

NEVADA REAL ESTATE COMMISSION
MINUTES

OCTOBER 14, 2014

Grant Sawyer Building
555 East Washington Avenue
Room 4401
Las Vegas, Nevada 89101

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street
Room 3137
Carson City, Nevada 89701

The meeting was called to order at 8:30 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

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

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Joseph (JD) Decker, Administrator

In Carson City: Donna Proper

From the Administrative Section: Teralyn Thompson and Rebecca Hardin

From the Education Section: Safia Anwari, Ingrid Trillo, and Alta Smith

From the Licensing Section: Susan Clark

From the Investigative Section: Chief Jan Holle, Carolyn Washington, Daryl McClosky, and Linda Chavez

From the Director's Office of Business and Industry: Chris Carmona

From the Attorney General's Office: Kimberly Arguello and Keith Kizer

2) PUBLIC COMMENT:

JC Arens spoke in favor of allowing credits to CE instructors for teaching.

Thoran Towler, Nevada Association of Realtors' attorney, expressed gratitude from LVAR for President Boyer's service.

Administrator Decker talked about his goals for the Division.

9. DISCIPLINARY ACTION

President Boyer stated that the following agenda items had been continued to the next Commission hearing scheduled for January in Las Vegas.

- 14) NRED v PAUL MURAD – Case # RES 13-04-17-305
- 15) NRED v IMA JEAN NIKOLICH – Case # RES 13-07-18-018
- 16) NRED v IMA JEAN NIKOLICH – Case # RES 13-08-32-066
- 21) NRED v RICHARD A. WILLER – Case # RES 13-01-28-225

9-10) NRED v TIFFANEE A. DALTON
CASE # RES 13-04-03-291

Parties Present

Tiffanee A. Dalton, Respondent
Stephen Mack, representing the Respondent
Keith Kizer, Deputy Attorney General, representing the Division

Preliminary Matters:

Keith Kizer read the Stipulation for Settlement of the Disciplinary.

Stipulation for Settlement

The Respondent agreed to pay an administrative fine of \$2,500, within two months of the date of the Commission's order approving stipulation.

The Respondent agreed to six hours of continuing education in the area designated as Broker Management, which must be completed in two months of the 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. Dalton stated that she had read, understood and signed the Stipulation.

Commissioner Opatik suggested amending the education on the Stipulation to 3 hours of Property Management and 3 hours of Broker Management, instead of 6 hours of Broker Management.

The Respondent and the Division had no objections.

Commissioner Opatik moved to approve the Stipulation for Settlement as modified to change the continuing education hours required to three hours of Broker Management and three hours of Property Management, with all other items remaining as written. Commissioner Johnson seconded. Motion carried unanimously.

9-1) NRED v TAMMY L. ABBOTT
Case # RES 14-06-47-1207

Parties Present

Tammy L. Abbott, Respondent
Shane Clayton, representing the Respondent
Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Preliminary Matters:

Kimberly Arguello read the Stipulation for Settlement.

Stipulation for Settlement

The Respondent agreed to pay an administrative fine of \$5,000, within six months of the effective date of the Commission's order approving the Stipulation in accordance with the below schedule of installment payments:

- \$2,500 due within 30 days of the effective date of the Commission's order approving stipulation
- Five additional payments of \$500 due on the 15th day of each month following the initial payment until the administrative fine is paid in full

The Respondent agreed to attend six hours of Broker Management designated continuing education courses, to be completed within six months of the effective date of the Commission's order approving stipulation. The hours must be live education and will not count toward Respondent's continuing education requirements

Ms. Abbott stated that she had read, understood and signed the Stipulation.

Commissioner Schwartz suggested amending the education on the Stipulation to 3 hours of Property Management and 3 hours of Broker Management, instead of 6 hours of Broker Management.

The Respondent and the Division had no objections.

Commissioner Cartinella moved to approve the Stipulation for Settlement as modified to change the continuing education hours required to three hours of Broker Management and three hours of Property Management, with all other items remaining as written. Commissioner Schwartz seconded. Motion failed 4-1, with President Boyer voting in favor of the motion.

Commissioner Opatik moved to bring the case back before the Commission for reconsideration. Commissioner Cartinella seconded. Motion carried unanimously.

The Respondent and the Division agreed to increase the fine to \$10,000.

Commissioner Opatik moved to approve the stipulation as amended to a \$10,000 fine, instead of \$5,000, with an additional ten months added to the payment plan; and the education as modified to 3 hours of Broker Management and three hours of Property Management. Commissioner Cartinella seconded. Motion carried unanimously.

9-19) NRED v CHRISTOPHER RODRIGUEZ

Case # RES 13-03-38-286

Parties Present

Glen Meier, representing the Respondent

Keith Kizer, Deputy Attorney General, representing the Division

Mr. Meier and Mr. Kizer requested a continuance to the next Commission meeting.

Commissioner Schwartz moved to continue this case to the next meeting of the Real Estate Commission. Commissioner Johnson seconded. Motion carried unanimously.

9-13) NRED v DEMETRIA KALFAS-GORDON

Case # RES 13-04-01-289

Parties Present

Demetria Kalfas-Gordon, Respondent

Jason Kolbe, representing the Respondent

Keith Kizer, Deputy Attorney General, representing the Division

Preliminary Matters:

Keith Kizer read the Stipulation for Settlement.

Stipulation for Settlement

The Respondent agreed to pay an administrative fine of \$2,000, within one month of the effective date of the Commission's order approving the Stipulation.

The Respondent agreed to attend three hours of What Every License Should Know continuing education, to be completed within two months of the effective date of the Commission's order approving stipulation. The hours must be live education and will not count toward Respondent's continuing education requirements

Ms. Kalfas-Gordon stated that she had read, understood and signed the Stipulation.

President Boyer asked if line 16 on page 2 of the Stipulation could be change to read "no financial harm to the public", instead of "no harm to the public".

Mr. Kolbe had no objection to that change.

Commissioner Cartinella moved to approve the Stipulation with an amendment to line 16 on page 2, to read “no financial harm to the public”. The motion died for lack of a second.

Commissioner Schwartz proposed increasing the administrative fine to at least \$10,000 and substituting the hours of education with a Property Management class as opposed to What Every License Should Know.

The Division had no objection.

Mr. Kolbe asked for a continuance to the next Commission meeting.

The Division had no objection.

Commissioner Opatik moved to continue the case to the next hearing in the South. Commissioner Johnson seconded. Motion carried unanimously.

9-2) NRED v LINDA M. AKIKI
Case # RES 14-03-132-752

9-3) NRED v LINDA M. AKIKI
Case # RES 14-04-138-920

9-4) NRED v LINDA M. AKIKI
Case #'s RES 14-06-02-1162 and RES 14-05-67-1047

9-5) NRED v LINDA M. AKIKI
Case # RES 14-08-06-046

Parties Present

Linda M. Akiki, Respondent

Steven Szostek, representing the Respondent

Keith Kizer, Deputy Attorney General, representing the Division

Preliminary Matters:

Keith Kizer stated that the Respondent and her attorney were requesting a continuance. The Division had no objection.

Mr. Szostek explained why he was asking for the continuance.

President Boyer called for a vote on the motion. The motion failed 3-2, with President Johnson and Commissioner Cartinella voting for the motion.

Mr. Kizer commented that he was ready to proceed, on all but case number 14-03-132-752, but had no objection to a continuance on the other cases.

Mr. Szostek stated his case for a continuance of all cases.

President Boyer stated that he had received Mr. Szostek's answer to the complaint just prior to the start of the meeting.

Commissioner Schwartz moved to grant a continuance for case RES 14-03-132-752. Commissioner Opatik seconded. After discussion, the motion failed unanimously.

Commissioner Opatik moved to grant the continuance of all five of the cases. Commissioner Schwartz seconded. Motion carried unanimously.

5-2). APPEAL OF INSTRUCTOR DENIAL -- BRETT STORSVED

Parties Present

Brett Storsved, Appellant

Ingrid Trillo, Education Program Officer, for the Real Estate Division

Hearing

Mr. Storsved requested that the session be closed.

Commissioner Opatik moved to close the hearing, Pursuant to NRS 241.030(1). Commissioner Schwartz seconded. Motion carried unanimously.

The hearing was closed.

The hearing was reopened.

Ms. Trillo explained why Mr. Storsved had been denied.

Mr. Storsved answered questions and stated his case.

Commissioner Schwartz moved that Mr. Storsved be approved as an instructor. Commissioner Cartinella seconded. After Commission discussion, the motion carried 3-2, with Commissioner Johnson and Commissioner Opatik opposing.

**8) COURSE RENEWAL APPEAL -- ARTHUR MANN / EDUCATIONAL SYSTEMS
REAL ESTATE POST-LICENSING COURSE: POST.16025-RE - POST LICENSING TRAINING**

Parties Present

Safia Anwari, Education Officer, for the Real Estate Division
Arthur Mann, Appellant

Hearing

Ms. Anwari explained why the course was denied.

Mr. Mann stated his case.

Ms. Anwari made a statement.

Commissioner Schwartz questioned Ms. Anwari and Mr. Mann.

Commissioner Opatik questioned Mr. Mann and made a statement.

President Boyer made a statement.

Commissioner Cartinella questioned Mr. Mann.

Commissioner Schwartz moved to deny the re-approval of the course. Commissioner Johnson seconded. After Commission discussion, the motion carried 4-1, with President Boyer opposing.

7. REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION: TIMOTHY BEHRENDT, BS.0034507

Mr. Behrendt was present and talked about his background.

President Boyer questioned Mr. Behrendt and explained the purpose of the Advisory Review Committee.

Commissioner Cartinella moved to approve Mr. Behrendt's application for the Advisory Review Committee. Commissioner Johnson seconded. Motion carried unanimously.

**9-7) NRED v RIGOALBERT (RIGO) CARDENAS
Case # RES 13-09-19-093**

Parties Present

Rigoalbert (Rigo) Cardenas, Respondent
Christopher Eccles, Deputy Attorney General, representing the Division

Preliminary Matters:

Christopher Eccles stated that there was a Stipulation of Facts and Liability, which had been signed by himself, Administrator Decker, and Mr. Cardenas.

Mr. Eccles stated that he had exhibits that the parties had agreed to admit into evidence.

Mr. Eccles read the Stipulation, which left the decision of fine or penalty to the discretion of the Commission.

Mr. Cardenas stated that he had read, understood, and signed the Stipulation.

Mr. Cardenas made a statement and read an email he received from broker Tina Africk commenting on his behalf.

President Boyer questioned Mr. Cardenas.

President Boyer called Susan Clark, Licensing Manager for the Real Estate Division, to explain what Mr. Cardenas would have to do to reinstate his license.

Commissioner Opatik questioned Mr. Cardenas.

Commissioner Opatik moved to accept the Stipulation, as stated. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved to find the Respondent guilty as so stipulated by the document and his statements. Commissioner Schwartz seconded. Motion carried unanimously.

State's Recommendation for Discipline

Jan Holle, Chief Investigator, stated that the Division's recommendation for discipline was a fine of \$15,000, plus the cost of the hearing and investigation of \$482.40, payable over six months.

Mr. Cardenas made a statement.

Commissioner Opatik moved to accept the Division's recommendation of \$15,000 to be paid in a year and a half. Commissioner Johnson seconded.

Commissioner Opatik amended her motion to include the cost of the hearing and investigation of \$482.40. Commissioner Johnson agreed to the amendment.

After discussion, President Boyer restated the motion as follows: a fine in the amount of \$15,000, plus \$482.40 hearing and investigation cost, payable over 18 months, starting 60 days after the effective date of the Commission's Order.

The motion carried 4-1, with President Boyer opposing.

9-17) NRED v MICHAEL A. PANCIRO

Case # RES 14-11-39-185

Parties Present

Michael A. Panciro, Respondent

D. Chris Albright, representing the Respondent

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Preliminary Matters:

Kimberly Arguello stated that there was a Stipulated Settlement.

Ms. Arguello read the Stipulated Settlement.

Stipulation for Settlement

The Respondent agreed to an immediate downgrade of his license from Broker to Salesperson.

The Respondent agreed to pay an administrative fine of \$5,000, within 90 days of the date of the Commission's order approving stipulation.

The Respondent agreed to attend three hours of What Every Licensee Should Know continuing education and six hours of Ethics designated continuing education courses, all to be completed within six months of the 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.

Mr. Panciro stated that he had read, understood and signed the Stipulation.

Commissioner Cartinella questioned Mr. Panciro.

Commissioner Johnson questioned Mr. Panciro.

President Boyer questioned Mr. Panciro.

Commissioner Cartinella moved to accept the Stipulation, as presented. Commissioner Johnson seconded.

President Boyer commented.

Commissioner Johnson commented.

Commissioner Opatik commented.

Mr. Albright spoke on the Respondent's behalf.

Mr. Panciro made a statement.

President Boyer called for a vote on the motion on the table. Motion failed 4-1, with Commissioner Cartinella voting in favor.

President Boyer stated that the case would go to hearing at the next Commission meeting.

9-6) NRED v DAN BRIDGES

Case # RES 14-02-50-521

Parties Present

Dan Bridges, Respondent

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Preliminary Matters:

Kimberly Arguello stated that there was a Stipulation.

Ms. Arguello read the Stipulation.

Stipulation for Settlement

The Respondent agreed to cease and desist all unlicensed activities.

The Respondent agreed to pay an administrative fine of \$2,000, plus costs of \$500, for a total amount due of \$2,500, within 60 days of the effective date of the Commission's order approving stipulation.

Mr. Bridges stated that he had read, understood and signed the Stipulation.

Commissioner Opatik questioned Mr. Bridges.

Commissioner Opatik moved to accept the Stipulation, as written. Commissioner Schwartz seconded. Motion carried unanimously.

6-1) LICENSE DENIAL APPEAL – JOHNNIE LEWIS MYERS (FILE NO. S-LDA-15-002)

Parties Present

Johnnie Lewis Myers, Appellant
Susan Clark, Licensing Manager for the Real Estate Division
Kimberly Arguello, Senior Deputy Attorney General

Hearing

Mr. Myers requested that the session be closed.

Commissioner Opatik moved to close the hearing, Pursuant to NRS 241.030(1). Commissioner Schwartz seconded. Motion carried unanimously.

The hearing was closed.

The hearing was reopened.

Mr. Myers made a statement.

Commissioner Schwartz moved for the Commission to direct the Division to approve Mr. Myers license application. Commissioner Cartinella seconded.

President Boyer commented.

Commissioner Cartinella commented.

The motion carried unanimously.

4) PETITION TO RECONSIDER AND RECONSIDERATION OF COMMISSION’S DECISION TO DENY OWNER-BROKER EXPERIENCE APPROVAL PURSUANT TO NAC 645.820 – MARIANNE AQUINO-LOVE, LICENSE NO. BS.0144353.

Parties Present

Marianne Aquino-Love, Applicant
Kristopher Rath, representing the Applicant
Susan Clark, Licensing Manager for the Real Estate Division

Hearing

Susan Clark explained Ms. Aquino-Love’s petition.

Kristopher Rath gave an opening statement.

Marianne Aquino-Love made a statement.

Mr. Rath questioned Ms. Aquino-Love.

Commissioner Opatik questioned Ms. Aquino-Love.

Ms. Clark explained regulation NAC 645.750.

Mr. Rath made a closing statement.

Commissioner Schwartz moved to direct the Division to grant Ms. Aquino-Love a Broker’s license. Commissioner Cartinella seconded. Motion carried unanimously.

9-11) NRED v ROMAN T. FERNANDEZ

Case # RES 13-07-07-007

Parties Present

Roman Fernandez., Respondent

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Hearing

Kimberly Arguello gave her opening statement.

Roman Fernandez gave his opening statement.

Ms. Arguello submitted State's Exhibits 1 and 2, with no objections.

State's Witness, Victoria Bayot, testified.

Direct examination by Ms. Arguello.

Cross-examination by Mr. Fernandez.

Redirect by Ms. Arguello.

Re-cross by Mr. Fernandez.

Commissioner Opatik questioned Ms. Bayot.

The witness was excused.

State's Witness, Corazon Valdez, testified.

Direct examination by Ms. Arguello.

Cross-examination by Mr. Fernandez.

The witness was excused.

The State closed their case.

Mr. Fernandez testified.

Commissioner Opatik questioned Mr. Fernandez.

Commissioner Schwartz questioned Ms. Arguello.

Commissioner Schwartz questioned Mr. Fernandez.

Commissioner Johnson questioned Mr. Fernandez.

Commissioner Opatik questioned Ms. Arguello.

Kimberly Arguello gave her closing statement.

Mr. Fernandez gave his closing statement.

The hearing was closed.

Commissioner Cartinella commented.

Commissioner Schwartz commented.

Commissioner Opatik commented.

Commissioner Johnson commented.

President Boyer commented.

Commissioner Johnson moved that the State had found the Factual Allegations to be true' the Violations of Law were proven; all was accepted by the Respondent in the past. Commissioner Opatik seconded. Motion carried unanimously.

Ms. Arguello requested the Respondent's license be revoked. Ms. Arguello left the amount of the fine to the discretion of the Commission, but asked them to include the hearing costs of \$1,161.84.

Commissioner Johnson moved to fine the Respondent \$50,000, payable in 90 days, revocation of the license, and hearing costs of \$1,161.84. Commissioner Schwartz seconded. Motion carried unanimously.

11) PUBLIC COMMENT

Steven Kitnick commented on the end of President Boyer's term of service on the Commission.

3-U) COMMISSIONER COMMENTS

None.

The meeting was recessed at 4:30 PM.

OCTOBER 15, 2014

Grant Sawyer Building
555 East Washington Avenue
Room 4401
Las Vegas, Nevada 89101

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street
Room 3137
Carson City, Nevada 89701

The meeting was called to order at 8:370 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

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

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Joseph (JD) Decker, Administrator
From the Administrative Section: Rebecca Hardin and Teralyn Thompson
From the Education Section: Safia Anwari and Ingrid Trillo
From the Enforcement Section: Jan Holle
In Carson City: Craig Reynoldson
From the Attorney General's Office: Kimberly Arguello and Keith Kizer

2) PUBLIC COMMENT:

Charlie Mack, Mack Realty, commented on President Boyer's service on the Commission.

10) 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.

REAL ESTATE PRE- LICENSING EDUCATION COURSES DISCUSSION AGENDA EDUCATION COURSES

NEW REAL ESTATE PRE- LICENSING EDUCATION COURSES

1. Real Estate School of Nevada
"Nevada Real Estate Broker Management Course"
Request: 45 Hours Classroom
2. Real Estate School of Nevada
"Nevada Real Estate Broker Management Course"
Request: 45 Hours Correspondence
3. Real Estate School of Nevada
"Nevada Real Estate Broker Management Course"
Request: 45 Hours Internet
4. Real Estate School of Nevada
"Property Management"
Request: 24 Hours Classroom

NEW REAL ESTATE CONTINUING EDUCATION COURSES

5. Career Web School
“Prequalifying Your Buyer in Today’s Market”
Request: 3 Hours General Internet
6. Nova Home Loans
“Reverse Mortgages, Features and Legal Issues”
Request: 3 Hours General Classroom
7. Boardwalk Educational Systems
“Escrow/Success”
Request: 3 Hours General Classroom
8. The CE Shop, Inc.
“Enhance Your Brand and Protect Your Clients with Data Privacy and Security”
Request: 3 Hours General Internet
9. Howard and Fenn Development
“Trustee Sale Agent and Investor Certification Course”
Request: 3 Hours Contracts Classroom
10. Howard and Fenn Development
“Trustee Sale Agent and Investor Certification Course”
Request: 3 Hours Contracts Internet
11. Truckee Meadows Homes & Land / Dan Rider
“Agency in Action”
Request: 3 Hours Agency Classroom
12. Truckee Meadows Homes & Land / Dan Rider
“Counter Offers & Addenda “Let’s Make it Right””
Request: 3 Hours Contracts Classroom
13. Truckee Meadows Homes & Land / Dan Rider
“Manage the Listing Agreement”
Request: 3 Hours Contracts Classroom
14. Key Realty School, LLC
“Termination of Agency”
Request: 3 Hours Agency Classroom
15. Key Realty School, LLC
“Nevada Listing Contracts”
Request: 3 Hours Contracts Classroom
16. Coldwell Banker Premier Realty
“Ethics, Conduct, and Agency Relationships”
Request: 3 Hours Ethics Classroom
17. Coldwell Banker Premier Realty
“Preparing an Acceptable Offer”
Request: 3 Hours Contracts Classroom
18. Coldwell Banker Premier Realty
“Financing the Sale”
Request: 3 Hours General Classroom

- | | | | | |
|-----|---|-------------------------|----------------------|-----------|
| 19. | Coldwell Banker Premier Realty
“The Game of Prospecting” | Request: 3 Hours | Personal Development | Classroom |
| 20. | Tradewinds Construction
“Seven Steps to a Successful Tenant Improvement” | Request: 3 Hours | Property Management | Classroom |
| 21. | Tradewinds Construction
“Seven Steps to a Successful Tenant Improvement” | Request: 3 Hours | General | Classroom |
| 22. | The Realty One Group
“The Process of Foreclosure” | Request: 3 Hours | General | Classroom |
| 23. | The Realty One Group
“1031 Tax Deferred Exchanges” | Request: 3 Hours | General | Classroom |
| 24. | Reno/Sparks Association of REALTORS®
“The Life and Times of Rhonda the REALTOR” | Request: 4 Hours | Agency | Classroom |
| 25. | Reno/Sparks Association of REALTORS®
“I Don’t Give a Twit...Social Media Risk Management” | Request: 4 Hours | General | Classroom |
| 26. | Reno/Sparks Association of REALTORS®
“11 Ways to Lose Your License” | Request: 4 Hours | General | Classroom |
| 27. | Las Vegas Chapter of Appraisal Institute
“Las Vegas Market Symposium 2014” | Request: 7 Hours | General | Classroom |
| 28. | Schwartz, Neil
“RE Boot Camp..The RPA Line by Line” | Request: 3 Hours | Contracts | Classroom |
| 29. | Institute of Real Estate Management
“Ethics for the Real Estate Manager – ETH800” | Request: 5 Hours | Ethics | Classroom |
| 30. | Arens, JC
“Safety For All” | Request: 3 Hours | General | Classroom |
| 31. | Adrienne Atwood, LLC
“Disclosure Inspection Insurance...Oh My” | Request: 3 Hours | General | Classroom |
| 32. | American Society of Farm Managers and Rural Appraisers
“ASFMRA 85 th Annual Convention Day 1” | Request: 7 Hours | General | Classroom |

- | | | | | |
|-----|---|-------------------------|----------------------|-----------|
| 33. | American Society of Farm Managers and Rural Appraisers
“ASFMRA 85 th Annual Convention Day 2” | Request: 3 Hours | General | Classroom |
| 34. | JC Melvin Seminars, Inc.
“It’s All About the Contract” | Request: 3 Hours | Contracts | Classroom |
| 35. | American Academy of Real Estate
“Hard Money Made Easy” | Request: 3 Hours | General | Classroom |
| 36. | American Academy of Real Estate
“Trustee Sale Basics” | Request: 3 Hours | General | Classroom |
| 37. | Barrett Seminars
“Why Contracts & Why Negotiations” | Request: 4 Hours | Contracts | Classroom |
| 38. | Barrett Seminars
“Things You Need to Know About the Law and RESPA” | Request: 4 Hours | Law & Legislation | Classroom |
| 39. | AgentsPlanet
“The Finer Points of Social Media – How to Separate Yourself from the Competition” | Request: 3 Hours | General | Classroom |
| 40. | National Association of Real Estate Investment Advisors (NAREIA)
“CCS 101: Fundamentals of Commercial Real Estate Brokerage” | Request: 3 Hours | General | Classroom |
| 41. | Real Estate Asset Protection Institute, Inc.
“Real Estate Asset Protection” | Request: 3 Hours | Personal Development | Classroom |
| 42. | Council of Residential Specialists
“CRS 210 Building an Exceptional Customer Service Referral Business” | Request: 3 Hours | General | Classroom |
| 43. | Real Estate School of Nevada
“I’ll Make You An Offer You Can’t Refuse” | Request: 3 Hours | Contracts | Classroom |
| 44. | Real Estate School of Nevada
“I’ll Make You An Offer You Can’t Refuse” | Request: 3 Hours | Contracts | Internet |
| 45. | Real Estate School of Nevada
“Ethics – The 3R’s” | Request: 3 Hours | Ethics | Classroom |
| 46. | Real Estate School of Nevada
“Ethics – The 3R’s” | Request: 3 Hours | Ethics | Internet |

47.	Real Estate School of Nevada “A Brokers Job: Management & Oversight” Request: 3 Hours	Broker Management	Classroom
48.	Real Estate School of Nevada “A Brokers Job: Management & Oversight” Request: 3 Hours	Broker Management	Internet
49.	Real Estate School of Nevada “Business Appraisal” Request: 3 Hours	General	Classroom
50.	Real Estate School of Nevada “Business Appraisal” Request: 3 Hours	General	Internet
51.	Real Estate School of Nevada “Agency Relationship & The Licensee” Request: 3 Hours	Agency	Classroom
52.	Real Estate School of Nevada “Agency Relationship & The Licensee” Request: 3 Hours	Agency	Internet
53.	Real Estate School of Nevada “Foreclosure and Foreclosure Alternative” Request: 3 Hours	General	Classroom
54.	Real Estate School of Nevada “Foreclosure and Foreclosure Alternative” Request: 3 Hours	General	Internet
55.	Real Estate School of Nevada “The Lease Agreement & The Property Manager’s Perspective” Request: 3 Hours	Property Management	Classroom
56.	Real Estate School of Nevada “The Lease Agreement & The Property Manager’s Perspective” Request: 3 Hours	Property Management	Internet
57.	Greater Las Vegas Associations of REALTORS® “What Was I Thinking” Request: 4 Hours	Broker Management	Classroom

Commissioner Schwartz pulled item 28.

Commissioner Opatik pulled item 57.

Per Ingrid Trillo, Education Program Officer, President Boyer pulled items 24 and 26.

Commissioner Cartinella moved to approve the consent agenda, excluding items 24, 26, 28 and 57.

Commissioner Johnson seconded. Motion carried unanimously.

Ms. Trillo stated that there was an amended outline on item 24.

Ms. Trillo stated that there was an error in course designation on item 26.

Commissioner Schwartz moved to accept items 24 and 26, as amended. Commissioner Johnson seconded. Motion carried unanimously.

Commissioner Cartinella moved to accept item 28. Commissioner Johnson seconded. Motion carried 3-0. Commissioner Schwartz and Commissioner Opatik recused themselves, because they were instructors and/or authors of the course.

President Boyer recused himself on item 57 and passed the gavel to Commissioner Johnson.

Commissioner Schwartz moved to accept item 57. Commissioner Cartinella seconded. Motion carried 3-0. President Boyer and Commissioner Opatik recused themselves, because they were instructors and/or authors of the course.

9-8) NRED v ALISON CARDWELL
Case # RES 14-09-12-089

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Hearing

Rebecca Hardin, Commission Coordinator, testified regarding proof of service.

Kimberly Arguello questioned Ms. Hardin.

Commissioner Opatik moved that the Commission, pursuant to NAC 645.680 find that the State had proven sufficient service of the notice to Alison Cardwell, case number 14 -09-12-089; and by statute and custom the factual allegations and violations of law were deemed true and proven. Commissioner Johnson seconded. Motion carried unanimously.

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

Jan Holle, Chief Compliance Investigator, gave the Division's recommendation for discipline, as follows:

- Revocation of real estate license
- Fine of \$70,000, plus \$719.35 for the cost of the hearing and investigation, to be paid within 90 days

Commissioner Cartinella moved to accept the Division's recommendation of a fine of \$70,000, plus \$719.35 for costs, with the normal collection language; and revocation of the license. Commissioner Opatik seconded. Motion carried unanimously.

12) NRED v JANIE HILARIO
Case #'s RES 14-09-36-113 and RES 14-01-36-374

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Hearing

Rebecca Hardin, Commission Coordinator, testified regarding proof of service.

Kimberly Arguello questioned Ms. Hardin.

Commissioner Opatik moved that the Commission, pursuant to NAC 645.680 find that the State had proven sufficient service of the notice to Janie Hilario, RES 14 -09-36-113 and 14-01-36-374; and by statute and custom the factual allegations and violations of law were deemed true and proven. Commissioner Johnson seconded. Motion carried unanimously.

Ms. Arguello submitted State's exhibit 1 for the record.

President Boyer admitted the exhibit into the record.

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

Jan Holle gave the Division's recommendations as follows:

- Revocation of the real estate license and property management permit
- Fine of \$220,000, plus \$1,769.46 for the cost of the hearing and investigation, to be paid within 90 days.

Commissioner Opatik moved that the Commission accept the recommendations, so provided by the Division, of a fine of \$220,000, payable within 90 days of notice; plus the costs of \$1,769.46 for costs, along with the revocation of the real estate license and property management permit. Commissioner Johnson seconded. Motion carried unanimously.

9-20) NRED v CRISTINA RODRIGUEZ

Case # RES 14-10-01-115

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Hearing

Ms. Arguello requested a continuance for this case, stating that Ms. Rodriguez had turned in her license.

Commissioner Opatik moved that the Commission accept the continuance in regards to Cristina Rodriguez, case number RES 14-10-01-115, to the next Commission hearing. Commissioner Johnson seconded. Motion carried unanimously.

9-9) NRED v HILARION G. CORDERO, JR.

Case # RES 13-06-20-359

Parties Present

Kimberly Arguello, Senior Deputy Attorney General, representing the Division

Hearing

Ms. Arguello requested a continuance for this case, stating that Ms. Rodriguez had turned in her license.

Commissioner Opatik moved that the Commission accept the continuance for Mr. Cordero, case number RES 13-06-20-359, to the next Commission hearing. Commissioner Johnson seconded. Motion carried unanimously.

9-18) NRED v LYUDMYLA RADCHENKO

Case # RES 12-06-28-398

Christopher Eccles, Deputy Attorney General, representing the Division asked for a delay to allow Ms. Radchenko time to get there.

President Boyer agreed to postpone the matter until later in the agenda.

3-H) POST LICENSING WORK GROUP'S RECOMMENDATIONS.

Commissioner Schwartz gave a summary of the post-education workgroup, and read his report on the workgroup's recommendations.

President Boyer questioned Commissioner Schwartz.

JC Arens made a statement and questioned Commissioner Schwartz.

Commissioner Schwartz answered.

President Boyer commented.

Commissioner Cartinella commented.

Commissioner Opatik moved that the Commission accept the report provided by Commissioner Schwartz from the workgroup and that the recommendations therein be accepted. Commissioner Johnson seconded. Motion carried 4-0. Commissioner Schwartz did not vote.

President Boyer asked if the workgroup was required to be an open meeting.

Division and Commission counsels, Kimberly Arguello and Sophia Long respectively, stated that according to the Open Meeting Law, the workgroup had to be open to the public.

3-A) ATTORNEY GENERAL CASE STATUS REPORT

Kimberly Arguello did not have a written report, but gave an oral summary of the status of real estate cases.

3-B) DISCIPLINARY REPORT

Teralyn Thompson, Administrative Section Manager, summarized the written report.

President Boyer questioned Ms. Thompson.

Commissioner Opatik questioned Ms. Thompson

Jan Holle commented on the most frequent violations in answer to Commissioner Opatik's question.

9-18) NRED v LYUDMYLA RADCHENKO

Case # RES 12-06-28-398

Parties Present

Christopher Eccles, Deputy Attorney General, representing the Division
Lyudmyla Radchenko, Respondent

Preliminary Matters:

Christopher Eccles stated that there was an oral stipulation. Mr. Eccles stated that they had basic settlement terms that they would like to present to the Commission.

Mr. Eccles stated the proposed stipulation terms, agreed upon by the Respondent, as follows:

- Ms. Radchenko would pay a \$2,500 fine, based upon a time decided by the Commission
- Admission of State's exhibit 1.
- Respondent agreed that the facts alleged in the complaint were true and accurate.
- Respondent was agreed that the violations alleged were true and proven.

Ms. Radchenko verified that she agreed that the factual allegations and violations were true and correct.

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

Commissioner Schwartz moved that to accept the stipulation, which includes a \$2,500 fine be due and payable within 60 days of receipt of the Commission's order. Commissioner Opatik seconded.

Commissioner Opatik commented.

President Boyer commented and questioned Mr. Eccles.

Mr. Christopher Eccles answered President Boyer's question and made a comment.

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

5-1) APPEAL OF INSTRUCTOR DENIAL – ADAM FENN

The appeal was withdrawn.

5-3) APPEAL OF INSTRUCTOR DENIAL – MICHELLE MCFALL

The appeal was removed from the agenda.

3-C) COMPLIANCE SECTION’S CURRENT CASELOAD REPORT, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED

Jan Holle summarized the Compliance section’s caseload for fiscal year 2014.

Mr. Holle summarized the Compliance section’s current caseload for fiscal year 2014.

Mr. Holle summarized the Compliance section’s caseload for fiscal year 2015.

Mr. Holle summarized the Compliance section’s current caseload for fiscal year 2015.

Mr. Holle stated that he had added two sections for the fiscal year 2015 report, as follows:

- Administrative Sanctions total numbers per month;
- The total number of dollars returned to the public as a result of complaints resolution.

President Boyer questioned Mr. Holle.

Commissioner Cartinella questioned Mr. Holle.

Mr. Holle summarized the report on current issues under investigation.

Commissioner Schwartz questioned Mr. Holle.

Commissioner Opatik questioned Mr. Holle.

Commissioner Johnson questioned Mr. Holle.

Commissioner Schwartz questioned Mr. Holle, who passed the question to Safia Anwari, Education and Information Officer.

Ms. Anwari answered the question.

3-D) ADMINISTRATIVE SANCTION REPORT

Jan Holle explained the Administrative Sanction report, which included all of fiscal year 2014 and fiscal year 2015 year-to-date.

Commissioner Schwartz commented on the Administrative Sanction report.

3-F²) EDUCATION & INFORMATION OFFICER’S REPORT ON FY 2014 BUDGETED AND ACTUAL EXPENDITURES OF THE EDUCATION AND RESEARCH FUND PROJECTS

Safia Anwari summarized the report.

President Boyer questioned Ms. Anwari.

3-F¹) EDUCATION & INFORMATION OFFICER’S REPORT ON THE DIVISION’S RECOMMENDATION FOR FUTURE ISSUES OF OPEN HOUSE NEWSLETTER TO BE PUBLISHED ELECTRONICALLY

Safia Anwari summarized the report and stated that the Division was strongly recommending all license go online and establish their accounts in the Division’s database.

Commissioner Schwartz questioned Ms. Anwari.

President Boyer commented that there was some confusion on which license number to use when opening My Account.

Commissioner Opatik commented.

Commissioner Schwartz commented.

3-G¹) EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION COURSE AUDIT PROGRAM REPORT

Ingrid Trillo, Education Program Officer, explained the report.

President Boyer questioned Ms. Trillo.

Commissioner Schwartz questioned Ms. Trillo.

3-G²) EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING

Ingrid Trillo summarized issues with certificate submittals and midterm education record keeping.

Commissioner Opatik questioned Ms. Trillo.

3-G³) EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES

Ms. Trillo commented on roster upload issues.

3-J) STATUS UPDATE TO LCB FILE NO. R097-14 AND LCB FILE NO. R125-14

Joseph (JD) Decker, Administrator, stated that LCB file R097-14 had been vetted and approved by the Director's office, as well as the Division, and the Commission; and it would be moving forward.

Commissioner Schwartz questioned Administrator Decker, who passed the question to Teralyn Thompson, Administrative Section Manager.

Teralyn Thompson commented.

Commissioner Opatik made a statement.

Administrator Decker stated that the Division would not be moving forward with LCB file R125-14.

Commissioner Opatik questioned Administrator Decker.

President Boyer made a statement about continuing education requirements.

Administrator Decker responded to President Boyer's comment.

Administrator Decker commented on 645.190(1).

3-E²) ADMINISTRATOR'S REPORT ON LICENSING STATISTICS FOR THE CLOSING OF FISCAL YEAR 2014

Administrator Decker summarized the report.

3-E¹) ADMINISTRATOR'S REPORT ON PERSONNEL

Administrator Decker commented on restructuring, positions filled and open positions.

3-E³) ADMINISTRATOR'S REPORT ON BUDGET FOUNDATION FOR BIENNIUM 2015-2017.

Administrator Decker stated that the Division was requesting to go back to a two-year licensing period.

Administrator Decker stated that the Division was requesting to go to being fee-funded.

Administrator Decker discussed his approach to the budget and possible updates to SOAR.

Commissioner Schwartz questioned Administrator Decker.

3-I) DISCUSSION REGARDING MODIFYING THE AMOUNT OF AN ADMINISTRATIVE SANCTION ISSUED TO A BROKER WHO FAILS TO TURN IN MID-TERM EDUCATION IN A TIMELY MANNER AND ANY ACTION TAKEN BY THE DIVISION AGAINST A BROKER

Administrator Decker stated that the issue was not necessarily about modifying the amount of the administrative sanction, but the method of notification.

Commissioner Opatik questioned Administrator Decker.

Commissioner Schwartz questioned Administrator Decker.

11) PUBLIC COMMENT:

Konstantino Kouris made a statement.

Commissioner Opatik commented.

Charlie Mack made a statement.

President Boyer responded to Mr. Mack's statement.

Commissioner Schwartz commented.

3-K) DISCUSSION REGARDING POSSIBLE WAYS TO OBTAIN APPROVAL TO INSTRUCT COURSES APPROVED BY THE REAL ESTATE COMMISSION AFTER AN APPLICANT HAS BEEN DENIED BY THE COMMISSION ALTHOUGH THE APPLICANT HAS TEACHING EXPERIENCE

President Boyer explained why this item was on the agenda.

Commissioner Opatik, President Boyer, and Commissioner Schwartz discussed the issue of whether an instructor should be required to have a real estate license.

3-L) DISCUSSION REGARDING POSSIBLE CHANGES TO CLASS AUDIT FORMS AND PROCEDURES USED BY THE REAL ESTATE ADVISORY REVIEW COMMITTEE WHEN PARTICIPATING IN AN AUDIT REVIEW OF REAL ESTATE EDUCATION COURSES

Commissioner Schwartz stated that the audit forms should be reviewed.

President Boyer asked if changes had to be approved by the Commission.

Administrator Decker responded to the question.

3-N) DISCUSSION TO APPROVE MINUTES OF THE FEBRUARY 26-28, 2013 MEETING

President Boyer and Commissioner Opatik submitted corrections.

Commissioner Johnson moved to approve minutes of February 26-28, 2013, as corrected. Commissioner Opatik seconded. Motion carried 3-0. Commissioner Cartinella and Commissioner Schwartz did not vote.

3-O) DISCUSSION TO APPROVE MINUTES OF THE MARCH 8, 2013 MEETING

President Boyer and Commissioner Opatik submitted corrections.

Commissioner Opatik moved to approve the minutes of March 8, 2013, as corrected. Commissioner Johnson seconded. Motion carried 3-0. Commissioner Cartinella and Commissioner Schwartz did not vote.

3-P) DISCUSSION TO APPROVE MINUTES OF THE MAY 23, 2013 MEETING

President Boyer and Commissioner Opatik submitted corrections.

Commissioner Johnson moved to approve the minutes of May 23, 2013, as corrected. Commissioner Opatik seconded. Motion carried 3-0. Commissioner Cartinella and Commissioner Schwartz did not vote.

3-Q) DISCUSSION TO APPROVE MINUTES OF THE SEPTEMBER 24, 2013 MEETING

Commissioner Johnson moved to approve the minutes of September 24, 2013, as stated. Commissioner Opatik seconded. Motion carried 3-0. Commissioner Cartinella and Commissioner Schwartz did not vote.

3-R) DISCUSSION TO APPROVE MINUTES OF THE MARCH 25-26, 2014 MEETING

Commissioner Cartinella submitted a correction.

Commissioner Cartinella moved to approve the March 25-26, 2014 minutes, as corrected. Commissioner Opatik seconded. Motion carried unanimously.

3-S) DISCUSSION TO APPROVE MINUTES OF THE JUNE 24, 2014 MEETING

Commissioner Opatik moved to approve the minutes of the June 24, 2014 meeting. Commissioner Johnson seconded. Motion carried unanimously.

3-T) DISCUSSION ON DATE, TIME, AND PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS

Teralyn Thompson stated that the first meeting in 2015 would be January 6-8, 2015, and proposed the following additional meeting dates.

- April 21-23, 2015
- September 22-24, 2015
- December 15-17, 2015

The Commission had no objections to the 2015 meeting dates.

Commissioner Schwartz asked that his final report from the Post-Education Work Group be placed on the next agenda.

3-M) ELECTION OF OFFICERS FOR FY 15

Commissioner Opatik nominated Commissioner Johnson for president. Commissioner Schwartz seconded. Motion carried 4-0. Commissioner Johnson did not vote.

Commissioner Schwartz nominated Commissioner Opatik for vice-president. Commissioner Cartinella seconded. Motion carried 4-0. Commissioner Opatik did not vote.

Commissioner Cartinella nominated Commissioner Schwartz for secretary. Commissioner Opatik seconded. Motion carried 4-0. Commissioner Schwartz did not vote.

3-U) COMMISSIONER COMMENTS

President Johnson presented Commissioner Boyer with a plaque commemorating his service on the Commission.

11) PUBLIC COMMENT:

Thorán Towler read a comment submitted by Sharon Williams.

Commissioner Opatik commented.

Commissioner Schwartz commented.

12.FOR POSSIBLE ACTION: ADJOURNMENT

Commissioner Opatik moved to adjourn.

Without objection, President Boyer adjourned the meeting at 11:59AM.