



DEPARTMENT OF BUSINESS AND INDUSTRY  
REAL ESTATE DIVISION

[www.red.nv.gov](http://www.red.nv.gov)

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

DECEMBER 15-17, 2015

The Nevada Real Estate Commission will conduct a meeting beginning **Tuesday, December 15, 2015, at 1:00 p.m. and each day thereafter at 9:00 a.m. through Thursday, December 17, 2015, or until the Commission concludes its business at the following locations:**

**December 15, 2015 @ 1:00 P.M.**

**December 16, 2015 @ 9:00 A.M.**

Department of Employment, Training  
& Rehabilitation  
2800 East St. Louis Avenue  
Conference Rooms A-C  
Las Vegas, Nevada 89104

**VIDEO CONFERENCE TO:**

Department of Employment, Training  
& Rehabilitation  
500 East Third Street  
Carson City, Nevada 89713

**December 17, 2015 @ 9:00 A.M.**

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

**NO VIDEO CONFERENCE**

**COMMISSIONERS WILL BE IN LAS VEGAS**

**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. **DISCIPLINARY ACTION WILL NOT BE HEARD UNTIL DECEMBER 16, 2015.**

**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) Swearing in Commissioner Opatik.
- C) Swearing in Commissioner Barrett.
- D) Introduction of Division Staff in Attendance.

**2. PUBLIC COMMENT**

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.***

**3. 12/15/15 @1:00 P.M. FOR POSSIBLE ACTION: ADOPTION HEARING FOR LCB FILE NO. R097-14.**

Adoption hearing by the Real Estate Commission to receive comments regarding proposed regulations in NAC 645 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 provision 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 postlicensing education;
- Revising provisions relating to the standards for, and approval of, courses of continuing education;
- Prohibiting certain persons from receiving credit for completing a course;
- Revising provisions relating to annual accounting by brokers who maintain trust accounts; and
- Providing penalties.

**4. 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. Personnel.

- F) Discussion regarding broker compensation fee.
- G) Discussion regarding Administrator Real Estate Education Subcommittee (AREES) pursuant to NRS 645.050 and NAC 645.490.
- H) Discussion regarding Education & Information Manager's report on:
  - 1. The development and review processes of the State's licensing exams.
  - 2. For possible action: Discussion and decision regarding requiring mandatory training for continuing education instructors and whether to begin rulemaking process.
  - 3. For possible action: Discussion and decision regarding Education and Information Manager's request to approve the objectives for the Instructor Development Training 2016 funded by the Education and Research Fund pursuant to NRS 645.842.
- I) Discussion regarding Continuing Education 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 submittals issues.
- J) For possible action: Discussion and decision on proposed changes, amendments and deletions to NAC 645 including but not limited to:
  - 1. NAC 645.800(2)(g) regarding education requirements to receive a property management permit;
  - 2. NAC 645.426 regarding instructor applications.
- K) Discussion regarding recommendations from the Reno/Sparks Association of REALTORS on the Duties Owed Form and Seller's Real Property Disclosure Form.
- L) Discussion regarding Nevada Out-of-State Cooperative Certificate.
- M) For Possible Action: Discussion to approve minutes of the September 15-17, 2015 meeting.
- N) For Possible Action: Discussion on date, time, place & agenda items for upcoming meetings including setting meeting dates for 2016.
- O) Commissioner Comments.

**5. FOR POSSIBLE ACTION: DISCUSSION AND DECISION CONCERNING REAL ESTATE ADVISORY REVIEW COMMITTEE APPLICATIONS:**

- 1. Julie Barbagallo, BS.0042276.MGR & PM.0164257

**6. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING RESPONDENT'S PETITION FOR REHEARING**

- 1. NRED v **Patricia Prasad**, for possible action  
Case # 2014-4160  
License No's: B.0028874.LLC (ACTIVE), B.1000447.INDV (INACTIVE); & PM.0164351.BKR (INACTIVE)
- 2. NRED v **Patricia Prasad**, for possible action  
Case # 2014-4238  
License No's: B.0028874.LLC (ACTIVE), B.1000447.INDV (INACTIVE); & PM.0164351.BKR (INACTIVE)

**7. FOR POSSIBLE ACTION: INSTRUCTOR DENIAL APPEAL FOR DECISION**

1. **Elias Nicholson**, for possible action

- **Buyer Representation, Including Buyer Brokerage Contract, Statutory Duties & Disclosure & Cooperation Between Agents (POST.04004-RE)**
- **Professional Conduct Etiquette & Ethics (POST.05004-RE)**
- **Proceeds of Sales, Costs of Sales & Cost Sheets (POST.07005-RE)**
- **Land Class (POST.09001-RE)**
- **Property Management & Management of Common-Interest Communities (POST.11001-RE)**
- **Escrow, Title & Closing Process (POST.12006-RE)**
- **Contracts, Qualifying Buyer, Regulatory Disclosures (POST.17036-RE)**
- **The Listing Process, Market Analysis & Home Inspections and Agency Relationships (POST.17042-RE)**
- **Communication, Technology & Records Management and Advertising, Reg Z, Truth in Lending, Fair Housing & MLS (POST.17043-RE)**
- **Finance, Negotiations and Tax Opportunities & Liabilities Related to the Client(POST.17044-RE)**
- **Contracts: The Big Three (CE.3825000-RE)**
- **Risk Management-Who is Watching You? (CE.4175000-RE)**
- **Agency-Are You My Agent (CE.4176000-RE)**
- **Determining Agency in Nevada (CE.5267000-RE)**
- **Residential Contract Sales and Writing the Purchase Agreement (CE.5339000-RE)**
- **Ethics Training 2012 and Beyond (CE.5367000-RE)**
- **Risk Reduction for Realtors (CE.5563000-RE)**
- **The Changing World of Sellers (CE.5803000-RE)**
- **The Process of Foreclosure (CE.5822000-RE)**
- **1031 Tax Deferred Exchanges(CE.5823000-RE)**

*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.

**8. FOR POSSIBLE ACTION: LICENSE DENIAL APPEAL FOR DECISION**

1. **Cassidy Cotten**, for possible action

FILE No. S-LDA-16-006

*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. **Steven Lewis**, for possible action

FILE No. S-LDA-16-005

*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.

3. **Talib Muhammad**, for possible action  
FILE No. S-LDA-16-004

*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.

**9. FOR POSSIBLE ACTION: COURSE DENIAL APPEAL FOR DECISION**

1. **Todd Iurato**, for possible action  
FILE No. CDA-645-16-001  
Course: Asbestos Awareness

**10. FOR POSSIBLE ACTION: CONTINUING EDUCATION COURSE DESIGNATION CHANGE:**

1. Black & LoBello (Sponsor)  
“What Real Estate Professionals Should Know about Nevada’s Medical Marijuana Program”  
**Request:** 3 Hours Law & Legislation  
**Recommendation:**  
**Approved:** 3 Hours General Classroom CE.4219000-RE June 4, 2015

**11. FOR POSSIBLE ACTION: DISCIPLINARY ACTION**

1. NRED v **Mark Bowman**, for possible action  
Case # 2015-715  
License No’s: BS.0041558.MGR (ACTIVE); PM.0163498.DES (ACTIVE);  
B.0041558.CORP (INACTIVE); B.0141558.INDV (INACTIVE);  
BUSB.0000228.BKR (INACTIVE) & PM.0164997.BKR (INACTIVE)
2. NRED v **Matthew Dercole**, for possible action  
Case # 2015-2200  
License No.: S.0062613 (ACTIVE)
3. NRED v **Daryl Byron DeShaw**, for possible action  
Case # 2014-3233  
License No’s.: S.0066553 (INACTIVE) & PM.0166120 (INACTIVE)
4. NRED v **Helena Garcia**, for possible action  
Case # 2015-0006  
License No.: S.0046337 (ACTIVE)
5. NRED v **Devon Gibbs**, for possible action  
Case # 2015-1968  
License No’s.: B.1001592.LLC (ACTIVE); PM.0166337.BKR (ACTIVE) &  
S.0171413.LLC (CLOSED)
6. NRED v **Michael (Coach) Howard**, for possible action  
Case # RES 14-07-13-013  
License No.: S.0055999 (INACTIVE)

7. NRED v **Robert Lujan**, for possible action  
Case # 2015-903  
License No.: S.0051018 (ACTIVE)
8. NRED v **Blanca Paredes**, for possible action  
Case # 2015-1917  
License No.: UNLICENSED
9. NRED v **Sonia Rodis**, for possible action  
Case # RES 12-11-14-144  
License No.: S.0050542 (ACTIVE)
10. NRED v **Jason Simon**, for possible action  
Case # 2015-904  
License No.: S.0045593 (ACTIVE)
11. NRED v **Carmen Thomas**, for possible action  
Case # RES 12-12-10-179  
License No.: S.0065745 (ACTIVE)
12. NRED v **Diane Wild**, for possible action  
Case # 2015-416  
License No.: UNLICENSED
13. NRED v **Elana K.N. Williams**, for possible action  
Case # 2015-919  
License No's.: S.0170937 (INACTIVE) & PM.0165228 (INACTIVE)
14. NRED v **Daunshari Wong-Culotta**, for possible action  
Case # RES 14-05-76-1056  
License No's.: B.0015620.CORP (VOLUNTARY SURRENDER);  
S.0015620 (CLOSED) & S.0052931 (CLOSED)
15. NRED v **Marty Zabib**, for possible action  
Case # 2015-722  
License No's.: B.1001012.LLC (ACTIVE); BS.1001012 (INACTIVE);  
PM.0165588 (INACTIVE); S.0166943 (CLOSED)  
& PM.0163861 (CLOSED)
16. NRED v **Marty Zabib**, for possible action  
Case # 2015-2676  
License No's.: B.1001012.LLC (ACTIVE); BS.1001012 (INACTIVE);  
PM.0165588 (INACTIVE); S.0166943 (CLOSED)  
& PM.0163861 (CLOSED)
17. NRED v **Kamyar Zargari**, for possible action  
Case # RES 13-05-01-310  
License No's.: B.1000830.CORP (ACTIVE); PM.0163796.BRK (ACTIVE)  
& S.0078418 (CLOSED)
18. NRED v **Dale Brent Zavislak**, for possible action  
Case # 2014-3290  
License No.: S.0078584 (INACTIVE)

**12. PUBLIC COMMENTS**

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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.***

**13. 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  
3250 South Highway 160, Suite 11  
Pahrump, Nevada 89048

Century 21/Sonoma Realty  
1099 W. Winnemucca Bl.  
Winnemucca, Nevada 89445

Desert Mountain Realty  
1060 East Aultman Street  
Ely, Nevada 89301

Elko County Association of REALTORS  
557 West Silver, Suite 301A  
Elko, Nevada 89801

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

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

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

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

Nevada Real Estate Division  
1818 E. College Parkway, Suite 110  
Carson City, Nevada 89706

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

Realty 500 Reiss Corporation  
4485 S. Pecos Rd.  
Las Vegas, Nevada 89121

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

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

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

[http://red.nv.gov/Content/Meetings/Real\\_Estate\\_Calendar](http://red.nv.gov/Content/Meetings/Real_Estate_Calendar)

**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**