

REAL ESTATE COMMISSION  
June 26, 2012

City of Henderson  
240 Water Street  
Henderson, NV 89015

NO VIDEO CONFERENCE

## 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 Rose Marie Reynolds, Commission Counsel

### **2. PUBLIC COMMENT**

None.

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

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

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Compliance Investigator, , Joanne Gierer, Legal Administrative Officer; Linda Chavez, Compliance Audit Investigator; Rebecca Hardin, Commission Coordinator; Susan Clark, Licensing Manager; Safia Anwari, Education Officer; Chad Freeman, Publication Writer; Kimberly Arguello, Senior Deputy Attorney General and Christopher Eccles, Deputy Attorney General

In Carson City: Steve Aldinger, Deputy Administrator

President Boyer swore in the court reporter.

## **6 DISCIPLINARY ACTION**

### **12. *NRED v. German Posada* *Case No. RES 12-08-04-028***

The respondent was not present or represented by counsel.

The respondent's broker was present.

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

Rebecca Hardin, Commission Coordinator, 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 it has 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, Chief Compliance Investigator, Chief Compliance Investigator, stated the Division recommended .revocation of the respondent's currently active license, plus investigation costs of \$812.63.

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

After a discussion about why there was no administrative included in the discipline, it was decided to add a \$10,000 fine for each of the two violations of law, due within 12 months, as a friendly amendment.

Motion carried. Commissioner Murad arrived late and did not vote.

**19. NRED v. John Scott Weber**

**Case No. RES 12-09-23-093**

The respondent was present, but not represented by council

Kimberly Arguello was present on behalf of the Division.

Mr. Weber was sworn in. He agreed to factual allegations and violations of law. He had no objections to the admission of exhibits.

Commissioner Sykes moved that the state had proven the factual allegations and violations of law. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Arguello read the factual allegations and violations of law.

Mr. Weber made a statement that he admitted his guilt and wanted it on the record that he came forward and took responsibility for his actions.

Jan Holle stated the Division's recommended revocation of the respondent's expired license, \$20,000 administrative fine, plus hearing costs of \$719.00, payable within 30 days of the date of the order.

Commissioner Sykes moved to accept the State's recommendation with the revision of the fine being due within 6 months, instead of 30 days. Commissioner Johnson seconded.

President Boyer asked why a person who took responsibility was fined the same as someone who didn't. Discussion ensued.

President Boyer called for a vote. Motion failed 2 – 3. Commissioner Johnson and Commissioner Sykes voted for the motion. President Boyer, Commissioner Gurr, and Commissioner Murad opposed.

Commissioner Gurr moved to revoke the respondent's license, plus hearing cost of \$719.00, payable in 30 days. Motion carried unanimously.

**22. NRED v. Ralph Zimmerman**

**Case No. RES 09-09-06-087**

The respondent was present, but not represented by council.

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

Mr. Eccles distributed copies of the Voluntary Surrender in Lieu of Other Disciplinary Action.

Mr. Zimmerman was sworn in.

Mr. Eccles read the factual allegations and violations of law.

Mr. Eccles read the Voluntary Surrender in Lieu of Disciplinary Action.

Mr. Zimmerman stated that he had read, understood, and signed the agreement.

Commissioner Sykes moved to accept the voluntary surrender. Commissioner Johnson seconded. Motion carried unanimously.

8. *NRED v. Eve Mazzarella*  
Case No. RES 07-06-29-442

9. *NRED v. Eve Mazzarella*  
Case No. RES 08-01-07-186

10. *NRED v. Eve Mazzarella*  
Case No. RES 08-11-04-135

11. *NRED v. Eve Mazzarella for possible action*  
Case No. RES 08-12-26-179

The respondent was not present or represented by counsel.

Christopher Eccles was present on behalf of the Division.

Rebecca Hardin testified regarding service of notice.

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

Christopher Eccles read the jurisdiction, factual allegations, violations of law, and authorized discipline.

Jan Holle stated the Division recommended a \$10,000 administrative fine plus hearing costs of \$7,790.87, payable within 30 days of the date of the order. In addition, the respondent's broker license and property management permit would be revoked.

Commissioner Sykes moved to accept the Division's recommendation. Commissioner Gurr seconded.

Commissioner Murad moved to amend the motion as to fine the respondent \$10,000 for each of the four violations. Commissioner Gurr seconded. The amendment to the original motion carried unanimously.

President Boyer call for a vote on the amended motion of a \$40,000 administrative fine plus hearing costs of \$7,790.87, payable within 30 days of the date of the order and revocation of the respondent's broker license and property management permit. Motion carried unanimously.

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

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

Jan Holle summarized the report.

The report was discussed, with questions about the difference between the North and the South.

- D) Discussion regarding the Administrative Sanction Report.

The report was discussed.

Gail Anderson, Administrator, commented on the property manager's permit survey.

## **6 DISCIPLINARY ACTION**

### **1. *NRED v. Patrick Bergsrud* Case No. RES 12-06-06-376**

The respondent was present, but not represented by counsel

The broker was not present

Kimberly Arguello was present on behalf of the Division.

Ms. Arguello stated that Mr. Weber's license had been summarily suspended. She requested that this case be continued to the next southern commission meeting, due to timing issues. The summary suspension would remain in effect in the interim.

The respondent agreed with the request for continuance.

Commissioner Sykes move to continue this case to the next southern commission meeting. Commissioner Murad seconded. Motion carried unanimously.

### **5. *NRED v. Linda Marie Kot* Case No. RES 12-01-06-203**

The respondent was present, but not represented by counsel.

The respondent's broker was present.

President Boyer stated, for the record, that the respondent's broker used to be his broker; however he did not recuse himself.

Kimberly Arguello was present on behalf of the Division.

Ms. Kot was sworn in.

Ms. Arguello questioned the respondent

Ms. Kot stipulated that the factual allegations and violations of law in the complaint were correct.

Ms. Arguello submitted documents to be admitted into evidence. The respondent did not object.

Ms. Kot submitted exhibits to the commission.

Commissioner Sykes moved that the factual allegations and violations of law had been proven fact and violations of law. The motion was seconded. Motion carried unanimously.

Ms. Kot stated her case.

Ms. Arguello stated that the respondent already had a guilty verdict, so the circumstances of her conviction were not relevant.

Ms. Arguello read the jurisdiction, factual allegations, and violations of law.

Jan Holle stated the Divisions recommended an administrative fine of \$20,000, plus hearing costs of \$1,011.87, payable within 30 days, and revocation of her real estate license.

Kot stated her case for leniency, speaking about her background and integrity.

Commissioner Murad moved to not do anything until the outcome of the respondent's appeal was known. Commissioner Gurr seconded for discussion.

Discussion was primarily against the motion, with comments that the Commission had no latitude in the matter because of the conviction.

President Boyer called for vote. The motion failed 1-4, with all but Commissioner Murad opposing.

Commissioner Johnson moved to accept staff's recommendation of an administrative fine of \$20,000, plus hearing costs of \$1,011.87, due in 30 days, and revocation of her real estate license. Commissioner Sykes seconded for discussion. Motion failed 2-3, with President Boyer, Commissioner Gurr, and Commissioner Murad opposing.

Commissioner Gurr moved to revoke the respondent's license and assess a fine of \$1,011.87. Commissioner Murad seconded.

Commissioner Gurr would be better to revisit, but that's not possible

Commissioner Sykes moved to amend the motion to a fine of \$10,000, payable over 36 months.

Commissioner Gurr accepted the amendment.

Commissioner Murad did not accept the amendment.

Commissioner Sykes spoke in favor of the amendment.

President Boyer called for a vote on the amendment to increase the fine to \$10,000, payable in to 36 months. Motion failed.

President Boyer called for a vote on the original motion to fine the respondent \$1,011.87 and revoke her license. The motion failed.

Commissioner Sykes moved to revoke the license, a fine of \$5,000, payable in 12 months, plus hearing costs of \$1,011.87. Commissioner Murad s seconded. Motion failed.

Commissioner Murad moved to revoke the license and impose a penalty of \$1,500, plus hearing costs of \$1,011.87. There was no second. Motion died.

Commissioner Johnson moved to revoke the license, impose a \$15,000 fine payable in 12 monthly installments, plus hearing cost of \$1,011.87. Commissioner Sykes seconded. Motion failed

Commissioner Gurr made a motion to amend the motion to a \$10,000 fine, payable over 24 months. Commissioner Sykes seconded. Motion to amend carried 3-2.

President Boyer called for a vote on the amended motion to revoke the license, assess \$10,000 in administrative fines, payable over 24 months, plus hearing costs of \$1,011.87. Motion carried unanimously.

- 14 NRED v. Ronald Sliter**  
**Case No. RES 11-05-30-407**
- 15. NRED v. Ronald Sliter**  
**Case No. RES 11-11-37-213**
- 16. NRED v. Ronald Sliter**  
**Case No. RES 11-04-02-349**

The respondent was not present or represented by counsel.

Christopher Eccles was present on behalf of the Division.

Rebecca Hardin testified regarding service of notice.

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

Mr. Eccles read the jurisdiction, factual allegations, violations of law, and discipline authorized.

Jan Holle stated the Division recommended revocation of the respondent's broker license and property management permit, a \$120,000 administrative fine plus hearing costs of \$2,562.87, payable within 30 days of the effective date of the order.

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

- 3 .NRED v. David Green**  
**Case No. RES 10-04-21-273**
- 4. NRED v. David Green**  
**Case No. RES 11-08-08-049**

The respondent was present and represented by counsel, Elizabeth Ashley, Attorney.

Christopher Eccles was present on behalf of the Division.

Mr. Green was sworn in.

President Boyer stated, for the record, that he knew Mr. Green, but did not recuse himself.

Mr. Eccles read the jurisdiction, factual allegations, violations of law, and discipline authorized

The respondent agreed to the following Stipulations for Settlement:

- \* Surrender his property management permit.
- \* Transfer any current property management agreements, funds held in trust for those agreements, and a complete, accurate accounting of those accounts to another broker licensed to conduct property management activities, within 10 days.
- \* Notify, in writing, all clients of his pending status changes and give clients the option to transfer their account to another broker
- \* Provide property management clients their account reconciliation that he will not apply for a PM Permit or at least 5 years
- \* Downgrade his broker's license to broker salesman for at least 5 years
- \* 6 hours of What Every Licensee Should Know and 6 hours of Law Update to be completed within 6 months. Classes must be live and will not count toward license renewal.
- \* To change his status after five years, he must appear before the Commission.
- \* Administrative fine of \$3,000, payable in monthly installments for 3 years

Mr. Green confirmed that he had read, understood, and signed the Stipulation for Settlement

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

- 13. NRED v. James F. Rodriguez**  
**Case No. RES 11-01-04-258**

The respondent was not present or represented by counsel.

The respondent's broker was present.

Kimberly Arguello, was present on behalf of the Division.

Rebecca Hardin, 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 it has proven the Factual Allegations and Violations of Law in this case. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Arguello introduced her notice of documents into evidence.

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

Jan Holle stated the Division recommended an administrative fine of \$35,000 plus investigation costs of \$692.37, payable within 30 days.

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

**17. NRED v. Linda Sosamon**  
**Case No. RES 12-08-25-050**

The respondent was present, but not represented by counsel.

The respondent's broker was present.

Kimberly Arguello was present on behalf of the Division.

Ms. Sosamon was sworn in.

Ms. Arguello questioned the respondent.

Ms. Sosamon stated that she agreed with the factual allegations and violations of law and had no objections to documents being admitted into evidence.

Ms. Arguello asked for a finding that the factual allegations and violation of law had been proven.

Commissioner Sykes moved that the State had proven the factual allegations and violation of law. Commissioner Johnson seconded. Motion carried unanimously.

Ms Arguello stated that the respondent had downgraded her license from broker to broker/salesperson and agreed to the following settlement:

- No license upgrades, supervising or office management for five years
- Surrender of her property management license
- 6 hours of What Every Licensee Should Know, live instruction, within 6 months
- Must appear before the Commission to change her status, after five years
- \$3,000 fine, payable in monthly installments for 3 years

Ms. Sosamon confirmed that she agreed with the settlement.

Commissioner Sykes moved to accept the settlement. Commissioner Gurr seconded. Motion carried unanimously.

**6. NRED v. Andrew Larson**  
**Case No. RES 09-10-10-122**

The respondent was present, but not represented by counsel.

Kimberly Arguello was present on behalf of the Division.

Mr. Larson was sworn in.

Ms. Arguello stated that Mr. Larson agreed to a voluntary surrender of his license, the terms of which include that he did not admit to the factual allegations or the violations of law, but was willing to accept the penalty and surrender his license.

The respondent confirmed the agreement.

Commissioner Sykes moved to accept the stipulation. Commissioner Gurr seconded. Motion carried unanimously.

**2. *NRED v. Karen Chapon***  
***Case No. RES 12-05-25-349***

This case was continued.

**7. *NRED v. Ivy Latimore***  
***Case No. RES 10-03-29-242***

The respondent was present and not represented by counsel.

The respondent's broker was not present.

Christopher Eccles was present on behalf of the Division.

Ms. Latimore was sworn in.

Mr. Eccles admitted documents into evidence.

Mr. Eccles stated that Ms. Latimore agreed with the Factual Allegations, except #10 and #11, and the Violations of Law, except #20. The State withdrew Factual Allegation #10.

Mr. Eccles called Cheryl Williamson to testify via cell phone.

Ms. Williamson was sworn in and testified answered questions about her complaint.

The respondent had no questions for the witness.

Mr. Eccles questioned Ms. Latimore.

Ms. Latimore stated her case.

Commissioner Sykes moved that the State had proven Factual Allegations 1-9 and 12-15. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved that Factual Allegations #11 had been proven. Commissioner Johnson seconded. The motion failed.

Commissioner Gurr moved that Factual Allegations #11 had not been proven. Commissioner Johnson seconded. Motion carried 4-1.

Commissioner Sykes moved that the State had proven Violations of Law 16-19 and 21-22. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved the State did not prove Violation of Law #20. Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle stated that the Division recommended the following:

\$5,000 fine, plus investigation and hearing costs of \$1,476.98,  
payable in monthly installments over the next two years

6 hours of What Every Licensee Should Know and 6 hours of Ethics,  
to be completed live within 6 months and not counted toward license renewal

Commissioner Sykes moved to that there be no penalty, but the respondent would be responsible for the investigation and hearing cost of \$1,476.98, payable in monthly installments over two years. In addition, the respondent would attend 6 hours of What Every Licensee Should Know and 6 hours of Ethics, live within 6 months. Commissioner Gurr seconded. Motion carried unanimously.

**20. NRED v. Anthony Roy (Tony) Wilson**  
**Case No. RES 12-06-07-377**

The respondent was not present or represented by counsel.

Kimberly Arguello was present on behalf of the Division.

Jan Holle 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 it has proven the Factual Allegations and Violations of Law in this case. Commissioner Gurr seconded. Motion carried unanimously.

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

Jan Holle stated the Division recommended revocation of the respondent's license, a fine of \$120,000, plus investigation and hearing costs of \$624.87, payable within 30 days.

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

**5. LICENSE DENIAL APPEAL**

- (1) The appeal of CAROLINE DELLAVALLE, FILE NO. S-LDA-12-003, was continued.
- (2) (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 **GLEN C. OLSEN, FILE NO. S-LDA-12-005**, and why applicant should or should not be granted a license.
  - B. Discussion in closed session.
  - C. Discussion and possible action in open session.

Commissioner Sykes move to close the session. Commissioner Johnson seconded. Motion carried unanimously.

The room was cleared.

The meeting was reopened.

Commissioner Gurr moved to uphold the license denial. Commissioner Johnson seconded. Motion carried unanimously.

- (3) (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 **CAMERON THOMAS, FILE NO. S-LDA-12-004**, and why applicant should or should not be granted a license.
  - B. Discussion in closed session.
  - C. Discussion and possible action in open session.

Mr. Thomas was present, but not represented by counsel.

Commissioner Gurr moved to close the session. Commissioner Sykes seconded. Motion carried unanimously.

The room was cleared.

The meeting was reopened.

Commissioner Sykes moved to uphold the appeal and issue the respondent a license. Commissioner Gurr seconded. Motion carried unanimously.

- 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.

**REQUEST FOR RE-APPROVAL OF REAL ESTATE PRE-LICENSING EDUCATION COURSES**

1a. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practices, Procedures, Law & Ethics	Classroom	PL.9000013-RE

1b. 360 Training.com – Las Vega

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practices, Procedures, Law & Ethics	Correspondence	PL.9000014-RE

1c. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
90	Nevada Salesperson Pre-License	Internet	PL.9000064-RE

1d. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
45	Real Estate Practices, Law & Ethics	Correspondence	PL.4501004-RE

1e. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
45	Real Estate Broker Management	Correspondence	PL.4551002-RE

1f. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
45	Fundamentals of Real Estate Appraisal	Correspondence	PL.4552001-RE

1g. 360 Training.com – Las Vegas

Hours	Title	Delivery	Course Number
18	Real Estate Law	Correspondence	PL.1800014-RE

2a. ABC Real Estate School

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practices, Procedures, Law & Ethics	Classroom	PL.9000010-RE

2b. ABC Real Estate School

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practices, Procedures, Law & Ethics	Correspondence	PL.9000011-RE

2c. ABC Real Estate School

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practices, Procedures, Law & Ethics	Internet	PL.9000063-RE

2d. ABC Real Estate School

Hours	Title	Delivery	Course Number
45	Real Estate Law and Ethics	Correspondence	PL.4502002-RE

2e. ABC Real Estate School

Hours	Title	Delivery	Course Number
45	Real Estate Law and Ethics	Internet	PL.4502034-RE

2f. ABC Real Estate School

Hours	Title	Delivery	Course Number
45	Broker Management	Correspondence	PL.4551001-RE

2g. ABC Real Estate School

Hours	Title	Delivery	Course Number
45	Broker Management	Internet	PL.4551015-RE

2h. ABC Real Estate School

Hours	Title	Delivery	Course Number
45	Real Estate Appraisal	Correspondence	PL.4552006-RE

2i. ABC Real Estate School

Hours	Title	Delivery	Course Number
18	Nevada Real Estate Law	Correspondence	PL.1800011-RE

2j. ABC Real Estate School

Hours	Title	Delivery	Course Number
18	Nevada Real Estate Law	Internet	PL.1800042-RE

3. American School of Real Estate Express

Hours	Title	Delivery	Course Number
90	Nevada Pre-license Course	Internet	PL.9000055-RE

4a. Americana Real Estate Academy

Hours	Title	Delivery	Course Number
90	Modern Real Estate Principles, Practice, Law and Nevada Law	Classroom	PL.9000058-RE

4b. Americana Real Estate Academy

Hours	Title	Delivery	Course Number
90	Modern Real Estate Principles, Practice, Law and Nevada Law	Correspondence	PL.9000059-RE

4c. Americana Real Estate Academy

Hours	Title	Delivery	Course Number
24	Nevada Property Management Pre-Permit Course	Classroom	PL.2400021-RE

4d. Americana Real Estate Academy

Hours	Title	Delivery	Course Number
18	Nevada Real Estate Law	Classroom	PL.1800043-RE

4e. Americana Real Estate Academy

Hours	Title	Delivery	Course Number
18	Nevada Real Estate Law	Correspondence	PL.1800044-RE

5a. Avalon School of Real Estate

Hours	Title	Delivery	Course Number
90	Avalon Pre-Licensing	Correspondence	PL.9000015-RE

5b. Avalon School of Real Estate

Hours	Title	Delivery	Course Number
45	Real Estate Law & Ethics	Correspondence	PL.4502005-RE

5c. Avalon School of Real Estate

Hours	Title	Delivery	Course Number
45	Real Estate Brokerage	Correspondence	PL.4551003-RE

5d. Avalon School of Real Estate

Hours	Title	Delivery	Course Number
45	Real Estate Appraisal	Correspondence	PL.4552007-RE

5e. Avalon School of Real Estate

Hours	Title	Delivery	Course Number
18	Real Estate Nevada Law	Correspondence	PL.1800015-RE

6a. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
90	Nevada Real Estate Principles and Practices	Correspondence	PL.9000066-RE

6b. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Real Estate Brokerage: A Management Guide	Correspondence	PL.4551008-RE

6c. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Fundamentals of Real Estate Appraisal	Correspondence	PL.4552003-RE

6d. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Essentials of Real Estate Finance	Correspondence	PL.4553003-RE

6e. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Essentials of Real Estate Investment	Correspondence	PL.4555003-RE

6f. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	The Real Estate Investor's Tax Guide	Correspondence	PL.4556001-RE

6g. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Sales & Marketing 101 for Real Estate Professionals	Correspondence	PL.4557001-RE

6h. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
45	Sales & Marketing 101 for Real Estate Professionals	Internet	PL.4557002-RE

6i. Kaplan Professional Schools Nevada

Hours	Title	Delivery	Course Number
18	Nevada Real Estate Practice – Nevada State Supplement	Correspondence	PL.1800046-RE

7a. Key Realty School

Hours	Title	Delivery	Course Number
90	Real Estate Principles and Law	Classroom	PL.9000022-RE

7b. Key Realty School

Hours	Title	Delivery	Course Number
90	Real Estate Principles and Law	Correspondence	PL.9000023-RE

7c. Key Realty School

Hours	Title	Delivery	Course Number
90	Real Estate Principles and Law	Internet	PL.9000024-RE

7d. Key Realty School

Hours	Title	Delivery	Course Number
45	Real Estate Law	Classroom	PL.4502010-RE

7e. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
45	Real Estate Law	Correspondence	PL.4502011-RE

7f. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
45	Real Estate Broker Management	Correspondence	PL.4551004-RE

7g. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
45	Real Estate Appraisal	Correspondence	PL.4552002-RE

7h. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
45	Real Estate Investment	Correspondence	PL.4555001-RE

7i. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
24	Property Management Permit Course	Classroom	PL.2400011-RE

7j. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
24	Business Broker Permit Course	Correspondence	PL.2300006-RE

7k. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
18	Nevada Real Estate Law	Classroom	PL.1800019-RE

7l. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
18	Nevada Real Estate Law	Correspondence	PL.1800020-RE

7m. Key Realty School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
18	Nevada Real Estate Law	Internet	PL.1800021-RE

8a. Northern Nevada Real Estate School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
90	Pre-License Real Estate	Classroom	PL.9000031-RE

8b. Northern Nevada Real Estate School

<b>Hours</b>	<b>Title</b>	<b>Delivery</b>	<b>Course Number</b>
90	Pre-License Real Estate	Correspondence	PL.9000032-RE

8c. Northern Nevada Real Estate School

Hours	Title	Delivery	Course Number
18	Nevada Law	Correspondence	PL.1800026-RE

9. Online Ed.com

Hours	Title	Delivery	Course Number
90	Nevada Real Estate Practice	Internet	PL.9000052-RE

10. Pioneer School of Real Estate

Hours	Title	Delivery	Course Number
90	Real Estate Principles & Practice & Law & Ethics Including Nevada Law	Correspondence	PL.9000053-RE

11. Proschools Inc

Hours	Title	Delivery	Course Number
90	Nevada Real Estate Prelicense	Internet	PL.9000048-RE

12a. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practice and Law	Classroom	PL.9000036-RE

12b. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
90	Real Estate Principles, Practice and Law	Correspondence	PL.9000037-RE

12c. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
45	Real Estate Nevada Law	Classroom	PL.4502021-RE

12d. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
45	Real Estate Nevada Law	Correspondence	PL.4502022-RE

12e. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
18	Real Estate Nevada Law	Classroom	PL.1800031-RE

12f. Real Estate School of Nevada

Hours	Title	Delivery	Course Number
18	Real Estate Nevada Law	Correspondence	PL.1800032-RE

13a. Truckee Meadows College

Hours	Title	Delivery	Course Number
24	Property Management Permit Program	Classroom	PL.2400013-RE

13b. Truckee Meadows College

Hours	Title	Delivery	Course Number
24	Property Management: 30 Years in 24 Hours	Classroom	PL.2400020-RE

Safia Anwari, Education Officer requested removal of items 1A -1G from the consent agenda.

Commissioner Sykes moved to accept items 2A-13B. Commissioner Johnson seconded. Motion carried unanimously.

**REAL ESTATE PRE-LICENSING EDUCATION COURSES**

14. ABC Real Estate School  
 “Business Broker Permit Course”  
**Request:** 24 Hours Internet
15. Holder, Jennie  
 “30 Hours to Better Real Estate”  
**Request:** 30 Hours Classroom
16. JSD Seminars  
 “Leg & Law Simplified”  
**Request:** 3 Hours Law & Legislation Internet
17. Southern Nevada Eviction Services  
 “Post-Tenancy Issues: Tenant Gone Problems Remain”  
**Request:** 3 Hours Property Management Classroom
18. First American Title  
 “Como se Dice? Title, Escrow, Settlement & Financial Vocabulary en Espanol”  
**Request:** 3 Hours Personal Development Classroom
19. Greater Las Vegas Association of REALTORS®  
 “Resort & Second-Home Markets Course”  
**Request:** 7 Hours General Classroom
20. Greater Las Vegas Association of REALTORS®  
 “REO Properties: Responsibilities, Education & Opportunities for RE Professionals”  
**Request:** 6 Hours General Classroom
21. Greater Las Vegas Association of REALTORS®  
 “As Is Sales, Steering, and Seller Financing in Nevada”  
**Request:** 3 Hours Ethics Classroom
22. First Centennial Title  
 “Manage Your Risk, Keep Your License”  
**Request:** 3 Hours Ethics Classroom
23. First Centennial Title  
 “Contracts to Closing”  
**Request:** 3 Hours Contracts Classroom
24. First Centennial Title  
 “Mastering Seller Representation”

	<b>Request:</b>	3 Hours	Agency	Classroom
25.	First American Title Eagle U “Attorneys General Multi-State Settlement”			
	<b>Request:</b>	3 Hours	Contracts	Classroom
26.	Durham Jones & Pinegar / Robert L. Bolick “Nuts & Bolts of Asset Protection”			
	<b>Request:</b>	3 Hours	Personal Development	Classroom
27.	Durham Jones & Pinegar / Robert L. Bolick “Nuts & Bolts of Estate Planning”			
	<b>Request:</b>	3 Hours	Personal Development	Classroom
28.	Schwartz, Neil “The Purchase Agreement...It’s All in the Details”			
	<b>Request:</b>	3 Hours	Contracts	Classroom
29.	Cook & Company, Ltd. “Residential Property Management: A Down & Dirty Guide to Managing Single-Family Rental Property”			
	<b>Request:</b>	3 Hours	Property Management	Classroom
30.	Myer, Kandas “Commercial Contracts & 1031 Exchange Issues”			
	<b>Request:</b>	3 Hours	Contracts	Classroom
31.	Realty One Group “Foreclosure for Sale”			
	<b>Request:</b>	3 Hours	General	Classroom
32.	Boardwalk Educational Systems “Know the Law 2011”			
	<b>Request:</b>	3 Hours	Law & Legislation	Classroom
33.	Solid Source Realty “Short Sales – Assisting Financially Distressed Homeowners”			
	<b>Request:</b>	3 Hours	General	Classroom
34.	Rosen, Jay C. “Knowledge is Power: 2011-12 Nevada Legislative Update”			
	<b>Request:</b>	3 Hours	Law & Legislation	Classroom
35.	Ticor Title Company of Nevada, Inc. “Short Sale Best Practices from the Escrow Perspective”			
	<b>Request:</b>	3 Hours	General	Classroom
36.	Society of Industrial & Office Realtors (SIOR) “SIOR Ethics & Professional Standards”			
	<b>Request:</b>	4 Hours	Ethics	Classroom

Commissioner Sykes moved to approve items 14 and 15. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes pulled item 18.

President Boyer pulled items 19-21.

Commissioner Sykes moved to approve items 16, 17, 22-36. Commissioner Gurr seconded. Motion carried unanimously.

President Boyer handed the chair to Vice-President Johnson.

Commissioner Sykes moved to approved items 19-21. Commissioner Gurr seconded. Motion carried. President Boyer abstained.

President Boyer returned to the chair.

Commissioner Gurr moved to accept the staff's recommendation to deny item 18. Commissioner Johnson seconded. Motion carried 3-2, with President Boyer and Commissioner Murad opposing.

Commissioner Sykes moved to approve items 37 and 38. Commissioner Gurr seconded. Motion carried unanimously.

### **8. PUBLIC COMMENT**

None.

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

#### **O) Commissioner Comments.**

Commissioner Murad commented on professional behavior.

President Boyer reminded every one of the time and location of the next day's meeting.

The meeting was recessed at 16:25.

REAL ESTATE COMMISSION  
June 27, 2012

Nevada Department of Transportation  
123 East Washington Avenue  
Building B: Training Room  
Las Vegas, NV 89101

VIDEO CONFERENCE TO:  
Nevada Department of Transportation  
1263 South Stewart Street  
Third Floor Conference Room  
Carson City, NV 89712

## MINUTES

Meeting started at 8:35 a.m.

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

A) Introduction of Commissioners in Attendance

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

### **2. PUBLIC COMMENT**

None.

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

B) Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Susan Clark, Licensing Manager; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Chad Freeman, Publication Writer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator, and Kimberly Arguello, Senior Deputy Attorney General

In Carson City: Kip Steele, Compliance Audit Investigator and Harry Ward, Deputy Attorney General

### **2. PUBLIC COMMENT**

None.

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

J) Discussion and possible action regarding the Division's request to approve, in concept, the Proposed funding for the yearly allocation of expenditures for the Education and Research Fund projects in FY 2013.

Safia Anwari, Education and Information Officer, summarized the report.

Commissioner Sykes moved to approve the addition to the Reno-Sparks bid for fiscal year 2013. Commissioner Gurr seconded. Motion carried unanimously.

Safia Anwari asked if we had approval for the other projects: Continuing Education Program, Audit Program, Instructor Training, and Development Training for fiscal year 13, as well as the printing of the Nevada Residential Disclosure Guide.

President Boyer stated that those things were not separate agenda items. The agenda item, "proposed funding for the yearly allocation of expenditures is not only the Reno/Sparks addition to the What Every Licensee Should Know, but the Instructor Development Training, the Residential Disclosure Guide printing, and the audits.

It was decided that Commissioner Sykes' motion covered all of the above.

Ms. Anwari reviewed the Trust Accounting Management and Compliance CE course and the Instructor Development Workshop.

Ms. Anwari summarized the report on the Instructor Development Workshop.

- L) Discussion regarding Education Program Officer's report on Continuing Education Course Audit Report.

Ingrid Trillo, Education Program Officer, summarized report.

#### **4. WORKSHOP:**

##### **A) 06/27/2012 @ 9:00 a.m. REGULATION WORKSHOP FOR LCB FILE No. R071-12:**

Workshop conducted by the Nevada Real Estate Commission to adopt proposed regulations known as LCB File No. R071-12, which establishes the following:

- < Workshop conducted by the Nevada Real Estate Commission to adopt proposed regulations known as LCB File No. R071-12, regarding:
  - < Continuing education (new regulations);
  - < Amending NAC 645.655 (trust account), NAC 645.800 (property management fee), NAC 645.802 (property management fee and continuing education), 645.913 (fee), NAC 645.915 (fee and continuing education), and NAC 645.225 (exam results);
  - < Repealing NAC 645.120, NAC 645.150, and NAC 645.799; and
  - < Providing other matters properly relating thereto.

The workshop began at 9:03 a.m.

#### Introduction of Commissioners in Attendance

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

#### Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Safia Anwari, Education Officer; Susan Clark, Licensing Manager; Ingrid Trillo, Education Program Officer; Chad Freeman, Publications Writer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator, and Kimberly Arguello, Senior Deputy Attorney General

In Carson City: Kip Steele, Compliance Audit Investigator

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

**Section 2:** President Boyer read the changes.

Gail Anderson, Administrator explained the context of section 2, explaining that NRS 345.332 is the section of statute that allows for a limited license recognition

Dr. Cindy Weber, ABC Real Estate School, asked if this also applied to people who are exempt from postlicensing, because they were licensed in Nevada within the past five years, having had a license in another state at the time of application

Susan Clark, Licensing Manager, responded that it had been the understanding that it did cover brokers and broker/sales from other jurisdictions coming into this state to be licensed. All of those individuals have been required to take continuing education as opposed to post licensing.

**Section 3:** President Boyer read the changes. No comments or questions.

**Section 4:** President Boyer read the changes

Cindy Weber requested clarification on which groups this section applied to.

Gail Anderson replied that LCB File 093-10 only addressed post-licensing a rural exemption.

President Boyer clarified that once this is approved and made part of code and then all continuing education will require, unless the licensee is in a rural area, 50% of the required number of courses to be taken in a live setting.

Commissioner Gurr state that the majority of the people he had talked to did not like this provision the way it's defined, with the requirement of 50% live education. Many of the younger generation, as well as some of the older people, prefer and learn better through electronic means. The live classroom requirement would also be a hardship for those living in rural areas. Not all people living in rural areas are familiar with the exemption.

Gail Anderson stated that Regulation 093-10 did pass and 50% of the total hours required for continuing education must be taken through live instruction by a licensee. The part that was not in that regulation for continuing education was the rural exception language, so this would need to be amended.

Commissioner Murad spoke to Commissioner Gurr's comment, stating that although he was a member of the younger generation, he still preferred a live classroom. He felt it was more conducive to those who are intent upon actually learning, as opposed to just passing and getting the hours, credits and certificates. There is also a value in interaction with other students.

Cindy Weber asked if the rural exception also applied to 12-hour live classroom, second- year initial licensing, post licensing people.

Gail Anderson answered, no. The language in 093, "each first -time licensee must complete an additional 12 hours of education within the first two years after initial licensing. The education must be provided through live instruction in which the licensee and the instructor are in the same room, except that the first time licensees who live in a rural area may, with the prior written approval of the Division take the additional continuing education courses as an interactive or televideo course that involves interaction."

Teresa McKee, Nevada Association of Realtors commented on section 4, referring to the NVAR Education Working Group and the Real Estate Division's Working Group. Both of those groups did

support a rural exemption at the time for CE. Feedback had been received from out-of-state people who are licensed in Nevada. The NVAR would support the exemption on behalf of them as well.

**Section 5:** President Boyer read the changes

Gail Anderson asked for clarification on the definition of “rural area”. If anyone living out of state is considered being in a rural area, that would make a city like Los Angeles a rural area, per the definition.

President Boyer answered that it was very clear that the definition specified 100 miles from a city in this state.

Teresa McKee stated the workgroups did talk about this exemption and applied it to more than just somebody living in Ely or one of our State’s rural areas. It also applied to out of state people, because they face similar problems. Ms. McKee emphasized that they want Nevada citizens in rural areas to identify then that this is something that is there for them.

Commissioner Murad stated that it seemed unfair that out-of-state people should not have to come here to take a class, because they are doing business and generating income in Nevada.

Cindy Weber asked for clarification of an interactive or televideo course.

Gail Anderson stated that an interactive course in distance education could be computer-based if there are questions and answers that are periodic enough to engage the learner. The actual interactive part, by definition has to do with the frequency of interaction. We try to follow the ARELLO standards on this.

President Boyer stated his understanding of interactive was any course that allows the student to ask a question and receive a response from an instructor.

Ms. Andersons stated that was her understanding as well.

**Section 6:** President Boyer reviewed the changes. No comments or questions.

**Section 7** President Boyer reviewed the changes. No comments or questions.

**Section 8** President Boyer read the changes

Cindy Weber wanted to verify that the property management and the business broker continuing education could still be by any delivery method. It did not have to have to be 50% live classroom.

President Boyer confirmed.

**Section 9** President Boyer read the changes. No comments or questions.

Cindy Weber asked for verification that this section concerned the business broker and the 24 hours could be delivered by any method. She pointed out that it said this section said “24 hours of classroom instruction.”

Gail Anderson proposed striking the word classroom, with no objection from the Commission.

**Section 10** President Boyer read the changes.

President Boyer stated, for the record, that the result of this would be that the property management permit holder and the business broker permit holder would have to submit 3 hours of the appropriate continuing education as part of or in addition to, if they chose, their 24 hours of required education every two years.

Gail Anderson confirmed.

**Section 11** President Boyer read the changes. No comments or questions.

## **President Boyer asked for questions or comments on any part of R071-12**

Commissioner Sykes requested a discussion of the addition of “online” in front of “interactive” in Section 4, page 1, second line.

President Boyer commented that any interactive or televideo course might be considered online and asked if “online” implied a definition that was too specific.

Gail Anderson stated that “online” would be a specific type of distance education.

Cindy Weber commented that it depended on how you define interactivity.

Specific examples were discussed as to how they applied to the term “interactive”

Commissioner Murad requested a change to specifically exempt people from outside of the state from distance education.

President Boyer asked legal counsel if adding a standard for people who are licensed outside of the state of Nevada that does not apply to the people inside the state of Nevada. Would there be a benefit to the public and was it fair?

Rose Marie Reynolds, Commission Counsel, stated that regulations should to be applied equally across the board to everyone. To both instate as well as out of state residents.

Commissioner Murad stated that letting people from other states get their Nevada licenses or continuing education without ever being in Nevada was not protecting our public and the industry from people who are operating remotely.

Commissioner Sykes thought there was a statute that stated an out of state broker had to prove that they had been in the state at least once every 30 days.

Commissioner Murad was concerned about deleting 645.120 and 645.150. He stated that requiring an investigation of an applicant’s financial condition helped to insure that people who are in the business of being brokers and property managers are actually qualified and not financially challenged.

Gail Anderson admitted it was a radical proposal. She stated that our efforts needed to be focused on compliance and audit with brokers who have trust accounts. These sections only related to an application for a broker’s license the first time. With our current law, the financial reviews only look to see if the required money has been in the applicant’s account for 90 days. The money could be gone after the financials are approved. What they maintain and what their business accounts are not monitored. To expend the energy and time reviewing financials that really didn’t mean a whole lot, other than it’s been there for 90 days, is counterproductive. Trust accounts, however, are very important. The State doesn’t regulate a broker’s business operation. The State is concerned about the trust money that does not belong to them and that is after the fact. It is not the original application.

Commissioner Murad asked if the language could be edited and stated that he didn’t want to make a motion based on what he thought, but wanted to work with staff on a way to fix it. He added that it would be easier if some of the deleted portions could be left in as a deterrent.

Ms. Anderson stated that the Division was not saying they could not do this, but financials were not a basis for brokerage denial.

Susan Clark, Licensing Manager stated that frequently in larger corporations the financial condition and stability of the applying broker does not mean anything to the company's operation. In addition, in the cases of smaller brokers another individual can have accounts with monies in those accounts that can guarantee the expenses of the applying broker. The combination of large corporations to which the broker is not financially connected to as far as their bank accounts are concerned. Some of the smaller ones have investors. It also has to do with ownership. There are a lot of brokers that are asked to represent companies that are not necessarily owned by the broker. The broker in the case of a corporation has to be an officer or member of the company, but they are not tied to the financial operation of that, so that was some of the thinking

President Boyer asked if we might want to know about those things before we granted a privileged license to an individual. Didn't we want to know who the backers were or where the funds were coming from? If we give up that right, have we adequately protected the public? There's got to be some sort of middle ground between giving up our rights to even ask the questions, because if we approve this, as is, I don't think we'll have that right. Are we going to investigate new broker applicants and if we're not I can't support these either.

Gail Anderson stated that if this were removed, there it would only be the criminal background check.

President Boyer commented that we needed to know, at least at the outset, who is being represented or whose money is behind the people who are managing licensees.

Gail Anderson replied that might necessitate leaving subsections one and three in the law and maybe taking out the 180 days, 90 days things.

Commissioner Gurr commented that looking into the financial background of anybody didn't mean they were good or bad. All of the responsibility the Division had before was to see if a someone could operate for 90 days and now we're trying to find out where their money came from, how they got it, are they crooks. If they are, there ought to be an FBI background check and we have that. Why not concentrate on the people who are in the business today that are harming the public and leave the people who want to get into the business who probably will not harm the public for a few years.

Commissioner Murad stated that this was not adding more regulation. It was just keeping the regulation we had in place, and more important it was a deterrent that kept the bad apples from getting in

Commissioner Gurr responded that if we don't police what's out there today well enough, why does it matter if we let these folks in. The only way to stop the bad guys is to catch them doing something wrong. Resources should be concentrated on what is already out there

President Boyer ended the discussion

The workshop closed at 10:30

**B) 06/27/2012 @ 10:00 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.

The workshop began at 10:48 a.m.

Introduction of Commissioners in Attendance

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

Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Safia Anwari, Education Officer; Susan Clark, Licensing Manager; Ingrid Trillo, Education Program Officer; Chad Freeman, Publications Writer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator, and Kimberly Arguello, Senior Deputy Attorney General

In Carson City: Kip Steele, Compliance Audit Investigator

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

Workshop began at 10:48

**Section 2** President Boyer read changes no comments or changes

**Section 3** President Boyer read changes

President Boyer proposed replacing “and” with “or” after “postlicensing education”

**Section 4** President Boyer read changes

President Boyer asked if 4(2) was redundant or perhaps 4(3).

Gail Anderson answered that there are college courses that may meet requirements, but have not been approved by the Commission.

**Section 5** President Boyer read changes no comments or changes

**Section 6** President Boyer read changes no comments or changes

NOTE: President Boyer stated that language had been changed throughout the draft to remove “broker/salesman” and replace it with “broker/salesperson” and to remove the term “salesman” to “salesperson”.

**Section 7** President Boyer read changes no comments or changes

**Section 8** President Boyer read changes no comments or changes

Gail Anderson proposed striking the word “continuing” in line 3 of that section, because this applied to post-licensing, as well as continuing education.

Ms. Anderson also proposed striking “NAC645.448” and replacing it with “this chapter”, because 448 only applied to continuing education.

**Section 9** President Boyer read changes

President Boyer commented that this section would mean that someone who took classes at the University of Minnesota, for example, would not be allowed to define the University of Minnesota as a school, under the revised code.

Gail Anderson stated that a school can offer continuing education and postlicensing, but what distinguishes a school from just an education sponsor is prelicensing activity. This section was at the request of the, who said we were in conflict with their law, because a school from another state cannot in here and market Nevada classes to Nevada residents without being approved by the Commission On Postsecondary Education.

Susan Clark stated that this language was not for the purpose of preventing an applicant that has been licensed in another state from obtaining a Nevada license. The purpose was to prevent anyone that is out of state from teaching the Nevada licensing courses.

**Section 10** President Boyer read changes no comments or changes

**Section 11** President Boyer read changes no comments or changes

Commissioner Sykes asked what qualified for equivalent education for experience in a broker’s license.

Susan Clark answered equivalent education is college credits.

Gail Anderson stated college credits from an accredited college would be equivalency

**Section 12** Gail Anderson requested striking this section

**Section 13** President Boyer read changes no comments or changes

**Section 14** Gail Anderson requested striking this section

**Section 15** Gail Anderson requested striking this section

**Section 16** President Boyer read changes no comments or changes

**Section 17** President Boyer read changes

After discussion, it was decided to reword this section as follows:

Courses taken to satisfy the requirement for reinstatement of a license must be completed within two years immediately before reinstating the license. Courses taken to satisfy the requirement for renewal of a license must have been completed within each two-year period of the current license term.

The workshop closed at 11:40 a.m.

### 3. COMMISSION/DIVISION BUSINESS

A) Discussion regarding the Attorney General Case Status Report

Rose Marie Reynolds, Commission Counsel, and Kimberly Arguello summarized the report and answered questions.

E) Discussion and possible action to approve minutes of the meeting.

Commissioner Sykes moved to approve the February 14-16, 2012 meeting minutes, as submitted. Commissioner Murad seconded. Motion carried unanimously.

F) Discussion and possible action to approve minutes of the April 17-18, 2012 meeting.

The April 17-18, 2012 meeting minutes were not available.

G) Discussion regarding Administrator's report on:

1. Discussions with the Nevada State Contractor's Board on issues concerning activities by real estate licensees which require a contractor's license.

Gail Anderson, Administrator commented on her discussions with the Nevada State Contractors Board on issues concerning activities by real estate licensees, which requires a contractor's license.

2. Submittal of the Division's continuing education course, "Trust Accounting Management and Compliance," for an education award to the Association of Real Estate License Law Officials.

This three hour broker management course is funded by the Education Research Fund and is the first course the Division has sponsored.

3. Status of conversion to virtual server and data system upgrades.

There are still fixes that need to be applied.

4. Personnel.

There are no vacancies in the administrative budget account. The Real Estate Education section had a new employee, Denise Gorton, administrative assistant.

M) Discussion and possible action regarding revisions to incorporate the 2011 legislative amendments, as relevant, to update the Nevada Law and Reference Guide.

Safia Anwari summarized the changes to the Nevada Law and Reference Guide.

Commissioner Sykes moved to approve the changes. Commissioner Gurr seconded. Motion carried unanimously.

H) Discussion and possible action regarding proposed regulatory changes to NAC 645, including, but, not limited to R157-08 and R071-12.

#### **LCB File R157-08**

President Boyer moved to approve the following changes in the second revised proposed regulation:

In section 3 –, replacing in the second line the word "and" with "or"

Eliminated section 6 completely

Section 8 removed the word "continuing" from in front of education and changed the NAC reference at the end of that section to the words "this chapter"

12 – removed completely

14 – removed completely

15 – removed completely

17 – Changed new subsection 1 to read, "Courses taken to satisfy requirements for reinstatement of a license must be completed within two years immediately before reinstating the license". And added a second sentence, "Courses taken to satisfy requirements for renewal of a license must be completed within each two year period of the current license renewal period."

Commissioner Sykes seconded. Motion carried unanimously.

### **LCB File R071-12**

Commissioner Sykes moved to approve, as presented, sections 2, 3, and 4. Commissioner Gurr seconded. Motion carried unanimously.

Commissioner Sykes moved to approve, as presented, section 5. Commissioner Gurr seconded.

Commissioner Murad moved to replace the word "this state" with "any state". Motion died for lack of a second.

President Boyer called for a vote on the main motion. Motion carried 4-1, with Commissioner Murad opposing.

Commissioner Sykes moved to accept, as presented, sections 6 and 7. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved approval of sections 8 and 9, as presented with the change in section 9 (4), removing the word "classroom" after the words "24 hours of". Commissioner Johnson seconded.

It was pointed out that "24 hours of classroom" occurs twice in section 9. Commissioner Sykes accepted the inclusion of the second occurrence as a friendly amendment, as did Commissioner Johnson.

The amended motion carried unanimously.

Commissioner Sykes moved to accept, as presented, sections 10 and 11. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved NAC 645.120 be repealed. Commissioner Johnson seconded.

Commissioner Murad argued against the motion.

Commissioner Sykes spoke in favor in the motion.

After discussion, President Boyer called for a vote. Motion carried 3-2, with President Boyer and Commissioner Murad opposing.

Commissioner Sykes moved to repeal NAC 645.150. Commissioner Johnson seconded.

Commissioner Sykes spoke in favor of the motion.

Commissioner Murad spoke against the motion.

Commissioner Gurr spoke in favor of the motion.

Motion carried 3-2, with President Boyer and Commissioner Murad opposing.

Commissioner Murad moved to keep NAC 645.799, which was repealed. President Boyer seconded.

Commissioner Sykes spoke against the motion.

President Boyer spoke against the motion.

Commissioner Murad spoke in favor of the motion.

Gail Anderson read the regulation.

Susan Clark, Licensing Manager, explained further.

The motion on the floor failed unanimously.

Commissioner Sykes moved NAC 645.799 be repealed. Commissioner Johnson seconded. Motion carried unanimously.

I) Discussion and possible action regarding proposed changes for the 2013 Legislative Session.

Commissioner Johnson asked if there was some logic to the regulation requiring classes to be a minimum of three hour, because he had been approached by a couple of organization, stating they would like the ability to offer one or two hour classes.

Gail Anderson stated that it would take a regulation change to amend the requirement.

A discussion ensued about the pros and cons of having one and/or two hour courses.

Ms. Anderson stated that it would expeditious to add the proposal to an existing, due to the fiscal year ending on June 31, 2012.

President Boyer asked if anyone had any suggestions for changes to be recommended to the Legislature.

Ms. Anderson stated that she put this item on the agenda primarily to say that the Real Estate Division does not have a bill for 645. From the executive branch, there is nothing coming forward on 645

H) Discussion and possible action regarding proposed regulatory changes to NAC 645, including, but, not limited to R157-08 and R071-12. – REOPENED

Commissioner Johnson moved to revise NAC R071 to change the minimum number of hours in a course to one hour for continuing education. Commissioner Murad seconded. Motion carried 4-1, with Commissioner Sykes opposing.

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

Gail Anderson stated that the September 11 – 13 meeting would be in Carson City.

President Boyer asked if there any items to be placed on the September agenda.

B) Discussion regarding the Disciplinary Report

Joanne Gierer, Legal Administrative Officer, summarized the report.

D) Discussion regarding the Administrative Sanction Report.

Joanne Gierer, Legal Administrative Officer, summarized the report.

O) Commissioner Comments.

Commissioner Gurr stated that this would be his last meeting in Las Vegas and thanked the staff.

## **8. Public Comments**

None.

The meeting was adjourned at 13:18.