

**REAL ESTATE COMMISSION MEETING
JULY 16, 2013
GRANT SAWYER BUILDING
555 E. WASHINGTON AVENUE ROOM 4401
LAS VEGAS, NEVADA 89101**

**VIDEO CONFERENCED TO:
LEGISLATIVE BUILDING
401 S. CARSON STREET ROOM 3137
CARSON CITY, NEVADA 89701**

JULY 16, 2013

8:38 a.m.

1-A) Introduction of Commissioner in attendance.

Paul Murad, David Boyer, Richard Johnson, Norma Jean Opatik, Marc Sykes

Deputy Attorney General Sophia Long acting as Commission Counsel.

1-B) Introduction of Division staff in attendance.

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator/Compliance Audit; Linda Chavez, Compliance Audit Investigator; Carolyn Washington, Compliance Audit Investigator; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Chad Freeman, Publication Writer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Senior Deputy Attorney General Kimberly Arguello acting as Division Counsel, Deputy Attorney General Christopher Eccles; Deputy Attorney General Daniel Ebihara.

In Carson City: Steve Aldinger, Deputy Administrator; Kip Steele, Compliance Audit Investigator; Deputy Attorney General Colleen Platt.

2) Public Comments

In Carson City: Mike Nolan commented. Mr. Nolan requested that the Commission consider the detailed recommendations regarding streamlining mid-term post licensing and continuing education reporting offered to the Commission in a letter and summary overview provided by Rob Wigton, president of Nevada Association of Realtors. Mr. Nolan stated that the current mid-term reporting procedure requires hand delivery or mailing of original certificates of post licensing and continuing education to the Division. Mr. Nolan stated that hand delivery is not an option for many licensees and the prospect of original education certificates being lost or misplaced could result in invalidated licenses. Mr. Nolan stated that they believe that allowing licensees to attest to education completed electronically via a form or via pdf copies of original certificates is an effective, efficient and verifiable method of demonstrating compliance. Mr. Nolan stated that requiring that sponsors submit class sign in sheets to the Division would go a long way to streamline the process. Mr. Nolan stated that he understands that there is a software project being implemented that is targeted to fully automate the entire education reporting process however he is concerned that full implementation of that software may take years leaving licensees at risk. Mr. Nolan stated that he is ready and willing to assist in any way to improve the process.

In Las Vegas: Teresa McKee on behalf of the Nevada Association of Realtors commented. Ms. McKee stated that the Greater Las Vegas Association of Realtors did not give their approval of the letter that Mr. Nolan is referring to. Ms. McKee stated that the Greater Las Vegas

Association of Realtors is concerned with the Division's workload and staffing measures. Ms. McKee stated that they intend to work with the Division and clear up some things that will make this easier for licensees.

4-5) NRED v. Robert B. Benz for possible action

Case No. RES 12-11-04-134

License Nos. B.0020433.CORP (INACTIVE) and PM.0165025.BKR (INACTIVE)

Case has been continued until the next Commission meeting in the South.

4-9) NRED v. Sarah M. Goldstein for possible action

Case No. RES 11-03-25-338

License Nos. B.0039746.PTNR (Active) and PM.0139746.BKR (Closed)

Case has been continued until the next Commission meeting in the South.

4-10) NRED v. Cynthia Hosbrook for possible action

Case No. RES 13-05-04-313

License No. S.0046407 (INACTIVE)

Case has been continued until the next Commission meeting in the South.

4-11) NRED v. Robert Hosbrook for possible action

Case No. RES 13-05-05-314

License No. S.0168696 (Closed)

Case has been continued until the next Commission meeting in the South.

4-12) NRED v. Konstantino Kouris for possible action

Case No. RES 12-11-05-135

License No. Unlicensed

Case has been continued until the next Commission meeting in the South.

4-5) NRED v. Robert B. Benz for possible action

Case No. RES 12-11-04-134

License Nos. B.0020433.CORP (INACTIVE) and PM.0165025.BKR (INACTIVE)

Case has been continued until the next Commission meeting in the South.

4-18) NRED v. Lyudmyla Radehenko for possible action

Case No. RES 12-06-28-398

License No. Unlicensed

Case has been continued until the next Commission meeting in the South.

4-24) NRED v. Gordon D. Vician for possible action

Case No. RES 12-04-19-317

License No. B.0049444.INDV (Active)

Case has been continued until the next Commission meeting in the South.

4-25) NRED v. Gordon D. Vician for possible action

Case No. RES 13-08-08-042

License No. B.0049444.INDV (Active)

Case has been continued until the next Commission meeting in the South.

4-26) NRED v. Gordon D. Vician for possible action

Case No. RES 13-08-09-043

License No. B.0049444.INDV (Active)

Case has been continued until the next Commission meeting in the South.

4-23) NRED v. Ahmad Sharif-Yazdi for possible action

Case No. RES 11-05-02-379

License Nos. BS.0001241.LLC (Active) and PM.0163138.BKR (Active)

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Ahmad Sharif-Yazdi was present.

Preliminary Matters

Ms. Arguello presented the Commission with a stipulation for settlement of disciplinary action. Ms. Arguello read the factual allegations and violations of law into the record.

Mr. Sharif-Yazdi stated that he agrees with the stipulation for settlement of disciplinary action.

Commissioner Sykes moved to accept the stipulation as presented.

Seconded by Commissioner Boyer. Motion carried unanimously.

4-6) NRED v. Krystin Marie Bunch for possible action

Case No. RES 13-08-36-070

License Nos. S.0167549 (INACTIVE) and PM.0164060 (INACTIVE)

Parties Present

Deputy Attorney General Daniel Ebihara was present representing the Division.

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Krystin Bunch was not present.

Ms. Bunch's broker was present.

State's Witness

Rebecca Hardin, Commission Coordinator, was called as a witness regarding service of the complaint to the respondent.

Mr. Ebihara asked that the Commission find that service was proper.

Commissioner Sykes moved that the State has proven service and by statute the factual allegations and violations of law.

Seconded by Commissioner Opatik. Motion carried unanimously.

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

Commissioner Boyer moved that the State has provided adequate evidence that the respondent is guilty of the violations submitted.

Commissioner Boyer withdrew his motion.

Division's Recommendation for Discipline

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$120,000.00 payable within thirty days
- Hearing and investigative cost of \$496.03 payable within thirty days
- Revocation of real estate license and property management permit

Commissioner Boyer moved for approval of the State's recommendation of a fine of \$120,000.00, \$496.03 for hearing and investigative cost payable within thirty days of entry of the order and revocation of the currently inactive sales and property management license.

Seconded by Commissioner Sykes.

Commissioner Sykes stated that he is disappointed in the State's recommendation. Commissioner Sykes stated that he would like to see a higher fine.

Commissioner Opatik recommended an amendment to the motion to increase the fine to at least \$500,000.00.

Commissioner Boyer stated that some of the violations are five thousand dollar violations and some violations are ten thousand dollar violations. Commissioner Boyer stated that he is not sure if the violations total \$500,000.00 and did not accept the amendment to the motion.

Mr. Holle stated that there are a total of sixty violations at the maximum of ten thousand dollars and two violations at the maximum of five thousand dollars which would be a total of \$610,000.00 for a maximum fine.

Commissioners Boyer and Sykes stated that they will accept Commissioner Opatik's amendment of \$500,000.00 for the total amount of the fine.

Motion carried unanimously.

4-22) NRED v. Samuel Schwartz for possible action

Case No. RES 13-08-37-071

License Nos. B.0025708.CORP (Active) and PM.0163993.BKR (Active)

Parties Present

Deputy Attorney General Daniel Ebihara was present representing the Division.

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Samuel Schwartz was present representing himself.

Preliminary Matters

Mr. Ebihara stated that there was a stipulation for settlement of disciplinary action.

Ms. Arguello read the stipulation for settlement of disciplinary action into the record.

Mr. Schwartz stated that he has read, understands and has signed the stipulation for settlement.

Commissioner Sykes moved to approve the stipulated settlement as presented.

Seconded by Commissioner Boyer. Motion carried unanimously.

4-13) NRED v. Ivy Latimore for possible action

Case No. RES 12-03-08-273

License No. S.0051455 (Active)

Parties Present

Ivy Latimore was present.

Ms. Latimore's broker was present.

Deputy Attorney General Christopher Eccles was present representing the Division.

Preliminary Matters

Mr. Eccles stated that there was a stipulation for settlement of disciplinary action. Mr. Eccles read the factual allegations and violations of law into the record.

Ms. Latimore stated that she has read, understands and signed the stipulation for settlement.

Commissioner Boyer moved to approve the stipulation for settlement as presented.

Seconded by Commissioner Murad. Motion carried unanimously.

4-19) NRED v. K. Dee Schander for possible action

Case No. REN 13-09-03-008

License No. Unlicensed

Parties Present

Deputy Attorney General Colleen Platt was present representing the Division.

K. Dee Schander was present.

Preliminary Matters

Ms. Platt stated that there was a stipulation for settlement of disciplinary action. Ms. Platt read the factual allegations and violations of law into the record.

Ms. Schander stated that she has read, understands and signed the stipulation for settlement.

Commissioner Sykes moved that the Commission accept the stipulation as presented.

Seconded by Commissioner Boyer.

Commissioner Sykes stated that it sounds like some of the compensation that the respondent may have accrued was accrued as an employee of the owner for the property that Ms. Schander resides in. Commissioner Sykes stated that typically in situations where the Division makes a recommendation such as this it is not clear to the Division what the total amount of compensation received by the respondent is. Commissioner Sykes recommended approval of the stipulation.

Commissioner Murad stated that the settlement seems very light in light of the activity and how many years it has gone on.

Motion carried 4 to 1 with Commissioner Murad opposed.

4-1) NRED v. Nancy L. Anderson for possible action

Case No. RES 12-04-18-316

License Nos. BS.0020897.MGR (Active) and PM.0162642.DES (Active)

4-2) NRED v. Nancy L. Anderson for possible action
Case No. RES 12-06-15-385
License Nos. BS.0020897.MGR (Active) and PM.0162642.DES (Active)

4-3) NRED v. Nancy L. Anderson for possible action
Case No. RES 12-10-13-109
License Nos. BS.0020897.MGR (Active) and PM.0162642.DES (Active)
Commissioner Opatik abstained from voting because of her personal relationship with the respondent.

Commissioner Boyer abstained from voting because he personally knows the respondent.

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Nancy Anderson was present.

Jackie Porter was present as for moral support and wanted to assure the Commission that the agents and properties involved would be taken care of.

Preliminary Matters

Ms. Arguello stated that there was a stipulation for settlement of disciplinary action for all three disciplinary actions. Ms. Arguello read the stipulation for settlement of disciplinary action into the record.

Ms. Anderson stated that she has read, understands and has signed the stipulation for settlement.

Commissioner Sykes moved to accept the stipulation for settlement as presented.

Seconded by Commissioner Murad.

Commissioner Sykes stated that on page six of the stipulation for settlement paragraph sixty-one, the Commission heard a case similar to this case where there was a voluntary suspension of the property manager license. Commissioner Sykes stated that this stipulation has a voluntary revocation of the property manager license. Commissioner Sykes asked why there was a difference.

Gail Anderson stated that voluntary revocation means that should the respondent reapply for a permit after the allowed time, the respondent would have to appear before the Commission to be granted the permit. Ms. Anderson stated that a suspension is an abeyance and an automatic reinstatement if the renewal fees are maintained. Ms. Anderson stated that the voluntary revocation is what the Division felt is appropriate in this matter.

Commissioner Murad asked because of the severity, the amount of time that has gone and the result of it to the client; if giving up the property management license and not the real estate license is sufficient. Commissioner Murad stated that the amount of the fine seems minimal considering what occurred.

Commissioner Sykes asked if any of the damaged parties in this transaction received compensation of the money that was due prior to this hearing.

Nancy Andersons answered yes.

Motion carried 2 to 1 with Commissioner Murad opposed and Commissioners Opatik and Boyer abstaining.

4-7) NRED v. Jacqueline Colli for possible action

Case No. RES 11-08-26-067

License No. BS.0020752 (CLOSED)

Parties Present

Deputy Attorney General Christopher Eccles was present representing the Division.

Jacqueline Collie was not present.

State's Witness

Rebecca Hardin, Commission Coordinator, was called as a witness regarding service of the complaint to the respondent.

Mr. Eccles stated that NAC 645.860 provides that notice is proper upon mailing documents to the respondent at their last known address on file with the Division. Mr. Eccles requested that given the testimony of Ms. Hardin, the Commission make the finding that notice was proper and that Ms. Colli has failed to appear for the hearing.

Commissioner Sykes moved that the State has proven service and by extension and statute, the factual allegations and violations of law in this case are true.

Seconded by Commissioner Boyer. Motion carried unanimously.

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

Division's Recommendation for Discipline

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$30,000.00 payable within thirty days of the effective date of the order
- Cost of the hearing and investigation of \$1,031.08 payable within thirty days of the effective date of the order
- Revocation of the real estate license and property management permit
- All normal customary language regarding default

Commissioner Sykes moved to approve the Division's recommendation for discipline.

Seconded by Commissioner Boyer.

Commissioner Sykes asked if restitution was made by the respondent.

Mr. Eccles stated that he does not know if restitution was made. Mr. Eccles stated that the proceeding is ongoing and that there might be some monitoring by the court regarding restitution.

Motion carried unanimously.

4-16) NRED v. Ima Jean Nikolich for possible action

Case No. RES 13-07-18-018

License No. BS.0013331 (Closed)

4-17) NRED v. Ima Jean Nikolich for possible action
Case No. RES 13-08-32-066
License No. BS.0013331 (Closed)

Commissioner Boyer abstained from voting stating that for different reasons he may be unable to render a fair resolution and an inability to be unbiased.

Parties Present

Deputy Attorney General Christopher Eccles was present representing the Division.

Ima Jean Nikolich was not present.

Ms. Nikolich's broker was present.

State's Witness

Rebecca Hardin, Commission Coordinator, was called as a witness regarding service of the complaint to the respondent.

State's Witness

Carolyn Washington, Compliance Audit Investigator, was called as a witness regarding addresses for Ms. Nikolich.

State's Witness

Linda Chavez, Compliance Audit Investigator, was called as a witness regarding addresses for Ms. Nikolich.

Mr. Eccles requested that based upon NAC 645.860, that the Commission find that notice was proper, that facts are proven and that the respondent has failed to appear.

Commissioner Sykes moved that the State has proven service and by extension and statute, the factual allegations and violations of law in this case.

Seconded by Commissioner Murad.

Motion carried unanimously.

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

Division's Recommendation for Discipline for Case No. RES 13-08-32-066

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$20,000.00 payable within thirty days of the effective date of the order
- Hearing and investigation cost of \$1,154.27 payable within thirty days of the effective date of the order
- Include all customary default language

Division's Recommendation for Discipline for Case No. RES 13-07-18-018

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$40,000.00 payable within thirty days of the effective date of the order
- Hearing and investigation cost of \$1,338.24 payable within thirty days of the effective date of the order
- Revocation of the respondent's real estate license
- Include all customary default language

Commissioner Murad moved to accept the Division's recommendation for discipline in case number RES 13-07-18-018.

Seconded by Commissioner Sykes.

Motion carried.

Commissioner Murad moved to accept the Division's recommendation for discipline in case number RES 13-08-32-066.

Seconded by Commissioner Opatik.

Motion carried.

4-8) NRED v. Cynthia Duffy for possible action

Case No. RES 13-01-24-221

License Nos. B.0063991.LLC (INACTIVE) and PM.0163430.BKR (INACTIVE)

Parties Present

Cynthia Duffy was not present.

Ms. Duffy's broker was not present.

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

State's Witness

Rebecca Hardin, Commission Coordinator, was called as a witness regarding service of the complaint to the respondent.

Ms. Arguello requested that the Commission rule that Ms. Duffy has been properly served in this matter.

Commissioner Boyer moved that the State has proven service and therefore by statute the factual allegations and violations of law are deemed proven.

Seconded by Commissioner Murad.

Motion carried unanimously.

Ms. Arguello requested that the documents contained in the Notice of Documents be accepted into evidence.

President Johnson stated that those documents have been accepted.

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

Division's Recommendation for Discipline

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$240,000.00 to be payable within thirty days of the effective date of the order
- Hearing and investigation cost of \$1,427.08 to be payable within thirty days of the effective date of the order
- Revocation of the respondent's real estate license and property management permit
- Include all customary default language

Commissioner Boyer moved to accept the Division's recommendation for discipline.

Seconded by Commissioner Opatik.

Motion carried unanimously.

4-15) NRED v. Kirk Niesen for possible action

Case No. RES 13-02-15-241

License Nos. B.0019066.INDV (Inactive) & PM.0162773.BKR

Parties Present

Kirk Niesen was not present.

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

State's Witness

Rebecca Hardin, Commission Coordinator, was called as a witness regarding service of the complaint to the respondent.

Ms. Arguello requested that the Commission rule that Mr. Niesen has been properly served in this matter.

Commissioner Sykes moved that the State has proven service and by extension and statute, the factual allegations and violations of law in this case.

Seconded by Commissioner Opatik.

Motion carried unanimously.

Ms. Arguello requested that the documents contained in the Notice of Documents be accepted into evidence.

President Johnson stated that those documents have been accepted.

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

Division's Recommendation for Discipline

Jan Holle gave the Division's recommendation for discipline:

- Fine of \$330,000.00 to be payable within thirty days of the effective date of the order
- Hearing and investigation cost of \$1,422.24 to be payable within thirty days of the effective date of the order
- Revocation of the respondent's real estate license and property management permit
- Include all customary default language

Commissioner Sykes moved to accept the recommendation of the Division for discipline.

Seconded by Commissioner Boyer.

Motion carried unanimously.

4-20) NRED v. Charles Schmidt for possible action

Case No. RES 12-01-03-200

License No. Unlicensed

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Attorney Trevor Hatfield was present representing Charles Schmidt.

Charles Schmidt was not present.

Preliminary Matters

Ms. Arguello stated that there was a stipulation for settlement of disciplinary action that Mr. Schmidt has read and signed. Ms. Arguello read the stipulation for settlement of disciplinary action into the record.

Mr. Hatfield stated that Mr. Schmidt has read, understands and signed the stipulation for settlement.

Commissioner Sykes moved that the Commission accept the stipulation for settlement of disciplinary action.

Seconded by Commissioner Opatik.

Motion carried unanimously.

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

Jan Holle presented this report to the Commission. Mr. Holle stated that this report is the totality for fiscal year 2013.

- 59 complaints received in the north
- 933 complaints received in the south
- Total of 992 complaints received by the Compliance Section in fiscal year 2013.

Mr. Holle stated that the total number of complaints received by the Compliance Section in fiscal year 2013 is similar to the total of 1,016 complaints received by the Compliance Section in fiscal year 2012.

Mr. Holle stated that the 2013 Legislative Session resulted in several additional positions for the Division to include two compliance audit investigators and one administrative assistant for the 645 Compliance Section. Mr. Holle stated that the target date for employment is October 1, 2013.

Mr. Holle stated that beginning October 1, 2013 the Compliance Section will take on the additional duties of reviewing, processing and implementing additional enforcement tools for the trust account reconciliation program.

3-D) Discussion regarding the Administrative Sanction Report.

Joanne Gierer presented this report to the Commission. Ms. Gierer stated that the report reflects part of February 2013 until the end of June 2013.

4-14) NRED v. Lin (Joanna) Li for possible action

Case No. RES 13-11-06-154

License No. S.0051920 (INACTIVE)

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Lin (Joanna) Li was present.

Preliminary Matters

Ms. Arguello stated that she has been engaged in settlement negotiations with Ms. Li and has come to an agreement but Ms. Li's English is not very good. Ms. Arguello stated that Ms. Li has requested to have the hearing continued until the next Commission meeting so that Ms. Li can have someone translate or explain the settlement agreement to her.

Ms. Arguello stated that she does not have an objection to Ms. Li's request.

The Commission agreed to Ms. Li's request.

4-21) NRED v. William R. Schulte for possible action

Case No. RES 12-06-30-400

License No. B.0026569.CORP (Expired)

Commissioner Boyer stated that he was in business with Mr. Schulte over twenty years ago. Commissioner Boyer stated that he would not abstain from voting.

Parties Present

William R. Schulte was present.

Deputy Attorney General Christopher Eccles was present representing the Division.

Factual Allegations and Violations of Law

Mr. Eccles stated that he met with Mr. Schulte on July 15, 2013. Mr. Eccles stated that at that time Mr. Schulte provided Mr. Eccles with Mr. Schulte's answer to the complaint. Mr. Eccles stated that Mr. Schulte's answer is lengthy and contains exhibits. Mr. Eccles stated that he agrees to admit Mr. Schulte's exhibits and Mr. Schulte agreed with Mr. Eccles to admit Mr. Eccles' exhibits into evidence.

Mr. Eccles stated that a number of the allegations are admitted by Mr. Schulte. Mr. Eccles stated that one allegation and violation of law is denied by Mr. Schulte.

Mr. Eccles provided the Commission with Mr. Schulte's answer to the complaint.

Mr. Eccles requested to amend factual allegation #1 in the Complaint and Notice of Hearing. Mr. Eccles stated that the last sentence on line 28 should read "he is currently expired, not renewed" as opposed to "he is currently inactive."

Mr. Schulte stated that he does not object to Mr. Eccles' amendment.

President Johnson stated that he accepts Mr. Eccles' amendment.

Mr. Eccles stated that on page two of Mr. Schulte's answer to the complaint, Mr. Schulte has admitted to factual allegations 1-17.

Mr. Eccles stated that the first allegation that is denied in part is factual allegation 17. Mr. Eccles stated that Mr. Schulte admits that he pre-signed checks for the operating account but did not pre-sign checks for the security deposit account.

Mr. Eccles stated that Mr. Schulte has admitted to factual allegations 18-20 with the caveat regarding factual allegation 20. Mr. Eccles stated that Mr. Schulte denies that he failed to

supervise the operation of his business although Mr. Schulte admits to failing to supervise the activities of his bookkeeper.

Mr. Eccles stated that Mr. Schulte denies factual allegation 21 in his answer to the complaint. Mr. Eccles stated that after speaking to Mr. Schulte, he now admits that those trust account reconciliations were not provided for 2009, 2010 and 2011.

Mr. Schulte stated that based on the information that Mr. Eccles has given to him, those trust account reconciliations were never mailed.

Mr. Eccles stated that Mr. Schulte admits to factual allegations 22 and 23. Mr. Eccles stated that Mr. Schulte denies factual allegation 24.

Mr. Eccles stated that Mr. Schulte admits violations of law 25-34. Mr. Eccles stated that Mr. Schulte denies violations of law 35 and 36 in his answer to the complaint. Mr. Eccles stated that after speaking to Mr. Schulte, he now admits that those violations occurred.

Mr. Schulte stated that he admits to violations of law 35 and 36 even though he signed the documents. Mr. Schulte stated that the individual did not mail those documents.

Mr. Eccles stated that Mr. Schulte denies violation of law 38.

Mr. Eccles stated for violations of law 39 Mr. Schulte denies that he failed to supervise the operations of his business but admits that he failed to supervise his bookkeeper.

Commissioner Sykes moved that by omission of the respondent, the State has proven factual allegations 1-23.

Seconded by Commissioner Boyer.

Motion carried unanimously.

Respondent's Witness

William R. Schulte testified.

Closing Arguments

Mr. Eccles gave his closing argument regarding the factual allegation on gross negligence and incompetence.

Commissioner Boyer questioned Mr. Schulte.

Commissioner Sykes moved that based on the respondent's testimony, the State has proven factual allegation 24.

Seconded by Commissioner Opatik.

Motion carried unanimously.

Commissioner Boyer moved that the State has proven violations of law 25-39.

Seconded by Commissioner Sykes.

Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle gave the Division's recommendation for discipline:

- Revocation of real estate license and property management permit
- Fine of \$75,000.00 payable within ninety days.
- Hearing and investigative cost of \$2,079.08 payable within ninety days
- Include all customary default language

Commissioner Sykes moved to accept the Division's recommendation for discipline.

Seconded by Commissioner Opatik.

Motion carried 4 to 1 with Commissioner Murad opposed.

5-1-A) License Denial Appeal for possible action. Motion to close session to review the license denial appeal of DAVID YOUNG, FILE No. S-LDA-13-002 and why applicant should or should not be granted a license.

Commissioner Boyer moved that the Commission close session to hear this matter pursuant to NRS 241.030.

Seconded by Commissioner Sykes.

Motion carried unanimously.

5-1-B) License Denial Appeal of DAVID YOUNG, FILE No. S-LDA-13-002. Discussion in closed session.

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Licensing Manager Susan Clark was present.

David Young was present.

Ms. Clark reported to the Commission on why Mr. Young's licensing reinstatement was denied.

Members of the Commission questioned Ms. Arguello and Mr. Young.

Mr. Young gave a statement to the Commission.

Commissioner Boyer moved to open the session and for the Commission to have discussion during open session.

Seconded by Commissioner Sykes.

Motion carried unanimously.

5-1-C) License Denial Appeal of DAVID YOUNG, FILE No. S-LDA-13-002. Discussion and possible action in open session.

Commissioner Boyer moved to overturn the denial and to grant the applicant a license.

Seconded by Commissioner Sykes.

Commissioner Boyer stated that Mr. Young has not been convicted of any crime and is not on probation. Commissioner Boyer stated that the Commission does not have the grounds to deny a license.

President Johnson stated that he does not agree with Commissioner Boyer because of the question that he asked and the answer received.

Commissioner Opatik stated that she concurs with President Johnson.

Commissioner Boyer stated that the Commission has granted licenses to people who were convicted of sexual crimes and murder. Commissioner Boyer stated that assuming that Mr. Young is guilty of what he has been accused of, Commissioner Boyer stated that he does not see the equity.

Commissioner Sykes stated that he agrees with Commissioner Boyer.

Motion carried 3 to 2 with President Johnson and Commissioner Opatik opposed.

3-R-1) For possible action: Discussion and possible action regarding Respondents petition to reconsider Commission's Order:

NRED v. JENNIFER LORENZEN

Case No. RES 12-06-45-415

Effective Date of Order: May 8, 2013

License No.: S.0037195 (REVOKED)

Parties Present

Senior Deputy Attorney General Kimberly Arguello was present representing the Division.

Jennifer Lorenzen was present.

Ms. Arguello stated that Ms. Lorenzen is requesting, as a result of her current circumstances, to lower her fine payment amount to the Division. Ms. Arguello stated that Ms. Lorenzen has a \$30,000.00 fine and would like to lower her payments to \$25.00 per month.

Ms. Lorenzen stated that she owes restitution to the government in the amount of \$6,712,400.00 plus a mandatory penalty of \$600.00. Ms. Lorenzen stated that she is required to give ten percent of her income to the government per month. Ms. Lorenzen stated that she pays \$210.02 per month to the government. Ms. Lorenzen stated that her payment of the Commission fine and cost is due by August 8, 2013 but she has no way to pay that amount to the Division.

Ms. Arguello asked if Ms. Lorenzen has paid anything to the Division.

Ms. Lorenzen stated that she has not.

Commissioner Sykes moved that the Commission accept Ms. Lorenzen request to lower her monthly payments to \$25.00 and require Ms. Lorenzen to come back to the Commission meeting that is closest to two years from now to review Ms. Lorenzen's financial statement to see if an increase might be warranted.

Seconded by Commissioner Boyer.

Commissioner Murad stated that he does not understand why requiring a percentage is so difficult. Commissioner Murad stated that this is how interest is calculated on a mortgage or

other payments. Commissioner Murad stated that this would be easier than having to come back before the Commission.

Commissioner Sykes stated that there is no ability for accountability in that particular situation. Commissioner Sykes stated that his suggestion is much simpler to monitor and enforce.

Commissioner Opatik stated that it would be harder for the Commission to monitor her income.

Motion carried 4 to 1 with Commissioner Murad opposed.

3-F) For possible action: 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 for FY 2014.

3-G-a) Discussion regarding Education and Information Officer's report concerning the budgeted and end of FY 2013 actual expenditures of the Education and Research Fund projects, including "What Every Licensee Should Know."

Safia Anwari requested that agenda items 3-F and 3-G-a be combined because all of these agenda items and reports relate to the ERF program.

Safia Anwari stated that the Commission has been provided with a memorandum. Ms. Anwari stated that the memorandum has a column for each ERF projected showing what was approved and spent for fiscal year 13 and the Division's proposal for fiscal year 14.

Safia Anwari stated the amount approved for "What Every Licensee Should Know 2012-2013" was \$25,740.00. Ms. Anwari stated that of the approved amount \$15,456.00 was sent within the fiscal year. Ms. Anwari stated that funding being proposed by the Division for approval for fiscal year 14 is \$7,840.00.

Ms. Anwari stated that for the continuing education and post licensing education audit program \$2,000.00 was approved for fiscal year 2013. Ms. Anwari stated that \$1,198.99 was spent within the fiscal year. Ms. Anwari stated that for fiscal year 14 the Division is proposing \$1,500.00.

Ms. Anwari stated that for the instructor development training \$7,000.00 was approved for fiscal year 13 and \$4,285.00 was spent within the fiscal year. Ms. Anwari stated that the Division is proposing \$4,600.00 for fiscal year 14.

Ms. Anwari stated to print up to ten thousand copies of the Nevada Residential Disclosure Guide the approved amount for fiscal year 13 was \$2,000.00. Ms. Anwari stated that no copies were printed and none of the \$2,000.00 was spent. Ms. Anwari stated that the Division is proposing \$2,500.00 for fiscal year 14.

Ms. Anwari stated that the "Trust Account Management and Compliance" course started being offered October 2012 and is ongoing until September 2013. Ms. Anwari stated that ten classes have been offered in Las Vegas and 4 classes have been offered in Reno at \$500.00. Ms. Anwari stated that \$11,000.00 was proposed for the full funding period of October 2013 to September 2014. Ms. Anwari stated that to date \$8,000.00 has been spent. Ms. Anwari stated that the Division is requesting an extension from October 2014 to September 2015 and a proposed amount of \$7,000.00.

Commissioner Boyer asked if there was a reason why the trust accounting classes are not matched to the current fiscal year.

Steve Aldinger stated that the reason was a matter of the terms of the original contracts. Mr. Aldinger stated that the Division extended through the end of fiscal year 13 in the south with GLVAR because of the overwhelming attendance.

Gail Anderson stated that the Division is requesting the Commission's approval of the request of contract funding in the amount of \$23,440.00 for fiscal year 14.

Commissioner Sykes stated the request for "What Every Licensee Should Know" class is significantly below what was approved last fiscal year.

Ms. Anderson stated that funding was available so the class was reduced from six hours to three hours. Ms. Anderson stated that with the trust account reconciliation program, the Division was adding funds in that area.

Commissioner Sykes moved to approve the ERF project as presented. Seconded by Commissioner Boyer. Motion carried unanimously.

7) Public Comments

None

3-V) Commissioner Comments

Commissioner Murad stated that based on what the Commission has seen with disciplinary cases regarding property management, the Commission should look into a bonding or insuring requirement for anyone who gets a property management permit. Commissioner Murad stated that this is the only way to get restitution. Commissioner Murad stated that he would like this issue to be added to the next Commission meeting agenda and for Division staff to advise the Commission.

8) Adjournment

Meeting recessed at 4:25 p.m. on July 16, 2013.

**REAL ESTATE COMMISSION MEETING
JULY 17, 2013
GRANT SAWYER BUILDING
555 E. WASHINGTON AVENUE ROOM 4401
LAS VEGAS, NEVADA 89101**

**VIDEO CONFERENCED TO:
LEGISLATIVE BUILDING
401 S. CARSON STREET ROOM 3137
CARSON CITY, NEVADA 89701**

JULY 17, 2013

8:34 a.m.

1-A) Introduction of Commissioner in attendance.

Paul Murad, David Boyer, Richard Johnson, Norma Jean Opatik, Marc Sykes

Deputy Attorney General Sophia Long acting as Commission Counsel.

1-B) Introduction of Division staff in attendance.

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator/Compliance Audit; Safia Anwari, Education Officer; Ingrid Trillo, Education Program Officer; Joanne Gierer, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Deputy Attorney General Christopher Eccles; Senior Deputy Attorney General Kimberly Arguello acting as Division Counsel.

In Carson City: Steve Aldinger, Deputy Administrator.

2) Public Comments

None.

3-S-1) For possible action: Discussion and possible action regarding Respondents petition to reconsider Commission's Order.

**NRED v. JUANCARLO CASTILLO
Case No. RES 13-10-14-120
Effective Date of Order: May 15, 2013
License No.: S.0167345 (SUSPENDED)**

Parties Present

Deputy Attorney General Christopher Eccles was present representing the Division.

JuanCarlo Castillo was present.

Mr. Eccles stated that in October 2012 the Commission ordered Mr. Castillo to pay a total fine of \$7,159.25 which reflected a \$6,000.00 fine plus the cost of the hearing and investigation of \$1,159.25. Mr. Eccles stated that \$1,000.00 was to be due in thirty calendar days and installment payments of \$250.00 each month thereafter until paid in full. Mr. Eccles stated that twelve hours of continuing education was also ordered by the Commission.

Joanne Gierer stated that Mr. Castillo's first payment was due on June 14, 2013. Ms. Gierer stated that payment was not made and Mr. Castillo had contacted her about going before the Commission for reconsideration. Ms. Gierer stated that Mr. Castillo's education is not due until

November 2013. Ms. Gierer stated that Mr. Castillo's order has not been sent to the State Controller's Office yet. Ms. Gierer stated that Mr. Castillo's license has been suspended.

Mr. Castillo stated that he has not done any real estate transactions since October 2012 and has not generated any funds from real estate. Mr. Castillo stated that he was recently laid off and would like for his payments to be lowered and to have his payment plan restructured so that he can reinstate his real estate license.

Commissioner Boyer moved that the Commission not change the fine amount but to change the payment arrangement so that \$100.00 is payable on or before July 25, 2013, upon receipt of that payment to have Mr. Castillo's license suspension lifted, \$100.00 payments per month due by the 25th of the month and the Commission to revisit Mr. Castillo's financial situation at the Commission meeting one year from today.

Seconded by Commissioner Opatik.

Commissioner Opatik stated that she feels that Mr. Castillo's monthly payments should be at least \$150 to \$175 per month since his real estate license will be reinstated. Commissioner Opatik stated that the Commission could revisit this issue in a year with Mr. Castillo's filed 1040.

President Johnson stated he agrees with the payments being \$150 to \$175 per month but rather than bringing this before the Commission in one year, the payment arrangement automatically go back to what it was before. President Johnson stated that if Mr. Castillo has a problem then he could come before the Commission.

Commissioner Boyer withdrew his motion.

Commissioner Boyer moved that Mr. Castillo pay \$175.00 payable on or before July 25, 2013 and \$175.00 thereafter until July 25, 2014 when it will increase to \$250.00 per month with everything else remaining the same.

Commissioner Boyer withdrew his motion.

Commissioner Boyer moved that the penalty ordered and education remain the same, payments be reduced to \$150.00 per month with the first payment due by July 25, 2013 with payments continuing at \$150.00 per month until July 25, 2014 when the payments will be increased to \$250.00 per month until paid and upon receipt of the \$150.00 on July 25, 2013 Mr. Castillo's license suspension will be lifted.

Seconded by Commissioner Sykes.

Motion carried unanimously.

3-G-b) Discussion regarding Education and Information Officer's report concerning the Division's classroom offerings of the Division's "Trust Accounting Management and Compliance" continuing education course in Las Vegas and Reno in FY 2013 and recommendation to continue the program in FY 2014.

Safia Anwari presented this report. Ms. Anwari stated that the Division began offering the classes in May 2012. Ms. Anwari stated that initially one class per quarter was being offered in Reno and Las Vegas but due to a higher than anticipated amount in Las Vegas, the Division requested to extend funding by \$5,000.00 and was approved by the Commission in September 2012. Ms. Anwari stated that the class has been offered monthly in Las Vegas. Ms. Anwari

stated that eleven classes have been offered in Las Vegas and five classes in Reno. Ms. Anwari stated that the total attendance in Las Vegas has been two hundred and thirty-six and seventy-six in Reno.

Ms. Anwari stated that the average evaluation ratings have been 4.9 with comments that the class was informative, helpful and valuable.

Ms. Anwari stated that the current contract with the instructors terminates at the end of September 2013 and the Division intends to extend the contracts for one additional year.

Ms. Anwari stated that there have been a lot of request from brokers and salespeople with property management permits to be allowed to attend these classes. Ms. Anwari stated that the Division has submitted, on the education summary, the request to have that class approved for property management designation to allow salespeople to attend.

3-G-c) Discussion regarding Education and Information Officer's report concerning the FY 2013 instructor development workshop, and Education and Research Fund project approved by the Commission, offered by the Division in Las Vegas and Reno on June 26th and 27th, respectively.

Safia Anwari presented this report. Ms. Anwari stated that the attendance in Las Vegas was twenty-five and twelve in Reno. Ms. Anwari stated that it covered various techniques in developing, designing and instructing live and distance education courses including the technologies that are currently available to enhance inactivity in education.

Ms. Anwari stated that evaluation rating for the instructor and content were very well received and mainly excellent.

3-M) For possible action: Discussion concerning qualifications of real estate education instructors including possible mandatory training offered by the Division through the annual Instructor Development Workshops.

Commissioner Boyer stated that he asked for this agenda item because there were twenty-five instructors in Las Vegas and twelve in Reno who attended these workshops. Commissioner Boyer stated that there are more instructors in the State. Commissioner Boyer stated that if the State is offering this course, is this a course that the Commission should make mandatory for instructors to participate in. Commissioner Boyer stated that currently it is voluntary.

Teresa McKee on behalf of the Nevada Association of Realtors commented. Ms. McKee stated that the Nevada Association of Realtors offers very little education and leaves that to local associations.

Jimmy Dag commented. Mr. Dag stated that he teaches in thirteen states. Mr. Dag stated that to teach locally at the local association one has to have an instructor development workshop every two years. Mr. Dag stated that in the thirteen states that he teaches, no one has mandatory annual instructor workshops. Mr. Dag stated that there would need to be multiple dates to attend the workshop and not one day per year. Mr. Dag stated that every two years instructors have to take an instructor development workshop to teach at the faculty level at GLVAR. Mr. Dag stated that other vendors may not require that but people who hire instructors do want to know on the application to teach when was the last time that the instructor attended an instructor development workshop.

Dr. Cindy Weber with ABC Real Estate School commented. Dr. Weber stated that she has to attend continuing education as a licensed secondary teacher in Nevada. Dr. Weber stated that as

a professional instructor, instructors do attend things that are geared towards their area. Dr. Weber stated that she does not have an opinion on whether or not to make it mandatory.

Wendy Divecchio with the Greater Las Vegas Association of Realtors commented. Ms. Divecchio stated that for their facility they require that anyone who comes on board to take a two to three day ITI which goes over instructor development. Ms. Divecchio stated that facility members are then required to take a mandatory ITI training one day course every two years. Ms. Divecchio stated that those who would like to teach for the national association of realtors are required to take a mandatory training every two years.

Neil Schwartz, senior facility member at GLVAR, commented. Mr. Schwartz stated that he believes that the Division's annual instructor development workshop should be mandatory but that there should be a little flexibility in attendance.

Gail Anderson suggested that the Commission keeps this agenda item for possible discussion at the Commission's next meeting in terms of consideration as to if the Commission would like to move on a regulation in this direction.

Commissioner Boyer suggested that the Commission follow Ms. Anderson's suggestion. Commissioner Boyer stated that he welcomes any comments regarding this issue.

3-H-1) For possible action: Discussion regarding and possible action for Education Program Officer's report on Continuing Education Course Audit Report.

Ingrid Trillo presented this report to the Commission. Ms. Trillo stated that this report covers December 2012 until the end of May 2013. Ms. Trillo stated that eighteen classes were audited.

Ms. Trillo stated that it has been challenging to get audits completed because Audit Committee members either will not respond or sign up for classes and do not attend. Ms. Trillo suggested to Ms. Anderson that the Division conduct an Audit Review Committee meeting to go over how important this is to the Division.

3-H-2) For possible action: Discussion regarding and possible action for Education Program Officer's report on Division's solution to the "dual designation" issue for existing courses in order to implement electronic uploading of education rosters to give proper credit for a course with an option for designation credit.

Gail Anderson stated that there were several courses that were granted dual designation. Ms. Anderson stated that there is a problem with the Division's computerized implementation because the computer has to be programmed on what to count the course as. Ms. Anderson stated that the solution that the Division came up with was to assign and give them a new number for one of the designations. Ms. Anderson stated that when it comes time to renew, the instructor would have to choose to renew both courses or not. Ms. Anderson stated that the Division is treating them as separate classes.

3-E-1) Discussion regarding Administrator's report on personnel, including approved positions in the 2013-2015 biennial budget for Real Estate Administration Budget Account 3823.

Gail Anderson presented this report. Ms. Anderson stated that there are no vacancies in the Administration or in the Real Estate Education budget accounts. Ms. Anderson stated that the Division will be receiving new positions effective October 1, 2013. Ms. Anderson stated that the Division had 7.40 full time employees authorized. Ms. Anderson stated that the .40 is for Rebecca Hardin who has been a part time employee and her position will be restored to a full time position on October 1, 2013.

Ms. Anderson stated that there are seven additional positions that were authorized. Ms. Anderson stated that three of those positions are in the Compliance section: Two compliance audit investigator II positions and one administrative assistant.

Ms. Anderson stated that two positions were restored in the Licensing section in Las Vegas. Ms. Anderson stated that one position's primary full time duty will handle background checks.

Ms. Anderson stated that there is one administrative position that was restored in the Projects section.

Ms. Anderson stated that her administrative assistant position to the administrator has been restored.

Commissioner Sykes asked if there will be discussion in the future about restoring the licensing person in the Carson City office.

Ms. Anderson stated that it will not happen in this biennium. Ms. Anderson stated that there can be discussion in the future if the Division's funding source changes and opens up. Ms. Anderson stated that there would need to be at least five or six people. Ms. Anderson stated that there is no longer any fiscal staff in the Carson City office.

3-E-2) Discussion regarding Administrator's report on licensing statistics for Fiscal Year 2013 ending June 30, 2013.

Gail Anderson presented this report and provided the Commission with the statistical reports.

4-4) NRED v. Roger Baldwin for possible action

Case No. RES 12-07-07-007

License No. S.0044327 (Active)

Parties Present

Deputy Attorney General Christopher Eccles was present representing the Division.

Mr. Baldwin's broker was not in attendance.

Roger Baldwin was not present.

Attorney Jay Schafer was present representing Mr. Baldwin.

Preliminary Matters

Mr. Eccles stated that there was a stipulation for settlement of disciplinary action. Mr. Eccles read the factual allegations and violations of law into the record.

Mr. Schafer stated that the respondent has read, understands and signed the stipulation for settlement of disciplinary action.

Commissioner Sykes moved that the Commission accept the stipulation for settlement.

Seconded by Commissioner Boyer.

Commissioner Murad asked Mr. Schafer the financial condition of the respondent and the reason for requesting such a payment plan.

Mr. Eccles stated that Mr. Baldwin did not pay Mr. Schafer; Mr. Baldwin's broker is paying the attorney. Mr. Eccles stated that Mr. Baldwin is of limited means, collects social security and that Mr. Baldwin is already on a payment plan with the IRS.

Mr. Schafer stated that he has been authorized to act as Mr. Baldwin's agent and has been authorized to enter into this stipulated settlement. Mr. Schafer stated that Mr. Baldwin is apprised of the terms of the agreement.

Motion carried unanimously.

6) 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; and
2. Change designation of any of the courses.

Request for re-approval for possible action

1a. ABC Real Estate School for possible action

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

1b. ABC Real Estate School for possible action

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

1c. ABC Real Estate School for possible action

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

1d. ABC Real Estate School for possible action

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

1e. ABC Real Estate School for possible action

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

1f. ABC Real Estate School for possible action

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

1g. ABC Real Estate School for possible action

Hours	Title	Delivery	Course Number
24	Business Broker Permit Course	Internet	PL.2300007-RE

1h. ABC Real Estate School for possible action

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

2. American School of Real Estate Express for possible action

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

3a. Americana Real Estate Academy for possible action

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

3b. Americana Real Estate Academy for possible action

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

3c. Americana Real Estate Academy for possible action

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

3d. Americana Real Estate Academy for possible action

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

3e. Americana Real Estate Academy for possible action

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

4a. Avalon School of Real Estate for possible action

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

4b. Avalon School of Real Estate for possible action

Hours	Title	Delivery	Course Number
45	Real Estate Law & Ethics	Correspondence	PL.4520005-RE

4c. Avalon School of Real Estate for possible action

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

4d. Avalon School of Real Estate for possible action

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

4e. Avalon School of Real Estate for possible action

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

5. College of Southern Nevada for possible action

Hours	Title	Delivery	Course Number
45	Real Estate Brokerage RE 201B	Classroom	PL.4551011-RE

6a. Kaplan Professional Schools Nevada for possible action

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

6b. Kaplan Professional Schools Nevada for possible action

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

6c. Kaplan Professional Schools Nevada for possible action

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

6d. Kaplan Professional Schools Nevada for possible action

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

6e. Kaplan Professional Schools Nevada for possible action

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

6f. Kaplan Professional Schools Nevada for possible action

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

6g. Kaplan Professional Schools Nevada for possible action

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

6h. Kaplan Professional Schools Nevada for possible action

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

7a. Key Realty School for possible action

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

7b. Key Realty School for possible action

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

7c. Key Realty School for possible action

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

7d. Key Realty School for possible action

Hours	Title	Delivery	Course Number
45	Real Estate Law	Correspondence	PL.4502011-RE

7e. Key Realty School for possible action

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

7f. Key Realty School for possible action

Hours	Title	Delivery	Course Number
45	Real Estate Appraisal	Correspondence	PL.4552002-RE

7g. Key Realty School for possible action

Hours	Title	Delivery	Course Number
45	Real Estate Investment	Correspondence	PL.4555001-RE

7h. Key Realty School for possible action

Hours	Title	Delivery	Course Number
24	Property Management Permit Course	Classroom	PL.2400011-RE

7i. Key Realty School for possible action

Hours	Title	Delivery	Course Number
24	Business Broker Permit Course	Correspondence	PL.2300006-RE

7j. Key Realty School for possible action

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

7k. Key Realty School for possible action

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

7l. Key Realty School for possible action

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

8a. Northern Nevada Real Estate School for possible action

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

8b. Northern Nevada Real Estate School for possible action

Hours	Title	Delivery	Course Number
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90	Pre-License Real Estate	Correspondence	PL.9000032-RE
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8c. Northern Nevada Real Estate School for possible action

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

9. Online Ed.com for possible action

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

10. Pioneer School of Real Estate for possible action

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

11. Proschools Inc for possible action

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

12a. Real Estate School of Nevada for possible action

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

12b. Real Estate School of Nevada for possible action

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

12c. Real Estate School of Nevada for possible action

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

12d. Real Estate School of Nevada for possible action

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

12e. Real Estate School of Nevada for possible action

Hours	Title	Delivery	Course Number
18	Nevada License Law, Land Sales and Timeshares	Classroom	PL.1800031-RE

12f. Real Estate School of Nevada for possible action

Hours	Title	Delivery	Course Number
18	Nevada License Law, Land Sales and	Correspondence	PL.1800032-RE

	Timeshares		
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13. Truckee Meadows College for possible action

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

New Real Estate Pre-Licensing Education Courses for possible action

14. Avalon School of Real Estate for possible action
 “Real Estate Finance”
 Request: 45 Hours Correspondence
15. Avalon School of Real Estate for possible action
 “Real Estate Property Management”
 Request: 45 Hours Correspondence
16. Avalon School of Real Estate for possible action
 “Essentials of Real Estate Investment”
 Request: 45 Hours Correspondence
17. Avalon School of Real Estate for possible action
 “Real Estate Sales & Marketing 101 for Real Estate Professionals”
 Request: 45 Hours Correspondence
18. Avalon School of Real Estate for possible action
 “Real Estate Economics”
 Request: 45 Hours Correspondence
19. Real Estate School of Nevada for possible action
 “Real Estate Principles, Practices and Law”
 Request: 90 Hours Internet
20. Pioneer School of Real Estate for possible action
 “Property Management 24-Hour Course”
 Request: 24 Hours Classroom

New Real Estate Post-Licensing Education Courses for possible action

21. Boardwalk Educational Systems for possible action
 “Post Licensing Training”
 Request: 30 Hours Classroom
22. Pioneer School of Real Estate for possible action
 “Post-Licensing Education”
 Request: 30 Hours Classroom

New Real Estate Continuing Education Courses for possible action

23. Nevada Real Estate Division for possible action

- “What Every Licensee Should Know 2014/15”**
Request: 3 Hours Law & Legislation Classroom
24. **“Three Short Sale Scams”**
Request: 3 Hours Ethics Classroom
25. **“6 Ways to Disappoint Your Seller”**
Request: 3 Hours Agency Classroom
26. **Ticor Title Company of Nevada for possible action**
“Arm’s Length Contracts”
Request: 3 Hours Contracts Classroom
27. **Steven Kitnick Seminars for possible action**
“Commission Hearings: Case Studies IV”
Request: 3 Hours Broker Management Classroom
28. **Steven Kitnick Seminars for possible action**
“Commission Hearings: Case Studies IV”
Request: 3 Hours Ethics Classroom
29. **Steven Kitnick Seminars for possible action**
“Contracts for the Real Estate Professional”
Request: 3 Hours Contracts Classroom
30. **Steven Kitnick Seminars for possible action**
“Who Can Legally Negotiate Short Sales in Nevada?”
Request: 3 Hours General Classroom
31. **Steven Kitnick Seminars for possible action**
“The Residential Purchase Agreement”
Request: 3 Hours Contracts
33. **Greater Las Vegas Association of REALTORS®**
“Short Sales & Foreclosures: What Real Estate Professionals Need to Know”
Request: 6 Hours General Classroom
34. **Greater Las Vegas Association of REALTORS® for possible action**
“Lease Negotiations Strategies and Their Economic Impact”
Request: 3 Hours General Classroom
35. **First Centennial Title for possible action**

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|------------|--|-----------------------------|------------------|
| | “Contracts and Addendums for Distressed Properties” | | |
| | Request: 3 Hours | Contracts | Classroom |
| 36. | First Centennial Title for possible action | | |
| | “Ethics and the Law of Real Estate Part One” | | |
| | Request: 3 Hours | Ethics | Classroom |
| 37. | First Centennial Title for possible action | | |
| | “Ethics and the Law of Real Estate Part Two” | | |
| | Request: 3 Hours | Ethics | Classroom |
| 38. | First Centennial Title for possible action | | |
| | “Seller Representation and Short Sales” | | |
| | Request: 3 Hours | Agency | Classroom |
| 39. | First Centennial Title for possible action | | |
| | “Options for Nevada Distressed Homeowners” | | |
| | Request: 3 Hours | Agency | Classroom |
| 40. | Real Estate School of Nevada for possible action | | |
| | “The Beginning Broker” | | |
| | Request: 3 Hours | Broker Management | Classroom |
| 41. | Real Estate School of Nevada for possible action | | |
| | “Writing an Acceptable REO Offer” | | |
| | Request: 3 Hours | Contracts | Classroom |
| 42. | Real Estate School of Nevada for possible action | | |
| | “Short Sale and the Listing Agent” | | |
| | Request: 3 Hours | General | Classroom |
| 43. | Real Estate School of Nevada for possible action | | |
| | “Property Management and Overview” | | |
| | Request: 3 Hours | Property Management | |
| | Classroom | | |
| 44. | Real Estate School of Nevada for possible action | | |
| | “Ethics and The Real Estate Agent” | | |
| | Request: 3 Hours | Ethics | Classroom |
| 45. | Real Estate School of Nevada for possible action | | |
| | “Creating an Internet Presence” | | |
| | Request: 3 Hours | Personal Development | Classroom |
| 46. | Real Estate School of Nevada for possible action | | |

- “Agency Relationships Through Nevada Law”
Request: 3 Hours Agency Classroom
47. Real Estate School of Nevada for possible action
“The Foreclosure Process and REO Properties”
Request: 3 Hours General Classroom
48. The CE Shop, Inc. for possible action
“Agency Responsibilities in Nevada”
Request: 3 Hours Agency Internet
49. “The Fundamentals of Commercial Real Estate”
Request: 3 Hours General Internet
50. The CE Shop, Inc. for possible action
“Anatomy of Commercial Building”
Request: 3 Hours General Internet
51. McKissock, LP for possible action for possible action
“The Ins and Outs of Property Management”
Request: 3 Hours Property Management
Internet
52. McKissock, LP for possible action
“Danger in Plain Sight: Understanding Lead Paint for Property Managers”
Request: 3 Hours Property Management
Internet
55. McKissock, LP for possible action
“Simple Questions, Big Consequences: How to Avoid Fair Housing Violations as a
Property Manager”
Request: 3 Hours Property Management
Internet
56. Institute of Real Estate Management for possible action
“Leadership and Human Resource Essentials (HRS 402)”
Request: 14 Hours General Classroom
57. Institute of Real Estate Management for possible action
“Investment Real Estate Financing and Valuation: Part One (ASM 603)”
Request: 14 Hours General Classroom
58. Institute of Real Estate Management for possible action
“Investment Real Estate Financing and Valuation: Part Two (ASM 604)”

	Request:	14 Hours	General	Classroom
60.	New American Funding for possible action			
	“FHA vs VA vs CONV: The Missing Link in Selling More Homes”			
	Request:	3 Hours	General	Classroom
61.	New American Funding for possible action			
	“The Seven Steps in the Mortgage Process: Learn to Spot What Lenders Look For”			
	Request:	3 Hours	General	Classroom
62.	New American Funding for possible action			
	“How Credit Reports Affect Your Mortgage: Get Loans Approved and Houses Sold in This Market”			
	Request:	3 Hours	General	Classroom
63.	Universal Realty, Inc. for possible action			
	“The Essential Mobile Applications – Documents and Signatures”			
	Request:	3 Hours	General	Classroom
64.	Universal Realty, Inc. for possible action			
	“The Digital Agent: Essential Mobile Applications – Cloud Technology”			
	Request:	3 Hours	General	Classroom
67.	Americana Real Estate Academy for possible action			
	“The Basics of Property Management Contracts”			
	Request:	3 Hours	Contracts	Classroom
68.	Americana Real Estate Academy for possible action			
	“Residential Landlord and Tenant Act NRS – 118A”			
	Request:	3 Hours	Property Management	Classroom
70.	First American Title’s Eagle U for possible action			
	“Nevada New Home Sales and the Resale Agent”			
	Request:	3 Hours	Agency	Classroom
71.	Myer, Kandas for possible action			
	“Agency Representation & 1031 Exchange”			
	Request:	3 Hours	Agency	Classroom
72.	Nova Home Loans for possible action			
	“Reverse Mortgages in Real Estate”			
	Request:	3 Hours	General	Classroom
73.				

- “Professionalism is Not Dead...Just Misunderstood”**
Request: 3 Hours General Classroom
74. **NAIOP of Northern Nevada (Commercial Real Estate Development Association) for possible action**
“Site Feasibility and Market Analysis”
Request: 8 Hours General Classroom
75. **Sterling Education Services, Inc. for possible action**
“Commercial & Residential Landlord-Tenant Law”
Request: 7 Hours General Classroom
77. **Adrienne Atwood, LLC for possible action**
“Advertising a True Picture and other Ethical Considerations”
Request: 3 Hours Ethics Classroom
78. **Las Vegas Chapter of the Appraisal Institute for possible action**
“Las Vegas Market Symposium 2013”
Request: 7 Hours General Classroom
79. **Schroeder Law Offices PC for possible action**
“Appraisers & Realtors Due Diligence & Nevada Water Rights”
Request: 4 Hours General Classroom
80. **Realty One Group for possible action**
“The Nevada Legislature 2013 A Report for Licensees”
Request: 3 Hours Nevada Law & Legislation Classroom
81. **Americana Real Estate Academy for possible action**
“Legislative Law and How it Affects You”
Request: 3 Hours Law & Legislation Classroom
82. **JC Melvin Seminars, Inc. for possible action**
“2013-2014 Legal & Legislative Update”
Request: 3 Hours Law & Legislation Classroom
87. **Adrienne Atwood, LLC for possible action**
“Nevada Law for Real Estate Professionals – 2013 Session Update”
Request: 3 Hours Law & Legislation Classroom
88. **ABC Real Estate School for possible action**
“Nevada Legislative Update 2013”
Request: 3 Hours Law & Legislation Internet
89. **Steven Kitnick Seminars, LLC for possible action**
“NRS Legislative Update 2013”

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|------------|--|----------------|------------------------------|------------------|
| | Request: | 3 Hours | Law & Legislation | Classroom |
| 90. | Ben C. Scheible Seminars for possible action | | | |
| | “Nevada Real Estate Law & Regulation Update 2013” | | | |
| | Request: | 3 Hours | Law & Legislation | Classroom |
| 91. | Ticor Title Company of Nevada for possible action | | | |
| | “2013 Legislative Impact” | | | |
| | Request: | 3 Hours | Law & Legislation | Classroom |
| 94. | First Centennial Title for possible action | | | |
| | “Law and Legislative Update 2013” | | | |
| | Request: | 3 Hours | Law & Legislation | Classroom |
| 96. | Real Estate Division | | | |
| | “Trust Accounting Management and Compliance” | | | |
| | Request: | 3 Hours | Property Management | |
| | | | Classroom | |

Commissioner Sykes moved that the education agenda proposed classes as a consent agenda and would like to pull agenda items 53, 54, 65, 66, 76, 85, 86, 92, 93 and 95.

Seconded by Commissioner Boyer. Commissioner Boyer stated that he would like to pull for discussion agenda items 32, 59, 69, 83 and 84.

Motion carried unanimously.

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| 65. | Dague, Jimmy for possible action | | | |
| | “Teaching the Elephant to Dance – Sales and Marketing Techniques that Work” | | | |
| | Request: | 3 Hours | General | Classroom |
| 66. | Dague, Jimmy for possible action | | | |
| | “Lipstick on a Pig? Advanced Sales and Marketing” | | | |
| | Request: | 4 Hours | General | Classroom |

Jimmy Dague stated that when he submitted the course, he requested general approval. Mr. Dague stated that the Division felt these courses were more personal development.

Ingrid Trillo stated that marketing skills is personal development skill.

Commissioner Opatik stated that licensees are in need of advanced instruction. Commissioner Opatik stated that once licensees get beyond the basics, those advance instructions will more than likely look like a skill development.

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| 53. | McKissock, LP for possible action | | | |
| | “A Property Manager’s War Chest of Tools for Conflict Resolution” | | | |
| | Request: | 3 Hours | Property Management | |
| | | | Internet | |

- 54. **McKissock, LP for possible action**
“A Day in the Life of a Buyer Agent”
Request: 3 Hours Agency Internet
- 76. **Fidelity National Financial for possible action**
“Closing Real Estate Transactions with a Diverse Customer Base”
Request: 3 Hours General Classroom

Commissioner Sykes moved to approve agenda items 53, 54 and 76 as presented by the Division.

Seconded by Commissioner Boyer.

Motion carried unanimously.

- 65. **Dague, Jimmy for possible action**
“Teaching the Elephant to Dance – Sales and Marketing Techniques that Work”
Request: 3 Hours General Classroom
- 66. **Dague, Jimmy for possible action**
“Lipstick on a Pig? Advanced Sales and Marketing”
Request: 4 Hours General Classroom

Commissioner Boyer moved that the Commission approve agenda item 65 for three hours of general credits and agenda item 66 as four hours of general credits as submitted by the course sponsor.

Seconded by Commissioner Opatik.

Commissioner Opatik stated that if there was a way to allow for more personal development courses, those courses would not be frowned upon by licensees and it would still fit within the criteria that the Division has.

Motion carried unanimously.

- 85. **Key Realty School LLC for possible action**
“Nevada Legal Update 5”
Request: 3 Hours Law & Legislation Classroom
- 86. **Key Realty School LLC for possible action**
“Nevada Legal Update 5”
Request: 3 Hours Law & Legislation Internet
- 92. **Universal Realty for possible action**
“2013 Legislative Update”
Request: 3 Hours Law & Legislation Classroom
- 93. **Reno/Sparks Association of REALTORS® for possible action**
“The Session of 2013 Law and Legislative Update: How Does It Affect Me?”
Request: 3 Hours Law & Legislation Classroom

**95. Nevada Association of REALTORS® for possible action
“2013 NVAR Legislative Update”**

Request: 3 Hours Law & Legislation Classroom

Commissioner Sykes stated that he pulled agenda items 85, 86, 92, 93 and 95. Commissioner Sykes stated that it was indicated that there was contingent approval for these agenda items.

Gail Anderson stated that she had mentioned to the Commission that she wanted to review the legislative update classes. Ms. Anderson stated that the Division’s recommendation is based upon some criteria and Ms. Anderson’s review for her consideration. Ms. Anderson stated that one of the criteria was that there would be a maximum of fifteen minutes on how a bill becomes law and any other backdrop to the legislative session. Ms. Anderson stated that the other criteria was that the course must include coverage of Senate Bill 402, Assembly Bill 225, Assembly Bill 404, Senate Bill 383, Senate Bill 280 and Assembly Bill 334. Ms. Anderson stated that the course can and should cover other laws.

Ms. Anderson stated that she is going to write a summary with some points that she hopes sponsors and instructors will cover on those six core bills.

Ms. Anderson stated that she is requesting that sponsors and instructors not talk about bills that did not pass. Ms. Anderson stated that she thinks that this is confusing.

Ms. Anderson stated that the contingent approval was a concept that the Division does not want sponsors to have to wait until September for their class to come before the Commission. Ms. Anderson stated that if the Commission agrees with the criteria and comments, would the Commission allow the Division to review and approve courses when those edits are made.

Commissioner Sykes stated that based on the Ms. Anderson’s and the Education staff’s comments, he would move to approve agenda items 85, 86, 92, 93 and 95 as recommended by staff.

Seconded by Commissioner Murad.

Commissioner Murad commented on legislative bills that did not pass. Commissioner Murad stated that by knowing some of the key legislature that would have affected their profession or clients, licensees will know better how to communicate with their clients or with legislators and be able to voice their concerns that impact them on a daily basis.

Commissioner Opatik stated that she understands the Division’s stand on this issue.

Motion carried unanimously.

**32. Steven Kitnick Seminars for possible action
“The HUD Sales Contract”**

Request: 3 Hours Contracts Classroom

**69. Nash, Trish for possible action
“The HUD Sales Contract”**

Request: 3 Hours Contracts Classroom

Commissioner Boyer stated that he is unclear about agenda items 32 and 69.

Ingrid Trillo stated that these courses have two different sponsors.

Commissioner Boyer asked if these courses will have the same course numbers or will a licensee be able to take both classes for six hours of credit.

Ms. Anderson stated that the licensee cannot take the same course and have it count for two different classes. Ms. Anderson stated that these courses will be internally identified.

- 59. Institute of Real Estate Management for possible action**
“Investment Real Estate Financing and Valuation: Part Three (ASM 605)”
Request: 7 Hours General Classroom

Ingrid Trillo stated that there was an error on the Education Summary and that this course is being recommended for seven hours of general credit.

- 32. Steven Kitnick Seminars for possible action**
“The HUD Sales Contract”
Request: 3 Hours Contracts Classroom

- 69. Nash, Trish for possible action**
“The HUD Sales Contract”
Request: 3 Hours Contracts Classroom

- 59. Institute of Real Estate Management for possible action**
“Investment Real Estate Financing and Valuation: Part Three (ASM 605)”
Request: 7 Hours General Classroom

Commissioner Boyer moved for approval of agenda items 32, 69 and 59.

Seconded by Commissioner Opatik.

Motion carried unanimously.

- 83. Greater Las Vegas Association of REALTORS[®] for possible action**
“2013 Nevada Legislative Update”
Request: 3 Hours Law & Legislation Classroom

Commissioner Boyer stated that he and Commissioner Opatik cannot vote on this course.

Commissioner Sykes moved to approve as presented.

Seconded by Commissioner Murad.

Motion carried.

3-A) Discussion regarding Attorney General Case Status Report.

Senior Deputy Attorney General Kimberly Arguello presented this report.

3-B) Discussion regarding the Disciplinary Report.

Joanne Gierer presented this report.

3-E-3) Discussion regarding Administrator’s report on status of customizations necessary to implement automation of the Division’s data system.

Steve Aldinger stated that the Division is making customizations to the licensing software to monitor the Real Estate education requirements. Mr. Aldinger stated that there are two phases. Mr. Aldinger stated that phase one enables education sponsors to email student rosters with course information to the Division. Mr. Aldinger stated that changes are complete to allow for the upload of completed courses into the individual licensing credentials. Mr. Aldinger stated that the Division expects implementation before the end of July. Mr. Aldinger stated that this information will be able to be viewed by individual licensees online by initiating "My Account" on the Division's website.

Mr. Aldinger stated that funding to implement the "My Account" request has been requested through a work program on the Interim Finance Committee August agenda. Mr. Aldinger stated that phase two tracks the real estate license midterm education requirement. Mr. Aldinger stated that a contract has been negotiated with the software vendor. Mr. Aldinger stated that the Division has requested placement of that contract on the August Board of Examiners agenda. Mr. Aldinger stated that a work program has been submitted to request additional funding from budget account 3826 to fund the additional requirements above what is already in budget account 3823 to support the software customizations. Mr. Aldinger stated that if funding authorization is received and the contract is approved, the Division expects implementation by the end of October.

3-I) For possible action: Discussion and possible action seeking Commission support for funding customizations necessary to accommodate direct upload into the Division's data system of post licensing and continuing education in order to facilitate on-line renewal and to monitor mid-term education period requirements of licensees.

Gail Anderson stated that the project quote is \$40,800.00. Ms. Anderson stated that the work program is a request of \$24,174.00. Ms. Anderson asked that the Commission support the use of \$24,174.00 from the reserve of budget account 3826 for this customization to be done.

Commissioner Sykes moved that the Commission approve the \$24,174.00 expenditure.

Seconded by Commissioner Opatik.

Motion carried unanimously.

Commissioner Sykes asked that this agenda item remain on the next meeting agenda.

3-J) Presentation and discussion concerning the Fiscal Year 2014 allocation of expenditures from the Real Estate Education, Research and Recovery fund, Budget Account 3827 and Budget Account 3826, pursuant to NAC 645.470.

Gail Anderson stated that Commission has oversight of particular expenses regarding programs to support the funding of expenditures from the research fund.

Ms. Anderson reviewed a document titled "State of Nevada-Budget Division Line Item Detail & Summary 2013-2015 Biennium (FY 14-15)" with the Commission.

3-K) For possible action: Discussion concerning the definition of "rural" in LCB File #R093-10, Section 1, subsection 7, and its application to non-Nevada resident licensees for completion of post-licensing education.

Gail Anderson stated that in LCB File #R093-10 the Commission allows for what is referred to as the rural exception in post licensing education only and does not include continuing education. Ms. Anderson read the definition of "rural" located in section 1, subsection 7. Ms. Anderson stated that she did some research on discussion of this subject and included in the Commission meeting packet the minutes from the June 26-27th Real Estate Commission meeting. Ms.

Anderson stated that on page 22 of those minutes, the discussion item was a workshop on proposed regulation LCB File No. R071-12 which has a proposal to include this rural exception for continuing education. Ms. Anderson stated that the Commission has not acted upon LCB File No. R071-12 yet. Ms. Anderson read the minutes of the discussion into the record.

Ms. Anderson stated that the point of the agenda item today is for clarification that rural area does mean that someone living out of state that is one hundred miles from a city in this State falls under the rural exception.

Commissioner Boyer stated that he asked for this agenda item because the firm for which he works has a non-realtor referral component and an overwhelming majority of those licensees are out of state licensees. Commissioner Boyer stated that it occurred to the broker of that part of the firm that these people might have to travel back to Nevada to take half of their continuing education. Commissioner Boyer stated that the Commission needs to make sure that the rural exception is applied for both post-licensing and continuing education. Commissioner Boyer stated that his personal thought is that one hundred miles means one hundred miles from a city in this State. Commissioner Boyer stated that someone from Chicago or New York does not have to travel back to take a class but someone in Susanville, California or Kingman, Arizona that is within one hundred miles of Reno or Las Vegas will have to take at least half of their classes in Nevada. Commissioner Boyer stated that those are the people who are predominately out of state licensees who are doing an overwhelming majority of business for out of state licensees.

Commissioner Murad stated that it is important for out of state licensees to come to Nevada for the purpose of education and for the broker to have meetings. Commissioner Murad stated that for business building purposes and for protection of the public there needs to be that interaction and presence.

Commissioner Opatik stated that she agrees with Commissioner Murad. Commissioner Opatik stated that she came from Michigan and doing business in Nevada is different than Michigan. Commissioner Opatik stated that it behooves anybody who wants to do real estate in Nevada that they come and understand the cultural differences in Nevada that does not conform to any other state.

Ms. Anderson stated that the point on continuing education will be dealt with when the Commission adopts LCB File No. R071-12 which proposes to add the rural exemption to continuing education. Ms. Anderson stated that today's agenda item is for the public to understand by definition that LCB File No. R093-10 states that it is rural if you are more than one hundred miles from a city in this State of more than forty thousand which does not just say Las Vegas or Reno.

Commissioner Sykes stated that the rural exception applies to someone from Tonopah, as it should, but someone from South Lake Tahoe which is well within one hundred miles from Reno has to drive to Reno to get the education. Commissioner Sykes stated that in both of those cases that is not equal treatment. Commissioner Sykes stated that he is worried about the Commission passing regulations that are providing unequal treatment to licensees. Commissioner Sykes stated that he is pressing for the rural exception to apply universally to people who live more than one hundred miles from a city of forty thousand within the State of Nevada.

Ms. Anderson stated that part of that rural exception is that it must be approved by the Division before you take it. Ms. Anderson stated that there is an approval process that goes through the Education Section.

3-L) For possible action: Discussion and decision regarding revising the Seller's Real Property Disclosure form 547, to update the type of seller.

Gail Anderson stated that this agenda item was a discussion item at the February Commission meeting and there was no further action taken. Ms. Anderson stated that this item should not be on the agenda.

3-N) Regarding issues of water rights as real property or personal property and possible solutions to clarify.

Gail Anderson stated that this agenda item is a discussion item.

Commissioner Johnson stated that water rights are a high priority in the commercial field. Commissioner Johnson stated that he has asked numerous attorneys and has gotten numerous answers on whether water rights are real property or personal property. Commissioner Johnson stated that the State said that water rights are personal property. Commissioner Johnson asked how to get back transfer fees that his clients have paid in the last five years. Commissioner Johnson stated that there was a lot of hesitation to which they changed their opinion of what it was. Commissioner Johnson asked how investigators are enforcing the sale of water rights by non-licensees. Commissioner Johnson asked how the Commission gets an answer.

Senior Deputy Attorney General Kimberly Arguello stated that it depends and there is not going to be one answer to fit everyone. Ms. Arguello stated that the statute specifically indicates that NRS 645 does not apply to mining claims and rights. Ms. Arguello stated that NRS 645 is silent as to other interest in real estate including water rights. Ms. Arguello stated that it is unsettled law. Ms. Arguello stated that she has spoken to attorneys at the Colorado River Commission about it and they did not have an answer. Ms. Arguello stated that if it is a sale of water rights that is attached to and part of a sale of real property then NRS 645 would apply. Ms. Arguello stated that there is no set of law as to whether or not a sale of water rights separate from the actual land are or are not real property.

Commissioner Johnson asked at what level the Commission goes to start getting something to happen before it becomes a law suit.

Ms. Arguello stated that she does not know. Ms. Arguello stated that there are other issue which are Federal and Indian legislation.

Ms. Anderson stated that she will raise the issue with Director Breslow.

3-O) For possible action: Discussion and possible action regarding pre-permit education for property management including possible additional hours of education and expansion of curriculum to include more details on trust account handling and compliance requirements, including but not limited to the review of curriculum for property management pre-licensing education pursuant to NAC 645.800, including possible establishment of a task force to consider and recommend proposed changes to the Commission concerning general requirements for a property management permit.

Gail Anderson stated that the Commission has been provided with a letter from Judy Cook who is an approved instructor for pre-licensing education dated July 6, 2013 regarding pre-licensing education for the Nevada property management permit.

Ms. Anderson stated that the discussion item is whether the Commission would want to consider making changes to the property management permit education and if so the best way to approach doing that. Ms. Anderson stated that one possible approach is to establish a task force that would review and make recommendations to the Commission that would be turned into an amendment to regulations concerning that.

Commissioner Boyer stated that he believes that there are more ways to make the education more relevant to daily practice. Commissioner Boyer stated that he would like to have the Commission set up a task force of practitioners. Commissioner Boyer stated that he would like the task force to bring the Commission a report with suggested changes or not to the next Commission hearing.

Commissioner Boyer moved that the Commission create a task force to study the curriculum for property management pre-licensing education pursuant NAC 645.800 and task them with bringing the Commission a report at the next southern Commission meeting. Commissioner Boyer recommended for appointment Marc Sykes, Judy Cook, Deirdre Felgar, Evelyn Murphy and Forrest Barbee.

Seconded by Commissioner Opatik

Motion carried unanimously.

Commissioner Boyer moved that Commissioner Marc Sykes be named chairman of the task force. Seconded by Commissioner Opatik. Motion carried unanimously.

Commissioner Boyer moved to permit the chair to appoint up to two more members of the task force from the names: Lynne Lacksault, Tonya Scarlette, Linda Rheinberger, Michelle Prombo, Sandra Mickle and Dennis Fletcher. Seconded by Commissioner Opatik. Motion carried unanimously.

3-P) For possible action: Discussion regarding proposed regulatory changes to NAC 645, including but not limited to R157-08, R003-10 and R071-12.

Gail Anderson requested that Joanne Gierer do everything she can with the Legislative Counsel Bureau to tell them that R071-12 is a priority to get a draft. Ms. Anderson stated that there have been at least two workshops on this regulation and would like an adoption hearing scheduled for September.

Joanne Gierer stated that R157-08 it is still in draft form because there have been so many workshops held on the proposed regulation. Ms. Gierer stated that the proposed regulation is not at a place where it can be adopted.

Ms. Gierer stated that she received a telephone call from the drafter regarding R003-10. Ms. Gierer stated that one workshop has been held and she sent the Legislative Counsel Bureau the changes from that workshop.

Ms. Anderson stated that she will review R157-08 to see if it is something that can be disregarded. Ms. Anderson stated that she is hoping to have adoption hearings for R071-12 and R003-10 in the next few months.

3-Q-1) For possible action: Discussion and decision regarding 2013 Legislative Bills and Bill Draft requests (“BDR”) that relate to NRS Chapters 645 which may impact the Nevada Real Estate Commission or Real Estate Division including but not limited to Assembly Bill 225: An act relating to business brokers; revising the definition of the term “Business Brokers”; limiting the application of the term to the performance of certain acts; and providing other matters properly relating thereto. (BDR 54-1017)
http://leg.state.nv.us/Session/77th2013/Bills/AB/AB225_EN.pdf

Gail Anderson stated that there was a concern that there was a loophole because the law said that this person while acting as a broker, broker-salesman or salesperson had to have a permit and therefore if you were not acting as one of those things, a permit was not needed.

Ms. Anderson stated that the business broker permit is required when there is real property involved in the transaction.

3-Q-2) For possible action: Discussion and decision regarding 2013 Legislative Bills and Bill Draft requests (“BDR”) that relate to NRS Chapters 645 which may impact the Nevada Real Estate Commission or Real Estate Division including but not limited to Assembly Bill 334: An act relating to contractors; exempting certain licensed real estate brokers and salespersons from provisions relating to contractors; requiring certain licensed real estate brokers and salespersons to maintain certain records; and providing other matters properly relating thereto. (BDR 54-921)

http://leg.state.nv.us/Session/77th2013/Bills/AB/AB334_EN.pdf

Gail Anderson stated that this is a very important bill and is going to take some very careful and specific teaching in law update classes because it affects the real estate licensee and the property management permit holder. Ms. Anderson stated that it is an exception to a state contractor’s license allowing limited and very specific arrangements for work that a real estate licensee, acting within the scope of their licensed brokerage agreement or a property management permit, to make arrangements and coordinate limited work to be done on a property with which they have a contract.

Teresa McKee stated that NVAR promotes hiring licensed people and for people to check to see if the person that they are hiring is appropriately licensed.

3-Q-3) For possible action: Discussion and decision regarding 2013 Legislative Bills and Bill Draft requests (“BDR”) that relate to NRS Chapters 645 which may impact the Nevada Real Estate Commission or Real Estate Division including but not limited to Senate Bill 402: An act relating to real estate; revising provisions concerning the late renewal of licenses and permits of certain real estate professional; and providing other matters properly relating thereto. (BDR 54-913)

http://leg.state.nv.us/Session/77th2013/Bills/SB/SB402_EN.pdf

Gail Anderson stated that this bill allows for the late renewal of a permit up to one year of the expiration date. Ms. Anderson stated that this applies to a property management permit and business broker permit. Ms. Anderson stated that the Division had no allowance for late renewal with penalty like the Division does for a real estate license. Ms. Anderson stated that anyone who failed to renew their permit when it expired had to reapply and start over with a new application.

Ms. Anderson stated that the other aspect of this bill was the reduction of the late fee for renewing a real estate license. Ms. Anderson stated that the late fee penalty had been tied to what was a fifty percent late fee. Ms. Anderson stated that this bill changes the late fee to one hundred dollars. Ms. Anderson stated that when the licensing terms doubled, that fee became really significant. Ms. Anderson stated that the Division supported and worked with this bill. Ms. Anderson stated that this bill took effect on July 1st.

3-Q) For possible action: Discussion and decision regarding 2013 Legislative Bills and Bill Draft requests (“BDR”) that relate to NRS Chapters 645 which may impact the Nevada Real Estate Commission or Real Estate Division.

Gail Anderson stated that there were two timeshare bills which are Assembly Bill 404 and Senate Bill 383. Ms. Anderson stated that the resale of timeshare is a real estate licensed activity. Ms. Anderson stated that Assembly Bill 404 was seeking to codify that timeshare sales

agents could do timeshare resale. Ms. Anderson stated that Senate Bill 383 requires direct supervision of timeshare sales agents by a broker or broker-salesman.

3-T) For possible action: Discussion on date, time, place & agenda items for upcoming meetings.

Gail Anderson stated that the next Commission meeting is September 24-26, 2013 in the south.

3-U) For possible action: Discussion regarding election of officers for FY 14.

Commissioner Sykes nominated David Boyer as president. Seconded by Commissioner Opatik. Motion carried unanimously.

Commissioner Sykes nominated Richard Johnson as vice president. Seconded by Commissioner Boyer. Motion carried unanimously.

Commissioner Sykes nominated Norma Opatik as secretary. Seconded by Commissioner Boyer. Motion carried unanimously.

3-V) Commissioner Comments

Commissioner Boyer thanked President Johnson for his service as president of the Commission for the last year.

Commissioner Sykes commended the commissioner and the educational staff for grinding out the long legislative class.

7) Public Comment

In Las Vegas: Steven Kitnick commented. Mr. Kitnick stated that it would be instructive for attendees and licensees if a brief article could be written into the Open House publication on how costs are computed with regards to investigations and hearings.

Mr. Kitnick stated that more than one broker stated to him that it would be nice to know if a hearing is going to be continued because brokers are required to attend but come and find out that they do not need to be here.

Mr. Kitnick commented on dual designation. Mr. Kitnick thanked Safia Anwari, Ingrid Trillo and the education staff. Mr. Kitnick stated that this has been an ongoing project and he is one of the few sponsors with dual designation courses.

Mr. Kitnick commented on the instructor development workshop. Mr. Kitnick stated that he would be happy to participate in anything that the Commission or Division puts together.

In Las Vegas: Teresa McKee commented that she appreciates the discussion and help of Gail Anderson and the Commission on the mid-term continuing education certification issue. Ms. McKee stated that it is unfortunate that the State of Nevada is so technologically archaic.

8) Adjournment

Meeting adjourned on July 17, 2013 at 2:07 p.m.