

**NEVADA REAL ESTATE COMMISSION**  
**MINUTES**

JANUARY 7, 2015

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

The meeting was called to order at 9:07 AM

**1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE**

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

**1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE**

Joseph (JD) Decker, Division Administrator  
From the Administration Section: Rebecca Hardin and Teralyn Thompson  
From the Education Section: Ingrid Trillo, Safia Anwari, and VaNessa Finona  
From the Enforcement Section: Jan Holle, Daryl McCloskey, Linda Chavez, and Carolyn Washington  
From the Licensing Section: Susan Clark  
From the Attorney General's Office: Kimberly Arguello, Keith Kizer, and Chris Eccles

**1-C) SWEARING IN OF COMMISSIONER DEVIN REISS**

President Johnson administered the oath of office to Commissioner Reiss.

**2) PUBLIC COMMENT**

Janet Carpenter, Signature Real Estate Group, suggested that agents be allowed to receive continuing education credit for every meeting of the Real Estate Commission that they attend.

**4-1) APPEAL OF INSTRUCTOR DENIAL -- MICHELLE MCFALL**

Parties Present

Michelle McFall was present.

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

Hearing

Ms. McFall 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.

Commissioner Schwartz moved that Ms. McFall's appeal be denied. Commissioner Opatik seconded. Motion carried unanimously.

**8-19) NRED v RICHARD A. WILLER Case # RES 13-01-28-225**

Parties Present

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

Richard A. Willer was present

Stephen Minagil was present representing Mr. Willer.

Preliminary Matters

Ms. Arguello stated that the respondent had agreed to a voluntary surrender of his license.

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

Commissioner Cartinella moved to accept the voluntary surrender in lieu of other disciplinary action in case #RES 13-01-28-225. Commissioner Opatik seconded.

The Commission questioned Ms. Arguello.

Mr. Minagil made a statement.

Motion carried unanimously.

**8-9) NRED v DEMETRIA-KALFAS-GORDON Case # RES 13-04-01-289**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division

Demetria Kalfas-Gordon was present.

Jason Kolbe was present representing Ms. Kalfas-Gordon.

Preliminary Matters

Mr. Kizer read the stipulation for settlement of disciplinary action into the record.

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 the stipulation.

The respondent agreed to three hours of "What Every Licensee Should Know" continuing education and three hours of continuing education in the area designated as property management. All education is to be completed within two months of the date of the Commission's order approving the stipulation. The hours are to be live education and do not count toward Respondent's continuing education requirements.

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

Commissioner Opatik questioned Ms. Kalfas-Gordon.

Commissioner Reiss moved to accept the stipulation for settlement of disciplinary action in case # RES 13-04-01-289. Commissioner Schwartz seconded.

Motion carried 3-2 with President Johnson and Commissioner Schwartz opposing.

**6-1) NRED v. ALISON CARDWELL (PETITION FOR REHEARING) Case No.: RES 14-09-12-089**

Parties Present

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

Chris Richardson was present representing Ms. Cardwell.

## Hearing

Ms. Arguello stated that Ms. Cardwell's case had been heard at the last meeting resulting in a \$70,000 fine, \$719.35 in costs and revocation of Ms. Cardwell's license.

Mr. Richardson requested a rehearing based on notification issues.

Ms. Arguello stated that Ms. Cardwell's license was inactive and Ms. Cardwell did not live in the State of Nevada.

Commissioner Cartinella moved to approve the petition for rehearing of case # RES 14-09-12-089.

Commissioner Schwartz made a friendly amendment that the case be heard at the next scheduled Commission meeting regardless of location.

Commissioner Opatik seconded the motion.

The Commission questioned Mr. Richardson.

Motion carried unanimously.

## **8-7) NRED v HILARION G. CORDERO Case # RES 13-06-20-359**

### Parties Present

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

Hilarion G. Cordero was present.

### Preliminary Matters

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

### Stipulation for Settlement

- The respondent agreed to pay to the Division a total of \$10,000 (\$9,000 in an administrative fine and \$1,000 in costs), within 12 months of the date of the Commission's order approving the stipulation, in accordance with the schedule of installment payments below:
  - ◆ Initial payment of \$835, due within 30 days of the effective date of the Commission's order approving stipulation
  - ◆ 10 additional installment payments of \$835 and one final payment of \$815, due on the 15<sup>th</sup> day of each month following the initial payment.
- The respondent agreed to attend 3 hours of What Every Licensee Should Know continuing education and 3 hours of ethics designated courses, all to be completed within six months of the effective date of the Commission's order approving the stipulation. The hours are to be live education and do not count toward continuing education requirements.

Mr. Cordero stated that he had read, understood, and signed the stipulation.

Mr. Cordero made a statement.

Commissioner Schwartz requested that the stipulation be changed to require completion of the continuing education to three months instead of six months.

Mr. Cordero agreed

Commissioner Reiss moved to approve the stipulation for settlement of disciplinary action regarding case #RES 13-06-20-359, including the term of 3 months to complete the continuing education.

Commissioner Cartinella seconded.

The Commission discussed the settlement.

Motion carried 3-2 with Commissioners Cartinella and Opatik opposing.

**8-10) NRED v JASON ALLEN LOCOCO Case # 2014-3324**

President Johnson recused himself on the Lococo case due to prior knowledge. Commissioner Opatik acted as president.

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division

Jason Lococo was present.

James Walsh was present representing Mr. Lococo.

Hearing

Mr. Kizer submitted Exhibits 1 and 2, which were accepted into evidence with no objection.

Mr. Kizer gave his opening statement.

The Division had no witnesses and Mr. Kizer rested his case.

Mr. Walsh made a motion to dismiss.

Mr. Kizer argued against the motion.

Commissioner Reiss moved that the motion to dismiss be denied. Commissioner Cartinella seconded. Motion carried 3-1 with Commissioner Schwartz opposing.

Mr. Walsh gave his opening statement.

Respondent's Witness

Paula Brummer testified.

Mr. Kizer cross-examined Ms. Brummer.

Mr. Walsh submitted Exhibit A which was admitted into evidence with no objection.

The Commission questioned Ms. Brummer.

Respondent's Witness

Jason Lococo testified.

Mr. Kizer cross-examined Mr. Lococo.

The Commission questioned Mr. Lococo.

Respondent's Witness

Steve O'Brien testified.

Mr. Kizer cross-examined Mr. O'Brien.

Mr. Walsh re-examined Mr. O'Brien.

The Commission questioned Mr. O'Brien.

Respondent's Witness

Paul Jameson testified.

Mr. Walsh submitted Exhibit B which was admitted into evidence with no objection.

Mr. Kizer cross-examined Mr. Jameson.

The Commission questioned Mr. Jameson.

### Respondent's Witness

James Hankla testified.

Mr. Kizer objected to questions regarding specific sales.

Mr. Walsh argued that it was appropriate testimony for an expert witness in a contested proceeding.

Commissioner Opatik sustained the objection.

Mr. Walsh stated his argument against the decision to sustain the objection.

Mr. Kizer's objection was overruled after discussion.

Mr. Kizer had no questions for Mr. Hankla.

The Commission questioned Mr. Hankla.

Mr. Walsh rested his case.

Mr. Kizer and Mr. Walsh gave his closing argument.

### Factual Allegations

Commissioner Reiss moved that factual allegations 1, 2, and 3 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Cartinella moved that factual allegation 4 was proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Reiss moved that factual allegation 5 was not proven. Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Reiss moved that factual allegations 6 and 7 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Cartinella moved that factual allegations 8 and 9 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Cartinella moved that factual allegation 10 was not proven. Commissioner Reiss seconded. Motion carried unanimously.

Commissioner Cartinella moved that factual allegation 11 was not proven. Commissioner Schwartz seconded. Motion failed.

Commissioner Reiss moved that factual allegation 11 was proven. Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Cartinella moved that factual allegations 12 and 13 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

### Violations

Commissioner Reiss moved that violation 14 was not proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 15 was not proven. Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 16 was not proven. Commissioner Reiss seconded. Motion carried unanimously.

The Commission found no violations of law.

**8-14) NRED v STEVEN P. O'BRIEN Case # REN 14-05-02-042**

Keith Kizer stated that the Division was withdrawing the complaint.

Commissioner Opatik returned the gavel to President Johnson.

**8-18) NRED v BRIAN THOMAS WARREN Case # RES 12-05-39-363**

Parties Present

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

Brian Thomas Warren was present.

Preliminary Matters

Ms. Arguello stated that Mr. Warren had recently agreed on a stipulation for settlement. Ms. Arguello did not have a signed stipulation to present.

Ms. Arguello read the stipulation for settlement into the record.

Ms. Arguello stated that violation on page 2, line 12 of the complaint would be dismissed and factual allegation 10 would be withdrawn.

Stipulation for Settlement

- The respondent agreed to pay a total of \$3,000 (\$2,500 administrative fine, plus \$500 in costs) within six months of the date of the Commission's order approving the stipulation in accordance with the below schedule of installment payments.
  - ◆ The first payment of \$1,000 shall be due in thirty days of the effective date of the Commission's order approving the stipulation.
  - ◆ Then the Respondent shall pay to the Division \$300 per month, due on the 15<sup>th</sup> of every month until the administrative fine and costs are paid in full.
- The Respondent agreed to attend 3 hours of What Every Licensee Should Know continuing education and 3 hours of property management designated courses.
  - ◆ To be completed within 3 months of the effective date of the Commission's order approving the stipulation.
  - ◆ The hours must be live education and would not count toward the respondent's continuing education requirements.

Commissioner Opatik asked that 3 hours of trust account designated courses be added to the stipulation.

Mr. Warren stated that he understood and agreed with the stipulation for settlement.

Commissioner Cartinella moved to accept the stipulation for settlement for Case # RES 12-05-39-363 with the aforementioned change. Commissioner Schwartz seconded. Motion carried unanimously.

**8-17) NRED v CRISTINA RODRIGUEZ Case # RES 14-10-01-115**

Parties Present

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

Ms. Rodriguez was not present.

Preliminary Matters

Ms. Arguello stated that Ms. Rodriguez had been out of the country due her mother's illness and subsequent death.

Ms. Arguello stated that she had spoken to Ms. Rodriguez and Ms. Rodriguez had agreed to a voluntary surrender of her license in lieu of other discipline.

Ms. Arguello stated that she had Ms. Rodriguez's original signed stipulation and that Ms. Rodriguez's license had turned in to the Division.

Ms. Arguello read the voluntary surrender into the record.

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

Commissioner Opatik moved to accept the voluntary surrender as proposed in the stipulation so stated by Ms. Arguello. Commissioner Cartinella seconded.

Motion carried unanimously.

### **8-15) NRED v MICHAEL A. PANCIRO CASE # RES 14-11-39-185**

#### Parties Present

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

Michael A. Panciro was present.

Chris Albright was present representing Mr. Panciro.

#### Preliminary Matters

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

#### Stipulation for Settlement

- Respondent agreed to an immediate downgrade of his license from broker to salesperson.
- Respondent agreed to pay to the Division an administrative fine of \$7,000 and \$1,000 in costs for a total of \$8,000 within 90 days of the date of the Commission's Order Approving Stipulation.
- The respondent agreed to attend 3 hours of What Every Licensee Should Know continuing education and 6 hours of ethics designated continuing education, all to be completed within six months of the effective date of the Commission's Order Approving Stipulation. The hours must be live education and do not count toward continuing education requirements.

Commissioner Opatik commented on the stipulation.

Commissioner Cartinella moved to accept the stipulation in case #RES 14-11-39-185. Commissioner Reiss seconded.

Commissioner Opatik asked if a timeframe for reapplying for a broker's license could be added to the stipulation.

The Commission decided on a timeframe of 3 years.

Mr. Panciro agreed to the addition to the stipulation.

Motion carried unanimously.

### **8-11) NRED v PAUL MURAD - Case # RES 13-04-17-305**

#### Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.

Paul Murad was present.

Shan Davis was present representing Mr. Murad.

Preliminary Matters

Mr. Davis requested a continuance.

Mr. Murad stated his reason for the request.

Commissioner Cartinella moved to continue the case with the stipulation that the hearing will occur at the next Real Estate Commission meeting regardless of the location. Commissioner Reiss seconded.

The Commission commented and questioned Mr. Murad, Mr. Davis, and Mr. Kizer.

Motion carried unanimously.

**5-1) LICENSE DENIAL APPEAL: JOSUE TORRES - File # S-LDA-14-005**

Parties Present

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

Licensing Manager Susan Clark was present.

Josue Torres was present.

John Benedict was present representing Mr. Torres.

Hearing

Ms. Clark testified stated why the license was denied.

Mr. Benedict presented additional documents with exhibits 6-8 included.

Mr. Benedict made a statement.

Mr. Torres made a statement.

The Commission questioned Mr. Torres and Mr. Benedict.

Commissioner Reiss moved to grant Mr. Torres's appeal with the stipulation that he pay his past due fine of \$45,000 within 120 days of the date of the Order. Commissioner Schwartz seconded.

President Johnson suggested changing the amount of time Mr. Torres had to pay his fine.

President Johnson asked the Mr. Torres if he would be willing to change his application from broker/salesperson to salesperson.

Mr. Torres agreed to change to a salesperson's license.

President Johnson suggested that Mr. Torres make monthly payments if he was unable to pay the entire fine within 180 days.

Mr. Benedict and Mr. Torres declined the option of a payment plan.

Ms. Arguello restated the motion for clarification as follows:

- Respondent's appeal is granted.
- Respondent will be granted a salesperson license.
- The license is contingent upon Respondent not applying for a broker or broker/salesperson license within 5 years.
- Respondent must pay a total of \$45,000 within 180 days.
- If Respondent fails to pay the fine, his license will be revoked.

President Johnson corrected the timeframe for paying the fine to 180 days or upon the sale of Mr. Torres' parents' house, whichever comes first.

Motion carried unanimously.



- 8-2) NRED v LINDA M. AKIKI - Case # RES 14-02-116-587**  
**8-3) NRED v LINDA M. AKIKI - Case # RES 14-03-132-752**  
**8-4) NRED v LINDA M. AKIKI - Case # RES 14-04-138-920**  
**8-5) NRED v LINDA M. AKIKI - Case #'s RES 14-06-02-1162 and RES 14-05-67-1047**  
**8-6) NRED v LINDA M. AKIKI - Case # RES 14-08-06-046**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.

Steven Szostek was present representing Ms. Akiki.

Mr. Szostek stated that Ms. Akiki was hospitalized and unable to appear. Mr. Szostek said that he could not ascertain Ms. Akiki's condition because of HIPAA laws.

Mr. Szostek stated that he had received another complaint for Ms. Akiki and asked for additional time to file an answer to the new complaint. Mr. Szostek requested continuances for all complaints.

Commissioner Schwartz moved to continue the cases until Ms. Akiki was in a well enough condition to be able to present herself in front of the Commission. Commissioner Cartinella seconded.

President Johnson stated that agreed with a continuance but expressed concern about ambiguity of when the cases would be heard.

Commissioner Schwartz withdrew his motion. Commissioner Cartinella agreed to the withdrawal.

Commissioner Cartinella moved to grant continuances for all of Ms. Akiki's cases with the stipulation that the case will be heard at the next scheduled Real Estate Commission meeting regardless of location. Commissioner Opatik seconded. Motion carried unanimously.

- 8-12) NRED v IMA JEAN NIKOLICH - Case # RES 13-07-18-018**  
**8-13) NRED v IMA JEAN NIKOLICH - Case # RES 13-08-32-066**

Parties Present

Deputy Attorney General Chris Eccles was present representing the Division.

Ima Jean Nikolich was present.

Mary Bacon was present representing Ms. Nikolich.

Preliminary Matters

Mr. Eccles stated that the parties had reached a proposed settlement for both cases.

Mr. Eccles read the complaints for case # RES 13-07-18-018 and case # RES 13-08-32-066 into the record.

Mr. Eccles read the settlement for both cases into the record.

Stipulation for Settlement

- Respondent agreed to pay to the Division \$5,000 in fines, in accordance with the below schedule of installments.
  - ◆ The first payment of \$2,500 is due by February 20, 2015
  - ◆ Five additional installment payments of \$500. Each installment payment is due by the 20<sup>th</sup> day of each month thereafter until the fine is paid in full.

Mr. Eccles stated that Ms. Nikolich's license was inactive.

Commissioner Reiss moved to accept the Stipulation for Settlement of Disciplinary Acton for both cases. Commissioner Opatik seconded. Motion carried unanimously.

**8-16) NRED v CHRISTOPHER RODRIGUEZ - Case # RES 13-03-38-286**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.

Glenn Meier was present via telephone representing Mr. Rodriguez.

Preliminary Matters

Mr. Kizer stated that Mr. Rodriguez's attorney was asking for a continuance and the State was opposing.

Commissioner Cartinella moved to deny the continuance for case # RES 13-03-38-286. Commissioner Opatik seconded. Motion carried unanimously.

The Commission decided to hear this case on January 8, 2015.

**10) PUBLIC COMMENT**

Cindy Weber, ABC Real Estate School, commented on the issue of confidentiality on the Division's website, stating that certain information is posted.

Cindy Weber, ABC Real Estate School, commented on the amount of information that is posted on the Division's website for a Commission meeting. Ms. Weber stated that some of the information was helpful, but she was concerned about too much personal information being included on certain items. Ms. Weber also commented about posting the Education Audit Reports without giving course sponsors an opportunity for rebuttal.

Steve Groover, Realty Executives in Action, commented that he felt the Division was too lenient on unlicensed activity.

The meeting recessed at 5:05 PM on January 7, 2015.

JANUARY 8, 2015

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

The meeting was called to order at 9:09 AM

**1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE**

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

**1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE**

Joseph (JD) Decker, Division Administrator  
From the Administration Section: Teralyn Thompson and Rebecca Hardin  
From the Enforcement Section: Jan Holle and Daryl McCloskey  
From the Education Section: Safia Anwari, Ingrid Trillo, and VaNessa Finona  
From the Attorney General's Office: Kimberly Arguello and Keith Kizer

**2) PUBLIC COMMENT**

None.

**8-16) NRED v CHRISTOPHER RODRIGUEZ - Case # RES 13-03-38-286 ... continued**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.

Hearing

Mr. Kizer stated the he was prepared to proceed and requested a ruling of default because Mr. Rodriguez was not present.

President Johnson granted permission to proceed with proof of service.

Mr. Kizer stated that Glenn Meier, the respondent's attorney, had appeared in October and on January 7, 2015 which provided proof of service. Mr. Kizer stated that the Division sent a letter to Mr. Rodriguez and received the green card back.

Commissioner Opatik moved that service had been proven. Commissioner Cartinella seconded. Motion carried unanimously.

Mr. Kizer read the complaint into the record.

Commissioner Opatik moved that the Division had proven the facts as presented in case number RES 13-03-38-286. Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Opatik moved that the Commission accept the violations as presented in the complaint for case number RES 13-03-38-286. Commissioner Cartinella seconded. Motion carried unanimously.

### Division's Recommendation for Discipline

Jan Holle stated the Division's recommendation of a maximum fine of \$45,000 plus investigation and hearing costs of \$2,718.41 payable within 30 days of the effective date of the order.

Commissioner Cartinella moved to accept the recommendation of the Division for a fine of \$45,000 plus costs of \$2,718.41 in case number RES 13-03-38-286, in thirty days. Commissioner Reiss seconded. Motion carried unanimously.

### **3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT**

Teralyn Thompson presented the disciplinary report. Ms. Thompson reviewed changes made to the report since the last Commission meeting.

Jennifer Lorenzen, Sean Spangler, William Wood, Nancy Anderson, Flora Valdez, and Baffour Adusei were all current with their payments.

Barbara Zucker, Roger Baldwin, and Robert Hosbrook completed their discipline and would not appear on the report at the next meeting.

Martin Barrera was an example of what occurs when a respondent is not on time with their monthly payments. The administration section will contact licensing. If it is a salesperson or broker/salesperson licensing will contact the broker to request that the broker send the license back to the Real Estate Division so the license can be placed on suspension. Once Mr. Barrera's broker received that letter, Mr. Barrera came to the Division and paid his fine.

Sarah Goldstein was on time with her payments. Ms. Goldstein had several disciplinary cases and on one of them she was required to send a payment to the complainant. Ms. Goldstein completed that part of her discipline.

Commissioner Opatik asked Ms. Thompson if Sarah Goldstein had completed the disciplinary continuing education required.

Ms. Thompson replied that Ms. Goldstein's educational requirement had not been completed, but it was not due until April 13, 2015.

Administrator Decker apologized to the Commission for the meeting space, because it did not have video-conferencing or Internet broadcasting, stating that the Division was having difficulty in securing meeting spaces with those capabilities because of the Legislative session. Alternative solutions were being considered.

### **3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION REPORT**

Jan Holle presented the administrative sanction report, stating the report included all of the administrative sanctions imposed since the last Commission meeting in October of 2014, through the third week of December of 2014. During the first half of fiscal year 2015, there were a total of 631 administrative fines for a total of \$151,400.

Commissioner Opatik stated that the majority of the fines were for not submitting mid-term education.

Mr. Holle stated they also included fines for not submitting the annual trust account reconciliation.

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

Jan Holle stated that the first five months of fiscal year 2015 the compliance caseload report showed a total of 33 complaints in the North and 1,059 complaints in the South for a total of 1,092 complaints. Mr. Holle stated that the number of cases currently under investigation in the North had remained about the same since the October 2014 meeting. The number of cases in the South had decreased, which was attributed to a decrease in the number of midterm education fines imposed during the same period.

Mr. Holle stated that the report also showed a running total of the dollars returned to the public as a result of complaint resolution. A total of \$92,582 has been returned to the public in the first five months of fiscal year 2015.

Mr. Holle stated that the current issues under investigation were as follows:

- Licensees not submitting their midterm education or submitting midpoint education late.
- Brokers failing to submit their annual Trust Account Reconciliations to the Division.
- Trust account reconciliations submitted by brokers indicating suspicious, questionable, or non-compliant handling of monies belong to others.
- Property managers failing to account for or remit funds.
- Trust account embezzlement or mismanagement.
- Property managers mismanaging property and/or monies received from owners/tenants.
- Unlicensed property management activity.

Commissioner Schwartz stated that a larger fine might help reduce the number of violations.

Administrator Decker stated that a proposal for self-funding had been forwarded to the legislature, which included a request for an increase in fees, but not fines.

Commissioner Schwartz stated that the issues that occurred repeatedly were becoming a trend, which required definitive action. Commissioner Schwartz suggested putting together a task force to explore possibilities to bring the situation under control.

Mr. Holle commented on the Division's improvements with trust account reconciliations, due to increased staffing. Mr. Holle's assistant is primarily responsible for the receipt and review of trust account reconciliations. Within those reconciliations, a number of issues have been identified, which enabled the Division to take some measures to prevent the public from being harmed.

Administrator Decker stated that the marketplace is regulated through a ripple effect. When the Division, in conjunction with the Commission issues discipline, it makes a statement that misconduct will not be tolerated. It sends a message to licensees.

Administrator Decker stated that it is not the goal of the Division to take every case to hearing. The Division ultimately strives to settle cases.

Commissioner Opatik asked Mr. Holle to provide the points of trust account issues he had seen, because it would be helpful for educators.

Mr. Holle agreed to provide information on the trust account issues to instructors.

Commissioner Opatik suggested mandating that all brokers who have property managers take a trust account course to keep their broker license.

Commissioner Schwartz suggested devoting a whole issue of Open House to this subject.

**3-E) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON:**

- 1. REORGANIZATION OF THE DIVISION;**
- 2. VACANT POSITIONS;**
- 3. CHANGES TO PROCESSES;**
- 4. DIVISION POLICY WHEN A BROKER FAILS TO SUBMIT MID-TERM CONTINUING EDUCATION PURSUANT TO NAC 645.448;**
- 5. CONSTITUENT SERVICES, AND**
- 6. PROPOSAL FOR THE DIVISION TO BECOME SELF-FUNDED AND OTHER LEGISLATIVE UPDATES.**

Administrator Decker stated that the Division had gone through major reorganization, from staffing to staff positions, to changes in procedures and processes. For example, the licensing section has gone through a formal customer services improvement program, including changing some performance standards. A very specific performance matrix was established. Customer feedback was implemented so management could review feedback from licensees who had interactions with the licensing department.

Some major revisions in our processes have been made. We are trying to remove obstacles and increase our employee's abilities to perform their jobs well, by decreasing the number of nonessential functions that go into each process. Specifically, we've got some processes within our enforcement section that we have cut out those things that didn't help to bring the enforcement section to a resolution or didn't serve any purpose as far as the life of a case from investigation to adjudication in front of the Commission.

Administrator Decker stated that some positions had been filled and some had been realigned. We still currently have a Deputy Administrator position in the North. We've had some good candidates and we're still interviewing, making sure we find the right person. One of the priorities of the deputy will be to implement some office hours in the North so that the Real Estate Division provides some access for the people in the North, which we currently do not. We've got five employees in the North and we've been able to get promises from some of the other divisions that they will assist us as far as licensing functions go when we open our doors to the public.

We've changed some of the processes. One of the things that we have done as far as the hundred dollar fine is to reduce the volume of effort that the Division has to spend in order to collect that fine. One of those allows a licensee to not necessarily have their business shut down because they were a day late. We give them a grace period through which if they agree to pay the fine without us having to chase them, they've got some time to bring themselves current whereas prior to that we were literally inactivating licenses, shutting brokers down and then sending them a letter telling them what happened. They will now get a warning before we shut their business down.

Commissioner Opatik stated that she applauded the Division for not shutting down a business. Commissioner Opatik asked if the Division was able to resolve licensing issues on the same day late continuing education was submitted.

Administrator Decker: stated that a license can now be reactivated on the date the licensee becomes current.

Commissioner Schwartz asked if was still true if a licensee missed their due date on a Friday, it was a violation and their license would be suspended at that time, so they would not be able to conduct business over the weekend.

Administrator Decker responded that licenses were no longer automatically inactivated. The Division now sends a notice to licensees, informing them that they missed their deadline and how many days they had to contact the Division and bring themselves current, including paying the fine, before their license would be inactivated.

Licensing Manager Susan Clark stated that the implementation of the mid-term education requirement resulted in a lot of confusion. Although the regulation still reads as it came into existence, the protocol was revised so no one would be inactivated immediately. Upon discovery, a thirty-day letter is sent to the licensee. After that period, a letter is sent to the broker, notifying the broker to return the license. But no one is being automatically inactivated.

Administrator Decker stated that the Division's capability of automating the process with technology upgrades may be possible if we become self-funded.

Administrator Decker stated that our legislative proposal this year consisted of only two things, even though there are other marketplace needs, because they are so important to us that we can't jeopardize them by including anything else. One is a self-funded proposal and the second thing is reverting from the four-year back to the two-year licensing cycle, which would alleviate a lot of these problems.

**3-F) DISCUSSION AND DECISION REGARDING EDUCATION AND INFORMATION MANAGER'S REQUEST TO APPROVE THE OBJECTIVES FOR THE INSTRUCTOR DEVELOPMENT TRAINING 2015 FUNDED BY THE EDUCATION AND RESEARCH FUND PURSUANT TO NRS 645.842**

Safia Anwari requested approval for the objectives for instructor development training. The proposal was previously approved for the last fiscal year, did not occur due to other issues. The objective of the training is to provide a general forum for real estate educators to share information, ideas, and techniques.

The Commission discussed the pros and cons of video-taping the training sessions. No conclusion was reached.

Commissioner Reiss moved to approve the request for the objectives of the educator development training. Commissioner Schwartz seconded. Motion carried unanimously.

**3-G-1) DISCUSSION REGARDING EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION COURSE AUDIT PROGRAM REPORT.**

Ingrid Trillo presented the education audit report, elaborating on the items below.

Steven Kitnick Seminars, LLC "What Every Licensee Should Know"

The sponsor responded to the Division's satisfaction regarding the audit of their class however Steven Kitnick requested permission to address the Commission regarding the auditor's review. Mr. Kitnick stated that this course was excellent and had received many good reviews.

CE Shop, Inc "Client Advocacy in Commercial Real Estate"

Ms. Trillo stated that the sponsor's review committee would not be able to respond to the audit until the end of January.

Kaplan Professional Schools "Houses: Why Bad Things Happen to Good Houses"

Ms. Trillo stated that the sponsor was notified that the Division would be recommending that the Commission withdraw course approval, based on the auditor's evaluation. Ms. Trillo stated that Kaplan was not going to rewrite this course, so it was up to the Commission to decide whether to withdraw approval or have another evaluation.

Commissioner Schwartz stated a reevaluation would be in order.

Ms. Trillo stated that another audit would be arranged and would be included in the next Commission meeting's audit report.

### JC Arens “Safety for All”

Ms. Trillo stated that JC Arens had been notified that a designation change from general to personal development would be recommended to the Commission, based on the audit of this class

JC Arens commented on the merits of this course, stating that they had received many excellent reviews. Mr. Arens described the course and defended the general designation. Mr. Arens requested a copy of the audit evaluation form and stated that the audit report was posted on the Division’s web site prior to being presented to the Commission, requesting that it not be published until after the hearing.

Commissioners Schwartz and Opatik recommended another audit of the course.

Mr. Arens commented on the amount of personal information that could be found on the Division’s web site and suggested that the Division review their confidentiality policies.

Commissioners Schwartz and Opatik recommended not publishing the audit report until after the hearing.

Ms. Trillo mentioned that sponsors were sent a letter informing them of the results of their class’s audit and notifying them the class would be discussed at the next Commission meeting

Administrator Decker stated that anything provided to the Commission becomes public. We do have some issues with confidentiality on the things we are required to post. That is an item for the Division to look at, however we are required to abide by existing statutes.

Ms. Trillo suggested conducting a second evaluation before placing negative audits on the report.

Commissioner Opatik asked if doing a second audit on negative review could become a standard practice.

Administrator Decker stated that the Division would look into an automatic second audit on a class that received a negative review; to see if that was something the Division could do.

Administrator Decker stated that even if the information is public, the Division does not necessarily have to post it on the web site.

### Real Estate School of Nevada “I’ll Make You an Offer You Can’t Refuse”

Ms. Trillo stated that the sponsor was notified that the Division would be recommending that the Commission withdraw course approval, based on the auditor’s evaluation. Ms. Trillo stated that the school submitted a response, with a slide show presentation of how the course had been revised.

Danya Gresham, representing Real Estate School of Nevada, stated that the class followed the outline that was presented when the course was approved, but had made some revisions. Ms. Gresham addressed comments that were made in the audit.

Commissioner Schwartz stated that he had audited the class, which did not match the slides that were handed out to the Commission, so he suspected that the wrong class was on the web site.

Commissioner Schwartz stated that there was a problem with scoring tests with many sponsors. The problem was the tests usually consist of 10 questions at 10 points each, with 75% being a passing score. Commissioner Schwartz recommended that the scoring system be changed to allow the actual passing grade to be attained.

### **3-G-2) DISCUSSION REGARDING EDUCATION PROGRAM OFFICER’S REPORT ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING**

Administrator Decker initiated a discussion on changing Division policy to encourage licensees to attend the business portion of Commission meetings, not just the disciplinary portions. He cited NAC 645.467(1) which says that the Commission will grant credit for continuing education, not to exceed 6 hours during a licensing period, to a licensee for attending a meeting of the Commission.



Administrator Decker stated that he was told that the reason people only stayed for three hours is because they received hour for hour continuing education credits. He was concerned that because the general population was more interested in the disciplinary portion of the meeting, they would always miss the business portion of a Commission meeting.

Administrator Decker cited NAC 645.467(2) which says "if a licensee attends only part of a meeting of the Commission, the Division may determine the number of hours of credit, if any, that the licensee may receive for credit for continuing education pursuant to this section."

Administrator Decker suggested giving only half-hour per hour credit to those who don't stay for the full meeting and the full six hours to those who do stay. That way we encourage people to experience this part of it which is the Commission and Division talking about the future of the industry.

Commissioner Schwartz stated that half-hour credits would difficult for the Division to track and confusing to the licensees.

Administrator Decker responded that the Division already had the resources to track education credits earned at Commission meetings.

Commissioner Reiss stated he was concerned that the reduction in credits would actually decrease Commission attendance, because licensees would not see the value for the time spent.

President Johnson suggested requiring six hours before a licensee gets any credit and intermixing business and discipline on the first day. He expressed reservations about the concept of issuing half-credits.

Commissioner Cartinella commented that she agreed that it just as important for the public to see the business portion of the meeting as it was for them to see the disciplinary portion. She suggested that could be accomplished through adjusting the order in which agenda items are called.

Commissioner Cartinella opposed requiring six hours to receive any credit.

Ingrid Trillo presented her report on continuing education certificates and mid-term education record keeping, stating that there were 441 midterm certificates submitted in November and 490 in December. The top 25 sponsors had certificate issues, which included incorrect course numbers, no course designation, more than one course designation, no course completion dates, incorrect names, incorrect license numbers, and licensees printing certificates that did not belong to them.

Commissioner Cartinella asked how many of the incorrect certificates were provided by instructors of classes that had not been renewed.

Ms. Trillo stated that there had been some problems with distance classes.

Commissioner Opatik stated that licensees needed to verify that the classes were current and their certificates were correct.

The Commission discussed methods of verifying expiration dates of classes..

### **3-G-3) DISCUSSION REGARDING EDUCATION PROGRAM OFFICER'S REPORT ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES**

Ingrid. Trillo presented her report, stating that there were 486 uploads in November and 579 in December. Class attendance ranged from 1 to 170. Issues on uploads included incorrect names, license numbers, and license type.

**3-H) DISCUSSION REGARDING CONTINUING EDUCATION CREDITS TO APPROVED INSTRUCTORS FOR RENEWAL OF AN INSTRUCTOR’S REAL ESTATE LICENSE**

Administrator Decker stated that there were no regulations prohibiting or authorizing the Division to change its policy on this matter. There is currently a Division policy that does not allow it, but he is considering changing that policy.

The Commission spoke in favor of giving continuing education credits to instructors for teaching classes, and supported allowing only six hours to be earned that way.

Administrator Decker stated that the Division would be considering the number of credits to be offered and the criteria for awarding the credits (writer/developer, instructor only, live classes, distance education, etc.).

**3-I) DISCUSSION REGARDING COMMERCIAL REAL ESTATE DESIGNATION AND EDUCATION**

Administrator Decker stated that the Division heard from various sources that there was interest in designating either a commercial real estate permit added to a real estate license that currently exists or creating an entirely new version of a license.

President Johnson stated had received calls from the CCIM organization and the branch in Reno would like to see something like this, whether it be a permit or license. There have been discussions about how to educate it. Classes could be developed as needed, but education could be started with the introduction in the first CCIM class. There has been a push for commercial classes in Washoe County and there seems to be a high interest in doing that now, with backing from both residential and commercial oriented people.

Commissioner Cartinella spoke in favor of a commercial permit similar to a property management permit.

Commissioner Opatik asked if a permit would suffice if there was an additional six hours of commercial added to the license every two years.

Johnson responded that a permit would be a huge step from where we are now and probably the easiest to implement.

Administrator Decker stated that there was significant interest in this and we would have the opportunity to talk about this issue after the legislative session.

Commissioner Reiss recommended proceeding with caution.

Commissioner Opatik commented that the process should be made affordable to rural communities.

Administrator Decker responded that statutes and regulations were needed to protect the public, insure that there’s a fair marketplace, and pursue prosecuting misconduct. Beyond that, we do not want to unduly influence the business we regulate, therefore simple is better.

Commissioner Schwartz asked if the permit would be like property management permits. Will the commercial permit require a brokerage to oversee the permitted person?

Administrator Decker speculated the relationship between the broker and permit holder would be similar to what is currently in place for a broker and property management permit holder..

Susan Clark explained that to utilize a property management permit, the agent has to go to a brokerage that currently does property management, which means the broker would have to have a permit themselves or have a designated broker-sales manager with a property manager permit.

**3-J) DISCUSSION REGARDING THE USE OF THE DUTIES OWED BY A NEVADA REAL ESTATE LICENSEE FORM WHEN SHOWING RENTAL PROPERTY**

Commissioner Opatik stated that when an agent shows a rental property, there is generally a fee connected to that if that client actually rents the house. Currently the agent that has the home listed is requiring the

agent that shows the house to submit a Duties Owed in order to get paid that stipend. The Duties Owed creates a client/agent relationship between the potential renter and the agent that showed the property. When that renter goes to lease the property, the listing agent takes over and does everything to get the property leased. The agent who showed the property is told that once the property is leased, they will be given their stipend, if they submit a Duties Owed. The Duties Owed indicates that there is a fiduciary responsibility and the showing agent should be allowed to negotiate the lease.

Commissioner Schwartz stated that he had been told by a number of property managers that the only reason why they would ask for a Duties Owed is because it is the only way they can prove who gets the referral fee if a prospective tenant is shown the same property by more than one agent.

Administrator Decker stated that since this was not a form that is required by statute or enforceable through the Division, it appeared to be an association legal or contract issue, but the Division would look into it.

### **3-A) Discussion Regarding Attorney General Case Status Report**

Kimberly Arguello stated that there were approximately 55 cases over at her office, including the cases heard at the current meeting. In addition, Chief Holle has been looking at some of the old cases to determine whether they can be closed out.

Ms. Arguello commented on the hearing process, stating that when a case is presented to the Commission, no evidence is given before the hearing. Because it is an adversarial process, both the Division and the respondent submit their evidence during the hearing.

### **3-K) DISCUSSION REGARDING OUT-OF-STATE COOPERATIVE CERTIFICATES AND CHANGES TO NAC 645.180**

Licensing Manager Susan Clark explained that currently an out of state broker cooperative certificate is where an out of state broker cooperates with a Nevada broker. The certificate is issued for a period of one year and it's nonrenewable. They may, however, reapply for subsequent certificates. Originally when this law came into effect, it was one line in the statute and quite a bit of explanation in regulation, so if there are any changes to this, most of it would be have to done by regulation. It was originally designed for a single transaction and was for an out of state broker who had an out of state resident wanting to purchase property in this state. What has evolved over the years is that there are several out-of-state brokers who are essentially operating as a brokerage. They get repetitive broker cooperative certificates year after year, which is basically operating an out of state brokerage without applying for a license in the state and setting up an office. They are doing quite a bit of business

President Johnson stated that basically for \$150, they are setting up shop by Internet and continuing as any other broker in the state would be doing, but the money is leaving the state and the local agents.

Ms. Clark agreed with President Johnson's statement.

Administrator Decker stated that this issue is addressed by R097-14, a new regulation that we will workshop at the next meeting. It changes the regulation from being valid for a year to being valid for a transaction.

### **3-L) DISCUSSION REGARDING PROCEDURES FOR OBTAINING AND GRANTING CONTINUANCE PURSUANT TO NAC 645.830**

Administrator Decker stated that this issue was placed on the agenda to open discussion regarding the Division's position and options for granting continuances.

Commissioner Schwartz stated that, that as secretary of the Commission, he received the requests for continuances, which included the Division's opinion on whether the request should be granted or denied. He stated that he made his decision based on the Division's opinion, and was confused when the Division

objected to a continuance for a case prior to the meeting, but had no objection when a continuance was requested for the same case at the meeting.

Kimberly Arguello stated that the Division does give an opinion about whether or not a continuance should be granted or denied. Generally, one continuance is allowed in most cases, particularly when the respondent's reason involves obtaining counsel or not being prepared. This is done to uphold the respondent's due process rights.

Commissioner Schwartz asked if Ms. Arguello had any suggestion on deciding whether or not to grant continuances, other than abiding by the Division's opinion.

Ms. Arguello responded that the Division's opinion was only one side in an adversarial process. What the respondent is saying and why he needs a continuance should be taken into consideration, along with the opinion of the Division to form your own judgment on a case by case basis.

Administrator Decker suggested consulting Commission Counsel if there were any questions.

Commissioner Schwartz stated that sometimes the continuance requests came through at the last-minute and sometimes it was difficult to contact Commission Counsel the night before a meeting. Commissioner Schwartz asked if there was a time limit for requesting continuances.

Ms. Arguello answered that that there was no timeframe for requesting the continuance and if the request came in too late to consult Commission Counsel, the respondent might have to appear in person at the meeting to make the request.

President Johnson asked if there was a possibility of setting a time limit on continuance requests.

Commission Counsel Rose Marie Reynolds stated that there are some guidelines in the regulations regarding motions but there were not any regarding continuances. Ms. Reynolds stated that is because it is really important to observe due process rights. If there was a rule saying that all continuance requests must be submitted 10 working days before the hearing, there could be circumstances where that is not possible, such as a death in the family or hospitalization. The guiding factor in the regulation when it comes to granting continuances is good cause shown. When somebody appears before the Commission and asks for a second continuance, they give the Commission the opportunity to ask questions to determine what happened and why the respondent was not prepared.

Ms. Reynolds expressed concern about adequate noticing. Ms. Reynolds stated that although the respondent is informed of the investigation and given an opportunity to participate to give their side of the story, they were not sent an interim letter saying that the case was going to hearing.

Ms. Arguello stated that the respondents receive a 233B letter once the case comes over to the AG's office but that does not give them notice of the hearing. It is not a hearing notice.

Ms. Reynolds asked how far in advance? She was concerned that actual complaint is not served on the respondent until 30 days before the hearing and that it may be difficult to get ready for a case in that actual timeframe.

Administrator Decker stated that the notices are provided within 30 days prior to the hearing and the case referenced had been noticed more than once

Ms. Reynolds stated that NRS 622A which is the general chapter in the statutory code that sets forth procedures for hearing motions. The Division is exempt from NRS 622A and although it does not apply to us, Ms. Reynolds suggested it does have some guidance when it comes to motion practice and specifically about motions for continuances. At 622A.360, it talks about a prehearing motion to approve a continuance for an extension of time and that subsection 3 says a prehearing motion must be filed with the regulatory body or hearing panel or officer at least 10 days before the date of the hearing. The party who opposes the motion may file a response no later than seven days prior. That is something that could be looked at and used as a parallel.

**3-M) DISCUSSION REGARDING CHANGES TO NAC 645.463 RESTRICTING A COURSE FOR CONTINUING EDUCATION CREDIT FROM BEING TAKEN MORE THAN ONCE DURING ANY TWO CONSECUTIVE PERIODS FOR RENEWAL OF A LICENSE IN**

Commissioner Opatik commented that licensees should be allowed to take a course for credit more than once every two renewal periods, because it is sometimes beneficial to repeat a course to absorb the information more thoroughly.

Commissioner Schwartz concurred.

Administrator Decker stated the four-year renewal had complicated this issue, which should be resolved through a proposal to go back to the two-year renewal.

Administrator Decker stated that his philosophy was that the Division should set the parameters and leave specifics up to either the marketplace or associations.

Commissioner Schwartz stated that they were asking to be able to take the same or a similar class in consecutive licensing periods, so basically each licensing period would stand alone regarding the continuing education requirements.

Administrator Decker suggested waiting until the regulation changes, then taking another look at it. In the meantime, the Division will be as liberal as possible in trying to regulate the intent of the regulation.

**3-N) DISCUSSION REGARDING COMPLAINTS FILED CONFIDENTIALLY WITH THE DIVISION**

Commissioner Opatik stated that she wanted to have the public hear the fact that there is confidentiality with complaints and asked Administrative Decker to explain.

Administrator Decker stated that the Division's investigative file is confidential. We do not give a complete client status update notifying the person being investigated, although that becomes public when it is presented to the Commission for hearing. The complaints and the investigative file the Division maintains are confidential. There is no duty on the Division to inform the respondent that there is an investigation going on, or how the Division received the information involved in the investigation.

**3-O) DISCUSSION AND POSSIBLE ACTION ON POST LICENSING WORK GROUP RECOMMENDATIONS REGARDING NAC 645.4442**

Commissioner Schwartz stated that the post-education workgroup recommended reducing the time allowed to complete post-licensing education requirements to six months, and asked for a motion for acceptance of the proposal.

Commissioner Opatik moved to accept the proposal presented by Commissioner Schwartz regarding the post-licensing regulation for the reduction of time from twelve to six months. Commissioner Reiss seconded. Motion carried unanimously.

Commissioner Schwartz stated that the workgroup also recommended that the Division review the present post-licensing program regarding time allotted to each subject, module content, and reordering the presentation of the modules.

The workgroup also suggested a meeting of all CE auditors to discuss how to update the process.

**3-P) DISCUSSION AND DECISION REGARDING CHANGES TO NAC 645.450 AND NAC 645.455 GIVING THE DIVISION AUTHORITY TO APPROVE COURSES FOR CONTINUING EDUCATION ON BEHALF OF THE COMMISSION**

Administrator Decker stated that this issue was addressed in R097-14, which would be workshopped at the next Real Estate Commission meeting. This will allow the Division to approve continuing education, without the consent of the Commission, with contested cases coming before the Commission for a decision.

Rose Marie Reynolds read NAC 645.455 which stated that the approval of a course for continuing education must be submitted to the Division for review and presentation to the Commission. Therefore, a regulation change would be needed.

Administrator Decker stated that there were other statutes that allowed the Commission to delegate their authority.

Ms. Reynolds stated that the regulation would override the Commission's delegation of authority

Ms. Reynolds stated the state requires every ten years for Commissions, Divisions, Agencies to undertake a thorough review of their regulations and decide where things stand and report back.

**3-Q) DISCUSSION TO APPROVE MINUTES OF THE OCTOBER 14-15, 2014 MEETING**

Commissioner Cartinella moved to approve the minutes of the October 14-15, 2014 meeting. Commissioner Opatik seconded. Motion carried unanimously.

**3-R) DISCUSSION ON DATE, TIME, PLACE AND AGENDA ITEMS FOR UPCOMING MEETINGS**

Teralyn Thompson stated that the next Real Estate Commission meeting was scheduled for April 21-23, 2015. It was undetermined whether the meeting would be in the North or the South.

**7-1) DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION DAVID AFROMSKY, BS.0022519**

Commissioner Schwartz moved to approve David Afromsky as a member of the Advisory Review Committee. Commissioner Opatik seconded. Motion carried unanimously.

**7-2) DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION RON MCMENEMY, B.0018127.CORP**

Commissioner Opatik moved to accept Ron McMenemy's application for Advisory Review Committee. Commissioner Schwartz seconded. Motion carried unanimously.

**7-3) DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION FRANK NASON, B.0033121.CORP**

Commissioner Cartinella moved to approve Frank Nason's application for the Advisory Review Committee. Commissioner Opatik seconded. Motion carried unanimously.

**7-4) DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION JAMES H. SIMMONS, BS.0060695.LLC**

Commissioner Cartinella moved to approve James H. Simmons for the Advisory Review Committee. Commissioner Opatik seconded.

After Commission discussion, the motion failed 1 to 4 with Commissioner Cartinella voting in favor.

**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.

**DISCUSSION AGENDA EDUCATION COURSES**

**NEW REAL ESTATE PRE- LICENSING EDUCATION COURSES**

1. ABC Real Estate School  
"Real Estate Appraisal"  
**Request:** 45 Hours Internet

**NEW REAL ESTATE POST- LICENSING EDUCATION COURSES**

2. Pioneer School of Real Estate  
"30-Hr Post-Licensing Course"  
**Request:** 30 Hours Classroom

**NEW REAL ESTATE CONTINUING EDUCATION COURSES**

3. Key Realty School, LLC  
"Review of Business Brokerage"  
**Request:** 3 Hours Business Broker Correspondence
4. Council of Residential Specialists  
"Converting Leads Into Closing CRS 120"  
**Request:** 8 Hours General Classroom
5. Council of Residential Specialists  
"Win-Win Negotiation Techniques CRS 121"  
**Request:** 8 Hours General Classroom
6. Council of Residential Specialists  
"Building a Team to Grow Your Business CRS 122"  
**Request:** 8 Hours General Classroom
7. Black & LoBello  
"Property Transfers, Estate Planning: Asset Protection for Real Estate Professionals"  
**Request:** 3 Hours Personal Development Classroom
8. Black & LoBello  
"Nevada Foreclosure Considerations for Real Estate Licensees"  
**Request:** 3 Hours General Classroom
9. Black & LoBello  
"Credit Insights for the Post-Recession Realtor"  
**Request:** 3 Hours General Classroom
10. Black & LoBello  
"Ethical Concerns for Real Estate Licensees with an Emphasis on Community Property Issues"  
**Request:** 3 Hours Ethics Classroom
11. Black & LoBello  
"Contracting and The Closing Process"  
**Request:** 3 Hours Contracts Classroom

12. Dague, Jimmy  
 “Negotiating – Techniques, Tactics, Gambits and Counter Gambits”  
**Request:** 3 Hours General Classroom
13. Dague, Jimmy  
 “Selling New Homes vs. Resales”  
**Request:** 3 Hours General Classroom
14. Dague, Jimmy  
 “Top Six Technology Platforms to Better Serve Your Clients”  
**Request:** 3 Hours General Classroom
15. Schwartz, Neil  
 “Do You Really Understand Your Duties Owed”  
**Request:** 3 Hours Agency Classroom
16. Schwartz, Neil  
 “The Buyer Brokerage Agreement...Getting It Signed”  
**Request:** 3 Hours Contracts Classroom
17. Schwartz, Neil  
 “Do Ethics and Professionalism Still Mean Something”  
**Request:** 3 Hours Ethics Classroom
18. First Centennial Title  
 “What Are Fiduciary Duties?”  
**Request:** 3 Hours Agency Classroom
19. First Centennial Title  
 “Real Estate Commission Hearings Class 3”  
**Request:** 3 Hours Ethics Classroom
20. First Centennial Title  
 “Real Estate Commission Hearings Class 3”  
**Request:** 3 Hours Broker Management Classroom
21. First Centennial Title  
 “Contract + Blunders and How to Avoid Them”  
**Request:** 3 Hours Contracts Classroom
22. First Centennial Title  
 “Buyers Expect What?”  
**Request:** 3 Hours Agency Classroom
23. Cook & Company, Ltd.  
 “Maintenance Tips & Tricks for the Residential Property Manager”  
**Request:** 3 Hours Property Management Classroom
24. Cook & Company, Ltd.  
 “How to Avoid the \$1,000 Fine, and more...Trust Accounting in Nevada”  
**Request:** 3 Hours Property Management Classroom
25. Cook & Company, Ltd.  
 “How to Avoid the \$1,000 Fine, and more...Trust Accounting in Nevada”  
**Request:** 3 Hours Broker Management Classroom



26. Myer, Kandas  
 “Dual Agency (Multiple Representation) What’s the Fuss?”  
**Request:** 3 Hours Agency Classroom
27. Myer, Kandas  
 “The Buyer’s Broker Agreement”  
**Request:** 3 Hours Contracts Classroom
28. Myer, Kandas  
 “Posing for the Centerfold...Division Disciplinary Action”  
**Request:** 3 Hours Ethics Classroom
29. Kaplan Professional Schools  
 “Understanding 1031 Tax-Free Exchanges v2.5”  
**Request:** 3 Hours General Internet
30. Kaplan Professional Schools  
 “Virtual Brokerage: How to Do It v1.0”  
**Request:** 3 Hours General Internet
31. USA Homeownership Foundation, Inc. DBA VAREP  
 “Military and Veterans Housing Certification (MVHC)”  
**Request:** 8 Hours General Classroom
32. USA Homeownership Foundation, Inc. DBA VAREP  
 “Military and Veterans Housing Certification (MVHC)”  
**Request:** 8 Hours General Internet
33. The CE Shop, Inc.  
 “Did You Serve? Identifying Home Buying Advantages for Veterans”  
**Request:** 3 Hours General Internet
34. The CE Shop, Inc.  
 “Military Relocation Professional (MRP)”  
**Request:** 7 Hours General Internet
35. Reno/Sparks Association of REALTORS®  
 “Understanding the Property Management and Residential Lease Agreements”  
**Request:** 3 Hours Contracts Classroom
36. Reno/Sparks Association of REALTORS®  
 “Ethics, Short Sales, REO and Advertising”  
**Request:** 3 Hours Ethics Classroom
37. Reno/Sparks Association of REALTORS®  
 “Contracts – More Than Just Paper”  
**Request:** 3 Hours Contracts Classroom
38. McKissock, LLC  
 “How is the Legalization of Marijuana Affecting the Real Estate Market”  
**Request:** 3 Hours General Internet
39. McKissock, LLC  
 “It’s High Tide you Got the Facts about Homeowner’s Flood Insurance”  
**Request:** 3 Hours General Internet

40. Mevorah, Jason  
 “Mevorah’s Mortgage Montage”  
**Request:** 3 Hours General Classroom
41. New Direction IRA, Inc.  
 “Broker’s Guide to Real Estate Purchase for IRAs and 401k Plans”  
**Request:** 3 Hours General Classroom
42. Lied Institute for Real Estate Studies, UNLV  
 “Forecast 2015 – Southern Nevada’s Commercial Market Landscape: Now and Beyond”  
**Request:** 3 Hours General Classroom
43. RESE Property Management  
 “Embracing our Code of Ethics”  
**Request:** 3 Hours Ethics Classroom
44. Sterling Education Services, Inc.  
 “Landlord-Tenant Law: how to Prosper in the New Market”  
**Request:** 7 Hours General Classroom
45. Advantage Credit, Inc.  
 “Increase Buying Power – Understand Credit Scores”  
**Request:** 3 Hours General Classroom
46. Rheinberger, Linda  
 “Property Management Trust Accounting and Record Keeping”  
**Request:** 3 Hours Broker Management Classroom
47. Rheinberger, Linda  
 “Property Management Trust Accounting and Record Keeping”  
**Request:** 3 Hours Property Management Classroom
48. Steven Kitnick Seminars, LLC  
 “Buyer Agency in New Home Sales”  
**Request:** 3 Hours Agency Classroom
49. Steven Kitnick Seminars, LLC  
 “Closing Costs in 10 Minutes or Less!”  
**Request:** 3 Hours General Classroom
50. Steven Kitnick Seminars, LLC  
 “Avoiding Earnest Money Deposits Disputes”  
**Request:** 3 Hours Contracts Classroom
51. Steven Kitnick Seminars, LLC  
 “FIRPTA: Foreign Sellers & Uncle Sam”  
**Request:** 3 Hours General Classroom
52. Barrett Seminars  
 “You and Me and the Law Makes Three”  
**Request:** 3 Hours Contracts Classroom

**FOR DISCUSSION AND POSSIBLE ACTION**

- |     |   |                 |         |                     |           |
|-----|---|-----------------|---------|---------------------|-----------|
| 53. | Barrett Seminars<br>“Home 4 Work”   | <b>Request:</b> | 3 Hours | General             | Classroom |
| 54. | Barrett Seminars<br>“Client Safety – Keeping Your Client (and You) Safe”                    | <b>Request:</b> | 3 Hours | General             | Classroom |
| 55. | Steven Kitnick Seminars, LLC<br>“Trust Fund Accounting & Record Keeping for Nevada Brokers” | <b>Request:</b> | 3 Hours | Broker Management   | Classroom |
| 56. | Steven Kitnick Seminars, LLC<br>“Trust Fund Accounting & Record Keeping for Nevada Brokers” | <b>Request:</b> | 3 Hours | Property Management | Classroom |

Commissioner Schwartz pulled items 15, 16, and 17 because he is an authorized instructor of those classes.

President Johnson pulled items 53 and 54 for discussion.

Commissioner Opatik moved to approve the education items 1-14 and 18-52. Commissioner Reiss seconded. The motion carried unanimously.

Commissioner Schwartz recused himself from voting on items 15, 16, and 17 because he was the author and instructor.

Commissioner Opatik moved to approve the education items 15, 16, and 17. Commissioner Cartinella seconded. Motion carried with Commissioner Schwartz abstaining.

**9-53) BARRETT SEMINARS “HOME 4 WORK” REQUEST: 3 HOURS GENERAL CLASSROOM**

The sponsor requested a “general” designation. The Division approved the course with a personal development designation.

Commissioner Reiss moved to approve item 53 with a general designation. Commissioner Schwartz seconded. Motion carried unanimously.

**9-54) BARRETT SEMINARS “CLIENT SAFETY – KEEPING YOUR CLIENT (AND YOU) SAFE” REQUEST: 3 HOURS GENERAL CLASSROOM**

The sponsor requested a “general” designation. The Division approved the course with a “personal development” designation.

Commissioner Cartinella moved to change the designation from personal development to general. Commissioner Opatik seconded. Motion carried 4-1, with President Johnson opposing.

**9-55) STEVEN KITNICK SEMINARS, LLC “TRUST FUND ACCOUNTING & RECORD KEEPING FOR NEVADA BROKERS” REQUEST: 3 HOURS BROKER MANAGEMENT CLASSROOM**

**9-56) STEVEN KITNICK SEMINARS, LLC “TRUST FUND ACCOUNTING & RECORD KEEPING FOR NEVADA BROKERS” REQUEST: 3 HOURS PROPERTY MANAGEMENT CLASSROOM**

Items 55 and 56 are the same class with different designations. The sponsor requested designations of “broker management” and “property management” respectively.

Course sponsor, Steven Kitnick, stated the reason for requesting dual designations.

Commissioner Schwartz moved to approve items 55 and 56 as both “broker management” and “property management” designations. Commissioner Reiss seconded

After discussion, Commissioner Schwartz withdrew the motion to approve items 55 and 56 for both “broker management” and “property management”. Commissioner Reiss agreed to the withdrawal.

Commissioner Opatik moved to accept the class “Trust Fund Accounting & Record Keeping for Nevada Brokers” (item 55) with a broker management designation. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Schwartz moved to accept the class “Trust Fund Accounting & Record Keeping for Nevada Brokers” (item 56) with a property management designation. Commissioner Cartinella seconded.

After discussion, Commissioner Schwartz amended his motion, as follows: Approve the “Trust Fund Accounting & Record Keeping for Nevada Brokers” (item 56) with a property management designation, contingent upon requiring one of the instructors having a property management permit. Commissioner Cartinella agreed with the amendment. Motion carried unanimously.

**3-S) COMMISSIONER COMMENTS**

President Johnson stated that he wanted to go on the record that the Commission appreciated what the current administrator and his staff was doing.

**10) PUBLIC COMMENT**

None.

The meeting was adjourned at 4:23 PM on January 8, 2015.