



DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.state.nv.us

**NOTICE & AGENDA OF PUBLIC MEETING
OF THE
NEVADA REAL ESTATE COMMISSION**

APRIL 21-23, 2015

The Nevada Real Estate Commission will conduct a meeting beginning TUESDAY, APRIL 21, 2015, beginning at 9:00 AM and each day thereafter at 9:00 AM through THURSDAY, APRIL 23, 2015, **or until the Commission concludes its business** at the following locations:

APRIL 21-22, 2015

GRANT SAWYER BUILDING
GAMING CONTROL BOARD
555 EAST WASHINGTON AVENUE
ROOM 2450
LAS VEGAS, NEVADA 89101

VIDEO CONFERENCE TO:

GAMING CONTROL BOARD
1919 COLLEGE PARKWAY
CARSON CITY, NEVADA 89701

APRIL 23, 2015

BRADLEY BUILDING
2501 EAST SAHARA AVENUE
2ND FLOOR CONFERENCE ROOM
LAS VEGAS, NEVADA 89104

NO VIDEO CONFERENCE

STACKED AGENDA: Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda by the discretion of the President. Items may also be combined for consideration or pulled or removed from the agenda at any time. Persons who have business before the Commission are solely responsible to see that they are present when their business is conducted. Public Comment may be limited to three minutes per person at the discretion of the President. The Commission may only take action on those items denoted as potential action items.

NOTICE: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call Rebecca Hardin at (702) 486-4074, so arrangements may be conveniently made.

NOTICE: Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

1. **COMMISSION/DIVISION BUSINESS**

- A) Call to Order; Introduction of Commissioners in Attendance; and Establish Quorum.
- B) Introduction of Division Staff in Attendance.

2. **PUBLIC COMMENT**

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3. **COMMISSION/DIVISION BUSINESS**

- A) Discussion regarding Attorney General Case Status Report.
- B) Discussion regarding the Disciplinary Report.
- C) Discussion regarding the Compliance Section's current caseload report, including a summary of recent topics of complaints filed.
- D) Discussion regarding the Administrative Sanction Report.
- E) Discussion regarding Administrator's report on:
 - 1. Introduction;
 - 2. Division reorganization;
 - 3. Staffing updates;
 - 4. Division budget proposal;
 - 5. Out-of-state cooperative broker certificates; and
 - 6. Agency priorities.
- F) FOR POSSIBLE ACTION: Discussion and decision regarding policy changes within the Division concerning:
 - 1. Licensing Section regarding deactivation and reinstatement of a license, license changes, verification of experience and acceptance of administrative fines;
 - 2. Education Section regarding approval of continuing education courses, continuing education credits for instructors and developers, ; and
 - 3. Compliance Section regarding case routing procedures and settlement agreements.
- G) FOR POSSIBLE ACTION: Discussion and decision regarding Education and Information Manager's proposed funding plan for the Budget Account 3826 Education and Research Fund projects for fiscal year 2016.
- H) Discussion regarding CE Program Supervisor's report on:
 - 1. Continuing education course audit program report;
 - 2. Continuing education certificate issues and midterm education record-keeping;
 - 3. Continuing education and post education roster upload submittal issues.
- I) FOR POSSIBLE ACTION: Discussion and decision on the definition of Law & Legislative Designation as outlined in the Course Booklet, Reference Manual June 2012.
- J) FOR POSSIBLE ACTION: Discussion and decision regarding the personal development designation for continuing education courses.

- K) FOR POSSIBLE ACTION: Discussion and decision regarding amending NAC 645.455 to allow for the Commission to grant credit for a course for continuing education if the course consist of at least one hour of distance education or instruction in a classroom instead of three hours.
- L) Discussion regarding the status of a real estate license after a licensee changes their association with a broker pursuant to NAC 645.305.
- M) FOR POSSIBLE ACTION: Discussion and decision regarding commercial real estate designation and education.
- N) Discussion regarding confidentiality of complaints filed with the Division.
- O) Discussion regarding a Division advisory opinion regarding the use of the Duties Owed by a Nevada Real Estate Licensee form.
- P) For Possible Action: Discussion regarding listing, selling, and advertising of Nevada Property by out-of-state companies, and the discussion of , and changes to, the Nevada Out-of State Co-Operative Certificate.
- Q) Discussion regarding issues of water rights as real property or personal property.
- R) FOR POSSIBLE ACTION: Discussion and decision regarding the Real Estate Commission's guidelines on attendance, participation, and taking legislative positions during the 2015 legislative hearings, including possible designation of an individual to make decisions on bills in 2015 on behalf of the Commission.
- S) For possible action: Discussion and decision regarding 2015 Legislative Session and legislative bills that relate to NRS 645 which may impact the Real Estate Commission and the Real Estate Division including:
 1. Assembly Bill 264 relating to residential real estate transactions, prohibiting a real estate licensee or property manager from advertising or listing for sale or rental certain residential properties; and providing other matters properly relating thereto.
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB264.pdf>
 2. Assembly Bill 410 relating to government affairs, revising the membership of certain boards and commissions of the Executive Department of the State Government to provide for proportionate representation based on population; providing for a decennial review of the membership of these boards and commission to ensure continuation of proportional representation; and providing other matters properly thereto.
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB410.pdf>
 3. Assembly Bill 457 relating to reports, revising provisions relating to reports submitted by certain entities, and providing other matters properly relating thereto.
https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB457_R1.pdf
 4. Assembly Bill 475 relating to real estate; revising provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry; decreasing and increasing certain fees charged by the Division; revising provisions governing certain licenses issued by the Division; and providing other matters properly relating thereto. <https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB475.pdf>
 5. Assembly Bill 478 relating to real property; revising certain fees collected by the Real Estate Division of the Department of Business and Industry and imposing certain new fees to be collected by the Division, and providing other matters properly thereto.
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB478.pdf>
- T) Discussion regarding the ARELLO District 4 Conference and 2015 Mid-Year Meeting held April 15-18, 2015.

- U) FOR POSSIBLE ACTION: Discussion and decision regarding procedures for obtaining and granting a continuance pursuant to NAC 645.830.
- V) FOR POSSIBLE ACTION: Discussion and decision regarding allowing licensees to receive continuing education credit for every meeting of the Real Estate Commission attended.
- W) FOR POSSIBLE ACTION: Discussion and decision on proposed changes, additions and deletions to NAC 645 including but not limited to:
 - 1. LCB File No. R097-14; including review of public comments from regulation workshop held April 22, 2015.
- X) FOR POSSIBLE ACTION: Discussion to approve minutes of the January 7-8, 2015 meeting.
- Y) FOR POSSIBLE ACTION: Discussion on date, time, place & agenda items for upcoming meetings.
- Z) Commissioner Comments.

4. FOR POSSIBLE ACTION: DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATION:

- 1. Kathryn Bovard, B.0015137.CORP
- 2. Roger Terneuzen, BS.0143212; PM.0165077

5. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION CONCERNING AMENDED DISCIPLINARY ORDER REVIEW FOR MARTIN M. BARRERA – CASE NO. 12-09-21-091.

6. FOR POSSIBLE ACTION: LICENSE DENIAL APPEAL FOR DECISION

**1. MIGUEL LOPEZ for possible action
FILE No. S-LDA-15-003**

Note: Pursuant to NRS 241.030(1), The Nevada Real Estate Commission may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.”

- 1) Discussion in closed session.
- 2) Discussion and possible action in open session.

**2. JOSEPH T. GADDIN for possible action
FILE No. S-LDA-15-004**

Note: Pursuant to NRS 241.030(1), The Nevada Real Estate Commission may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.”

- 1) Discussion in closed session.
- 2) Discussion and possible action in open session.

7. **4/22/15 @ 9:00 A.M. REGULATION WORKSHOP FOR LCB FILE No. R097-14**

Workshop by the Real Estate Commission to receive comments regarding proposed regulations known as LCB File No. R097-14 which establishes the following:

- Revising provisions relating to the verification of experience of certain licensees;
- Revising provisions relating to an application for, and use of, a cooperative certificate;
- Revising provisions relating to applications for the approval of educational courses for original licensing;
- Exempting certain schools from requiring preapproval before offering a course in broker management under certain circumstances;
- Revising provisions relating to schools from which the Real Estate Commission will accept certain courses without preapproval of the school;
- Revising provisions setting forth the circumstances under which the Real Estate Administrator may withdraw approval of a course;
- Revising provisions relating to the re-approval of an approved course;
- Revising provisions relating to a student's completion of a course and proof thereof;
- Revising provisions relating to post licensing education;
- Revising provisions relating to the standards for, and approval of, courses of continuing education;
- Prohibiting certain person from receiving credit for completing a course;
- Revising provisions relating to annual accounting by brokers who maintain trust accounts;
- Providing penalties; and
- Providing other matters properly relating thereto.

8. **FOR POSSIBLE ACTION: DISCIPLINARY ACTION**

1. NRED v **Steven Aboulafia** for possible action
Case # RES 14-02-44-515
License No.: S.0040153 (ACTIVE)
2. NRED v **Linda M. Akiki** for possible action
Case # RES 14-02-116-587
License No's.: B.1000344.INDV (ACTIVE); B.0054926.LLC (INACTIVE);
PM.0163803.BKR (INACTIVE)
3. NRED v **Linda M. Akiki** for possible action
Case # RES 14-03-132-752
License No's.: B.1000344.INDV (ACTIVE); B.0054926.LLC (INACTIVE);
PM.0163803.BKR (INACTIVE)
4. NRED v **Linda M. Akiki** for possible action
Case # RES 14-04-138-920
License No's.: B.1000344.INDV (ACTIVE); B.0054926.LLC (INACTIVE);
PM.0163803.BKR (INACTIVE)
5. NRED v **Linda M. Akiki** for possible action
Case #'s RES 14-06-02-1162 and RES 14-05-67-1047
License No's.: B.1000344.INDV (ACTIVE); B.0054926.LLC (INACTIVE);
PM.0163803.BKR (INACTIVE)
6. NRED v **Linda M. Akiki** for possible action
Case # RES 14-08-06-046
License No's.: B.1000344.INDV (ACTIVE); B.0054926.LLC (INACTIVE);
PM.0163803.BKR (INACTIVE)
7. NRED v **Ovidiu Ene** for possible action
Case # 2015-365
License No.: S.0049918 (ACTIVE)

8. NRED v **Ronald C. Filipovic** for possible action
Case # RES 14-02-148-619
License No's.: S.0166878 (INACTIVE); PM.0163896 (INACTIVE)
9. NRED v **Mark D. Fleysher** for possible action
Case # 2014-4068
License No's.: B.0142923.LLC (ACTIVE); PM.0164283.BKR (ACTIVE)
10. NRED v **Bradley Lawson** for possible action
Case # 2014-4381
License No's.: B.1001386.LLC (ACTIVE); PM.0165669.BKR (ACTIVE)
11. NRED v **Paul Murad** for possible action
Case # RES 13-04-17-305
License Nos.: B.0057454.LLC (ACTIVE); PM.0163450.BRK (ACTIVE)
12. NRED v **Daunshari Wong-Culotta** for possible action
Case # RES 14-05-76-1056
License No.: B.0015620 (VOLUNTARY SURRENDER)

9. FOR POSSIBLE ACTION: 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

CONTINUING EDUCATION COURSES

- | | | | |
|---|-------------------------|----------------------|-----------|
| 1. NeuroSense Consulting
"Leading in the New World: The Neuroscience of Self" | Request: 3 Hours | Personal Development | Classroom |
| 2. International Association of Certified Home Inspectors
"Saving Home Energy for Real Estate Professionals" | Request: 3 Hours | General | Internet |
| 3. International Association of Certified Home Inspectors
"Home Energy Score for Real Estate Professionals" | Request: 3 Hours | General | Internet |
| 4. International Association of Certified Home Inspectors
"Home Energy Efficiency for Real Estate Professionals" | Request: 3 Hours | General | Internet |

10. PUBLIC COMMENTS

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO ADDRESS THE COMMISSION REGARDING ANY MATTER. HOWEVER, NO ACTION MAY BE TAKEN ON A MATTER. NO COMMENTS MAY BE MADE REGARDING A MATTER THAT IS OR MAY BE THE SUBJECT OF A FORMAL COMPLAINT BEFORE THE COMMISSION UNTIL AFTER THAT MATTER IS HEARD. COMMENT MAY NOT BE LIMITED BASED ON VIEWPOINT. PERSONS WHO DESIRE TO SUBMIT WRITTEN TESTIMONY SHOULD SUBMIT TEN (10) COPIES TO THE COMMISSION COORDINATOR. ***PUBLIC COMMENT MAY BE LIMITED TO THREE MINUTES PER PERSON AT THE DISCRETION OF THE CHAIRPERSON.***

11. FOR POSSIBLE ACTION: ADJOURNMENT

THIS NOTICE AND AGENDA HAS BEEN POSTED ON OR BEFORE 9:00 A.M. ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

Action Realty
3340 S. Highway 60 Ste 201
Pahrump, Nevada 89048.

Nevada Association of REALTORS
760 Margrave Drive, Suite. 200
Reno, Nevada 89510

Century 21/Sonoma Realty
335 West 4th. Street
Winnemucca, Nevada 89445

Nevada Real Estate Division
1179 Fairview Drive, Suite E
Carson City, Nevada 89701-5453

Desert Mountain Realty
1060 Avenue F
Ely, Nevada 89301

Nevada Real Estate Division
2501 E. Sahara Avenue, #102
Las Vegas, Nevada 89104-4137

Elko Board of REALTORS
355 5th Street
Elko, Nevada 89801

Nevada State Library
100 Stewart Street
Carson City, Nevada 89710

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada 89101

Realty 500 Reiss Corporation
4485 South Pecos Road
Las Vegas, Nevada 89121

Greater Las Vegas Association of REALTORS
1750 East Sahara Avenue
Las Vegas, Nevada 89104

Reno/Sparks Association of REALTORS
5650 Riggins Court, Suite 200
Reno, Nevada 89502

Incline Village Board of Realtors
924 Incline Way, Suite 1
Incline Village, Nevada 89451

Sierra Nevada Association of REALTORS
300 South Curry Street, #3
Carson City, Nevada 89703

Isom Realty & Insurance
420 Third Street – P. O. Box 670
Hawthorne, Nevada 89415

State of Nevada
Dept. of Business & Industry
State Real Estate Division
INTERNET PAGE:

<http://red.state.nv.us/meetings.htm>

CONTACT FOR SUPPORTING MATERIALS FOR LISTED AGENDA ITEMS:

REBECCA HARDIN
Commission Coordinator
Nevada Real Estate Division
2501 E. Sahara Avenue, Suite 303
Las Vegas, Nevada 89104

Phone: 702-486-4074

Email: rhardin@red.state.nv.us