

NEVADA REAL ESTATE COMMISSION
MINUTES

August 15, 2017

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

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street
Room 2134
Carson City, Nevada 89701

The meeting was called to order at 9:10 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Devin Reiss, Clark County; Lee Barrett, Clark County; Norma Jean Opatik, Nye County;
Wayne Capurro, Washoe County; and Neil Schwartz, Clark County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section Manager Teralyn Thompson; Chief Compliance Audit Investigator Jan Holle;
Education/Information Manager Safia Anwari; Continuing Education Supervisor Kim Smith;
Education Course Processor Elaine Rodriguez; Commission Coordinator Rebecca Hardin
Senior Deputy Attorney General Keith Kizer; Deputy Attorney General Donald Bordelove

In Carson City

Compliance Audit Investigator Ann Angell and Deputy Administrator Sharon Jackson

2) PUBLIC COMMENT

Tiffany Banks, General Counsel for the Nevada Association of Realtors, stated that NVAR had received countless calls and emails regarding the use of nicknames in advertising. Ms. Banks stated that NVAR is currently working on an informal poll of its membership to see how a change of any type to this or any type of regulation could have an effect on them

Commissioner Opatik stated that the change is a change in practice, not a change in law.

5-13) NRED v LINDA LOGAN - CASE # 2015-2623

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.

Linda Logan was present.

Jay Brown was present via telephone representing Ms. Logan.

Preliminary Matters

Mr. Bordelove stated that there was settlement to present for the Commission's approval.

Mr. Bordelove read the settlement into the record.

Settlement

- Respondent stated her intention to become properly licensed by the Division in order to lawfully conduct property management activities in the State of Nevada.
- Respondent agrees to cease and desist from conducting all real estate and property management activities until the time she is fully licensed from the Division in order to conduct said activities.
- Respondent agrees to pay a total of \$2,000.00 (\$1,500.00 as an administrative fine and \$500.00 in investigative costs) to the Division as follows:
 - Respondent shall pay an initial payment of \$500.00 due within 7 days of the effective date of the order and \$50.00 per month thereafter until paid in full.
 - Each payment shall be due on the 15th of every month.

Commissioner Reiss moved to accept the stipulation as entered. Commissioner Capurro seconded. Motion carried 3-2, with Commissioners Opatik and Barrett opposed.

5-16) NRED v JOHN PALMER - CASE # 2015-2622

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.
John Palmer was present.
Jay Brown was present via telephone representing Mr. Palmer.

Preliminary Matters

Mr. Bordelove stated that there was settlement to present for the Commission's approval.
Mr. Bordelove read the settlement into the record.

Settlement

- Linda Logan has stated her intention to become properly licensed by the Division in order to lawfully conduct property management activities in the State of Nevada.
- Respondent agrees to cease and desist from conducting all real estate and property management activities until the time Linda Logan is fully licensed from the Division in order to conduct said activities.
- Respondent agrees that only Linda Logan will perform property management services thereafter as Respondent will solely maintain the website, as webmaster, for Las Vegas Retreats.
- Respondent agrees to pay a total of \$2,000.00 (\$1,500.00 as an administrative fine and \$500.00 in investigative costs) to the Division as follows:
 - Respondent shall pay an initial payment of \$500.00 due within 7 days of the effective date of the order and \$50.00 per month thereafter until paid in full.
 - Each payment shall be due on the 15th of every month.

Commissioner Barrett moved to accept the stipulation as entered. Commissioner Capurro seconded. Motion carried 3-2, with Commissioners Opatik and Barrett opposed.

5-12) NRED v ANTHONY KERSHAW - CASE # 2015-2905

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.
Anthony Kershaw was present.
Brian Morris was present representing Mr. Kershaw.

Preliminary Matters

Mr. Bordelove stated that there was settlement to present for the Commission's approval.
Mr. Bordelove read the settlement into the record.

Settlement

- Respondent agrees to hire a property manager licensed with the Division and cease all property management activities unless performed by said manager.
- Respondent has obtained a licensed property manager and salesperson with the Division.
- Respondent agrees to pay a total of \$2,000.00 (\$1,500.00 as an administrative fine and \$500.00 in investigative costs) within 30 days of the effective date of the order.

Commissioner Barrett moved to accept the stipulation as entered. Commissioner Capurro seconded. Motion carried 4-1, with Commissioner Barrett opposed.

5-11) NRED v TIRAN KAROUDO - CASE # 2015-2813

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Tiran Karoudo was present.

Dominique Geller was present representing Mr. Karoudo.

Preliminary Matters

Mr. Kizer stated that there was settlement to present for the Commission's approval.

Mr. Kizer read the settlement into the record.

Settlement

- Respondent agrees to pay to the Division \$3,000.00 as an administrative fine and \$500.00 in costs for a total of \$3,500.00 in accordance with the following schedule of installment payments:
 - \$500.00 in costs shall be due within 60 days of the effective date of the order.
 - Thereafter, six installment payments of \$500.00 shall be due on the 1st day of each month following the payment of costs until the administrative fine is paid in full.
- Respondent agrees to six hours of continuing education as follows, to be completed within 90 days of the effective date of the order:
 - Three hours in the area of contracts
 - Three hours in the area of ethics
- Respondent agrees he will not apply for a permit to engage in property management in the State of Nevada for a period of five years from the effective date of the order.
 - Any such application will need the approval of the Commission.

Commissioner Capurro moved to accept the settlement. Commissioner Opatik seconded. Motion carried 4-1, with Commissioner Barrett opposed.

5-19) NRED v PING YIU TO - CASE # 2016-3145

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Ping Yiu To was present.

Preliminary Matters

Mr. To submitted his response to the complaint.

Mr. Kizer read Mr. To's response into the record.

Mr. Kizer submitted the State's exhibits, which were accepted into evidence without objection.

Hearing

Mr. Kizer read the Factual Allegations and Violations into the record.

Ping Yiu To testified.

The Commission questioned Mr. To.

Gabriel Tulli, Respondent's broker, made a statement.

The Commission questioned Mr. Tulli.

Commissioner Capurro moved that the Factual Allegations had been proven. Commissioner Barrett seconded. Motion carried 4-1, with Commissioner Opatik opposed.

Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division had no recommendation. Mr. Holle stated that if the Division had known about this type of conduct at the time of license application, the Division would have been grounds for application denial.

Commissioner Opatik moved to impose the following discipline:

- \$40,000.00 fine.
- Revocation of the license.

Commissioner Barrett seconded. Motion failed 1-4, with Commissioners Reiss, Barrett, Capurro and President Schwartz opposed.

Commissioner Opatik move to impose the following discipline:

- \$2,000.00 fine plus costs of \$461.43 payable in 6 month
- Revocation of the license.

Commissioner Reiss seconded. Motion carried 4-1, with Commissioner Capurro opposed.

4-1) RESPONDENT'S PETITION FOR REHEARING: NRED v GREGORY D. SMITH - CASE # 2015-2785

Parties Present

Keith Kizer was present representing the Division.

Gregory D. Smith was present.

Hearing

President Schwartz read the Decision of the Commission from the May 23, 2017 meeting into the record.

Mr. Smith stated his reason for requesting the rehearing and asked for a reconsideration of discipline.

Deputy Attorney General Asheesh Bhalla questioned Mr. Smith about whether he wanted a rehearing or a reconsideration of discipline. Mr. Bhalla stated that Mr. Smith needed to present a point of law upon which the Commission erred for the Commission to have a basis to reconsider the order.

Mr. Smith cited NAC 645.820(7)(c) pertaining to newly discovered evidence of a material nature which the applicant could not with reasonable diligence have discovered and produced at the original hearing.

Commissioner Reiss questioned Mr. Smith.

Commissioner Capurro moved to deny the request for rehearing. Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Reiss opposed.

Mr. Smith requested that discipline ordered by the Commission be adjusted as follows:

- Reconsideration of one year suspension of license.
- Reduction of fines imposed be reduced to \$5,000.00 with monthly payments of \$100.00 to be paid in full on or before December 31, 2020.
- Continuing education classes in Ethics and Real Estate Law.
- Reinstatement of license without prejudice to payment of fines levied due to the sizable amount due.

Mr. Smith commented on reasons why the discipline should be revised.

President Schwartz stated that the Commission would address Mr. Smith's requests one at a time, beginning with the revocation of license.

Commissioner Capurro made a motion that the request for reinstatement be denied. Commissioner Barrett seconded. Motion carried unanimously.

President Schwartz read the disciplinary fine portion of the order for disciplinary action into the record.

Mr. Smith stated his request to pay \$100.00 a month until the fine was paid in full on or before December 31, 2020.

After discussion Mr. Smith offered to pay the fine in 24 monthly payments.

Commissioner Barrett moved that on the \$16, 511.72 owed the Real Estate Division be paid in 24 monthly installments of \$688.00 to be paid in full in 24 months, starting 30 days from the effective date of the order. Commissioner Opatik seconded. Motion carried unanimously.

5-18) NRED v JULIANN R. SOKACH - CASE # 2015-620

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Juliann Sokach was present.

Steven Mack was present representing Ms. Sokach.

Preliminary Matters

Mr. Kizer submitted documents into evidence which were accepted without objection.

Mr. Mack submitted documents into evidence which were accepted without objection.

Mr. Kizer submitted an amended complaint.

Mr. Mack submitted an answer to the amended complaint.

Hearing

Mr. Kizer gave his opening statement.

Mr. Kizer read the Factual Allegations and Violations into the record.

Mr. Mack gave his opening statement.

State's Witness

Vince Hackett, Broker at Centennial Real Estate Inc., testified.

Mr. Mack questioned Mr. Hackett.

The Commission questioned Mr. Hackett.

The witness was excused.

State's Witness

Sandra Salsbury, owner of Centennial Real Estate Inc., testified.

Mr. Mack questioned Ms. Salsbury.

The Commission questioned Ms. Salsbury.

The witness was excused.

Respondent's Witness

Sharon Gatchell-Harris testified.

Mr. Kizer questioned Ms. Gatchell-Harris.

Mr. Mack questioned Ms. Gatchell-Harris.

The Commission questioned Ms. Gatchell-Harris.

Mr. Mack questioned Ms. Gatchell-Harris.

Mr. Kizer questioned Ms. Gatchell-Harris.

The witness was excused.

Respondent's Witness

Juliann Sokach testified.

Mr. Kizer questioned Ms. Sokach.

The hearing was continued to the next day due to time constraints.

6) PUBLIC COMMENT

None.

7) ADJOURNMENT

The meeting was recessed at 4:17 PM.

August 16, 2017

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1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

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Wayne Capurro, Washoe County; and Neil Schwartz, Clark County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section Manager Teralyn Thompson; Chief Compliance Audit Investigator Jan Holle;

Education/Information Manager Safia Anwari; Continuing Education Supervisor Kim Smith;
Education Services Assistant Carla Slater; Commission Coordinator Rebecca Hardin;
Senior Deputy Attorney General Keith Kizer; Deputy Attorney General Donald Bordelove

In Carson City

Deputy Administrator Sharon Jackson and Compliance Audit Investigator Ann Angell

2) PUBLIC COMMENT

None.

5-18) NRED v JULIANN R. SOKACH - CASE # 2015-620 (CONTINUED FROM PREVIOUS DAY)

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.
Juliann Sokach was present.
Steven Mack was present representing Ms. Sokach.

Respondent's Witness

Juliann Sokach continued her testimony.
Mr. Mack questioned Ms. Sokach.
Mr. Kizer questioned Ms. Sokach.
The Commission questioned Ms. Sokach.
Mr. Mack questioned Ms. Sokach.
Mr. Kizer questioned Ms. Sokach.
The witness was excused.

State's Witness

Mr. Kizer recalled Sandra Salsbury to testify.

Mr. Mack questioned Ms. Salsbury.
The Commission questioned Ms. Salsbury.
The witness was excused.

Mr. Kizer gave his closing statement

Mr. Mack gave his closing statement.

Factual Allegations

Commissioner Reiss moved that Factual Allegations 1-4 and 6-13 were proven. Commissioner Barrett seconded.

President Schwartz read Factual Allegations 1-4.

The motion that Factual Allegations 1-4 were proven carried unanimously.

President Schwartz read Factual Allegations 6-13.

Commissioner Capurro asked that Factual Allegation 13 be changed to read, "On or about March 4, 2015, Centennial Sharon Salsbury informed Hackett of embezzlement and he forwarded that on to the Division."

Commissioner Reiss stated that he was fine with that change. Commissioner Barrett stated that he, as second to the motion, was also fine with the change.

The motion that Factual Allegations 6-13, with the change suggested by Commissioner Capurro, carried unanimously.

President Schwartz read Factual Allegation 5.

Commissioner Reiss moved that Factual Allegation 5 was proven. Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Capurro opposed.

Violations of Law

Commissioner Reiss amended Violation 14 by removing "on two hundred and nine (209) occasions" and moved that Respondent violated NRS 645.630(1)(h) by comingling client money with her own or converting the money of others to her own use when Respondent issued and/or cashed checks involving money belong to Centennial. Commissioner Opatik seconded.

After discussion Commissioner Reiss withdrew his motion. Commissioner Opatik seconded. Withdrawal of the motion was approved unanimously by the Commission.

Commissioner Reiss moved that Violation 14 was proven. Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Capurro opposed.

Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division recommended the following discipline:

- Revocation of the property management permit.
- \$52,250.00 fine plus costs of \$4,788.52 payable within one year.
- 12 hours of continuing education due within six months:
 - 6 hours of contracts
 - 6 hours of ethics

Commissioner Reiss moved to accept the Division's recommendation. Commissioner Barrett seconded.

Mr. Mack made a statement.

The motion to accept the Division's recommendation carried 4-1 with Commissioner Capurro opposed.

- 5-2) NRED v MATTHEW WILLIAM BROOKS - CASE # 2016-2875**
5-3) NRED v THOMAS WILLIAM CHICHESTER - CASE # 2016-2876
5-6) NRED v JEFFREY CONOVER - CASE # 2016-2878
5-14) NRED v DONALD JOSEPH MACLELLAN - CASE # 2016-2877

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Matthew William Brooks was present via telephone.

Thomas William Chichester was present via telephone.

Jeffrey Conover was present via telephone.

Donald Joseph MacLellan was present via telephone.

Gregory J. Ferruzzo was present via telephone representing Respondents.

Preliminary Matters

Mr. Kizer stated that there were Stipulations for Settlement for each case

Mr. Kizer read Mr. Brooks Stipulation for Settlement of Disciplinary Action, stating that the stipulations for Mr. Conover and Mr. MacLellan were identical with the exception of each person's California salesperson license number. Mr. Chichester's stipulation had an additional paragraph, listing an additional property.

Settlement

- Respondent agrees to pay to the Division \$2,000.00 as an administrative fine and \$500.00 in costs for a total of \$2,500.00 within 30 days of the order.

Mr. Brooks stated that he had read, signed and understood the settlement.

Commissioner Opatik moved to accept the Stipulation for Settlement in case 2016-2875, NRED vs. Matthew William Brooks. Commissioner Barrett seconded. Motion carried unanimously.

Mr. MacLellan stated that he had read, signed and understood the settlement.

Commissioner Barrett moved to accept the Stipulation for Settlement in case 2016-2877, NRED vs. Donald Joseph MacLellan. Commissioner Opatik seconded. Motion carried unanimously.

Mr. Conover stated that he had read, signed and understood the settlement.

Commissioner Barrett moved to accept the Stipulation for Settlement in case 2016-2878, NRED vs. Brian Jeffrey Conover. Commissioner Opatik seconded. Motion carried unanimously.

Mr. Chichester stated that he had read, signed and understood the settlement.

Commissioner Barrett moved to accept the Stipulation for Settlement in case 2016-2876, NRED vs. Thomas William Chichester. Commissioner Opatik seconded. Motion carried unanimously

5-1) NRED v DANE C. BROOKS - CASE # 2015-2027

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Dane C. Brooks was present.

Matthew L. Johnson was present representing Mr. Brooks.

Preliminary Matters

Mr. Kizer submitted an amended complaint dated August 16, 2017.

Mr. Kizer stated that there was a Stipulation for Settlement based on the amended complaint.

Mr. Kizer read the settlement into the record.

Settlement

- Respondent agrees to pay to the Division \$20,000.00 as an administrative fine and \$2,000.00 in costs for a total of \$22,000.00 according to the following payment schedule.
 - The \$2,000.00 in costs shall be due within 30 days of the order.
 - Thereafter, twenty installment payment of \$1,000.00 shall be due on the 1st day of each month following the payment of costs, until the administrative fine is paid in full.
- Respondent agrees to attend 12 hours of continuing education in the area of property management within 90 days of the order.

Mr. Johnson stated that Mr. Brooks had read and accepted the stipulation.

Commissioner Opatik moved to accept the stipulation as presented. Commissioner Capurro seconded. Motion carried 4-1 with Commissioner Barrett opposed.

5-7) NRED v MARILISA DEBARROS - CASE # 2015-3860

5-8) NRED v MARILISA DEBARROS - CASE # 2016-3133

Senior Deputy Attorney General Keith Kizer requested continuances for these two cases.

Commissioner Opatik moved to continue these cases. Commissioner Reiss seconded. Motion carried unanimously.

5-15) NRED v ALISHA MORGAN - CASE # 2015-2144

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.

Alisha Morgan was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Barrett moved that the Commission, pursuant to NAC 645.860, find that the Real Estate Division had proven service of notice. Commissioner Capurro seconded. Motion carried unanimously.

Hearing

Mr. Bordelove read the Factual Allegations and Violation into the record.

Commissioner Capurro moved that the Factual Allegations and Violation were proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$5,000.00 plus \$486.17 for the cost of the investigation and hearing payable within 30 days of the order.

Commissioner Opatik moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

5-20) NRED v PIET TUERLINCKX - CASE # 2016-1549

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Piet Tuerlinckx was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Barrett moved that the Commission, pursuant to NAC 645.860, find that the Real Estate Division had proven service of notice. Commissioner Opatik seconded. Motion carried unanimously.

Hearing

Mr. Kizer read the Factual Allegations and Violations into the record.

Commissioner Barrett moved that the Factual Allegations and Violations were proven. Commissioner Opatik seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division would recommend the following:

- Revocation of real estate license and property management permit.
- Fine of \$90,000.00 plus \$682.12 for the cost of the investigation and hearing payable within 30 days of the order.

Commissioner Opatik moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

5-4) NRED v ROBERT DAVID COLEMAN - CASE # 2015-3859

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Robert David Coleman was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Barrett moved that the Commission, pursuant to NAC 645.860, find that the Real Estate Division had proven service of notice. Commissioner Capurro seconded. Motion carried unanimously.

Hearing

Mr. Kizer read the Factual Allegations and Violations into the record.

Commissioner Capurro moved that the Factual Allegations and Violations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division would recommend the following:

- Revocation of real estate license and property management permit.
- Fine of \$40,000.00 plus \$607.12 for the cost of the investigation and hearing payable within 30 days of the order.

Commissioner Reiss moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

5-9) NRED v LIZETH FELIX-OLMEDA - CASE # 2016-627

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Lizeth Felix-Olmeda was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Barrett moved that the Commission, pursuant to NAC 645.860, find that the Real Estate Division had proven service of notice. Commissioner Opatik seconded. Motion carried unanimously.

Hearing

Mr. Kizer read the Factual Allegations and Violations into the record.

Mr. Kizer amended paragraph 37 to read "On or about February 18, 2016, the Samaras filed a statement of fact with the Division complaining about Respondent conduct."

Commissioner Capurro moved that the Factual Allegations and Violations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$30,000.00 plus \$654.53 for the cost of the investigation and hearing payable within 30 days of the order.

Commissioner Reiss moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

5-10) NRED v REDA MARIA GUDEN - CASE # 2016-2130

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Reda Maria Guden was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Reiss moved that the Commission, pursuant to NAC 645.860, find that the Real Estate Division had proven service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Hearing

Mr. Kizer read the Factual Allegations and Violations into the record.

Commissioner Capurro moved that the Factual Allegations and Violations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Audit Investigator Jan Holle stated that the Division would recommend the following:

- Revocation of real estate license and property management permit
- Fine of \$10,000.00 per violation plus \$720.63 for the cost of the investigation and hearing payable within 30 days of the order.

Commissioner Opatik moved that the recommendation of the Division be accepted as follows:

- A fine of \$510,000.00 (51 violations at \$10,000.00 per violation) plus \$720.63 for the cost of the investigation and hearing payable within 30 days of the order
- Revocation of the real estate license and property management permit.

Commissioner Barrett seconded. Motion carried unanimously.

5-17) NRED v J. MARIO SANCHEZ - CASE # RES 15-08-175-336

Senior Deputy Attorney General Keith Kizer requested a continuance for this case.

Commissioner Barrett moved to continue the case. Commissioner Opatik seconded. Motion carried unanimously.

5-5) NRED v SHLOMO CONEH - CASE # RES 14-01-41-379

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Shlomo Coneh was not present.

Preliminary Matters

Mr. Kizer stated that Mr. Coneh had agreed to a voluntary surrender of his real estate license.

Keith Kizer read the Voluntary Surrender in Lieu of Other Disciplinary Action into the record.

Commissioner Reiss moved to accept the Voluntary Surrender in Lieu of Other Disciplinary Action. Commissioner Barrett seconded. Motion carried unanimously.

3-A) DISCUSSION REGARDING ADMINISTRATOR'S REPORT

Deputy Administrator Sharon Jackson Chandra stated that the Division had filled all positions, except for one customer service representative in the licensing section.

Ms. Jackson stated that the move in Las Vegas had gone well and was complete.

Ms. Jackson stated that the governor is going to officially open the Nevada State Business Center at 11:00 AM on September 19th and that there will be a celebration and ribbon cutting.

3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT

Administration Section Manager Teralyn Thompson presented this report and pointed out changes since the last Commission meeting.

3-C) DISCUSSION REGARDING THE COMPLIANCE CURRENT AND FY17 CASELOAD REPORTS, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED

Chief Compliance Audit Investigator Jan Holle presented these reports. Mr. Holle read the reports into the record.

3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION CURRENT AND FY17 REPORTS

Chief Compliance Audit Investigator Jan Holle presented this report. Mr. Holle summarized the current issues under investigation.

Commissioner Opatik suggested that the Division do a white paper or bulletin regarding the requirements for submitting Form 546, Trust Account Reconciliation or Form 546A, Affidavit in Lieu of Form 546.

3-E) DISCUSSION REGARDING THE EDUCATION AND INFORMATION MANAGER'S REPORT ON THE FY/2017 BUDGETED AND ACTUAL EXPENDITURES ON THE EDUCATION AND RESEARCH FUND PROJECTS

Education/Information Manager Safia Anwari presented this report. Ms. Anwari stated that the entire amount budgeted was not used due to fewer class offerings, continuing education audits and not doing a reprint of the Residential Disclosure Guide as projected in the approved budget. Ms. Anwari stated that the lack of class offerings and audits was due to staffing issues and instructor availability.

President Schwartz stated that more What Every Licensee Should Know and Trust Account Management classes were needed.

Commissioner Capurro suggested making the Trust Account Management course mandatory.

Commissioner Opatik stated that caution was needed when considering making things mandatory and that some issues may be resolved by the property management workgroup. Commissioner Opatik stated that Commission hearing attendance needed to be advertised and talked about more in the North.

Deputy Administrator Sharon Jackson stated that more effort was needed in the North to encourage licensees to attend Commission meetings and to participate in the classes most needed. Ms. Jackson stated the Division would work on addressing those issues.

Commissioner Barrett stated that some instructors teach by reading text and showing slides but were not learning to be better instructors.

President Schwartz stated that instructor development training was important and perhaps should be required to retain teaching credentials. President Schwartz requested that something be developed in the coming year to address the issues of instructor training and class attendance, including Commission meetings.

3-F) DISCUSSION REGARDING FEEDBACK ON THE DIVISION'S STRUCTURING OF THE NAC 645.4442 POST-LICENSING EDUCATION CURRICULUM INTO A PRESCRIBED 10-SESSION PROGRAM

Safia Anwari stated that prescribed structure of the post-licensing program modules A to O was approved in December 2016. Ms. Anwari stated that sponsors were notified immediately and will have until the end of September to transition. Ms. Anwari stated that four sponsors had responded to her request for feedback. Ms. Anwari stated that there was some disagreement about the order and amount of hours for some modules.

Commissioner Barrett spoke against reducing the hours for contracts because understanding contracts is a big issue in the industry.

President Schwartz stated that more feedback would be received in the next few months. President Schwartz stated that beyond making sure that the same material was being taught all over the State, the way it's being taught might need to be reviewed.

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

3-G-2) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORT ON . CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING

3-G-3) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES

Continuing Education Program Supervisor Kimberly Smith presented these reports.

Ms. Smith commented on the accuracy and problem resolution of the uploads.

Commissioner Barrett asked if auditors were trained before they went out to audit classes.

Ms. Smith stated that there are specific questions that auditors are to address and answer.

President Schwartz asked if people were signing up for My Account and stated that the Division needed to keep pushing that.

Ms. Smith stated that the Division did let licensees know that they have that as an option because some didn't know and some don't utilize the service.

Commissioner Opatik recommended that licensees sign up for My Account to keep track of the continuing education.

President Schwartz asked if the approvals for new continuing education classes were being done in a timelier manner.

Ms. Smith stated that there was a 30 day increment where the Division gets the information, reviews it, sends it to the committee and gets notifications out to the sponsors.

3-H) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE MAY 23-24, 2017 MEETING

Commissioner Barrett moved to approve the May 23-24, 2017 minutes. Commissioner Opatik seconded. Motion carried unanimously.

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

President Schwartz stated that the next Commission meeting would be in December 5-7, 2017 and at that meeting the schedule for 2018 would be discussed.

3-J) DISCUSSION, NOMINATION AND ELECTION OF OFFICERS FOR FY 18 PURSUANT TO NRS 645.110

Commissioner Barrett nominated Commissioner Reiss for president. Commissioner Opatik seconded. Motion carried unanimously.

Commissioner Reiss nominated Commissioner Barrett for vice-president. Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Opatik nominated Commissioner Capurro for secretary. Commissioner Barrett seconded. Motion carried unanimously.

3-K) COMMISSIONER COMMENTS

Commissioner Barrett stated that he appreciated the opportunity and honor of being vice-chair.

Commissioner Opatik thanked President Schwartz doing a great job.

President Schwartz thanked his fellow commissioners for their support. President Schwartz also thanked the entire leadership and staff of the Nevada Real Estate Division.

6) PUBLIC COMMENT

None.

7) ADJOURNMENT

The meeting was adjourned at 3:47 PM on August 16, 2017