

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

DECEMBER 5, 2016

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

The meeting was called to order at 9:00 AM

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

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

**1-B) SWEARING IN OF NEW COMMISSIONER**

President Schwartz swore in Commissioner Capurro.

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

**In Las Vegas**

Administration Section: Administrator Sharath Chandra, Teralyn Thompson and Rebecca Hardin

Compliance Section: Jan Holle, Linda Chavez and Carolyn Washington

Education Section: Safia Anwari and Christine Smith

**In Carson City**

Administration Section: Deputy Administrator Michael Jory

**2) PUBLIC COMMENT**

None.

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

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

**3-C) COMPLIANCE SECTION'S CURRENT CASELOAD REPORT AND TOTALS FOR FY2017, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED**

Jan Holle presented this report. Mr. Holle summarized the report and listed the current issues under investigation.

Mr. Holle stated that the Division had started active enforcement of brokers' requirement to submit form 546A Affidavit in Lieu of Form 546. Mr. Holle stated that failure to submit the affidavit to the Division by the due date will result in an administrative fine of \$250 as stated under administrative fines in NAC 645.695.

**4-D) ADMINISTRATIVE SANCTION REPORT**

Chief Investigator Jan Holle presented this report and summarized changes since the last meeting.

**3-E-1) CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION COURSE AUDIT PROGRAM REPORT**

Safia Anwari presented this report.

**3-E-2) CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING**

Safia Anwari presented this report.

**3-E-3) CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES**

Safia Anwari presented this report.

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

Safia Anwari stated that a structure had been created which will be followed by all post licensing sponsors so anyone signing on for a 30-hour program can go to another sponsor if necessary.

President Schwartz stated that the proposed structure had been developed over two and a half years through meetings and public comment. Mr. Schwartz stated that the approval of the new structure had been postponed from the last Commission meeting to incorporate changes suggested by some people in the field.

Commissioner Opatik moved that the Commission approve the post licensing structure as presented. Commissioner Barrett seconded. Motion carried unanimously.

**3-G) DISCUSSION REGARDING THE OPEN RANGE DISCLOSURE FORM, PURSUANT TO NRS 113.120**

Teralyn Thompson gave some background information on the purpose of this form and why it was being brought before the Commission.

Commissioner Barrett stated that few complaints were received in reference to the use of the form but perhaps agents needed to be educated on how to use the form effectively.

Commissioner Reiss stated that he couldn't see the Commission doing anything with this form because the form is there to do exactly what it does.

Commissioner Capurro stated that maybe there was less awareness of the form because it's not being used as much in urban areas.

Teralyn Thompson stated that this item was placed on the agenda so the Commission could offer some guidance to the Division and the Division could report back to the legislative committee.

Ms. Thompson stated that the form is the Division's form and doesn't require a Commission decision.

Commissioner Barrett asked if it would be possible to do a short white paper on the form and place it on the website so people would know how and when to effectively use it.

President Schwartz stated that in some instances, purchasers of property do not fully comprehend the ramifications of owning property with adjacent public land, pre-existing RS2477 right of ways or other existing easements. Mr. Schwartz stated that based on the concerns raised, the Nevada Legislative

Committee on Public Lands voted to send a letter urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an open-range disclosure form and to ensure that open-range forms are being provided to purchasers of properties required by law.

Commissioner Capurro stated that agents should err on the side of caution

Ms. Thompson stated that she would present the Commission's input to the Administrator.

**3-H) Pursuant to NAC 645.875 Discussion and Decision Regarding a Request for the Commission to Amend NAC 645.610(1)(E) Concerning the Use of Nicknames When Advertising or Conducting Business for a Real Estate Transaction.**

Commissioner Opatik stated that nicknames should not be allowed to the extent that there's a whole different name. Ms. Opatik stated that there was nothing wrong with someone named Robert using the name Bob or Rob.

Commissioner Barrett stated that the Commission should stay within the boundaries of the Commission's previous decision that an agent had to use their common name and not a nickname.

Commissioner Reiss moved that no action be taken. Commissioner Barrett seconded. Motion carried unanimously.

**3-I) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE OCTOBER 5-6, 2016 MEETING.**

Commissioner Reiss moved to approve the minutes. Commissioner Opatik seconded. Motion carried unanimously.

**3-J) Discussion and Decision on Date, Time, Place & Agenda Items for Upcoming Meetings, Including Setting Meeting Dates For 2017**

Teralyn Thompson proposed meeting dates for 2017.

Commissioner Opatik moved to accept the following meeting dates:

March 14-15, 2017 (North)

May 23-25, 2017 (South)

August 15-17, 2017 (South)

December 5-7, 2017 (South)

Commissioner Reiss seconded. Motion carried unanimously.

**3-A) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON PERSONNEL**

Administrator Chandra stated that Linda Chavez, Compliance Audit Investigator for 20 years, was retiring. Mr. Chandra stated that Maria Martin would be filling that vacancy. Mr. Chandra stated that Safia Anwari hired Kimberly Smith for the Education section position vacated by Ingrid Trillo.

Mr. Chandra stated that the Division would be moving to 3300 West Sahara Avenue when the facility was ready and that the Division would be going dark during the move.

**3-K) Commissioner Comments**

None.

**5-10) NRED v AMY TOMLIN - CASE # RES 15-08-34-195**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Amy Tomlin was not present.

State's Witness

Teralyn Thompson testified regarding proof of service.

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

Hearing

Mr. Kizer submitted documents contained in the Notice of Documents as State's Exhibit A. The documents were admitted into evidence.

Mr. Kizer read the factual allegations into the record.

Commissioner Opatik moved that the factual allegations were proven. Commissioner Capurro seconded. Motion carried unanimously.

Mr. Kizer read the violations into the record.

Commissioner Reiss moved that the violation were proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Compliance Audit Investigator Carolyn Washington stated the Division would recommend revocation of all licenses; \$20,000 fine plus costs of \$643.33 for a total of \$20,643.33 payable within 30 days of the effective date of the order.

Commissioner Opatik moved that the Commission accept the recommendation of the Division. Commissioner Reiss seconded. Motion carried unanimously.

**5-11) NRED v VICKIE VALDOV - CASE # RES 15-08-33-194**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Patrick McDonnell was present representing Ms. Valdov.  
Vickie Valdov was present.

Preliminary Matters

Mr. Kizer stated that there was a proposed settlement agreement for the Commission to review.

Mr. Kizer read the proposed settlement into the record.

Mr. McDonnell made a statement.

Mr. Kizer made a statement.

Settlement

Respondent agreed to pay to the Division an administrative fine of \$2,500 within 90 days of the effective date of the Commission's Order Approving Stipulation.

The Stipulation agreed to include the following statement in the meeting minutes: "Allegedly failed to maintain adequate supervision of a salesperson associated with the broker, thereby violating NRS 645.660(3). Respondent was not found to have violated any law or statute."

Commissioner Reiss moved to accept the stipulation. Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Capurro opposing.

**4-1) NRED v STEVEN ABOULAFIA – PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS**  
**CASE # RES 14-02-44-515**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Steven Aboulafia was present.

Hearing

Mr. Aboulafia requested a payment plan of \$500 per month to pay his disciplinary fine.

President Schwartz questioned Mr. Aboulafia.

Teralyn Thompson stated that Mr. Aboulafia's discipline had been stayed until the Commission made a decision on the reconsideration request.

Mr. Kizer commented.

Commissioner Reiss moved to amend the order to allow monthly payments of \$500 due on the first of each month with the first payment due 30 days from the effective date of the order. Commissioner Barrett seconded. Motion carried unanimously.

**4-2) NRED v CATHERINE C. RAMUS – PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS**  
**CASE # RES 12-01-29-226**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Catherine Ramus was present.

Hearing

Ms. Ramus made a statement.

President Schwartz questioned Ms. Ramus.

Teralyn Thompson stated that no payment had been made.

Ms. Ramus requested a payment plan of \$50 per month.

Commissioner Reiss questioned Ms. Ramus.

Commissioner Opatik moved to amend the order to allow a payment plan of \$50 a month until the entire fine is paid. Commissioner Barrett seconded. Motion carried unanimously.

**5-6) NRED v PATRICIA PRASAD - CASE # 2014-4160**

**5-7) NRED v PATRICIA PRASAD - CASE # 2014-4238**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Kristine Maxwell was present representing Ms. Prasad.  
Patricia Prasad was present.

Preliminary Matters

Mr. Kizer stated that there was a proposed settlement agreement for the Commission to review.

Mr. Kizer read the proposed settlement into the record.

### Settlement

Respondent agreed to the downgrading of her license to a salesperson license.

Respondent agreed to pay to the Division an administrative fine of \$15,000 in 12 monthly payments of \$1,250 beginning 30 days of the effective date of the Commission's Order Approving Stipulation.

Ms. Maxwell requested that the time allotted for payment of the fine be increased to 24 months with payments of \$625.

Mr. Kizer stated that the Division had no objection to the change in the payment schedule.

President Schwartz questioned Ms. Prasad.

Ms. Prasad commented.

Ms. Maxwell commented.

Commissioner Reiss moved to accept the stipulation with the amendment of correcting the case number on page 3 and also amending the payment to \$625 per month beginning 30 days from the effective date of the order until the fine is paid in full. Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Barrett opposing.

### **5-12) NRED v WILLIAM (BILL) WOOD - CASE # 2014-4528**

#### Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.  
William Wood was present.

#### Preliminary Matters

Mr. Bordelove stated that there was a proposed settlement agreement for the Commission to review.

Mr. Bordelove read the proposed settlement into the record.

### Settlement

Respondent agreed to the revocation of all his real estate licenses, business broker permit and property management permit and that he may not apply for any real estate license or permit in Nevada for 10 years from the effective date of the order.

Respondent agreed to pay an administrative fine of \$20,000 to the Division as follows: \$5,000 due within 7 days of the effective date of the order and \$500 on the 15<sup>th</sup> of each month thereafter until the fine is paid in full.

Mr. Wood made a statement.

Commissioner Barrett moved to accept the stipulation as written. Commissioner Opatik seconded. Motion carried unanimously.

### **5-2) NRED v HEATHER HICKS - CASE # RES 14-10-09-122**

#### Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.  
Heather Hicks was present.

#### Preliminary Matters

Mr. Bordelove stated that Ms. Hicks was requesting a continuance and the Division had no objection.

Commissioner Barrett move to continue the case. Commissioner Reiss seconded. Motion carried unanimously.

**5-5) NRED v BLANCA PAREDES - CASE # 2015-1917**

Parties Present

Deputy Attorney General Keith Kizer was present representing the Division.  
Blanca Paredes was present.

Preliminary Matters

Mr. Kizer stated that he and Ms. Paredes had stipulated to the documents to be presented to the Commission by both parties.

Hearing

Mr. Kizer made an opening statement.

Ms. Paredes made an opening statement.

The Commission questioned Ms. Paredes.

Mr. Kizer made a closing statement.

Commissioner Reiss moved that the factual allegations were proven. Commissioner Opatik seconded. Motion carried unanimously.

Commissioner Reiss moved that the violations were proven. Commissioner Opatik seconded. Motion carried unanimously.

Division's Recommendation

Compliance Audit Investigator Carolyn Washington stated that the Division recommended a \$2,500 fine plus \$1,201.61 cost of the hearing payable within 60 days of the effective date of the order.

Commissioner Opatik moved for a fine of \$5,000 plus \$1,201.61 in costs, payable within 30 days of the effective day of the order. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Paredes requested a payment plan of \$100 a month.

Commissioner Capurro moved to allow a payment plan of \$100.00 a month. Commissioner Barrett seconded. Motion carried unanimously.

**5-8) NRED v JAMES REESE - CASE # 2015-2739**

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division.  
James Reese was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Capurro moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Reiss seconded. Motion carried unanimously.

Hearing

Mr. Bordelove submitted exhibits which were admitted into evidence as State's Exhibit 1.

Mr. Bordelove read the jurisdiction and factual allegations into the record.

Commissioner Capurro moved that the factual allegations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Mr. Bordelove read the violation into the record.

Commissioner Capurro moved that the violation was proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Compliance Audit Investigator Carolyn Washington stated that the Division recommends a fine of \$10,000 plus costs of \$966.23 payable within 30 days of the effective date of the order and revocation of all real estate licenses and property management permit.

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

**5-9) NRED v JAMES REESE - CASE # 2016-1473**

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division. James Reese was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Capurro moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Opatik seconded. Motion carried unanimously.

Hearing

Mr. Bordelove read the Points and Authorities on the Action for Order Confirming Administrative Fine documents into the record.

Commissioner Reiss moved to impose an order for payment of the properly imposed \$500 administrative fine and revocation of license. Commissioner Barrett seconded. Motion carried unanimously.

**5-3) NRED v JENNIFER MARTIN - CASE # 2016-813**

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Jennifer Martin was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Opatik moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Reiss seconded. Motion carried unanimously.

Hearing

Mr. Kizer presented documents sent to Ms. Martin. Documents admitted as State's Exhibit 1.

Mr. Kizer read the jurisdiction and factual allegations into the record.

Commissioner Reiss moved that the factual allegations were proven. Commissioner Barrett seconded. Motion carried unanimously.

Mr. Kizer read the violation into the record.



Commissioner Reiss moved that the violation was proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Compliance Audit Investigator Carolyn Washington stated that the Division recommends revocation of all licenses, a \$10,000 fine plus costs of \$498.13 payable within 30 days of the effective date of the order.

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

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

This case was continued.

**5-4) NRED v YAWEN (AMY) PAN - CASE # 2016-974**

This case was continued.

**7) PUBLIC COMMENT**

Keith Kizer thanked Linda Chavez for the great work that she had done.

Keith Kizer expressed sorrow on the passing of former Commission Counsel Rose Marie Reynolds.

Steven Kitnick, Steven Kitnick Seminars, stated that he recommended reading an article in the December 2009 issue of Open House entitled The Division's Perspective on Real Estate Advertising in reference to using nicknames.

Commissioner Opatik thanked Linda Chavez for her service.

**9) ADJOURNMENT**

The meeting recessed at 3:54 PM.

DECEMBER 6, 2016

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  
SAO Auditorium  
Carson City, Nevada 89713

The meeting was called to order at 9:00 AM

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

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

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

In Las Vegas

Administration Section: Administrator Sharath Chandra, Teralyn Thompson and Rebecca Hardin  
Education Section: Safia Anwari and Kimberly Smith

In Carson City

Administration Section: Deputy Administrator Michael Jory

**2) PUBLIC COMMENT**

None.

**6) EDUCATION: NEW REAL ESTATE CONTINUING EDUCATION COURSES**

Boardwalk Educational Systems “Post Licensing Education / First Year Renewal”

Parties Present

Attorneys Joey Gilbert and Ryan McCabe were present representing Mr. Mann.  
Safia Anwari was present.  
Mr. Mann was not present.

Mr. Gilbert stated that it was his intention to try to have Mr. Mann’s course approved.

President Schwartz stated that the Commission had made some changes to the post-licensing curriculum and requested that Mr. Mann review the new outline and resubmit the course based on the new plan.

Ms. Anwari stated that Mr. Mann was told that there would be a new post-licensing program that Mr. Mann would have to follow once approved by the Commission.

Mr. Gilbert stated that a new program could be put together with the new information received.

Ms. Anwari stated that the new program could be submitted in January of 2017.

**3-K) COMMISSIONER COMMENTS**

Commissioner Opatik requested that a discussion regarding having a separate license for property management and a license for commercial real estate be put on the next agenda.

**8) PUBLIC COMMENT**

None.

**9) ADJOURNMENT**

The meeting was adjourned on December 6, 2016 at 9:15AM

NOT APPROVED BY COMMISSION