

REAL ESTATE COMMISSION
February 14, 2012

Grant Sawyer Building
Gaming Control Board
555 E. Washington Avenue
Room 2450
Las Vegas, NV 89101

VIDEO CONFERENCE TO:
Gaming Control Board
1919 College Parkway
Carson City, NV 89706

MINUTES

Meeting started at 8:53 a.m.

1. COMMISSION/DIVISION BUSINESS

A) Introduction of Commissioners in Attendance

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

B) Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator; Carolyn Washington, Compliance Investigator; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Safia Anwari, Education & Information Officer; Ingrid Trillo, Education Program Officer; Jennifer Becker, Publications Writer; Kimberly Arguello, Senior Deputy Attorney General; Daniel Ebihara, Deputy Attorney General; Christopher Eccles, Deputy Attorney General.

In Carson City: Steve Aldinger, Deputy Administrator

2. PUBLIC COMMENT

President Boyer called for public comments. There were none in Las Vegas or Carson City.

President Boyer swore in the court reporter.

5. DISCIPLINARY ACTION

23) NRED v. Jeannie Sutherland Case No. RES 12-02-07-239

The Respondent was present and represented by counsel, Attorney Saraliene Durrett.

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

Preliminary matters: voluntary surrender, per Ms. Arguello.

Ms. Arguello stated that she had a Voluntary Surrender to present to the Commission.

The Respondent was sworn in.

Ms. Arguello read the Voluntary Surrender in Lieu of Other Disciplinary Action

The Respondent confirmed that she had read, understood, and signed the Settlement.

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

24. NRED v. Robin Willett

Case No. RES 09-04-13-318

25. RED v. Robin Willett

Case No. RES 10-09-10-065

26. NRED v. Robin Willett

Case No. RES 09-07-39-039

The Respondent was present and represented by counsel, attorney Scott Marquis.

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

Mr. Ebihara stated that he had a stated that there was a Stipulation for Settlement of Disciplinary Action.

The Respondent was sworn in.

Rose Marie Reynolds, Commission Counsel read the Jurisdiction, Factual Allegations, Violations of Law and Stipulation for Settlement.

Settlement:

\$22,000 in administrative fines, paid within 13 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- 1 payment of \$10,000, due within 30 days
- 12 additional installment payments of \$1,000, due on the 20th day of each month following the initial payment until the administrative fine is paid in full.

Respondent shall complete 12 hours of continuing education to include:

- 6 hours of What Every Licensee Should Know
- 6 hours of Ethics courses

Education must be completed within 6 months of the effective date of the Commission's Order approving Stipulation. The hours must be live education and will not count toward Respondent continuing education requirements.

The Respondent confirmed that he had read, understood, and signed the Stipulation.

Commissioner Sykes moved to accept the Settlement. Commissioner Murad seconded. Motion carried unanimously.

3. NRED v. Danya Gresham

Case No. RES 10-02-24-212

The Respondent was present and represented by counsel, Scott Marquis.

The Respondent's broker was present.

Daniel Ebihara was present on behalf of the Division.

Mr. Ebihara stated that there was a Stipulation for Settlement of Disciplinary Action.

The Respondent was sworn in.

Rose Marie Reynolds, Commission Counsel, read the Jurisdiction, Factual Allegations, Violations of Law and Stipulation for Settlement.

Settlement:

\$2,000 in administrative fines, paid within 11 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- payment of \$1,000, due within 30 days
- 10 additional installment payments of \$100, due on the 20th day of each month following the initial payment until the administrative fine is paid in full.

Respondent shall complete 6 hours of continuing education to include:

- 6 hours of What Every Licensee Should Know

Education must be completed within 6 months of the effective date of the Commission's Order approving Stipulation. The hours must be live education and will not count toward Respondent continuing education requirement.

The Respondent confirmed that she had read, understood, and signed the Stipulation.

Commissioner Gurr moved to accept the Stipulation. Commissioner Johnson seconded.

Discussion ensued about the nature of the violation and the amount of the fine.

President Boyer called for a vote. Motion carried 4 to 1. Commissioner Gurr opposed.

- 1. NRED v. Richard Brenkus**
Case No. RES 10-12-20-155
- 2. NRED v. Teri Brenkus**
Case No. RES 10-02-23-211

Both Respondents were present and represented by counsel, Scott Marquis

Daniel Ebihara was present on behalf of the Division

Mr. Marquis argued that the Commission had no jurisdiction to rule in this case, because the complaint concerned Property Management (not Real Estate) activities. There were no Property Management statutes in place at the time of the violation.

Daniel Ebihara argued against the motion to dismiss, stating that the Commission does have the jurisdiction to oversee the Respondents conduct.

Commissioner Sykes moved to deny the motion to dismiss. Commissioner Johnson seconded.

Commissioner Sykes spoke to his motion and stated that the managing broker had an absolute responsibility to supervise.

President Boyer stated, for the record, the he was concerned about any motion that tries to say that the Real Estate Commission does not have the right to oversee the activities of all licensees.

President Boyer called for a vote on the motion to deny the motion to dismiss. Motion carried unanimously.

Mr. Ebihara asked for time to consult with the Respondent's counsel.

9. Estrella Dela Cruz
Case No. RES 12-10-08-104

The Respondent was present, but not represented by counsel.

The Respondent's broker was present.

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

Ms. Arguello stated that the Respondent was willing to stipulate to the facts, but wanted to address the penalty issue.

Ms. Dela Cruz was sworn in.

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

The Respondent confirmed that she understood and accepted the Factual Allegations.

President Boyer asked if the Respondent understood and agreed with the Violations of Law.

Ms. Dela Cruz stated that she agreed with the first violation, but not the second.

Ms. Arguello withdrew the second violation.

Commissioner Sykes moved to accept the Stipulation of Facts and Violation of Law, item #1.
Commissioner Johnson seconded. Motion carried unanimously

President Boyer swore in Jan Holle, Chief Investigator with the Division.

Mr. Holle recommended the revocation of Ms. Dela Cruz's license

The Respondent asked for probation, not revocation.

The Commission questioned Ms. Dela Cruz about restitution.

Commissioner Sykes asked if there was any other recommendation that was less severe.

Ms. Arguello stated that the Division's position was that the Respondent's license should be revoked, to protect the public.

Commissioner Sykes moved to accept the Division's recommendation for license revocation.
Commissioner Murad seconded.

Discussion ensued.

The Respondent stated her case.

President Boyer called for a vote on the motion to agree with the State's request that this license be revoked. Motion carried unanimously.

1. **NRED v. Richard Brenkus**
Case No. RES 10-12-20-155
2. **NRED v. Teri Brenkus**
Case No. RES 10-02-23-211

The Respondents were represented by counsel Scott Marquis and Erin Barnett. President Boyer swore in Michelle Lee and two other witnesses.

Daniel Ebihara offered exhibits previously submitted to the Commission and given to the Respondents at the beginning of the case. He stipulated to admitting the exhibits attached to the Respondent's motion to dismiss, as well as a supplemental notice. Mr. Marquis had no objections.

Mr. Marquis submitted copies of the supplemental documents.

President Boyer stated, without objection the documents provided by both Mr. Marquis and the Division are admitted.

Mr. Ebihara asked to submit the Stipulation of Facts, with no admission of violation.

Mr. Marquis confirmed the Respondents had agreed to and signed the Stipulation of Facts.

Commission Counsel read the Stipulation into the record.

Commissioner Sykes moved to accept the facts as stipulated. Commissioner Gurr seconded. Motion carried unanimously.

Daniel Ebihara had no additional facts to submit.

Mr. Marquis called Michelle Lee as a witness. He questioned her about her duties with the Brenkus team.

Ms. Lee testified about the Brenkus' policies and procedures.

Ms. Lee was questioned by Mr. Ebihara and the Commission.

President Boyer dismissed the witness.

Mr. Marquis called Rick Brenkus and questioned him about his experience and background.

Mr. Brenkus responded to questions.

Lunch break – 11:52 a.m. to 1:04 p.m.

1. **NRED v. Richard Brenkus**
Case No. RES 10-12-20-155
2. **NRED v. Teri Brenkus**
Case No. RES 10-02-23-211

Mr. Marquis continued questioning Mr. Brenkus.

Mr. Brenkus was questioned by Mr. Ebihara and the Commission.

President Boyer excused the witness.

Mr. Ebihara gave his closing argument.

Mr. Marquis gave his closing argument.

Mr. Ebihara responded to Mr. Marquis closing argument.

Mr. Marquis commented on Mr. Ebihara response.

Commissioner Sykes moved that the State failed to prove violation of law #18. Commissioner Murad seconded.

Commissioner Sykes spoke to his motion.

President Boyer commented on the motion and called for a vote. Motion carried unanimously.

Commissioner Sykes moved that State had proven violation #17. The motion died for lack of a second.

Commissioner Gurr moved that the State had not proven violation of law #17. Commissioner Murad seconded.

Discussion ensued.

President Boyer called for vote on the motion. Motion carried unanimously.

22. NRED v. Judi Y. Rock
Case No. RES 10-02-16-204

The Respondent was present, but not represented by counsel.

Kimberly Arguello was present on behalf of the Division.

Ms. Rock's brokers were present.

Ms. Rock was sworn in.

President Boyer stated, for the record, that he had done one or two transactions with Ms. Rock, but did not recuse himself.

Ms. Arguello stated that there was a Stipulation for Settlement of Disciplinary Action.

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

Settlement:

\$10,000 in administrative fines, paid within 12 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- 1 payment of \$2,000, due within 30 days
- 10 additional installment payments of \$728 and one final payment of \$720, due on the 15th day of each month following the initial payment until the administrative fine is paid in full.

Respondent shall complete continuing education courses as follows.

- 6 hours of What Every Licensee Should Know
- 3 hours of Ethics courses

Education must be completed within 6 months of the effective date of the Commission's Order approving Stipulation. The hours must be live education and will not count toward Respondent continuing education requirements.

Ms. Rock confirmed that she had read, understood, and signed the Stipulation.

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

19 NRED v. Blanca Paredes
Case No. RES 11-06-22-437

The Respondent was present.

Kimberly Arguello was present on behalf of the Division.

Ms. Paredes was sworn in.

Ms. Arguello stated that there was a Stipulation for Settlement of Disciplinary Action.

Ms. Arguello read the Jurisdiction, Stipulation of Facts, Factual Allegations, Violations of Law, Discipline Authorized, and the Stipulation for Settlement.

Settlement:

\$5,000 in administrative fines, paid within 12 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- 1 payment of \$500, due within 30 days
- 10 additional installment payments of \$410 and one final payment of \$400, due on the 15th day of each month following the initial payment until the administrative fine is paid in full.

Ms. Paredes confirmed that she had read, understood, and signed the Stipulation.

Commissioner Murad moved to accept the Stipulation. Commissioner Johnson seconded. Motion carried unanimously.

27. NRED v. Daunshari Wong-Culotta
Case No. RES 11-07-05-005

The Respondent was present, but not represented by counsel.

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

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

Ms. Wong-Culotta was sworn in.

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

Ms. Wong-Culotta confirmed that she had read, understood, and signed the Settlement.

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

17. NRED v. Steven Nohrden
Case No. RES 12-08-05-030

18. NRED v. Steven Nohrden
Case No. RES 12-09-07-077

President Boyer recused himself from this case and handed the chair to Commissioner Johnson.

The Respondent was not present or represented by counsel.

The Respondent's broker was present.

Kimberly Arguello was present on behalf of the Division.

Joanne Gierer, Legal Administrative Officer was called to testify regarding service of notice and sworn in.

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

Commissioner Sykes moved the State has 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 Gurr seconded. Motion carried. President Boyer did not vote.

Kim Arguello read the Factual Allegations, Violations of Law, and Discipline Authorized for both cases.

Jan Holle stated that the Respondent's license was currently inactive. In the case of RES 12-08-05-030, the Division recommended the revocation of the Respondent's license, a \$160,000 fine, plus cost of the hearing and investigation. For the second case of RES 12-09-07-077 the Division recommended revocation of the Respondent's license, an \$80,000 fine, plus cost of the hearing and investigation. In both cases the fine would be payable within 90 days of the order. \$1,020.54 for both

Commissioner Sykes moved, in respect to case RES 12-09-07-077, to accept staff's recommendation of revoking the Respondent's license, a fine of \$160,000, plus costs of \$510.27, due and payable within 90 days of the order being issued, with the usual and customary collections. Commissioner Gurr seconded. Motion carried. President Boyer did not vote.

Commissioner Sykes moved, in respect to case RES 12-08-05-030, to accept staff's recommendation of revoking the Respondent's license, a fine of \$80,000, plus costs of \$510.27, due and payable within 90 days of the order being issued, with the usual and customary collections. Commissioner Gurr seconded. Motion carried. President Boyer did not vote.

President Boyer returned as chair.

12. NRED v. Gisela Galvan
Case No. RES 09-11-53-201

The Respondent was present and represent by counsel, Evan Needham.

The Respondent's brokers were present.

Christopher Eccles was present on behalf of the Division.

Mr. Eccles stated that there was a Stipulation for Settlement of Disciplinary Action.

Ms. Galvan was sworn in.

Mr. Eccles read the Jurisdiction, Stipulation of Facts, Factual Allegations, Violations of Law, Discipline Authorized, and the Stipulation for Settlement.

Settlement:

\$6,500 in administrative fines

- \$1,000, at the time of approval
- 1st installment payment of \$500, due on or before March 14, 2012
- 10 installment payments of \$500, each due on or before the 14th day of each month thereafter, until the administrative fine is paid in full.

Respondent shall complete 12 hours of continuing education to include:

- 6 hours of What Every Licensee Should Know
- 6 hours of Ethics courses

Education must be completed within 6 months of the effective date of the Commission's Order approving Stipulation. The hours must be live education and will not count toward Respondent continuing education requirements.

Ms. Galvan confirmed that she had read, understood, and signed the Stipulation.

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

16. NRED v. Curtis McCall
Case No. RES 08-11-12-143

The Respondent was not present or represented by counsel.

The Respondent's broker was not present.

Christopher Eccles was present on behalf of the Division.

Rebecca Hardin, Commission Coordinator was called to testify regarding service of notice and sworn in.

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

Commissioner Sykes moved the State has 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.

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

Commissioner Sykes moved, for the purpose of clarification, that State had proven the Violation of Law with respect to NRS 645.280(2). Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle stated that the Respondent's license had expired (not renewed). The Division is recommending revocation of the license, a \$10,000 fine, plus cost of the hearing and investigation, payable within 90 days of the effective date of the order.

Commission Counsel pointed out the statute cited in the Violations of Law was incorrect and that the Respondent had not been properly notified of the law that had been violated.

Commissioner Gurr moved to reopen the evidentiary portion of the hearing. Commissioner Johnson seconded.

Mr. Eccles called Jan. Holle as a witness

Mr. Holle testified that a Notice of Violation had been sent via certified mail informing the Respondent of the violation. The letter showing the correct statute was introduced into evidence, with no objections.

Mr. Eccles argued that the letter, combined with the allegations in the complaint, was sufficient notice to the Respondent.

Commissioner Sykes moved the State had proven service with the correct violation and by extension and by statute has proven the Factual Allegations and Violations of Law with respect to this case. Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle re-stated that the Respondent's license had expired (not renewed). The Division is recommending revocation of the license, a \$10,000 fine, plus hearing and investigation costs of \$908.34, payable within 90 days of the effective date of the order.

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

President Boyer called for public comment. There was none in Las Vegas or Carson City.

President Boyer recessed the meeting at 4:23 p.m.

REAL ESTATE COMMISSION
February 15, 2012

Bradley Building
2501 E. Sahara Avenue
2nd Floor Conference Room
Las Vegas, NV 89104
City, NV 89706

MINUTES

President Boyer called the meeting back into session at started at 8:38 a.m.

1. COMMISSION/DIVISION BUSINESS

A) Introduction of Commissioners in Attendance

Bert Gurr, Elko County; Richard Johnson, Washoe County; Paul Murad, Clark County; Marc Sykes, Washoe County; David Boyer, Clark County; Sofia Long, Commission Counsel.

B) Introduction of Division staff in Attendance

Gail Anderson, Administrator; Jan Holle, Chief Investigator; Linda Chavez, Compliance Audit Investigator; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Safia Anwari, Education & Information Officer; Ingrid Trillo, Education Program Officer; Kimberly Arguello, Senior Deputy Attorney General; Christopher Eccles, Deputy Attorney General

5. DISCIPLINARY ACTION

10. NRED v. Judy Gabriel

Case No. RES 11-05-32-409

11. NRED v. Diane Wild

Case No. RES 11-05-31-408

The Respondents were present and represented by council Barney Ales.

Kimberly Arguello was present on behalf of the Division.

Ms. Arguello stated that there was a Stipulation for Settlement of Disciplinary Action for both Respondents.

Judy Gabriel and Diane Wild were sworn in by President Boyer.

Kim Arguello read the Jurisdiction, Factual Allegations, Violations of Law, Discipline Authorized and Stipulation for Settlement of Disciplinary Action for Diane Wild.

Settlement for Diane Wild:

\$10,000 in administrative fines, paid within 12 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- 1 payment of \$2,000, due within 30 days

- 10 additional installment payments of \$728 and one final payment of \$720, due on the 15th day of each month following the initial payment until the administrative fine is paid in full.

Ms. Wild confirmed that she had read, understood, and signed the Stipulation.

The Commission questioned Ms. Arguello and Ms. Wild.

Commissioner Gurr moved to accept the Stipulation for Settlement for case RES 11-05-31-408.

Commissioner Sykes seconded. Motion carried unanimously.

Kim Arguello read the Jurisdiction, Factual Allegations, Violations of Law, Discipline Authorized and Stipulation for Settlement of Disciplinary Action for Judy Gabriel.

Settlement for Judy Gabriel:

\$5,000 in administrative fines, paid within 12 months of the date of the Commission's order approving stipulation, in accordance with the below schedule of installment payments.

- 1 payment of \$1,000, due within 30 days
- 10 additional installment payments of \$364 and one final payment of \$360, due on the 15th day of each month following the initial payment until the administrative fine is paid in full.

Ms. Gabriel confirmed that she had read, understood, and signed the Stipulation.

Commissioner Murad questioned Ms. Gabriel.

Commissioner Sykes moved to accept the Stipulation for Settlement for case RES 11-05-32-409.

Commissioner Johnson seconded. Motion carried unanimously.

The court reporter was sworn in by President Boyer.

8. NRED v. Francisco De La Chesnaye
Case No. RES 07-06-32-445

The Respondent was present, but not represented by counsel.

Kimberly Arguello was present on behalf of the Division.

President Boyer asked Ms. Arguello to read the Factual Allegations one item at a time, so the Respondent could determine whether he agreed or disagreed.

Mr. De La Chesnaye was sworn in by President Boyer.

Ms. Arguello read the Jurisdiction portion of the complaint.

The Respondent stated that he was licensed during some of the actions in question, but some occurred after he stopped being a realtor. He couldn't say which ones occurred after, because he no longer had the documents.

Kim Arguello read Factual Allegations, giving the Respondent the opportunity to accept or dispute each one.

The Respondent agreed to all Factual Allegations, except 21,28,29,30, and 40.

Commissioner Sykes moved that the Respondent had stipulated to the facts as presented, with the exception of Factual Allegations 21, 28, 29, 30, and 40. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Sykes moved that the State had proven Factual Allegations 21, 28, 29, 30, and 40. Commissioner Johnson seconded.

Ms. Arguello commented that Factual allegation 40 was amended to indicate that the Respondent only received part of the amount listed.

The motion on the table carried unanimously.

Ms. Arguello gave her closing statement.

Mr. De La Chesnaye gave his closing statement

Commissioner Sykes moved that the State had proven the Violations of Law # 41-63, with respect to the Vorla Drive property, the Del Monte Avenue property, and the Hurtado Street property. Commissioner Johnson seconded. Motion carried unanimously.

Jan Holle stated that the Respondent's license had expired (not renewed). The State recommended revocation of the license, with no further recommendations.

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

Discussion ensued.

The motion on the table carried unanimously.

Diana Glassman, the broker of record for Estrella De La Cruz, appeared claiming that she had been misinformed about the date she was supposed to be at the meeting. The case in question was heard on February 14, 2012.

4.NRED v. Sandra J. Davis

Case No. RES 10-12-14-149

5. NRED v. Sandra J. Davis

Case No. RES 10-09-03-058

6.NRED v. Sandra J. Davis

Case No. RES 10-10-02-079

7. NRED v. Sandra J. Davis

Case No. RES 09-08-21-063

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

Christopher Eccles was present on behalf of the Division.

Mr. Eccles stated that there was a Stipulation for Settlement of Disciplinary Action.

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

Settlement:

\$6,180 in administrative fines

- 1st payment of \$172, due on or before April 14, 2012
- 34 installment payments of \$172, each due on or before the 14th day of each month thereafter, with a final payment of \$160.until the administrative fine is paid in full.

Ms. Sayyar confirmed that her client, Sandra Davis, had read, understood, and signed the Stipulation.

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

13. NRED v. David Green

Case No. RES 11-08-08-049

14. NRED v. David Green

Case No. RES 10-04-21-273

The Respondent was not present or represented by counsel.

Christopher Eccles was present on behalf of the Division.

Mr. Eccles requested a continuance, which was granted by President Boyer.

15. RED v. Andrew Larson

Case No. RES 09-10-10-122

The Respondent was not present or represented by counsel.

Kim Arguello was present on behalf of the Division.

Ms. Arguello requested a continuance, which was granted by President Boyer.

21. NRED v. Benedict Prasad

Case No. RES 10-09-19-074

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, Commission Coordinator was called to testify regarding service of notice and sworn in.

Ms. Arguello requested that the service documents be entered into evidence admitted and for a motion that the Respondent had been properly served in this matter.

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

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

Jan Holle stated that the Division recommended a fine of \$20,000, plus hearing and investigation costs of \$851.61, payable within 90 days cost of the effective date of the order.

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

3. Commission/Division Business

A) Discussion regarding Attorney General Case Status Report.

Sofia Long, Commission Counsel, summarized report.

Discussion of the report ensued.

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

Jan Holle, Chief Investigator, summarized the report. The Commission questioned Mr. Holle and a discussion of the report ensued.

E) Discussion regarding Administrator's report on:

1. Impact of unlicensed individuals preparing and submitting paperwork for brokers in Licensing Section processing.

Gail Anderson, Administrator, summarized the report.

2. Property Management activity survey

Ms. Anderson, Administrator, commented on the purpose of the survey.

The Commission questioned Ms. Anderson and a discussion of the survey and property management activity ensued.

3. Anticipated roll out of Division's trust account continuing education course funded by the Education and Research Fund

This was included in the discussion of item 2.

4. Personnel

Ms. Anderson reviewed the status of open and recently filled positions.

Lunch break – 12:00 p.m. to 1:04 p.m.

6. APPEAL OF INSTRUCTOR DENIAL

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

A. Motion to close session to consider the character and professional competence of **MITCHELL FULFER** as an instructor for the following courses:

- Representing the HUD Buyer – A Guide to Selling HUD Homes (CE.4047000-RE)
- Agency Relationships: And Its Urgency (CE.3463000-RE)
- Talk About Ethics (CE.3632000-RE)
- Complete the Listing Contract (CE.5014000-RE)
- Writing and Presenting the Offer to Purchase (CE.5015000-RE)
- Advanced Analysis of the Residential Purchase Agreement (CE.3633000-RE)
- Communicate, Negotiate and Resolve Conflict Effectively (CE.3534000-RE)
- Core Broker Management – Skills in the Real World (CE.3533000-RE)
- Foreclosures, Short Sales, REO's and Auctions (CE.3970001-RE)

B. Discussion in closed session.

C. Discussion and possible action in open session

President Boyer recused himself, handing the chair to Commissioner Johnson.

Commissioner Sykes moved to close the meeting. Commissioner Gurr seconded. Motion carried unanimously. President Boyer did not vote.

Commissioner Sykes moved to go back into open session, Commissioner Gurr seconded. Motion carried. President Boyer did not vote.

Commissioner Gurr moved to grant the appeal. Commissioner Murad seconded. Motion carried. President Boyer did not vote.

President Boyer returned as chair.

3. Commission/Division Business

I) Discussion and possible action regarding Respondent’s petition to reconsider Commission’s Order.

- 1. NRED v. Eric Lynn
Case No. RES 10-08-05-032
Effective date of Order: July 2, 2010.

The case was continued.

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; and0
- 2. Change designation of any of the courses.

NEW REAL ESTATE CONTINUING EDUCATION COURSES FOR POSSIBLE ACTIONS:

DISCUSSION AGENDA EDUCATION COURSES

NEW REAL ESTATE PRE- LICENSING EDUCATION COURSES

1. A+ Nevada Real Estate School
“Broker Management”
Request: 45 Hours Correspondence

2. A+ Nevada Real Estate School
“Nevada Real Estate Law”
Request: 18 Hours Correspondence

NEW REAL ESTATE CONTINUING EDUCATION COURSES

3. The CE Shop, Inc.
“BPO’s: The Agent’s Role in the Valuation Process”
Request: 8 Hours General Internet

CONSENT AGENDA EDUCATION COURSES

4. The CE Shop, Inc.
“Nevada 2011 Legislative Update”
Request: 3 Hours Law & Legislation Internet

5. National Business Institute, Inc.
“Foreclosure Mediation Practice in Nevada”
Request: 7 Hours Law & Legislation Classroom

6. Steven Kitnick Seminars, LLC

“Commission Hearings: Case Studies III”			
Request:	3 Hours	Broker Management & Ethics	Classroom
7. The CE Shop, Inc. “Online Risk Management”			
Request:	3 Hours	Ethics	Internet
8. McKissock, LP “Code of Ethics”			
Request:	3 Hours	General	Internet
9. McKissock, LP “Getting Started with Property Management”			
Request:	6 Hours	General	Internet
10. Lorman Education Services “Basic Commercial Leases”			
Request:	7 Hours	General	Classroom
11. RMCS, Inc. “Social Media for Real Estate”			
Request:	3 Hours	General	Classroom
12. Rosen, Jay C. “Procuring Cause: A Cause Worth Fighting For!”			
Request:	4 Hours	Law & Legislation	Classroom
13. Cook & Company, Ltd. “Nonviolent Property Management: Communication Skills for Property Managers”			
Request:	3 Hours	Property Management	Classroom
14. Steven Kitnick Seminars, LLC “Advance Fees”			
Request:	3 Hours	Law & Legislation	Classroom
15. Steven Kitnick Seminars, LLC “Deficiency Judgments”			
Request:	3 Hours	Law & Legislation	Classroom
16. CCIM Institute “Preparing to Negotiate (Online)”			
Request:	6 Hours	General	Internet
17. CCIM Institute “CI 101: Financial Analysis”			
Request:	34 Hours	General	Internet
18. McKissock, LP “Closing Procedures and Settlement Costs (Updated)”			
Request:	4 Hours	General	Internet
19. McKissock, LP “Nevada Risk Management for Brokers”			
Request:	3 Hours	Broker Management	Internet
20. Steven Kitnick Seminars, LLC			

	“Who Can Negotiate Short Sales?”		
Request:	3 Hours	Contracts	Classroom
21.	Laughlin, Michael		
	“Mortgage Finance and Today’s Laws”		
Request:	3 Hours	General	Classroom
22.	Randall Van Reken Seminars		
	“2011 NRS Update”		
Request:	3 Hours	Law & Legislation	Correspondence
23.	Guild Mortgage		
	“Mortgage 101 – Understanding the Full Pre-Approval Process”		
Request:	3 Hours	General	Classroom
24.	Guild Mortgage		
	“Core Systems – Generate 50 Leads Per Month”		
Request:	3 Hours	Personal Development	Classroom
25.	Ben C. Scheible Seminars		
	“Case Studies in Agency”		
Request:	3 Hours	Agency	Classroom
26.	Ben C. Scheible Seminars		
	“The O&A Says What?”		
Request:	3 Hours	Contracts	Classroom
27.	Ben C. Scheible Seminars		
	“Ethics and the Law”		
Request:	3 Hours	Ethics	Classroom
28.	Greater Las Vegas Association of REALTORS®		
	“Rebooting Your Real Estate Mojo”		
Request:	3 Hours	Personal Development	Classroom
29.	Greater Las Vegas Association of REALTORS®		
	“Marketing 2.0”		
Request:	3 Hours	Personal Development	Classroom
30.	Kraus, Paul R.		
	“Financing HUD Properties”		
Request:	3 Hours	General	Classroom
31.	Kraus, Paul R.		
	“Selling and Closing HUD Properties”		
Request:	3 Hours	General	Classroom
32.	Marquardt, Holly A.		
	“How to Complete a HUD Sales Contract Package”		
Request:	3 Hours	Contracts	Classroom
33.	OnlineEd, Inc.		
	“Silver State Legislative Update - 2011”		
Request:	3 Hours	Law & Legislation	Internet
34.	Nevada Association of REALTORS®		

“GRI III – The Contract Class”

Request: 15 Hours Contracts Classroom

35. Nevada Association of REALTORS®

“GRI IV – Essential Legal Issues”

Request: 8 Hours Ethics Classroom

Commissioner Johnson asked to pull items # 3, 7, 9, 10, 11, 12, 13, 14, 15, 4, 5

President Boyer pulled items 6, 18 and 20.

Commissioner Sykes moved to approve the consent agenda; excluding the courses withheld.

Commissioner Johnson seconded. Motion carried unanimously.

President Boyer asked for a motion to approve Education items 1 and 2, which were not on the Consent Agenda, as recommended by the Division.

Commissioner Sykes moved to approve courses 1 and 2, as recommended. Commissioner Gurr seconded. Motion carried unanimously.

President Boyer called for a discussion on Item # 3, which had no recommendation.

Ingrid Trillo, Education Program Officer stated that the CE shop had asked for this item and item # 4 to be continued to the next Commission meeting.

Commissioner Sykes moved to continue items 3 and 4 to next Commission meeting. Commissioner Johnson seconded.

Discussion ensued.

President Boyer called for a vote on the motion to continue items 3 and 4. Motion failed 3 to 2 - Commissioners Sykes and Murad voted yes; Commissioners Gurr and Johnson opposed, as did President Boyer.

Commissioner Gurr moved to deny items 3 and 4, as presented; Commissioner Johnson seconded. Motion carried unanimously.

President Boyer stated that the Division’s recommended denial of item #5. He asked if anyone was present from that sponsor or if they had made any comment on the denial.

Ingrid Trillo stated that she had sent the denial to two different people via certified mail, but neither responded.

Discussion ensued about the merits, designation, and hours of the class.

President Boyer moved that the course be approved for 7 hours of General credit. The motion died for lack of a second.

Commissioner Gurr moved to uphold the Division’s denial. Commissioner Johnson seconded. Motion carried 4 to 1. President Boyer opposed.

President Boyer called for discussion of items 6.

President Boyer read the staff’s recommendation for item 6.

Ingrid Trillo explained that Mr. Kitnick was asked to put the course designation on the certificates.

Mr. Kitnick stated that he had already implemented that change.

Commissioner Sykes moved to approve item # 6. Commissioner Gurr seconded. Motion carried unanimously.

President Boyer called for discussion of item #14.

Ingrid Trillo stated that the course does not contain enough law & legislation to cover that designation.

Mr. Kitnick referenced letters submitted to Joanne Gierer and proceeded to state his case.

Commissioner Sykes moved that the Commission accept the State's recommendation for 3 hours of general education. Motion died for lack of a second.

Commissioner Gurr moved that the course be accepted for 3 hours of Law and Legislation. Commissioner Johnson seconded.

Discussion ensued.

President Boyer called for a vote the motion on the table. Motion carried 3 to 2. Commissioner Sykes and President Boyer opposed.

President Boyer called for discussion of item #15.

Ingrid Trillo stated that the argument was the same as item #14.

Mr. Kitnick stated his case for the validity of the designation.

Commissioner Murad moved that the course be accepted for 3 hours of Law and Legislation. Commissioner Gurr seconded.

Discussion ensued.

President Boyer called for a vote the motion on the table. Motion carried 4 to 1. Commissioner Sykes opposed.

President Boyer called for discussion of item #20.

Discussion ensued.

Commissioner Sykes moved to approve education agenda item 20 for 3 hours of Contracts, as recommended by staff. Motion carried unanimously.

President Boyer called for discussion of item #7.

Ms. Trillo stated the course designation was changed from Ethics to General and the sponsor had been notified.

Commissioner Gurr moved to approve this class, as recommended by the State. Commissioner Johnson seconded. Motion carried unanimously.

President Boyer called for discussion of item #8.

Ms. Trillo recommended the course designation be changed from General to Ethics.

Commissioner Gurr moved to approve item # 8, as recommended by the Division. Commissioner Johnson seconded.

Discussion ensued.

Commissioner Gurr made a friendly amendment to his motion to include that the course be audited. Commissioner Johnson agreed.

President Boyer called for a vote on the motion to approve the course for Ethics, with an audit to be scheduled at the earliest possible convenience. Motion carried unanimously.

President Boyer called for discussion of item #9.

Discussion ensued about the course's general content and that it did not address Nevada's laws and requirements. It was stated that the course should be designated as General.

Commissioner Johnson moved to approve the course as 6 hours of General. Commissioner Gurr seconded. Motion carried unanimously.

President Boyer called for discussion of item #10.

Ingrid Trillo cited the State's recommendation of changing the class from 7 hours of General to 7 hours of Contracts, because it was previously approved as a Contracts class.

Discussion ensued concerning the content.

Commissioner Johnson moved to approve the class for 7 hours of Contracts, as recommended by the State. Commissioner Gurr seconded. Motion carried 4 to 1. Commissioner Murad opposed.

President Boyer called for discussion of item #11.

The sponsor requested 3 hours of General. The State suggested 3 hours of Personal Development.

Commissioner Gurr moved to approve the recommendation of the Division for 3 hours of Personal Development. Commissioner Johnson seconded.

Ingrid Trillo recommended the course for Personal Development, because it is all about media.

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

President Boyer called for discussion of item #12.

Commissioner Sykes moved to approve the recommendation of staff. President Johnson seconded. Motion carried unanimously.

President Boyer called for discussion of item #13.

The State recommended a designation change from Personal Management to Personal Development.

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

President Boyer called for discussion of item #18.

Ingrid Trillo stated that the State's request for a reduction of hours from 4 to 3 was an error.

Commissioner Gurr moved to approve course for 4 hours of General Internet. Commissioner Johnson seconded. Motion carried unanimously.

3. COMMISSION/DIVISION BUSINESS

- G) Discussion and possible action regarding approval of subject areas for Instructor/Course development training 2012 funded by the Education and Research Fund pursuant to NRS 645.842.

Safia Anwari, Education & Information Officer, outlined the proposed workshop and requested the Commission's approval.

Commissioner Sykes moved to approve the workshop, as presented. Commissioner Gurr seconded. Motion carried unanimously.

D) Discussion and possible action to approve minutes of the November 15-17, 2011 meeting.

Commissioner Sykes moved to approve November 15-17, 2011, meeting minutes, as presented. Commissioner Johnson seconded. Motion carried unanimously.

H) Discussion concerning the Continuing Education Audit Report.

President Boyer asked what happened if someone did not respond.

Ingrid Trillo answered that non-response was not a problem. If that did happen, a second request would be made. If that were not returned, Gail Anderson would determine the next step.

This was not an action item.

J) Discussion regarding report from Auction Work Group.

Commissioner Murad gave the background of what prompted the work group to be formed and discussed the report.

Teresa McKee commented on some of the problems identified.

President Boyer requested that Gail Anderson write a white paper on unlicensed activity.

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

President Boyer asked if there were any agenda items to be added. There was none.

Gail Anderson commented on the location of the September meeting, scheduled for the North.

Ms. Anderson discussed funding for meetings in this fiscal year, stating that June's meeting may have to be postponed.

President Boyer proposed leaving the dates as is, for now.

L) Commissioner Comments.

President Boyer called for Commissioners comments.

Commissioner Murad commented that the flash drive system was good, but would prefer that shipment should be delayed until everything was on the drive.

Commissioner Gurr wanted it earlier.

President Boyer called for public comments.

Teresa McKee made general comments.

Cindy Weber, ABC Real Estate School, talked about variety in education.

The meeting was recessed at 3:52 p.m.

REAL ESTATE COMMISSION
February 16, 2012

Grant Sawyer Building
Gaming Control Board
555 E. Washington Avenue
Room 2450
Las Vegas, NV 89101

VIDEO CONFERENCE TO:
Gaming Control Board
1919 College Parkway
Carson City, NV 89706

MINUTES

Meeting started at 8:30 a.m.

2. PUBLIC COMMENT

President Boyer called for public comments. There was none in Las Vegas or Carson City.

4. * ADOPTION HEARING FOR POSSIBLE ACTION:

A) 02/16/12 @ 8:30 a.m. REGULATION ADOPTION HEARING FOR LCB FILE No. R093-10:

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

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

Introduction of Commissioners in Attendance

The Commission members present were as follows: Marc Sykes, Washoe County; Richard Johnson, Washoe County; Bert Gurr, Elko County; David Boyer, Clark County; Sofia Long, Commission Counsel; Paul Murad, Clark County

Introduction of Division staff in Attendance

In Las Vegas: Gail Anderson, Administrator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Jennifer Becker, Publications Writer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Kimberly Arguello, Senior Deputy Attorney General

In Carson City: Steve Aldinger, Deputy Administrator

President Boyer read the procedure for the hearing.

Section 1:

Dr. Cindy Weber, ABC Real Estate School, asked to read a statement, not specific to any section. She opposed live-classroom requirement in proposed LCB File No. R093-10. She stated that the proposal would limit Nevada licensee's access to education, because of the increased live classroom requirement, which would limit a licensee's options for completion of continuing education. Licensees should be able to the education delivery method of their choice.

Soozi Jones-Walker, Commercial Executives, stated that she ran the workgroup for this. [proposal]. The workgroup recommended that second year education remain live. There was a concern that agents not having live education were missing the education need to keep from harming the public.

Commissioner Gurr moved that section 1 be adopted, as proposed. Commissioner Murad seconded.

Motion carried unanimously.

Section 2:

Commissioner Murad moved that section 1 be adopted, as proposed. Commissioner Johnson seconded. Motion carried unanimously.

Section 3:

Commissioner Johnson stated that the line at the top of page 6 was redundant and could be confusing. Discussion ensued.

Teresa McKee stated that a statutory reference to the phrase in question was not found. While there was no opinion on whether the verbiage it was confusing, the line is not necessary to the regulation.

Kimberly Arguello, Senior Deputy Attorney General, stated that there was a concern with taking it out at this point was that it may be a substantive change that LCB might have had us kick it back.

Commissioner Gurr moved to adopt section 3, as proposed. Commissioner Johnson seconded. Motion carried unanimously. Motion carried unanimously.

President Boyer commented on a question raised by a speaker in the Public Comments on February 15, 2012. Article 3, Section 7, states: "Not less than 50% of the total hours of required continuing education set forth in this section may be taken through live instruction by a licensee." He asked for verification of his interpretation that the section meant 50% of all courses; not just core courses.

Gail Anderson confirmed that half of all hours required must be live.

President Boyer stated that his understanding was that the licensees who received four-year licenses would be obliged to provide proof of 24 hours of continuing education to the Division June 30.

Ms. Anderson read from the regulation.

President Boyer wanted it on the record that it means the people who received a 4-year license starting July 1, 2011, whose next renewal is after July 1, 2013, this is now in effect. They are required to have 24 hours of continuing education prior to July 1, 2013

Gail Anderson confirmed the requirement of 24 hours in first 2 years and 24 hours in second two years.

Commissioner Johnson asked if the wording in Article 3, Section 7 should read must be taken, rather than may be taken.

Teresa McKee commented that she agreed with Commissioner Johnson and the word should be changed to must from may.

Commissioner Sykes moved to reconsider section 3. Commissioner Johnson seconded. Motion carried unanimously.

J. C. Aarons stated that “may” was less confusing than “must” and the current language was clear.

Commissioner Sykes moved to amend Section 3 (7), replacing “may” with “must”. Commissioner Johnson seconded. Motion carried 4 to 1. Commissioner Gurr opposed.

Commissioner Sykes moved to adopt Section 3, as amended. Commissioner Johnson seconded. Motion carried unanimously.

Section 4:

No comment or discussion.

Commissioner Gurr moved to adopt Section 4, as submitted. Commissioner Johnson seconded. Motion carried unanimously.

President Boyer concluded the adoption of R093-10.

3. COMMISSION/DIVISION BUSINESS

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

Gail Anderson discussed R157-08, which requires a sponsor to provide an electronic roster; also correlating reinstatement requirements and stated that a workshop would be needed, possibly outside of the regular meeting schedule.

President Boyer preferred to schedule it for the April meeting.

R003-10 relating to regulation of schools and approval of courses. A lot of changes have been made and this needs to be workshopped to make sure all input is correct.

Joanne Gierer stated that LCB had not given us a draft, yet.

President Boyer requested R003-10 be added to the April agenda.

Gail Anderson stated that the Regulatory Review done by the agency, submitted to the director; then submitted to the Governor, as part of his executive order on review of regulations, identified a section, NAC645.799, that needed to be repealed.

Ms. Anderson stated that the requirement for the Division’s review of broker financials is by regulation. It is not statutory. There are concerns about the method of determining financial soundness of a broker.

COMMISSIONER’S COMMENT

Commissioner Sykes asked for workshop on permit holders.

Commissioner Murad wanted to add reciprocity with other states to the next agenda.

8. Public Comments

Soozi Jones-Walker thanked everyone for the work they had done on the workgroup.

The meeting was adjourned at 9:33 a.m.