**Request:** 4 Hours Classroom  
**Modules:** (g) Proceeds of sales, Costs of Sale and Cost Sheets  
 (i) Land
6. Reno/Sparks Association of REALTORS  
 “Agency Relationships”  
**Request:** 3 Hours Classroom  
**Modules:** (h) Agency Relationships
7. Reno/Sparks Association of REALTORS  
 “Regulatory Disclosures, Disclosures Required By Federal, State and Local Governments”  
**Request:** 3 Hours Classroom  
**Modules:** (j) Regulatory Disclosures, Including Disclosures Required by Federal, State and Local Government
8. Reno/Sparks Association of REALTORS  
 “Escrow, Title and Closing Process”  
**Request:** 3 Hours Classroom  
**Modules:** (l) Escrow, Title and Closing Process
9. Reno/Sparks Association of REALTORS  
 “Financing & Tax Opportunities”  
**Request:** 4 Hours Classroom  
**Modules:** (m) Financing  
 (o) Tax Opportunities and Liabilities Related to the Client

**NEW REAL ESTATE CONTINUING EDUCATION COURSES**

10. Dague, Jimmy  
 “Ethics and Negotiating – Did You Cross the Line?”  
**Request:** 3 Hours Ethics Classroom
11. Dague, Jimmy  
 “Agency Negotiations – Do You Work For Your Client? Prove It!”  
**Request:** 3 Hours Agency Classroom
12. Dague, Jimmy  
 “NAR’s E-Pro”  
**Request:** 7 Hours General Classroom

13. Dague, Jimmy  
 “Resort and Second Home Markets Course”  
**Request:** 7 Hours General Classroom
14. Greater Las Vegas Association of REALTORS®  
 “Advanced Market Analysis for Commercial Real Estate”  
**Request:** 3 Hours Personal Development Classroom
15. Greater Las Vegas Association of REALTORS®  
 “Clash of the Investment Titans – IRR vs. NPV”  
**Request:** 3 Hours Personal Development Classroom
16. Greater Las Vegas Association of REALTORS®  
 “Residential Real Estate Financial Analysis”  
**Request:** 6 Hours General Classroom
17. Greater Las Vegas Association of REALTORS®  
 “A Study of Ethics”  
**Request:** 3 Hours Ethics Classroom
18. Greater Las Vegas Association of REALTORS®  
 “The Code of Ethics: Our Promise of Professionalism”  
**Request:** 3 Hours Ethics Classroom
19. First American Title’s Eagle U  
 “Asset Protection: What Realtors Need to Know”  
**Request:** 3 Hours General Classroom
20. First American Title’s Eagle U  
 “Short Sale Savvy: Legal Perspective of Success”  
**Request:** 3 Hours Law & Legislation Classroom
21. First American Title’s Eagle U  
 “Financially Distressed Property Options in Nevada: An Overview & Legislative Update”  
**Request:** 3 Hours Law & Legislation Classroom
22. The CE Shop, Inc.  
 “Nevada 2011 Legislative Update”  
**Request:** 3 Hours Law & Legislation Internet
23. The CE Shop, Inc.  
 “At Home with Diversity”  
**Request:** 8 Hours General Internet
24. The CE Shop, Inc.  
 “Real Estate Marketing Reboot: Innovate > Relate > Differentiate”  
**Request:** 6 Hours General Internet
25. The CE Shop, Inc.  
 “RPR: Real-Time Data, Market Knowledge, Informed Customer”  
**Request:** 3 Hours General Internet
26. Key Realty School LLC  
 “Nevada Legal Update 4”  
**Request:** 3 Hours Law & Legislation Classroom

27. Key Realty School LLC  
 “Disclosures and Agency Relationships”  
**Request:** 3 Hours Agency Classroom
28. Key Realty School LLC  
 “Nevada Purchase Contracts”  
**Request:** 3 Hours Contracts Classroom
29. Key Realty School LLC  
 “Evaluating the Code of Ethics”  
**Request:** 3 Hours Ethics Classroom
30. Barrett & Co. Inc.  
 “Client Safety – Keeping Your Client (and You) Safe”  
**Request:** 3 Hours General Classroom
31. Barrett & Co. Inc.  
 “Home 4 Work”  
**Request:** 3 Hours General Classroom
32. Americana Real Estate Academy  
 “La Nueva Epoca En Financiamiento Hioptecario”  
**Request:** 3 Hours General Classroom
33. Training.com, Inc.  
 “Community Ethics”  
**Request:** 3 Hours Ethics Internet
34. The Lipsey Company  
 “Systems for Success”  
**Request:** 12 Hours General Classroom
35. Still Training, LLC  
 “Residential Investment Property Analysis”  
**Request:** 6 Hours General Classroom
36. Schwartz, Neil  
 “Professionalism and Ethics Go Hand in Hand”  
**Request:** 3 Hours Ethics Classroom
37. Society of Industrial & Office Realtors  
 “2012 SIOR Spring World Conference”  
**Request:** 5 Hours General Classroom
38. American Real Estate Educators  
 “Distressed Properties Professional Designation”  
**Request:** 9 Hours General Classroom
39. Earth Advantage Institute  
 “Sustainability Training for Accredited Real Estate Professionals (S.T.A.R.)”  
**Request:** 12 Hours General Classroom
40. Nova Home Loans  
 “FHA Compliance and the 203K Mortgage”  
**Request:** 3 Hours Law & Legislation Classroom

41. Ben C. Scheible Seminars  
 “The New Faces of Foreclosure in Nevada”  
**Request:** 3 Hours General Classroom
42. Rocky Mountain Land Use Institute  
 “The Wilderness City: Nature, Culture, and Economy in the Next West”  
**Request:** 6 Hours General Classroom

President Boyer recused himself from items 15, 16, 17, and 18.

Commissioner Sykes pulled items 12, 15, 20, 21, 23, 24, 31, 34, 39, 40.

Commissioner Gurr recused himself from items 1-9.

Commissioner Sykes moved to approve items 1-9. Commissioner Johnson seconded. Motion carried. Commissioner Gurr did not vote.

Commissioner Sykes moved to approve items 10, 11, 13, 14, 19, 22, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 41, and 42. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved to approve items 16, 17, and 18. Commissioner Gurr seconded. Motion carried. President Boyer did not vote.

### **Item 12**

Desiree Stevens spoke for the sponsor of item 12, requesting that the course remain at 7 hours of General education, not 3 hours of Personal Development as recommended by the Division.

Ingrid Trillo, Education Program Officer, stated that this course was about social networking, which is not a part of our standards at this time and that’s why they were recommended for Personal Development. Personal Development is only allowed 3 hours. This a certification course for NAR. There are a lot of national organizations out there presenting a lot of those classes to us. There are only 3 people in Nevada who contracted to teach an NAR course, so once you have it approved in one format, they need to stay consistent, because it is the same course.

Commissioner Sykes confirmed that the course was designated as Personal Development because it didn’t meet the statutory requirements for any of the other categories. Because it was re-designated as Personal Development by statute in the state of Nevada, the most it can be offered for is 3 hours.

Ms. Stevens noted that the course was a 7 hours and nationally delivered.

Commissioner Johnson confirmed that if the course was approved as recommended that the course would be 7 hours, but only 3 credits would be earned.

Gail Anderson commented on the standards for courses, which have to do with the more technical aspects of the practice of real estate, not the business, and operation, and marketing side of it.

Ms. Stevens stated that it was important to have the course as 7 hours general, because it was about the business; not just marketing.

Commissioner Sykes moved to approve education item # 12 for 3 hours of Personal Development, based on the statutory guidelines. Commissioner Gurr seconded.

The Commissioners discussed the need for this type of course, interpretation of the existing administrative code, and how it might need to be changed.

President Boyer called for a vote. Motion failed unanimously.

Commissioner Gurr moved to accept the course for 7 hours of general education in the classroom. Commissioner Sykes seconded. Motion carried unanimously.

Ms. Trillo asked if other approved classes with the same title should be changed back to 7 hours of General Education.

President Boyer replied that it would have to be on a case by case basis.

### **Item 15**

Commissioner Sykes moved to approve item 15; subject to a brief explanation by staff. Commissioner Johnson seconded. Motion carried. President Boyer did not vote.

Commissioner Sykes moved for approval of item 20, asking why this should be Contracts; not Law and Legislation. Commissioner Gurr seconded.

Ingrid Trillo explained that less than one-third of the class was law. It was more contracts, as a process of short sales. The title company teaching the course has accepted the recommendation for change.

President Boyer called for a vote. Motion carried unanimously.

Commissioner Sykes moved to approve items 21, 23, 24, 31, 34, 39, and 40. Commissioner Gurr seconded. Motion carried unanimously.

### **3. COMMISSION/DIVISION BUSINESS**

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

President Boyer asked Commissioner Murad if he had a motion on the issue he brought up during the workshop.

Commissioner Murad stated that he actually didn't have a motion, but wanted to have a discussion on the subject at a later time.

Commissioner Sykes stated that he would rather deal with the issue now and asked Commissioner Murad to go ahead and make motion.

President Boyer stated that if Commissioner Murad did not want this added to R157-08, there is no concern about having the discussion in the future.

Commission Council stated that the matter at hand was only the regulation under consideration. If Commissioner Murad wanted to amend that document, a motion would be required at that time. If not, the subject would have to be added to the agenda of a future meeting.

Commissioner Sykes moved to accept LCB File R157-08, with the amendments, as proposed by the Administrator and staff. Commissioner Sykes seconded. Motion carried unanimously

President Boyer introduced discussion of LCB File R003-10 and asked if an additional workshop was needed, yet.

Commission Counsel stated that the law does not require more than one workshop. Before the regulation is adopted, there would be a public hearing and it would be noticed. Everyone would have the new draft to review. It would be sent to all interested parties. The people could come and comment at the public hearing, where Commission could consider all of the comment received before adopting the regulation. The public would have additional time to submit written and/or verbal comments.

President Boyer stated that perhaps we are in a position to set this for public hearing and adoption at the June commission hearing.

Commissioner Sykes asked Teresa McKee, Nevada Association of Realtors, to comment.

Gail Anderson stated that this had been workshopped more than once. This is an LCB draft.

Joanne Gierer stated that it was an agency draft and not in format for adoption.

Gail Anderson verified with Joanne Gierer that that we do not have the LCB draft created for adoption and asked Ms. Gierer to follow up with LCB staff,

Joanne Gierer stated that our drafter of this regulation was waiting to see if there was going to be another workshop.

Gail Anderson stated that they were waiting to see if the Commission wanted to do another workshop or if they wanted to move forward.

President Boyer queried the other Commissioners about whether they wanted another workshop or did they just want to move forward. The consensus was to move forward. President Boyer asked if there were any other items that needed to be brought forward under this agenda item.

Gail Anderson proposed several items for discussion and possible workshop including licensing requirements and fees; how long exam results were valid; eliminating the requirement for Broker Financial Reviews.

The suggestions were discussed by the commissioners

Commissioner Sykes moved to do a workshop on Ms. Anderson's proposal. Commissioner Gurr seconded.

Commissioner Gurr requested adding the issue concerning the difference of live education requirements for first-time licensees and renewing licensees to Administrator Anderson's proposal, which was approved.

President Boyer called for a vote on Commissioner Sykes' motion. Motion carried unanimously.

- I) Report regarding the scheduled offerings and promotion of the Division's Trust Accounting Management and Compliance course.

Safia Anwari, Education Officer, stated that the Division accepted two bids for instructors to teach the course. The first classes will be offered May 1, 2012.

- J) Discussion concerning the Continuing Education Audit Report.

President Boyer asked why there were not more audits. Ms. Trillo answered that they needed more auditors.

Commissioner Johnson asked if it be would be possible to put the presenters' name on the class listings.

Ms. Anwari stated if the instructors were named, it would invite them to respond to the audit report.

Ms. Anderson explained that the instructors would need a 30 day advanced notice of the meeting if their names were included on the agenda.

Commission Counsel, Sarah Bradley further explained that it involved the open meeting law.

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

President Boyer verified the dates of upcoming meetings in this calendar year.

Gail Anderson verified the dates of upcoming meetings in this calendar year.

Commissioner Murad requested a discussion on the 12 month educational requirement be added to the agenda.

Commissioner Gurr requested a discussion on the requirement of adding an additional three-year suspension time to judicial penalty.

M) Commissioner Comments

The Commissioners commended each other and staff on a job well done.

## 8. PUBLIC COMMENTS

Steven Kitnick, Steven Kitnick Seminars, commented on advance fees.

The meeting was adjourned at 12:30 p.m.