

NEVADA REAL ESTATE COMMISSION
MINUTES

March 25, 2014

Grant Sawyer Building
555 East Washington Avenue
Room 4412
Las Vegas, Nevada 89101

VIDEO CONFERENCE TO:
Legislative Building
401 South Carson Street
Room 3137
Carson City, Nevada 89701

The meeting was called to order at approximately 1:30 PM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE:

Sherrie Cartinella, Washoe County; Richard Johnson, Washoe County; Neil Schwartz, Clark County; Norma Jean Opatik, Nye County; and David Boyer, Clark County
Commission Counsel: Rose Marie Reynolds

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE:

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Compliance Audit Investigator; Susan Clark, Licensing Manager; Safia Anwari, Education and Information Officer; Ingrid Trillo, Education Program Officer; Teralyn Thompson, Legal Administrative Officer; and Rebecca Hardin, Commission Coordinator;
Division Counsel: Kimberly Arguello, Senior Deputy Attorney General
In Carson City: Steven Aldinger, Deputy Administrator

2) PUBLIC COMMENT:

None.

7-2) APPEAL OF INSTRUCTOR DENIAL – GEOFFREY WILLIAM LAVELL:

Parties Present

Geoffrey William Lavell, Appellant.
Ingrid Trillo, Education Program Officer for the Division.

Hearing

Mr. Lavell declined the option of closing the session.

Ms. Trillo stated why Mr. Lavell had been denied.

Mr. Lavell stated his case.

Commissioner Schwartz questioned Mr. Lavell.

Commissioner Opatik moved to allow Mr. Lavell to proceed as an instructor. Commissioner Schwartz seconded. Motion carried unanimously.

3-A) DISCUSSION REGARDING ATTORNEY GENERAL CASE STATUS REPORT:

Kimberly Arguello, Senior Deputy Attorney General, presented the report.

Commissioner Opatik questioned Ms. Arguello.

President Boyer questioned Ms. Arguello.

3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT:

Teralyn Thompson, Legal Administrative Officer, summarized the report.

President Boyer questioned Gail Anderson, Administrator.

Steve Aldinger, Deputy Administrator, commented.

Commissioner Opatik questioned Ms. Anderson.

3-C) DISCUSSION REGARDING THE COMPLIANCE SECTION'S CURRENT CASELOAD REPORT, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED:

Jan Holle, Chief Compliance Audit Investigator, discussed his report.

President Boyer commented.

Commissioner Johnson commented.

President Boyer questioned Mr. Holle.

Commissioner Schwartz questioned Mr. Holle.

3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION REPORT:

Jan Holle explained the report.

President Boyer commented.

Commissioner Schwartz commented.

Commissioner Johnson questioned Mr. Holle.

President Boyer questioned Mr. Holle.

Commissioner Opatik commented.

5). RESPONDENT'S PETITION FOR REHEARING:

NRED v. Rigoalbert (Rigo) Cardenas

Case No's. RES 13-09-19-093

Parties Present

Rigo Cardenas, Respondent

Kimberly Arguello, Senior Deputy Attorney General

Hearing

Ms. Arguello stated that Mr. Cardenas' case was heard at the last Commission meeting. He failed to appear at that hearing. Upon receiving the Order, he contacted the Division and requested a rehearing. This hearing was only to decide whether a rehearing would be granted. If granted, the actual hearing would occur at the next Real Estate Commission meeting.

Mr. Cardenas stated his case.

Commissioner Johnson questioned Mr. Cardenas.

Ms. Arguello commented.

Commissioner Schwartz move to grant the rehearing. Commissioner Opatik seconded.

Commissioner Johnson commented.

President Boyer called for a vote. Motion carried unanimously.

3-E¹) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON PERSONNEL:

Gail Anderson introduced the new Legal Administrative Officer, Teralyn Thompson, and discussed positions that were still vacant.

3-E²) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON THE STATUS OF DATA SYSTEM CUSTOMIZATIONS:

Steven Aldinger, Deputy Administrator discussed the progress of the system.

Commissioner Opatik questioned Mr. Aldinger.

Commissioner Johnson questioned Mr. Aldinger.

President Boyer questioned Mr. Aldinger.

Ms. Anderson commented.

3-E³) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON LICENSE RENEWAL STATISTICS:

Ms. Anderson summarized and discussed the report.

Commissioner Johnson commented, questioning Ms. Anderson and Mr. Aldinger.

President Boyer commented and questioning Ms. Anderson and Mr. Aldinger.

3-F¹) DISCUSSION REGARDING EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION COURSE AUDIT PROGRAM REPORT:

Ingrid Trillo, Education Program Officer, discussed the report, stating that the names of the auditors and instructors were not disclosed on the report.

President Boyer questioned Ms. Trillo.

Commissioner Schwartz questioned Ms. Trillo.

Commissioner Opatik questioned Ms. Trillo.

3-F²) DISCUSSION REGARDING EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION COURSE CERTIFICATES PROCESSED BY EDUCATION SECTION:

President Boyer commented and questioned Ms. Trillo, who explained what happens when someone turns in their education certificates.

Susan Clark, Licensing Manager, commented and answered questions.

Commissioner Opatik commented and asked questions.

Commissioner Schwartz commented and asked questions.

Ms. Trillo made a statement regarding the Division not providing receipts for certificates.

Ms. Anderson commented on the issue.

Ms. Clark commented on the issue.

8) APPEAL OF COURSE RENEWAL REQUEST DENIAL:

Steven Kitnick Seminars LLC

“Deficiency Judgments”

Course No. CE.5399000-RE 3 hours Law and Legislation Classroom

Ingrid Trillo explained why the course renewal was denied.

Steven Kitnick stated his case.

Commissioner Johnson questioned Mr. Kitnick.

Commissioner Schwartz questioned Mr. Kitnick.

Gail Anderson commented and answered Commissioner Schwartz’s question.

Mr. Kitnick elaborated on his earlier statements.

President Boyer handed the gavel to Commissioner Johnson and moved to deny the appeal. Commissioner Opatik seconded.

President Boyer defended his motion.

Commissioner Opatik commented.

Commissioner Johnson commented.

Commissioner Johnson called the question. Motion carried unanimously.

Commissioner Johnson returned the gavel to President Boyer.

Ms. Anderson asked the Commission to approve this course as “General”, so it could be taught.

Commissioner Schwartz moved to approve this course for 3 hours of general classroom credit.

Commissioner Johnson seconded. Motion carried unanimously.

Mr. Kitnick thanked the Commission for their consideration.

3-G¹) DISCUSSION AND DECISION REGARDING EDUCATION & INFORMATION OFFICER’S REPORT ON REVISIONS TO THE RESIDENTIAL DISCLOSURE GUIDE PUBLISHED PURSUANT TO NRS 645.194 TO ADDRESS RECENT LEGISLATIVE CHANGES.

Safia Anwari, Education and Information Officer discussed recent legislative changes

President Boyer stated his understanding of Ms. Anwari’s statement.

Ms. Anwari reiterated her statement, citing NRS 116.4109.

President Boyer asked if the Division could put something on their web site in the form of a white paper or information report.

Discussion ensued regarding the statement of demand.

Ms. Anwari stated that she was seeking approval of the revisions to the information that is currently provided in the Residential Disclosure Guide, regarding Common Interest Communities and Condominium Hotels.

President Boyer read part of the revision

Commissioner Opatik moved to approve that the recommend language change, provided by the Division, be included into the Residential Disclosure Guide. Commissioner Johnson seconded. Motion carried unanimously.

3-G²) DISCUSSION AND DECISION REGARDING EDUCATION & INFORMATION OFFICER’S REPORT ON THE ADDITION OF A 2011 LEGISLATIVE UPDATE TO THE NEVADA LAW AND REFERENCE GUIDE.

Safia Anwari sought approval of the revision in the Nevada Law and Reference Guide.

Commissioner Schwartz moved to approve changes to the guide. Commissioner Johnson seconded. Motion carried unanimously.

3-G³) DISCUSSION AND DECISION REGARDING EDUCATION & INFORMATION OFFICER’S REPORT ON APPROVAL OF OBJECTIVES FOR THE INSTRUCTOR DEVELOPMENT TRAINING 2014 FUNDED BY THE EDUCATION AND RESEARCH FUND PURSUANT TO NRS 645.842;

Safia Anwari stated that the Division was proposing a workshop with instructors and sponsors to go over system updates and other changes.

Gail Anderson elaborated on the training...

Commissioner Cartinella moved to approve the objectives for the Instructors Development Training. Commissioner Johnson seconded.

Commissioner Schwartz questioned Gail Anderson.

Commissioner Opatik commented.

President Boyer called for a vote. Motion carried unanimously.

3-G²) RECONSIDERATION OF DECISION REGARDING EDUCATION & INFORMATION OFFICER’S REPORT ON THE ADDITION OF A 2011 LEGISLATIVE UPDATE TO THE NEVADA LAW AND REFERENCE GUIDE:

Rose Marie Reynolds, Commission Counsel, stated that the Commission needed to reconsider item 3-G², the legislative update the Nevada Law and Reference Guide. What was approved had a typo and a vote was needed on the correct citation. The footnote “59a” was not an administrative code. It’s was Nevada Revised Statute section.

Commissioner Opatik moved to reconsider item 3-G². Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Johnson moved to correct the citation #59A. Commissioner Opatik seconded. . Motion carried unanimously.

9) EDUCATION: Commission may take the following actions:

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

New Real Estate Post- Licensing Education Courses

1. Universal Realty, Inc.
“Buyer Brokerage Modules A and D”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
2. Universal Realty, Inc.
“Serving Sellers Module B”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
3. Universal Realty, Inc.
“Succeed in Real Estate Module C”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
4. Name Universal Realty, Inc.
“Agency and Professionalism Modules E and H”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
5. Universal Realty, Inc.
“Succeed in Real Estate Modules F & J”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
6. Universal Realty, Inc.
“Getting to the Bottom Line Numbers Modules G and O”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
7. Universal Realty, Inc.
“Beyond Housing Modules I and K”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
8. Universal Realty, Inc.
“Opening and Closing Escrows Module L”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
9. Universal Realty, Inc.
“Leveraging Property Module M”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom
10. Universal Realty, Inc.
“The Art and Science of Negotiation Module N”
Request: 3 Hours Instructors: Tamara Tyrbouslu and Janice Aiche Classroom

Request to Change Course Hours

11. Americana Real Estate Academy
“Quick Start”
Request: 30 Hours Classroom

New Real Estate Continuing Education Courses

12. Senior Real Estate Institute
“5 Essential Strategies Serving Seniors”
Request: 3 Hours General Classroom
13. First American Title’s Eagle U
“It’s the Law! Review of the 77th Nevada Legislative Session”
Request: 3 Hours Law & Legislation Classroom

14. First American Title's Eagle U
"Closing of the Future"
Request: 3 Hours General Classroom
15. Career Webschool
"Methods of Residential Finance"
Request: 6 Hours General Internet
16. Career Webschool
"Pricing Property to Sell"
Request: 6 Hours General Internet
17. Career Webschool
"Tax Free Exchanges"
Request: 3 Hours General Internet
18. Career Webschool
"Tax Advantages of Home Ownership"
Request: 6 Hours General Internet
19. Career Webschool
"RESPA Reform"
Request: 3 Hours General Internet
20. Career Webschool
"ADA and Fair Housing"
Request: 3 Hours Ethics Internet
21. Career Webschool
"Basic Real Estate Finance"
Request: 6 Hours General Internet
22. Kaplan Professional Schools
"Sustainable Housing and Building Green: What Agents Should Know v2.0"
Request: 4 Hours General Internet
23. Kaplan Professional Schools
"2014 Real Estate Market Pulse"
Request: 3 Hours General Correspondence
24. Kaplan Professional Schools
"The Truth About Mold v3.0"
Request: 3 Hours General Internet
25. Kaplan Professional Schools
"The Truth About Mold v3.0"
Request: 3 Hours General Correspondence
26. Kaplan Professional Schools
"Houses: Why Bad Things Happen to Good Houses OnDemand Course"
Request: 6 Hours General Internet
27. Kaplan Professional Schools
"How to Measure Real Property OnDemand Course"
Request: 3 Hours General Internet
28. Kaplan Professional Schools
"Identity Theft: Protecting Your Clients and Your Business OnDemand Course"
Request: 3 Hours General Internet

29. Kaplan Professional Schools
 "Introduction to Real Estate Investments OnDemand Course"
 Request: 6 Hours General Internet
30. Whitney, Renee
 "Everything You Need to Know About Mortgage Lending"
 Request: 3 Hours General Classroom
31. Whitney, Renee
 "Mortgage Lending – Beyond the Basics"
 Request: 3 Hours General Classroom
32. Reno/Sparks Association of REALTORS®
 "What's It Worth?"
 Request: 4 Hours General Classroom
33. Reno/Sparks Association of REALTORS®
 "No One Looks Good in Horizontal Stripes...How to Avoid a Jailhouse Fashion Statement"
 Request: 4 Hours Ethics Classroom
34. Reno/Sparks Association of REALTORS®
 "Risk Management: What You Say and Do Can Be Used Against You"
 Request: 4 Hours Agency Classroom
35. Reno/Sparks Association of REALTORS®
 "Whereas, Therefore, and other Ambiguous Legal Phrases: Contract and Intellectual Property Law"
 Request: 4 Hours Contracts Classroom
36. Naseef, E. Thomas
 "Group Ownership of Commercial & Investment Real Estate"
 Request: 3 Hours General Classroom
37. Naseef, E. Thomas
 "Understanding & Marketing Investment Real Estate"
 Request: 3 Hours General Classroom
38. McKissock, LP
 "Commercial Real Estate: From the Beginning"
 Request: 4 Hours General Internet
39. McKissock, LP
 "Mortgages, Loans and Laws – How They Help Your Client"
 Request: 3 Hours General Internet
40. McKissock, LP
 "Common Mistakes Every Agent Should Avoid"
 Request: 3 Hours General Internet
41. McKissock, LP
 "Demystifying Appraisals"
 Request: 3 Hours General Internet
42. McKissock, LP
 "A New Look at Contract Law"
 Request: 3 Hours Contracts Internet
43. Rosen, Jay C.
 "If There's No Such Thing as a Courtesy Listing, Why Are There So Many in the MLS?"
 Request: 3 Hours Agency Classroom

44. Rosen, Jay C.
 "Contracts: Road Map of the Deal"
 Request: 3 Hours Contracts Classroom
45. Rosen, Jay C.
 "Principals of Agency: The Buyer's Revolution"
 Request: 3 Hours Agency Classroom
46. Key Realty School
 "Law/Legislative Impact on Nevada Licensees"
 Request: 4 Hours Law & Legislation Classroom
47. Nevada Business Broker Association
 "Pricing a Business Entity"
 Request: 3 Hours Business Broker Classroom
48. Preferred Systems, Inc.
 "Understanding Homeowner's Insurance Loss Exposure: Real Estate Agents"
 Request: 6 Hours General Classroom
49. Institute of Luxury Home Marketing
 "Certified Luxury Home Marketing Specialist Training"
 Request: 10 Hours General Classroom
50. Vause, Ronnie
 "Welcome To Our Neighborhood, Please Don't Stay!"
 Request: 3 Hours Ethics Classroom
51. RealAnalogics, Inc.
 "Fundamentals of House Science"
 Request: 3 Hours General Classroom
52. Fleck, Lisa
 "The Buck Starts Here: Lending Tips & Tools for Real Estate Agents"
 Request: 3 Hours General Classroom
53. Schwartz, Neil
 "List to Last"
 Request: 3 Hours Contracts Classroom
54. Realty One Group
 "Short Sales – The Basics"
 Request: 3 Hours General Classroom
55. NOVA Home Loans
 "The Mortgage Process"
 Request: 3 Hours General Classroom
56. NOVA Home Loans
 "FHA and VA – Government Lending Overview"
 Request: 3 Hours General Classroom
57. Ticor Title Company of Nevada
 "Fearless Advertising"
 Request: 3 Hours Ethics Classroom
58. Ticor Title Company of Nevada
 "What Do I Know About Contracts?"
 Request: 3 Hours Contracts Classroom

59. Ticor Title Company of Nevada
 "9 Steps to Better Agency"
 Request: 3 Hours Agency Classroom
60. Ticor Title Company of Nevada
 "Smoke & Mirrors...Errors in Ethics"
 Request: 3 Hours Ethics Classroom
61. Myer, Kandas
 "Knowledge is Power...Know the Market!"
 Request: 3 Hours General Classroom
62. Myer, Kandas
 "Writing Residential Contracts for a 1031 Exchange"
 Request: 3 Hours Contracts Classroom
63. Greater Las Vegas Association of REALTORS®
 "Real Estate in Mexico, from A to Z"
 Request: 3 Hours General Classroom
64. Greater Las Vegas Association of REALTORS®
 "The Economic Outlook for Real Estate Investors and Decision Makers"
 Request: 3 Hours General Classroom
65. Barrett Seminars
 "Broker Business Planning"
 Request: 3 Hours Broker Management Classroom
66. Barrett Seminars
 "Why Real Estate Auctions?"
 Request: 3 Hours Contracts Classroom
67. Arens, JC
 "Net Sheet / Cost Sheet"
 Request: 3 Hours General Classroom
68. Tyrbouslu, Tamara L.
 "Classical Feng Shui for Residential and Commercial Brokerage"
 Request: 3 Hours General Classroom
69. Las Vegas Real Estate & Investment, Inc.
 "Understanding a Preliminary Title Report & What to do About the Landmines"
 Request: 3 Hours General Classroom
70. Adrienne Atwood, LLC
 "Best Agency Practices – Getting Compliments Instead of Complaints"
 Request: 3 Hours Agency Classroom
71. Council of Residential Specialists
 "CRS 202 Effective Buyer Sales Strategies"
 Request: 16 Hours General Classroom

Change of Designation Request

72. HomeCheck Home Inspection
 CE.5309000-RE "A Realistic Look at Home Inspection"
 Currently Approved: 3 Hours Personal Development Classroom
 Change Requested: 3 Hours General Classroom

Commissioner Schwartz pulled items 53, 57, 58, 59, 60, because of conflict of interest.

President Boyer pulled items 49 and 68 for discussion.

Commissioner Opatik moved to approve the education agenda, as presented, pulling items 49, 53, 57, 58, 59, 60, and 68. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Schwartz recused himself for item 53 because he was the sponsor. He recused himself on items 57, 58, 59, and 60, because he was an instructor for Ticor and might have the opportunity to teach those classes.

Commissioner Johnson move to approve items 57, 58, 59, and 60. Commissioner Opatik seconded. Motion carried 4-0, Commissioner Schwartz abstaining.

Commissioner Boyer questioned the hours on item 49.

Ingrid Trillo explained that there had been an error and the hours listed on the agenda were correct.

Commissioner Boyer questioned the designation of item 68.

Ingrid Trillo explained the change of designation.

Commission Cartinella moved to approve item 68 as a personal development class. Commissioner Opatik seconded. Motion carried unanimously.

Commissioner Cartinella moved to approve item 49. Commissioner Schwartz seconded. Motion carried unanimously.

3-H) DISCUSSION REGARDING POSSIBLE CHANGES IN POST LICENSE EDUCATION, INCLUDING, BUT NOT LIMITED TO REDUCING THE TIME FRAME TO OBTAIN THE EDUCATION FROM 12 MONTHS TO 6 MONTHS, REVISING THE EVALUATION FORMS USED FOR POST LICENSE EDUCATION, POSSIBLE REVISIONS TO MODULES, AND OTHER ITEMS THAT MAY PERTAIN TO THE SUBJECT:

Commissioner Schwartz made a statement about post-licensing education and proposed forming a workgroup, including suggested topics for the workgroup.

Steven Kitnick, Steven Kitnick Seminars, commented.

Forrest Barbee, Prudential Americana Group Realtors, commented.

Wendy DiVecchio, Greater Las Vegas Association of Realtors, commented.

Discussion was suspended for the day, to be resumed the next day.

10) PUBLIC COMMENTS:

Daryl DeShaw, WC Realty, commented on property management permits.

3-R) COMMISSIONER COMMENTS:

None.

The meeting was recessed at 4:30 on March 25, 2014.

MARCH 26, 2014

Henderson City Hall
Council Chambers Conference Room
240 Water Street
Henderson, Nevada 89015

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE:

David Boyer, Clark County; Norma Jean Opatik, Nye County; Neil Schwartz, Clark County; Richard Johnson, Washoe County; and Sherrie Cartinella, Washoe County
Commission Counsel: Rose Marie Reynolds

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE:

In Las Vegas: Gail Anderson, Administrator; Jan Holle, Chief Investigator Compliance Audit; Susan Clark, Licensing Manager; Safia Anwari, Education and Information Officer; Ingrid Trillo, Education Program Officer; Teralyn Thompson, Legal Administrative Officer; Rebecca Hardin, Commission Coordinator; Linda Chavez, Compliance Audit Investigator; Carolyn Washington, Compliance Audit Investigator
Division Counsel: Kimberly Arguello, Senior Deputy Attorney General and Christine Guerci-Nyhus, Deputy Attorney General

2) PUBLIC COMMENT:

None.

4 6) NRED v. KENNETH M. DIVICH

Case No. RES 14-01-132-470 and RES 14-08-33-073

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division.

Preliminary Matters

Ms. Arguello stated that the Respondent, Mr. Divich, was not present, but had agreed to a voluntary surrender of his license.

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

Commissioner Cartinella moved to accept the voluntary surrender. Commissioner Schwartz seconded. Motion carried unanimously.

4-2) NRED v. JUDITH A FENNER

Case No. RES 14-12-21-229

Parties Present

Christine Guerci-Nyhus, Deputy Attorney General, representing the Division.
The Respondent was not present or represented by counsel

Preliminary Matters

Ms. Guerci-Nyhus stated that Respondent, Judith Fenner, was not present but had agreed to a voluntary revocation of her broker's license and property management permit.

Ms. Guerci-Nyhus read the Jurisdiction, Factual Allegations, Violations of Law, and Discipline Authorized.

Ms. Guerci-Nyhus read the Findings and Facts, Conclusions of Law, and Order for the Commission of Common Interest Communities and Condominium Hotels filed on December 9, 2013.

Order

1. Revocation of the Respondent's community manager certificate for a period of not less than 10 years, effective 60 days from the date of the Order.
2. Administrative fine of \$67,300, plus investigation and hearing costs of \$10,146.50 (total fine = \$77,446.50), due to the Division within 60 days from the date of the Order.
3. The Respondent shall not serve as a board member of any common interest community in the State of Nevada for a period of 10 years from the date of this Order.
4. The Division may institute debt collection proceedings for failure to timely pay the total fine. Further, if collection goes through the State of Nevada, Respondent shall also pay the costs associated with the collection.
5. The Division shall notify all common interest communities using the services of the Respondent, either as a community manager or a bookkeeper, that Respondent's community manager certificate is revoked as provided in the Order.

Commissioner Opatik moved to accept the voluntary revocation, as presented. Commissioner Johnson seconded. Motion carried unanimously.

4-7) NRED v. LIN (JOANNA) LI,

Case No. RES 13-11-06-154

Parties Present

Lin (Joanna) Li, Respondent

Justin Chong, representing Ms. Li

Kimberly Arguello, Senior Deputy Attorney General

Preliminary Matters

Ms. Arguello stated that Ms. Li was prepared to enter into a stipulation of both facts and liability.

Ms. Arguello read the Factual Allegations.

Ms. Li agreed that the facts, as read, were true...

Ms. Arguello read the Violations of Law.

Ms. Li agreed that the violations, as read, were proven.

Ms. Arguello submitted documents, with no objections, which were admitted into evidence.

Commissioner Opatik moved that the facts and liabilities had been proven. Commissioner Johnson seconded. Motion carried unanimously.

Discipline Recommended

- Revocation of Respondent's Real Estate license, with the stipulation that she would not re-apply with the Division for a period of seven years.
- \$22,000 fine, plus \$736.21 plus the cost of hearing and investigation, to be paid within 90 days.

Ms. Li made a statement.

Mr. Chang made a statement on Ms. Li's behalf.

President Boyer questioned Ms. Li and Mr. Chang.

President Boyer questioned Susan Clark.

Ms. Clark explained about what Ms. Li would have to do to reinstate her suspended license.

Commissioner Opatik moved to accept the Division's recommendation. Commissioner Johnson seconded.

Commissioner Opatik commented.

Commissioner Schwartz commented.

Commissioner Johnson commented.

President Boyer commented.

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

7-1). APPEAL OF INSTRUCTOR DENIAL – KEVIN CHILD

Parties Present

Kevin Child, Appellant.

Ingrid Trillo, Education Program Officer for the Division.

Hearing

Mr. Child declined the option of closing the session.

Ms. Trillo stated why Mr. Child had been denied.

Mr. Child stated his case.

Commissioner Schwartz questioned Mr. Child.

Mr. Child made a statement.

Commissioner Schwartz moved to accept Mr. Child as an instructor for the classes so mentioned in item 7-1. Commissioner Johnson seconded for discussion

Commissioner Johnson questioned Mr. Child.

Commissioner Opatik questioned Mr. Child.

Commissioner Cartinella questioned Mr. Child.

Mr. Child talked about his background.

Ms. Trillo commented.

President Boyer called for a vote. Motion carried 4-1, with Commissioner Schwartz opposing.

4 9) NRED v. MICHAEL A. VANNOZZI

Case No. RES 13-06-05-344

Parties Present:

Yvette Chavlier, representing the Respondent, Mr. Vannozzi

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

The Respondent was not present

Preliminary Matters:

Ms. Arguello stated there was a Stipulation for Settlement with Mr. Vannozzi.

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

Stipulation for Settlement:

1. Respondent downgraded his license from broker to broker/salesperson on November 13, 2013.
2. Respondent agreed not to apply for a broker's license for two years from the date of the Commission's Order approving stipulation.
3. Respondent agreed not to apply for a property management permit for five years from the date of the Commission's Order approving stipulation.
4. Respondent agreed to pay to the Division \$1,000 in an administrative fine, within 30 days of the date of the Commission's Order approving stipulation.
5. Respondent agrees to attend six hours of real estate/broker management designated courses, to be completed within six months of the date of the Commission's Order approving Stipulation. The hours must be live education and will not count toward Respondent's continuing education requirements.
6. The Respondent agrees that his license shall be immediately suspended if he fails to timely attend and complete the above continuing education.
7. Respondent agrees the suspension of his license shall continue until the continuing education is completed.

Ms. Chevalier stated that Mr. Vannozzi had read, understood and signed the Settlement.

President Boyer questioned Ms. Chevalier.

Commissioner Opatik questioned Ms. Chevalier.

Commissioner Opatik moved to accept the Stipulation for Settlement, as presented. Commissioner Cartinella seconded. Motion carried unanimously.

4-8) NRED v. RONDA MATTHEWS-WOLFE

Case No. RES 14-09-29-106

This hearing was suspended to be resumed that afternoon.

3-H) RESUME DISCUSSION REGARDING POSSIBLE CHANGES IN POST LICENSE EDUCATION, INCLUDING, BUT NOT LIMITED TO REDUCING THE TIME FRAME TO OBTAIN THE EDUCATION FROM 12 MONTHS TO 6 MONTHS, REVISING THE EVALUATION FORMS USED FOR POST LICENSE EDUCATION, POSSIBLE REVISIONS TO MODULES, AND OTHER ITEMS THAT MAY PERTAIN TO THE SUBJECT:

Commissioner Schwartz proposed forming a formal workgroup and come back to the Commission with more information and ideas.

President Boyer stated that many of the proposed revisions discussed so far would involve changes in administrative code.

Rose Marie Reynolds and Gail Anderson explained what need to be done to make changes requiring changes to regulations.

Rose Marie Reynolds mentioned temporary regulations and explained them.

Commissioner Schwartz asked if there was anything in post-licensing education that would not require a change in the regulations.

Ms. Anderson stated that the changes would have to be examined to determine the answer to Commissioner Schwartz's question.

Commissioner Schwartz stated that some courses should be taught at the beginning of post-licensing education and asked if it could be required to teach the courses in certain order.

Ms. Anderson discussed possibilities of what could be changed or required.

Commissioner Schwartz moved to form a workgroup to look into possible changes to regulations for post-education. Commissioner Opatik seconded. Motion carried unanimously.

3-G⁴) DISCUSSION AND DECISION REGARDING EDUCATION & INFORMATION OFFICER'S REPORT ON THE DIVISION'S PROPOSED REVISIONS TO THE APPROVED FUNDING FOR THE FY14 ALLOCATION OF EXPENDITURES FOR THE EDUCATION AND RESEARCH FUND PROJECTS, AND THE PROPOSAL TO INCREASE FUNDING FOR THE "WHAT EVERY LICENSEE SHOULD KNOW" CONTINUING EDUCATION PROGRAM:

Safia Anwari, Education and Information Officer, presented the Division's requested to approve an increase in the funding of "What Every Licensee Should Know" for three of the four currently approved sponsors for the course for fiscal year 14.

President Boyer questioned Ms. Anwari to clarify expenditures and increases.

Commissioner Johnson questioned Ms. Anwari.

Commissioner Cartinella moved to approve the Division's request for additional funding of \$7,570, for this fiscal year, of "What Every Licensee Should Know". Commissioner Opatik seconded. Motion carried unanimously.

**3-L) REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION:
FORREST L. BARBEE**

President Boyer recused himself, because Mr. Barbee was his broker. The gavel was handed to Commissioner Johnson

Forrest Barbee stepped forward and made a statement.

Commissioner Schwartz moved to approve Forrest Barbee to be a member of the real estate Advisory Review Committee. Commissioner Opatik seconded. Motion carried 4-0. President Boyer did not vote.

3-N) DISCUSSION OF SENATE BILL 21 (2013 LEGISLATIVE SESSION) CONCERNING REQUIREMENTS FOR A LICENSING AGENCY TO PROVIDE CERTAIN INFORMATION TO THE STATE CONTROLLER, INCLUDING THE STATE BUSINESS LICENSE NUMBER OF THE LICENSEE, IF THE LICENSEE HAS A STATE BUSINESS LICENSE:

Commissioner Johnson shared his research findings regarding the requirement of a business licenses.

Commissioner Johnson also questioned a form found on the Real Estate Division's website.

Kimberly Arguello made a statement about the requirement, as found in 645 and Senate Bill 21.

Discussion ensued.

3-O) DISCUSSION TO APPROVE MINUTES OF THE JULY 16-17, 2013 MEETING.

Commissioner Johnson moved to accept the minutes of the July 16-17, 2013 meeting. Commissioner Opatik seconded. Motion carried 3-0. Commissioner Cartinella and Commissioner Schwartz did not vote.

3-P) DISCUSSION TO APPROVE MINUTES OF THE DECEMBER 10-11, 2013 MEETING.

Commissioner Opatik moved to accept the minutes of the December 10-11, 2013 meeting, as written. Commissioner Johnson seconded.

Commissioner Cartinella pointed out that her name was misspelled and asked that it be corrected.

Commissioner Opatik restated her motion as follows: accept the minutes of the December 10-11, 2013 meeting, as presented with the correction of the spelling of Commissioner Cartinella name. Commissioner Johnson seconded. Motion carried unanimously.

3-Q) DISCUSSION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS.

President Boyer listed the dates of the next three Real Estate Commission meetings as follows:

- June 24-26, 2014 (in Carson City per Administrator Anderson)
- October 14-16, 2014 (in Las Vegas)
- January 6-8, 2015 (in Las Vegas)

Agenda items would include a report from Commissioner Schwartz's Post Education Workgroup.

Commissioner Cartinella requested that an item regarding the fourth page initial line in the Sellers Real Property Disclosure Guide be put on the next agenda.

7-3). APPEAL OF INSTRUCTOR DENIAL – JEFFREY LOWDEN

Parties Present

Jeffrey Lowden, Appellant, via telephone
Ingrid Trillo, Education Program Officer for the Division.

Hearing

Mr. Lowden declined the option of closing the session.

Ms. Trillo stated why Mr. Lowden had been denied.

Mr. Lowden stated his case.

Commissioner Johnson moved that the faculty denial renewal be overruled and Mr. Lowden be reinstated. Commissioner Opatik seconded. Motion carried unanimously.

4-8) NRED v. Ronda Matthews-Wolfe,
Case No. RES 14-09-29-106

Commissioner Cartinella, President Boyer, and Commissioner Schwartz disclosed that they knew and had worked with the Respondent in the past, but did not feel that it would affect their decision on the matter at hand; therefore, they did not recuse themselves.

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division
The Respondent was not present or represented by counsel.

Preliminary Matters

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

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

Settlement

1. Respondent agreed that her broker/salesperson license would be downgraded to salesperson license.

2. Respondent agreed to pay the Division \$4000 in an administrative fine, within 90 days of date of the Commission's Order approving the stipulation. No grace period is permitted.
3. The Respondent agreed to attend six hours of property management designated courses, to be completed within six months of the effective date of the Commission's Order approving the stipulation. The hours must be live education and will not count toward Respondent's continuing education requirements.

Ms. Arguello verified that the Respondent had read, understood, and signed the agreement.

Commissioner Cartinella moved to accept the Stipulation for Settlement, presented. Commissioner Opatik seconded. Motion carried unanimously.

4-14) NRED v. KORY L. SCHEELER

Case No. RES 13-08-24-058

President Boyer disclosed that he knew the Respondent, but did not recuse himself.

Parties Present

Kory L. Scheeler, Respondent

Bob Olsen, representing the Respondent

Keith Kizer, Deputy Attorney General, representing the Division.

Preliminary Matters

Mr. Kizer stated that there was a proposed Stipulation for Settlement.

Mr. Kizer read the Stipulation for Settlement.

Settlement

1. The Respondent agreed to pay the Division \$3,000 in an administrative fine within 90 days of the Commission's Order Approving the Stipulation. No grace period is permitted.

Mr. Scheeler verified that he had read, understood, and signed the settlement.

Commissioner Schwartz moved to approve the Stipulation for Settlement. Commissioner Johnson seconded. Motion carried unanimously.

4-10) NRED v. ELVA MORALES

Case No. RES 10-01-26-186

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

The Respondent was not present.

Hearing

Rebecca Hardin was called to testify regarding service of the notice of complaint to Ms. Morales.

Commissioner Opatik moved that, pursuant to NAC 645.680, the State had proven sufficient service of notice to Elva Morales, case # RES 10-01-26-186. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Arguello submitted documents, without objection, which were accepted into evidence.

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

Commissioner Opatik moved that the State had proven the allegations to be true and factual in the case of Elva Morales, case # RES 10-01-26-186. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Johnson moved that violations of law in case # RES 10-01-26-186 were proven true. Commissioner Schwartz seconded. Motion carried unanimously.

Division's Recommendation for Discipline (stated by Jan Holle)

1. Revocation of the Respondent's license
2. \$10,000 fine, plus cost of hearing and investigation of \$684.48, payable within 30 days of the effective date of the Order.

Commissioner Johnson moved for revocation of the Respondent's license; a fine of \$15,000, plus cost of the hearing and investigation of \$684.48, payable within 30 days of the effective date of the Order.

Commissioner Opatik seconded. Motion carried unanimously.

4-4) NRED v. SARAH GOLDSTEIN

Case No. RES 11-03-25-338.

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

The Respondent was not present

Preliminary Matters

Ms. Arguello stated that there was a Stipulation for Settlement.

Ms. Arguello stated that there were 4 case numbers attached to the Stipulation for Settlement.

A couple of the cases had been heard, but it had been decided to try to do a global settlement with all of the Respondent's open cases. Instead of listing everything, Ms. Arguello attached all four complaints to the one Stipulation for Settlement. The cases ending 130 and 117 had already been read in Commission hearings and all of the violations were basically for the same type of activity.

Ms. Arguello read the Jurisdiction, Factual Allegation, Violations of Law, and Discipline Authorized case # RES 11-03-25-338.

Settlement

Respondent agreed that her property management permit was revoked.

Respondent agreed that her broker license would be downgraded to a salesperson license.

Respondent agreed to pay to the Division \$13,000 in an administrative fine, within 36 months of the effective date of the Commission's Order approving the stipulation, in accordance with the below schedule of installment payments.

The first payment of \$500 shall be due within 30 days of the effective date of the Commission's Order approving the stipulation.

The 34 additional installment payments of \$358 and one final payment of \$328 shall be due on the 15th day of each month, following the initial payment until the administrative fine is paid in full.

No grace period is permitted.

Respondent agreed to attend 3 hours of What Every License Should Know continuing education and 3 hours of Ethics designated courses, all to be completed within 6 months of the effective date of the Commission's Order approving settlement. The hours must be live education and will not count toward Respondent's continuing education requirements.

Ms. Arguello verified that Ms. Goldstein had read, understood, and signed the settlement.

Commissioner Opatik moved to accept the settlement for disciplinary action on the four cases. President Johnson seconded.

Commissioner Schwartz questioned Ms. Arguello.

President Boyer commented.

President Boyer called for a vote on the motion. The motion failed 1-4, with all but President Boyer opposing.

The Commissioners questioned Ms. Arguello and discussion ensued about negotiating a new settlement.

President Boyer stated that if a new settlement could not be reached, this matter would have to go to a full hearing.

4-1) NRED v WILLIAM SC CHIN

Case # RES 14-07-02-002

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division
The Respondent was not present.

Hearing

Rebecca Hardin was called to testify regarding service of the Notice of Complaint and subsequent Summary Suspension of License, and Amended Complaint and Notice of Hearing to Mr. Chin.

Commissioner Opatik moved that the Commission, pursuant to NAC 645.680, found that the State had proven sufficient service of the notice to William Chin, case # RES 14-07-02-002. Commissioner Schwartz seconded. Motion carried unanimously.

Ms. Arguello submitted documents, without objection, which were accepted into evidence.

Ms. Arguello read the Jurisdiction, Factual Allegation, Violations of Law, and Discipline Authorized in the amended Complaint and Notice of Hearing.

Commissioner Schwartz moved that the State had proven finding of facts. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Opatik moved that violations of law in had been proven true. Commissioner Johnson seconded. Motion carried unanimously.

Division's Recommendation for Discipline (stated by Jan Holle)

1. Revocation of the Respondent's real estate license and property management permit
2. \$160,000 fine, plus cost of hearing and investigation of \$1,918.12, payable within 30 days of the effective date of the Order.

Commissioner Cartinella moved to accept the Division's recommendation. Commissioner Opatik seconded. Motion carried unanimously.

6) LICENSE DENIAL APPEAL – JUSTIN GOLD, S-LDA-14-004

Parties Present

Justin Gold, Appellant
Susan Clark, Licensing Manager

Hearing

Mr. Gold declined to close the hearing.

Susan Clark explained why the Applicant had been denied.

Mr. Gold stated his case.

Commissioner Johnson questioned Mr. Gold.

President Boyer questioned Mr. Gold.

Rose Marie Reynolds commented on President Boyer question.

Melissa Jones, Jones Real Estate, spoke on Mr. Gold's behalf.

Ms. Arguello responded to Ms. Jones' statement.

Ms. Jones commented on Ms. Arguello statement.

Commissioner Cartinella questioned Mr. Gold

Commissioner Opatik questioned Mr. Gold.

Commissioner Opatik commented.

Commissioner Schwartz moved that the appeal had been upheld and Mr. Gold should be granted a real estate license. Commissioner Opatik seconded.

Commissioner Johnson commented.

Commissioner Cartinella spoke in favor of the motion.

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

4-11) NRED v. IMA JEAN NIKOLICH

Case No. RES 13-07-18-018

4-12). NRED v. IMA JEAN NIKOLICH

Case No. RES 13-08-32-066

President Boyer recused himself from this matter and turned the gavel over to Commissioner Johnson.

Parties Present

Ima Jean Nikolich, Respondent

Christopher Eccles, Deputy Attorney General

Preliminary Matters

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

Mr. Eccles read the Jurisdiction, Factual Allegation, and Violations of Law for case # RES 13-07-18-018.

Mr. Eccles read the, Factual Allegation, and Violations of Law for case # RES 13-08-32-066.

Mr. Eccles stated that there was a change to the language in the Stipulation that was handed out. He thought that the problem area had been resolved and wanted to go forward and ask the Commission's consideration to approve the Stipulation.

Ms. Nikolich verified that she understood that she had a right to counsel.

Ms. Nikolich verified that she had read, understood, and signed the stipulation.

Christopher Eccles read the Stipulation for Settlement

Settlement

1. Respondent agreed to pay the State of Nevada Real Estate Division \$2,492.51 in administrative fines in accordance with the below schedule of installment payments.
2. \$200 per month beginning with May 27, 2014, with eleven additional installment payments of \$200, each installment payment due by the 27th day of each month thereafter, with a final installment of \$92.51, until paid in full.
3. Respondent wished to surrender her licenses and/or permits to the Division upon the Commission's approval of this Stipulation.

Ms. Nikolich verified that she agreed with everything that had been stated on the changes.

Commissioner Johnson commented on the settlement and asked for justification for the settlement.

Mr. Eccles defended the settlement.

Commissioner Opatik commented.

Commissioner Schwartz commented.

Commissioner Cartinella moved to accept the Stipulation for Settlement. Commissioner Opatik seconded for discussion.

Commissioner Opatik spoke against the motion

Commissioner Schwartz spoke against the motion.

Commissioner Cartinella spoke against the motion.

Commissioner Johnson called for a vote on the motion. The motion failed 0-4. President Boyer did not vote.

Mr. Eccles asked for a motion requiring Ms. Nikolich to submit answers to the complaints.

Commissioner Opatik moved that Ms. Nikolich provide answers to the allegations that have been presented within 30 days. Commissioner Cartinella seconded. Motion carried 4-0. President Boyer did not vote.

President Boyer stated that the Discipline part of the agenda was concluded.

3 J) DISCUSSION AND DECISION CONCERNING COMMISSION'S CONSIDERATION OF PROPOSED REGULATION CHANGES, ADDITIONS AND DELETIONS TO NEVADA ADMINISTRATIVE CODE (NAC) 645:

1. Proposed changes to NAC 645.806 concerning changes to annual accounting of all monies a broker receives on behalf of a client;
2. Proposed changes to NAC 645.695 concerning fines for broker's failure to submit annual accounting or a declaration that a broker is not required to submit a reconciliation of the broker's trust account;
3. Proposed change to NAC 645.695 concerning the fine for failure to submit proof of completion of mid-term education pursuant to NAC 645.4442 and NAC 645.448; and
4. Proposed change to NAC 645.141 concerning expanding the experience verification statement from an employing broker to include a designated broker salesperson manager for the broker.

Jan Holle, Chief Investigator, reviewed changes to items 3-J¹, 3-J², and 3-J³.

Susan Clark commented on item 3-J³ and 3-J⁴.

Ms. Anderson commented on all items.

Questions and discussion ensued.

Commissioner Opatik moved to ask the Division to forward all four items above to LCB for potential workshop and reworking of all four items. Commissioner Johnson seconded. Motion carried unanimously.

3-K) DISCUSSION AND DECISION REGARDING PROPOSED REGULATIONS IN LIGHT OF TWO YEAR ADOPTION REQUIREMENT IN NRS 233B.040(4):

1. LCB File #R157-08 relating to requirements for applicants for and holders of a license, permit, certificate or registration issued by the Real Estate Division of the Department of Business and Industry;
2. LCB File #R003-10 relating to education in real estate; providing that the original approval or renewal of a course for post licensing education or continuing education for real estate brokers, broker-salesmen and salesmen is effective for one year; amending the requirement for guest lecturers of approved courses; clarifying various provisions relating to education in real estate; amending the definition of “approved courses” to include a course that meets the requirements for an original licensing and a distance education course, revising the requirements for a school to obtain approval to offer a course to meet the educational requirements for original licensing; making various changes relating to real estate education; and,
3. LCB File #R071-12 revising the continuing education requirements for certain licensees.

Gail Anderson stated that the purpose of this agenda items was to look at the status of three regulations that had been talked about before in other agendas and make a decision on moving them forward.

Ms. Anderson reviewed the three items listed above and discussed changes.

Commissioner Opatik moved to approve the changes so mentioned in agenda item K, and move the revisions to LCB. Commissioner Johnson seconded. Motion carried unanimously.

10) Public Comments

Stephen Kitnick commented.

3-R) COMMISSIONER COMMENTS

None.

The meeting was adjourned on March 26, 2014.