



Reno/Sparks Association of REALTORS®

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June 30, 2015

Transmitted via email to: jdecker@red.state.nv.us

J. D. Decker, Administrator
State of Nevada
Real Estate Division

Dear J.D.:

On behalf of the Reno/Sparks Association of REALTORS®, we are requesting your consideration in revising the Duties Owed By a Nevada Real Estate Licensee and a modification to the Seller's Real Property Disclosure form. The Reno/Sparks Association of REALTORS® Reduction Committee poses the following problems and proposes some solutions:

THE PROBLEM:

1. The Duties Owed by a Nevada Real Estate Licensee is limited to one agent acting for a client. As the industry has progressed, there are more real estate teams and co-licensees involved with a transaction. Some teams have individual team members complete a form with the client, creating duplicate forms in a single transaction; while others have all the team members or co-licensees write their information in the margins of one form.
2. Also on the Duties Owed form, the placement of the choice for the client to select that the agent may or may not act for more than one party is not clear and often misused.
3. Seller's Real property Disclosure Form – the initials on Page 4 of the form are duplicative

PROPOSED SOLUTIONS:

1. We would like to propose the enclosed new layout to the Duties Owed form. This new layout includes a place for co-licensees and/or team member information.
2. In the Licensee Acting for Both Parties section of the new layout, it more clearly separates the parties choice that they will or will not allow an agent to represent more than one party in the transaction.
3. We recommend elimination the initials on Page 4 of the SRPD.

RATIONALE FOR PROPOSED CHANGES:

1. We feel this new layout will eliminate inconsistencies on how teams handle the Duties Owed and eliminate the need for agents to write in margins of a document or have multiple documents in the same transaction folder.
2. For consumer protection, we feel it is critical to separate out the choice the client is making in an agency relationship. This proposed solution makes it more understandable to the client/customer.
3. The initials on Page 4 is not necessary because both parties are required to sign this page.

Thank you for your time. If you have any question, please don't hesitate to contact me.

Sincerely

Cherle Williams, CAE, RCE, ePRO

Chief Executive Officer

Vision: We envision the Reno/Sparks Association of REALTORS® to be viewed as the premium REALTOR® organization delivering highly valued knowledge and benefits to our customer - the REALTOR® Community.

Mission: Our mission is to proactively enhance our members' opportunity to be successful, ethical real estate professionals by delivering superior advocacy, education, programs, products and services.



Duties Owed by a Nevada Real Estate Licensee

This form does not constitute a contract for services nor an agreement to pay compensation.

In Nevada, a real estate licensee is required to provide a form setting forth the duties owed by the licensee to:

- a) Each party for whom the licensee is acting as an agent in the real estate transaction, AND
- b) Each unrepresented party to the real estate transaction, if any.

Licensee's Duties Owed to All Parties:

A Nevada real estate licensee shall:

1. Not deal with any party to a real estate transaction in a manner which is deceitful, fraudulent or dishonest.
2. Exercise reasonable skill and care with respect to all parties to the real estate transaction.
3. Disclose to each party to the real estate transaction as soon as practicable:
 - a. Any material and relevant facts, data or information which licensee knows, or with reasonable care and diligence the licensee should know, about the property.
 - b. Each source from which licensee will receive compensation.
4. Abide by all other duties, responsibilities and obligations required of the licensee in law or regulations.

Licensee's Duties Owed to the Client:

A Nevada real estate licensee shall:

1. Exercise reasonable skill and care to carry out the terms of the brokerage agreement and the licensee's duties in the brokerage agreement;
2. Not disclose, except to the licensee's broker, confidential information relating to a client for 1 year after the revocation or termination of the brokerage agreement, unless licensee is required to do so by court order or the client gives written permission;
3. Seek a sale, purchase, option, rental or lease of real property at the price and terms stated in the brokerage agreement or at a price acceptable to the client;
4. Present all offers made to, or by the client as soon as practicable, unless the client chooses to waive the duty of the licensee to present all offers and signs a waiver of the duty on a form prescribed by the Division;
5. Disclose to the client material facts of which the licensee has knowledge concerning the real estate transaction;
6. Advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the licensee; and
7. Account to the client for all money and property the licensee receives in which the client may have an interest.

Duties Owed By a broker who assigns different licensees affiliated with the brokerage to separate parties.

Each licensee shall not disclose, except to the real estate broker, confidential information relating to client.

Licensee Acting for Both Parties:

The Licensee

[_____] / [_____] **MAY** in the future act for two or more parties who have interests adverse to each other.

In acting for these parties, the licensee has a conflict of interest. Before a licensee may act for two or more parties, the licensee must give you a "Consent to Act" form to sign.

OR

[_____] / [_____] **MAY NOT**, in the future act for two or more parties who have interests adverse to each other.

This form, by statute, is required to be provided to each party they are acting as agent for, and any party this is unrepresented.

The licensee is acting for _____ who is the Seller/Landlord or Buyer/Tenant

Company Name _____

The Broker is _____ License Number _____

The Licensee in the real estate transaction is _____ License Number _____

(If applicable) Co-Licensee _____ License Number _____

(If applicable) Team Member _____ License Number _____

(If applicable) Team Member _____ License Number _____

(If applicable) Team Member _____ License Number _____

I/We acknowledge receipt of a copy of this list of licensee duties, and have read and understand this disclosure.

Seller/Landlord _____ Date _____ Time _____

Seller/Landlord _____ Date _____ Time _____

OR

Buyer/Tenant _____ Date _____ Time _____

Buyer/Tenant _____ Date _____ Time _____

