

## **Teralyn Lewis**

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**From:** Steven Kitnick <stevenkitnick@nevadace.com>  
**Sent:** Friday, March 1, 2019 11:41 AM  
**To:** Teralyn Lewis  
**Cc:** Safia Anwari; Kimberly D. Smith; Elaine Rodriguez  
**Subject:** From Steven Kitnick Seminars, LLC re: Appeal of Course Denials -  
**Attachments:** CE Course Denial JAN 2019 - Steven Kitnick.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Lewis,

Please our telephone conversation today, I wish to appeal the Education Dept's decision to denial my course applications for Commission Hearings: Case Studies X 3 Hrs. Ethics and Commission Hearings: Case Studies X 3 Hrs. Broker Management. I will provide you with supporting materials for the Commissioners very soon.

I am forwarding you the email I received from the education dept. along with an attachment containing the denial letter. Please make their email and letter part of my Appeal File.

Please confirm at your earliest convenience receipt of my email and request to appear before the Commission in March. I'd like to know as soon as possible that I will be on the March Agenda so I may reschedule some of my appointments. Respectfully, Steven Kitnick

Steven Kitnick Seminars, LLC  
[www.NevadaCE.com](http://www.NevadaCE.com)  
(702) 326-8722

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**From:** Elaine Rodriguez <Elaine.Rodriguez@red.nv.gov>  
**Sent:** Thursday, February 21, 2019 10:45 AM  
**To:** Steven Kitnick  
**Cc:** Safia Anwari; Kimberly D. Smith  
**Subject:** NRED Course Denial JAN - Steven Kitnick

Dear Sponsor,

Attached are the Continuing Education course denials for your information. Please maintain a copy for your files.

If you have any questions please contact the Real Estate Division at (702) 486-4033 or [realest@red.nv.gov](mailto:realest@red.nv.gov).

Sincerely,

***Elaine Rodriguez***

Course Processor

Education Section - Real Estate Division

State of Nevada Department of Business and Industry

3300 W. Sahara Avenue, Suite 350

Las Vegas, Nevada 89102

702-486-0953

Fax: 702-486-4067

[Elaine.Rodriguez@red.nv.gov](mailto:Elaine.Rodriguez@red.nv.gov)



**Nevada Real Estate Division**

Nevada Department of Business and Industry  
"Growing business in Nevada"

**STEVE SISOLAK**  
*Governor*

**STATE OF NEVADA**



**MICHAEL J. BROWN**  
*Director*

**SHARATH CHANDRA**  
*Administrator*

**DEPARTMENT OF BUSINESS AND INDUSTRY  
REAL ESTATE DIVISION**

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

February 21, 2019

Steven Kitnick Seminars, LLC  
ATTN: STEVEN KITNICK  
10837 Irving Park Avenue  
Las Vegas, NV 89166

Dear Mr. Kitnick:

The Division has completed its review of your continuing education course applications titled: "Commission Hearings: Case Studies X" for the requested designations in Ethics and Broker Management and has determined that the content does not meet the standards for approval.

Disciplinary case studies, as part of a classroom discussion of the application of pertinent State laws or as they relate to ethical conduct, are acceptable material for continuing education programs in Ethics or Law/Legislative designation. The case studies that you have submitted, however, lack any focused discussion of, or connection to, compliance or conduct in a real estate transaction. The entire content is a restatement and reprint of statutory or regulatory provisions, the charges filed, the violations proved and Commission action, sourced from the Division's website where this information is already available to licensees and the public to download and read or print.

Please note that the Division issues continuing education credits in more than one mandatory designation at Commission Meetings because each disciplinary hearing provides a unique learning experience that includes listening to the questions asked by the Commissioners, answered by the Respondents and the Commissioner comments generated by Respondent actions and violations. That learning experience takes licensees through a wide range of real estate standards of practice covering agency and transactional disclosures, fiduciary responsibilities, risk management, policies and procedures, and the timely performance of legal and ethical duties that entitle the licensees, at the end of the 3 or 6 hours, to receive Agency, Ethics, Law/Legislative and Broker Management CE credits.

Sincerely,

Nevada Real Estate Division  
Education Section

**TO:** Real Estate Commission

**FROM:** Safia Anwari, Education and Information Manager  
Kimberley Smith, CE Program Supervisor

**SUBJECT:** Education Summary – Sponsors notified January 25, 2019

**NEW REAL ESTATE CONTINUING EDUCATION COURSES**

1. Steven Kitnick Seminars LLC  
“Commission Hearings: Case Studies X”  
**Request:** 3 Hours Broker Management Classroom

**Determination: DENIED**

**Instructors:** Steven Kitnick

**Objective:** To increase the knowledge and understanding licensee through an interactive study of cases put before the Nevada Real Estate Commission for disciplinary action, as well as cases resolved administratively by the NRED that did not require a formal hearing. The case study method is used as a means to learn pertinent laws and regulations, and “the ethics of the profession,” in order to identify and eliminate practices that harm the public. This course should enable licensees to better serve the public.

- Standards:**
- 1(a) Current information on real estate which will improve the professional knowledge of the licensee and enable him to give better service to the public.
  - 1(b) Information that relates to pertinent Nevada laws and regulations.
  - 2(a) Ethics of selling real estate.
  - 2(c) The administration of real estate law and regulations, including licensing and enforcement.
  - 2(f) The administration of real estate brokerage, including the management of the office, trust accounts and employee’s contracts.
  - 2(n) Agency and subjects related to agency.

**Content:**

Introduction and housekeeping Familiarize themselves with the instructor, housekeeping, purpose, process & payoff	5
Real estate commission Know how commission members are selected, their qualifications, function and jurisdiction	10
From complaint to hearing Know the process by which a complaint may reach the level of a hearing	10
The purpose of the hearing Know why the hearing is being held; know the allegations are presented and responded to: know what disciplinary sanctions & costs may be imposed	5
The hearing Know the process & procedure	5

Actions/decisions Allegations/Stipulations Know definitions	5
Administrative sanctions Know discipline that may be authorized	5
Failure to comply Know that license is automatically suspended for failure to comply with a commission order; debt collection	5
Open house Know the NRED newsletter does not publish commission actions until 30-day period allowed for respondent to file for judicial review	5
Procedures for rehearing, obtaining & granting continuances, amendment or withdrawal of complaint Know & understand procedures outline in NAC 645.820, .830, & .835	10
Administrative sanction report Know about the administrative fines assessed without a hearing; focus of compliance dept activities; caseload report; current issues under investigation	20
Case study #1	10
Case study #2	10
Case study #3	10
Case study #4	10
Case study #5	10
Case study #6	10
Case study #7	10
Conclusion	3
TOTAL: 158 min ÷ 50 class hr = 3.16 Hours	

2. Steven Kitnick Seminars LLC  
 "Commission Hearings: Case Studies X"  
**Request:** 3 Hours Ethics Classroom

**Determination: DENIED**

**Instructors:** Steven Kitnick

**Objective:** To increase the knowledge and understanding licensee through an interactive study of cases put before the Nevada Real Estate Commission for disciplinary action, as well as cases resolved administratively by the NRED that did not require a formal hearing. The case study method is used as a means to learn pertinent laws and regulations, and "the ethics of the profession," in order to identify and eliminate practices that harm the public. This course should enable licensees to better serve the public.

**Standards:**

- 1(a) Current information on real estate which will improve the professional knowledge of the licensee and enable him to give better service to the public.
- 1(b) Information that relates to pertinent Nevada laws and regulations.
- 2(a) Ethics of selling real estate.
- 2(c) The administration of real estate law and regulations, including licensing and enforcement.

- 2(f) The administration of real estate brokerage, including the management of the office, trust accounts and employee's contracts.
- 2(n) Agency and subjects related to agency.

**Content:**

Introduction and housekeeping	
Familiarize themselves with the instructor, housekeeping, purpose, process & payoff	5
Real estate commission	
Know how commission members are selected, their qualifications, function and jurisdiction	10
From complaint to hearing	
Know the process by which a complaint may reach the level of a hearing	10
The purpose of the hearing	
Know why the hearing is being held; know the allegations are presented and responded to: know what disciplinary sanctions & costs may be imposed	5
The hearing	
Know the process & procedure	5
Actions/decisions	
Allegations/Stipulations	
Know definitions	5
Administrative sanctions	
Know discipline that may be authorized	5
Failure to comply	
Know that license is automatically suspended for failure to comply with a commission order; debt collection	5
Open house	
Know the NRED newsletter does not publish commission actions until 30-day period allowed for respondent to file for judicial review	5
Procedures for rehearing, obtaining & granting continuances, amendment or withdrawal of complaint	
Know & understand procedures outline in NAC 645.820, .830, & .835	10
Administrative sanction report	
Know about the administrative fines assessed without a hearing; focus of compliance dept activities; caseload report; current issues under investigation	20
Case study #1	10
Case study #2	10
Case study #3	10
Case study #4	10
Case study #5	10
Case study #6	10
Case study #7	10
Conclusion	3
TOTAL: 158 min ÷ 50 class hr = 3.16 Hours	

## Commission Hearings: Case Studies X

### Learning Objectives & Outline (3-Hour Course)

<b>Minutes</b>	<b>Section/Topic</b>	<b>After completing this section, students will be able to:</b>
5	Introduction & Housekeeping	Familiarize themselves with the instructor, housekeeping, purpose, process, & payoff
10	Real Estate Commission	Know how Commission members are selected, their qualifications, function & jurisdiction
10	From Complaint to Hearing	Know the process by which a complaint may reach the level of a hearing
5	The Purpose of the Hearing	Know why the hearing is being held; know how allegations are presented and responded to; know what disciplinary sanctions & costs may be imposed
5	The Hearing	Know the process & procedure
5	Actions/Decisions Allegations/Stipulations	Know definitions
5	Administrative Sanctions	Know discipline that may be authorized
5	Failure to Comply	Know that license is automatically suspended for failure to comply with a Commission Order; debt collection
5	Open House	Know that NRED Newsletter does not publish Commission actions until 30-day period allowed for respondent to file for judicial review
10	Procedures for Rehearing, Obtaining & Granting Continuances, Amendment or Withdrawal of Complaint	Know & understand procedures outlined in NAC 645.820, .830, & .835.
20	Administrative Sanction Report	Know about the administrative fines assessed without a hearing; focus of Compliance Dept. activities; Caseload Report; current issues under investigation

## **Commission Hearings: Case Studies X Learning Objectives & Outline (3-Hour Course)**

<b>Minutes</b>	<b>Section/Topic</b>	<b><u>After completing this section, students will be able to:</u></b>
<b>10</b>	<b>Case Study #1</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #2</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #3</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #4</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #5</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #6</b>	<b>Analyze and discuss case</b>
<b>10</b>	<b>Case Study #7</b>	<b>Analyze and discuss case</b>
<b>3</b>	<b>Conclusion</b>	<b>Instructor Evaluations, Sign Out, Certificates of Attendance</b>
<b>158</b>	<b>Total Minutes</b>	





## Commission Hearings: Case Studies X

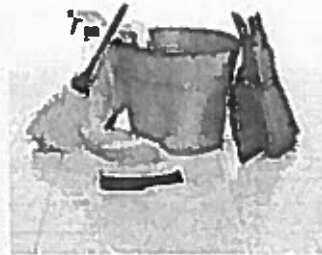


**CE # Pending 3 Hrs. Broker Management**

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## Housekeeping



- **Attendance Sheet Sign-In**
- **Refreshments**
- **Rest Rooms**
- **Direct Attention to Instruction**
- **Refrain from Distracting Activities**
- **Interactive**
- **Breaks**
- **Instructor Evaluation**
- **Attendance Sheet Sign-Out**
- **Certificate of Attendance**

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## Commission Hearings: Case Studies X

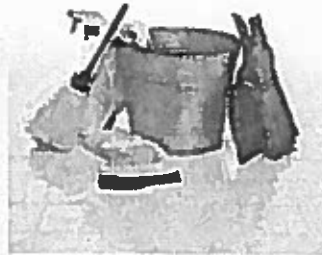


**CE # Pending 3 Hrs. Ethics**

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## Housekeeping



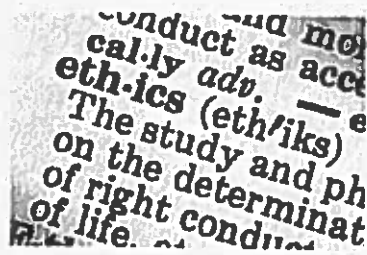
- **Attendance Sheet Sign-In**
- **Refreshments**
- **Rest Rooms**
- **Direct Attention to Instruction**
- **Refrain from Distracting Activities**
- **Interactive**
- **Breaks**
- **Instructor Evaluation**
- **Attendance Sheet Sign-Out**
- **Certificate of Attendance**

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## Purpose

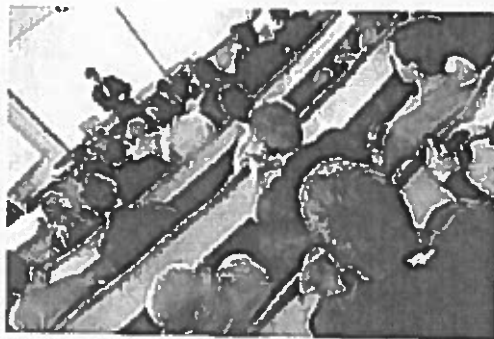
**To become more aware of relevant laws, regulations, and ethical considerations in determining misconduct by licensees**



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## Process



**Case Studies ~ Interactive Discussion**

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## **Payoff**

- **Provide better service to consumers**
- **Gain the trust & respect of clients, customers, competitors, colleagues, & affiliates**
- **Grow your business instead of spending time & money dealing with misconduct hearings &/or litigation**

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## **NRS 645.050**

**Real Estate Commission: Creation; number and appointment of members; powers and duties; service of process.**

1. The Real Estate Commission is hereby created. The Commission consists of five members appointed by the Governor.
2. The Commission shall act in an advisory capacity to the Real Estate Division, adopt regulations and conduct hearings as provided in this chapter. The Commission shall adopt regulations establishing standards for the operation of licensees' offices and for their business conduct and ethics.
3. The Commission may by regulation delegate any authority conferred upon it by this chapter to the Administrator to be exercised pursuant to the regulations of the Commission.
4. Service of process and other communications upon the Commission may be made at the principal office of the Real Estate Division.

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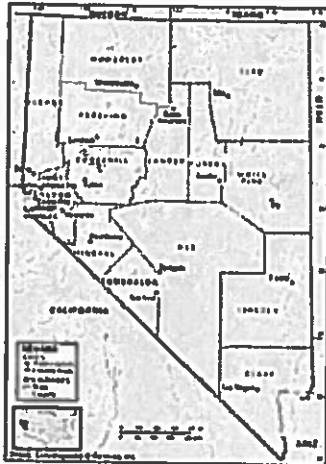
## Qualifications & Limitations

- ✓ **Must be a US citizen**
- ✓ **Must be a resident of Nevada for at least five (5) years**
- ✓ **Must have been actively engaged in business as a Nevada real estate broker for at least three (3) years preceding appointment or a Nevada real estate broker/salesman for at least five (5) years preceding appointment**



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- ✓ **Of the *five members* appointed to the Commission: *three* members must reside in or have a principal place of business located in *Clark County*;**
- ✓ ***One member* must reside in or have a principal place of business located in *Washoe County*; and**

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- ✓ ***One member must reside in or have a principal place of business located in Carson City or Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey or White Pine County***
- ✓ **Commissioners are appointed for a three (3) year term but may not serve more than two consecutive terms**

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## **NRS 645.190**

**Powers of Real Estate Division; regulations of Commission or Administrator; publication of manual or guide.**

- 1. The Division may do all things necessary and convenient for carrying into effect the provisions of this chapter.**
- 2. The Commission or the Administrator, with the approval of the Commission, may from time to time adopt reasonable regulations for the administration of this chapter. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission no later than 30 days before the next Commission meeting. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.**

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3. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division and offered for sale at a reasonable fee.

4. The Division may publish or supply a reference manual or study guide for licensees or applicants for licenses, and may offer it for sale at a reasonable fee.

[Part 6:160:1947; A 1849, 433; 1955, 131]—(NRS A 1963, 1073; 1973, 1099; 1975, 1542; 1977, 91; 1979, 1637)



## Ex Parte Communication

An *ex parte communication* is a communication made to a commission member concerning a pending licensing, disciplinary, rule making proceeding or education course approval.

The communication is made outside of the formal proceeding and is not made to the entire commission. Literally, *ex parte* means one side; by or for one side.

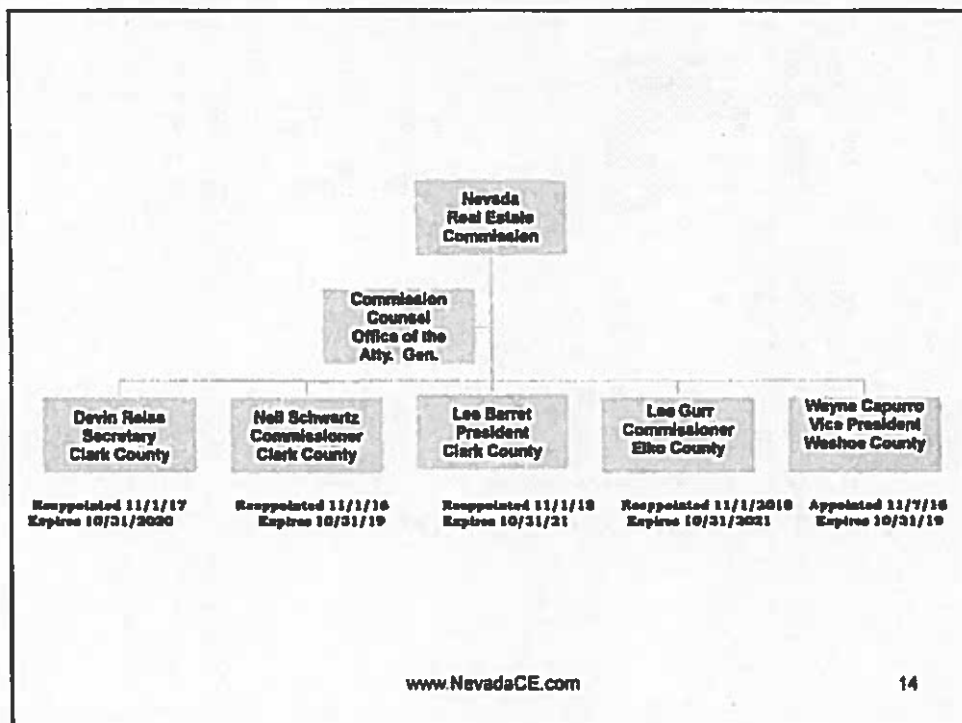
## Ex Parte Communication

The formal definition is: an oral or written communication not on the public record with no prior notice to all parties.

*Ex parte communications* may violate due process and may force a Commissioner to recuse him/herself from participation.

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# Jurisdiction

## The Real Estate Division and the provisions of NRS 645 & NAC 645



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## From Complaint to Hearing

- ☐ Complaint
- ☐ Investigator
- ☐ Chief Investigator
- ☐ Administrator
- ☐ Sr. Deputy Attorney General
- ☐ Real Estate Commission

*Note: Approx. 20-30 fines per month are assessed without a hearing!*

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## The Purpose of the Hearing

- To determine if the allegations are ***substantially proven*** by the evidence presented and if Respondent violated NRS &/or NAC Chapters 645 as alleged.

Substantial evidence is "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

Richardson v. Perales, 402 U.S. 389, 401 (1971), quoting from Consolidated Edison Co. NLRB 305 U. S. 197, 229 (1938).

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## The Purpose of the Hearing

- To determine what, if any, administrative penalty to assess against Respondent under NRS &/or NAC Chapters 645

- To determine what attorney's fees and costs, if any, to assess under NRS 622.400

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## **The Hearing**

- **Opening Statement by Deputy Attorney General**
- **Opening Statement by Respondent or Private Legal Counsel**
- **Cross Examination of Witnesses**
- **Ask Questions \***
- **Closing Statement by Respondent or Private Legal Counsel**

**\* Commissioners may ask limited questions**

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## **The Hearing**

- **Closing Statement by Deputy Attorney General**
- **Motion by Commission**
- **Vote - Dismiss Case or Case Proven**
- **If Case Proven - Recommendation for Administrative Penalty**
- **Motion & Vote**

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## **Actions/Decisions**



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## **Allegations/Stipulations**



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## Administrative

- ❖ Fines
- ❖ Suspension
- ❖ Revocation
- ❖ Education
- ❖ Place Conditions on License
- ❖ Deny License Application or Renewal



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Stipulations occur when both the Respondent and Division have agreed to conditions reviewed and accepted by both sides.

***A stipulation may or may not be an admission of guilt.***




**Stipulations are presented to the Commission for review and acceptance.**

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**Real Estate Commission actions are not published in Open House, a newsletter from the Nevada Real Estate Division and an official publication of the State of Nevada Dept. of Business and Industry, until the 30-day period allowed for filing for Judicial Review has passed.**



**New Regulation Addresses Distribution of Residential Disclosure Guide**

**Key findings of the Real Estate Commission's new regulation:**

- The new regulation requires that the Real Estate Commission (REC) must ensure that the Residential Disclosure Guide is distributed to all buyers of residential real estate.
- The REC must ensure that the guide is distributed in a timely manner, no later than 10 business days after the offer is accepted.
- The REC must ensure that the guide is distributed in a clear and concise manner, and that it is easy to understand.
- The REC must ensure that the guide is distributed in a format that is accessible to all buyers, including those with disabilities.
- The REC must ensure that the guide is distributed in a language that is understandable to the buyer.
- The REC must ensure that the guide is distributed in a format that is suitable for distribution by mail.
- The REC must ensure that the guide is distributed in a format that is suitable for distribution by electronic means.
- The REC must ensure that the guide is distributed in a format that is suitable for distribution by other means.

**Effective 1/1/10**

**Comments:**

The new regulation is a significant step in ensuring that all buyers of residential real estate receive the information they need to make an informed decision. The REC is committed to ensuring that the guide is distributed in a timely, clear, and accessible manner.

**If a stay on discipline is issued by the Court, the matter is not published until final outcome of the Review.**

**A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection proceedings to recover fines and costs.**

**Names of persons whose license applications are denied are not published.**

## **NAC 645.820 Procedures for rehearing (NRS 645.190)**



**The following procedures are used for a rehearing in a case where a ruling or decision of the Commission is against the licensee:**

- 1. The licensee may within 10 days after his or her receipt of the decision petition the Commission for a rehearing.**
- 2. The petition does not stay any decision of the Commission unless the Commission so orders.**

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## **NAC 645.820 Procedures for rehearing**



**3. The petition must state with particularity the point of law or fact which in the opinion of the licensee the Commission has overlooked or misconstrued and must contain every argument in support of the application that the licensee desires to present.**

**4. Oral argument in support of the petition is not permitted.**

**5. The Division may file and serve an answer to a petition for a rehearing within 10 days after it has received service of the petition.**

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## **NAC 645.820 Procedures for rehearing**



**6. If a petition for rehearing is filed and the Commission is not scheduled to meet before the effective date of the penalty, the Division may stay enforcement of the decision appealed from. When determining whether a stay is to be granted, the Division shall determine whether the petition was timely filed and whether it alleges a cause or ground which may entitle the licensee to a rehearing.**

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## **NAC 645.820 Procedures for rehearing**



**7. A rehearing may be granted by the Commission for any of the following causes or grounds:**

**(a) Irregularity in the proceedings in the original hearing;**

**(b) Accident or surprise which ordinary prudence could not have guarded against;**

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## **NAC 645.820 Procedures for rehearing**



**(c) Newly discovered evidence of a material nature which the applicant could not with reasonable diligence have discovered and produced at the original hearing; or**

**(d) Error in law occurring at the hearing and objected to by the applicant during the earlier hearing.**

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## **NAC 645.820 Procedures for rehearing**



**8. A petition for a rehearing may not exceed 10 pages of standard printing.**

**9. The filing of a petition for rehearing, or the decision therefrom, does not stop the running of the 30-day period of appeal to the district court from the date of the decision of the Commission for the purpose of subsection 2 of NRS 645.760.**

**[Real Estate Adv. Comm'n, § XVII subsec. 3, eff. 10-31-75] —  
(NAC A by Real Estate Comm'n, 8-21-81; 4-27-84)**

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**NAC 645.830 Procedures  
for obtaining and granting  
continuances. (NRS 645.190)**



**The procedures for obtaining and granting  
continuances of Commission hearings are as  
follows:**

**1. The time of the hearing may be continued  
by the Commission upon the written petition of  
the licensee or upon the written petition of the  
Division for good cause shown, or by stipulation of  
the parties to the hearing.**

**2. A continuance will not be granted unless it  
is made in good faith and not merely for delay.**

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**NAC 645.830 Procedures  
for obtaining and granting  
continuances. (NRS 645.190)**



**3. A request for a continuance made before the  
hearing must be served upon the Commission as  
set forth in subsection 4 of NRS 645.050. If the  
Secretary of the Commission is not available to  
review and rule upon the continuance before the  
hearing, the continuance must be reviewed and  
ruled upon by the:**

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**(a) President of the Commission; or**

**(b) If the President is unavailable, the Vice President of the Commission.**

**[Real Estate Adv. Comm'n, § XVII subsec. 4, eff. 10-31-75] —  
(NAC A by Real Estate Comm'n, 4-27-84; R111-01, 12-17-2001;  
R123-06, 6-1-2006)**

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**NAC 645.835 Amendment or  
withdrawal of complaint.  
(NRS 645.190)**



- 1. A complaint may be amended at any time.**
- 2. The Commission will grant a continuance if the amendment materially alters the complaint or a respondent demonstrates an inability to prepare for the case in a timely manner.**
- 3. A complaint may be withdrawn at any time before the hearing begins.**

**(Added to NAC by Real Estate Comm'n by R031-04, eff. 11-30-2004)**

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**Department of Business & Industry  
Nevada Real Estate Division**

**Administrative Sanction Report**

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**Administrative Sanction Report  
Compliance Caseload Report  
Real Estate Commission  
South Meeting Dec 4-6, 2018**

**The Administrative Sanction Report includes all of the administrative sanctions imposed since the last report in September 2018. Since that time, "The Division" has issued a total of 80 administrative fines totally \$43,500.00**



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## **Fiscal Year 2019 Compliance Caseload Report**



The Compliance Data Report reflects the Compliance activity from July through October 2018. During this time period we received a total of **47** complaints in the North and **571** complaints in the South for a total of **618** complaints received by the Compliance Section. During the same time period the Compliance Section opened a total **334** investigations and closed **315**. As of October 31<sup>st</sup>, 2018 we had a total of **273** cases in active investigation

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## **Fiscal Year 2019 Compliance Caseload Report**



**These are monies that a Complainant alleged were lost, but subsequently were returned to the Complainant following the Division's informal contact to the broker requesting the parties resolve the matter.**



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## **Current Issues Under Investigation**

- **Broker's failing to submit their Annual Trust Account Reconciliations**
- **Broker's failing to submit their affidavit informing the Division they have not handled monies belonging to others during the prior year (Form 546-A)**
- **Agents not including the name of their brokerage in their advertising or misleading agent advertising**

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## **Current Issues Under Investigation**

- **Unlicensed real estate activity by local individuals and out of state licensees**
- **Unlicensed property management activity to include real estate licensees and unlicensed individuals**
- **Unlicensed real estate/property management activity to include licensed agents allowing unlicensed assistants to conduct activity requiring real estate/property management licensure**

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## Current Issues Under Investigation

- **Agents advertising property without consent of the property owner or the owner's agent.**
- **Trust account reconciliations submitted by brokers indicating suspicious, questionable or mishandling of monies belonging to others**
- **Property Managers failing to account for or remit funds to include failure to promptly remit and account for rents to property owners or security deposit refunds to tenants**

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## Current Issues Under Investigation

- **Trust Account embezzlement or mismanagement of trust accounts (to include brokers, property managers, and their employees stealing monies held in trust accounts that belong to others, i.e., owners/tenants)**
- **Failure to respond to the Division's request for information or failure to cooperate with the Division's investigation**

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## **Current Issues Under Investigation**

- **Failure to respond to the Division's request for information or failure to cooperate with the Division's investigation**
- **Unlicensed property management activity (to include real estate licensees and non-licensees).**
- **Unlicensed real activity (to include those without the appropriate Nevada licensure and out-of-state licensees)**

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## **Current Issues Under Investigation**

- **Failure to disclose (i.e., status as a real estate licensee, interest in the property or in a party involved in the transaction or material facts related to the property or the transaction).**
- **Failure to respond to the Division's request for information or failure to cooperate with the Division's investigation**

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## Current Issues Under Investigation

- **Failure to disclose, i.e., status as a real estate licensee, interest in the property or in a party involved in transaction or materials fact related to the property/transaction**

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## Recent Administrative Fines



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**VIOLATION**

**FINED**

- **Failure to submit midterm education**  
**\$250**
- **Failure to submit annual trust fund account reconciliation**  
**\$1,000**
- **Failure to remit rents to owner**  
**\$500**

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**VIOLATION**

**FINED**

- **Failure to include brokerage name in advertising**  
**\$500**
- **Failure to provide information to Division**  
**\$500**
- **Advertising property without owner consent**  
**\$500**

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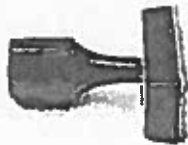
**VIOLATION**

**FINED**

- **Misrepresenting condition of property**  
**\$500**
- **Unlicensed person as signatory on trust account**  
**\$2,000**
- **Providing keys to buyer prior to close of escrow**  
**\$500**

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**VIOLATION**

**FINED**

- **Tenant damages not accounted for to owner**  
**\$500**
- **Interfering with a broker agreement**  
**\$1,500**
- **Representing broker other than the associated broker**  
**\$2,000**

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- **Not dealing fairly in a real estate transaction  
\$2,000**

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## Commission Hearing Cases



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## **Case Study #1**



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## **You be the Judge!**

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## **Case Study #2**



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## **You be the Judge!**

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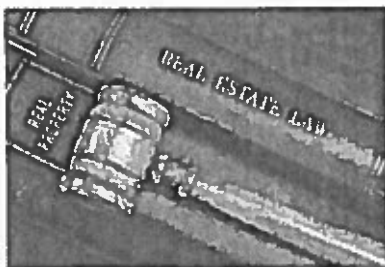
58

## Case Study #3



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## You be the Judge!

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## Case Study #4



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## You be the Judge!

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## **Case Study #5**



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## **You be the Judge!**

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## **Case Study #6**



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## **You be the Judge!**

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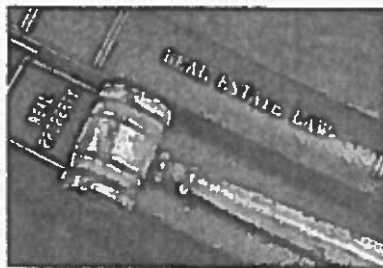
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## Case Study #7



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## You be the Judge!

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# Housekeeping

- **Instructor Evaluation**
- **Attendance Sheet Sign-Out**
- **Certificate of Attendance**



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