

NEVADA REAL ESTATE COMMISSION MINUTES

March 10, 2020

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

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street, Room 3137
Carson City, Nevada 89701

The meeting was called to order at 9:03 AM

1-A) Introduction of Commissioners in Attendance

Lee Barrett, Clark County; Lee Gurr, Elko County; Devin Reiss, Clark County; Neil Schwartz, Clark County and Darrell Plummer, Washoe County

Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) Introduction of Division Staff in Attendance

In Las Vegas: Sharath Chandra, Administrator; Teralyn Lewis, Administration Section Manager; Evelyn Pattee, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator; Maria Martin, Compliance Audit Investigator; Daryl McCloskey, Compliance Audit Investigator; Annalyn Carrillo, Education & Information Officer; Kimberly Smith, Education Supervisor; Erica Arnold, Education; Deputy Attorney Generals Dennis Belcourt and Karissa Neff representing the Division.

In Carson City: Perry Faigin, Deputy Administrator.

1-C) Swearing in of newly appointed Commissioner

Darrell Plummer was sworn in.

2) Public Comment

Jeff Howard, Keller Williams Realty Las Vegas, read a letter into the record stating that at a Commission meeting in November 2019, a Commissioner indicated that he felt that the low punishments agreed to in settlements were sending a message that it was okay to break the rules of law and/or ethics. Mr. Howard stated that at least two other Commissioners agreed and the settlement was rejected. Mr. Howard stated that he appreciates the Commission for their service to the community and the work they do to hold people accountable for their actions. Mr. Howard stated that he respectfully disagrees that this is the message being sent. Mr. Howard stated that when the settlement is read by the State, it begins with a statement that reads “in order to save time and resources etc.”. Mr. Howard stated that when a person is willing to acknowledge their wrong doings, a settlement saves time and resources. Mr. Howard stated that he’s confident a person is not getting a message that looks like it belongs in a Christmas card when that person is required to pay the amount of the settlement and attend continuing education courses that don’t count towards renewal.

Irene Edwards Segura, World Capital Realty, read a letter into the record stating that the Real Estate Division denied an application for a broker-salesperson because of a category-A felony conviction for second degree murder. Ms. Edwards Segura stated that the Real Estate Commission subsequently

granted the license after an appeal was filed and the decision has affected her and her family in a negative way. Mr. Edwards Segura stated that additional measures and guidelines are needed to avoid a recurrence of similar cases. Ms. Edwards Segura stated that it was an error granting the appeal for a license and that both sides of the case should have been investigated for the true facts.

**6-J) NRED v Victor Reza Valanejad, for possible action
Case# 2018-631**

Parties Present

Victor Reza Valanejad was present.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Preliminary Matters

Mr. Valanejad requested a continuance.

Mr. Belcourt stated that this is Mr. Valanejad's first request for a continuance and the Division does not object to the request.

Commissioner Schwartz moved to grant a continuance until the next scheduled Commission meeting. Seconded by Commissioner Barrett. Motion passed.

**6-E) NRED v Kevin Dunlap, for possible action
Case # 2017-48**

Parties Present

Kevin Dunlap was not present.

Lester Berman was present representing Mr. Dunlap.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Preliminary Matters

Mr. Belcourt stated that a settlement had been reached. Mr. Belcourt read the settlement and the complaint into the record.

Settlement

- Respondent agrees to the immediate surrender of his license and to refrain from applying for any license, permit or certificate in the State of Nevada for a period of ten years.
- Respondent agrees to pay the Division \$773.08 in administrative costs within 60 days of entry of the settlement.

Commissioner Gurr moved to accept the stipulation as presented. Seconded by Commissioner Schwartz. Motion passed 4-1 with Commissioner Barrett opposed.

**6-T) NRED v Manuel Cordova, Jr., for possible action
Case # 2017-2134**

Parties Present

Manuel Cordova Jr. was not present.

Justin Zarcone was present representing Mr. Cordova.

Deputy Attorney General Karissa Neff was present representing the Division.

Preliminary Matters

Ms. Neff stated that a settlement had been reached. Ms. Neff stated that the actual agreement has not been finalized but the material terms have been agreed upon. Ms. Ness read the settlement and the complaint into the record.

Settlement

- Respondent agrees to pay the Division \$1,500.00 as an administrative fine and \$1,090.00 in administrative costs within 60 days of the Commission's order approving the settlement.

Commissioner Gurr moved to accept the stipulation as presented. Seconded by Commissioner Schwartz. Motion passed.

6-U) NRED v Rebecca L. Cordova, for possible action

Case # 2017-2135

Parties Present

Rebecca L. Cordova was not present.

Justin Zarcone was present representing Ms. Cordova.

Deputy Attorney General Karissa Neff was present representing the Division.

Preliminary Matters

Ms. Neff stated that a settlement had been reached. Ms. Neff stated that the actual agreement has not been finalized but the material terms have been agreed upon. Ms. Ness read the settlement and the complaint into the record.

Settlement

- Respondent agrees to pay the Division \$5,000.00 as an administrative fine and \$1,090.00 in administrative costs within 60 days of the Commission's order approving the settlement.
- 3 hours of continuing education in ethics and 3 hours of continuing education in agency must be completed within 60 days of the effective date of the Commission's order approving the stipulation. Such continuing education shall not accrue toward license renewal requirements.
- Revocation of property manager permit for a period of ten years.
- Respondent's license be reduced from individual broker to broker-salesperson for a period of five years.

Commissioner Barrett moved to reject the stipulation as presented and requested a hearing be set. Seconded by Commissioner Schwartz.

Commissioner Barrett stated that the violations are horrific. Commissioner Barrett stated that it's hard to accept even the downgrade of her license and no property manager permit. Commissioner Barrett stated that he doesn't think that the respondent understands the whole concept.

Commissioner Gurr stated that her initial reaction was similar to that of Commissioner Barrett. Commissioner Gurr stated that relinquishing the respondent's property manager permit for 10 years is significant to this family's income stream. Commissioner Gurr stated that the license downgrade is appropriate. Commissioner Gurr stated that she is speaking against the motion.

Motion passed 3-2 with Commissioner Gurr and President Reiss opposed.

6-I) NRED v Derek M. Miyano, for possible action

Case # 2018-6

Parties Present

Derek Miyano was present.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Opening Statement

Mr. Belcourt gave his opening statement.

Mr. Miyano gave his opening statement.

Mr. Belcourt asked that the notice of documents be admitted as State's Exhibits.

President Reiss stated that the notice of documents would be admitted.

State's Witness

Bob Knauff testified.

The Commission questioned Mr. Knauff.

The witness was dismissed.

Mr. Belcourt rested his case.

Mr. Miyano stated his case.

The Commission questioned Mr. Miyano.

Mr. Belcourt questioned Mr. Miyano.

Closing Statements

Mr. Belcourt gave his closing statement.

Mr. Miyano gave his closing statement.

Commissioner Barrett stated that it would have been helpful if Mr. Miyano had brought his other inspector to show that he doesn't receive money from that inspector. Commissioner Barrett stated that Mr. Miyano may have been confused by the law or did not know the law. Commissioner Barrett stated that NRS 645.633 is very specific regarding compensation.

Commissioner Schwartz stated that he is concerned that Mr. Miyano is a broker in charge of a company. Commissioner Schwartz stated that it appears that Mr. Miyano strongly believes that the agent is the one tasked with hiring the inspector as opposed to the client hiring the inspector. Commissioner Schwartz stated that based on Mr. Miyano's words, that's the information he is imparting to his agents. Commissioner Schwartz stated that is in direct violation of proper conduct.

Commissioner Gurr stated that it's surprising to listen to a broker state that he is looking to make an arrangement with a home inspection company. Commissioner Gurr stated that she recognizes that in different areas, licensees form alliances with lenders, agents, title and escrow companies and home inspection companies. Commissioner Gurr stated that the guidance she is accustomed to is to provide two or three names/business cards for any of those services so not to induce clients to go to a particular entity. Commissioner Gurr stated that clients have a right to rely on the advice provided by their agent.

Factual Allegations

Commissioner Schwartz moved that factual allegations 1-8 were proven.

Seconded by Commissioner Barrett.

Commissioner Gurr stated that she doesn't agree that factual allegation 8 was proven. Commissioner Barrett stated that he agrees with Commissioner Gurr.

Commissioner Gurr moved to amend the motion to remove factual allegation 8. ~~-~~ Seconded by Commissioner Barrett.

Motion passed.

Commissioner Gurr moved that factual allegations 1-7 were proven. Seconded by Commissioner Barrett. Motion passed.

Violations of Law

Commissioner Gurr moved that violation 9 was proven. Seconded by Commissioner Schwartz. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$2,500.00 administrative fine plus the cost of hearing and investigation in the amount of \$587.11 to be paid within 90 days of the effective date of the order.
- 3 hours of continuing education in ethics and 3 hours of continuing education in broker management to be completed within 60 days of the effective date of the order. Such continuing education shall not count toward license renewal requirements.

Commissioner Schwartz moved that a fine of \$2,500 be imposed plus costs of \$587.11 to be paid within 90 days of the effective date of the order along with 3 hours of continuing education in ethics and 3 hours of continuing education in broker management to be completed within 60 days of the effective date of the order and such continuing education shall not accrue toward license renewal requirements. Seconded by Commissioner Plummer.

Motion passed.

6-K) NRED v Alexey Dolginov, for possible action

Case # 2017-1462

Parties Present

Alexey Dolginov was present.

Terry Moore was present representing Mr. Dolginov.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Opening Statements

Mr. Belcourt gave his opening statement.

Mr. Moore gave his opening statement.

State's Witness

Daryl McCloskey, Compliance Audit Investigator for the Real Estate Division, testified.

Mr. Belcourt stated that there was a stipulation as to the submission of State's bates stamped documents 1-45. These documents were admitted into the record without objection.

Mr. Moore stated that there was a stipulation as to the submission of Respondent's exhibits A and B. These documents were admitted into the record without objection.

Mr. Moore cross-examined Mr. McCloskey.

Mr. Belcourt re-examined Mr. McCloskey.

Mr. Moore re-cross examined Mr. McCloskey.

The Commission questioned Mr. McCloskey.

The witness was dismissed.

State's Witness

Lorraine Costello testified.

Mr. Moore cross-examined Ms. Costello.

Mr. Belcourt re-examined Ms. Costello.

Mr. Moore re-cross examined Ms. Costello.

The Commission questioned Ms. Costello.

The witness was dismissed.

The Commission questioned Mr. Dolginov.

Closing Statements

Mr. Belcourt gave his closing statement.

Mr. Moore gave his closing statement.

Commissioner Schwartz asked Mr. Belcourt if there was a copy of the Duties Owed form. Mr. Belcourt stated that a Duties Owed form was not provided.

Commissioner Barrett stated that Mr. Moore mentioned the difference between a broker agent and a principal. Commissioner Barrett stated that he would have liked to have seen a copy of the Duties Owed form because it states to all parties, exercise reasonable skill and care with respect to all parties in a real estate transaction. Commissioner Barrett stated that the Duties Owed form goes into more detail and carry out the terms of the brokerage agreement. Commissioner Barrett stated that if Mr. Dolginov was the broker, he had an obligation to protect the principal which was him. Commissioner Barrett stated that if Mr. Dolginov was the consumer, he had a responsibility to exercise reasonable skill and care with respect to the parties to make sure that the parties didn't get into any civil action or recourse because of not cancelling the transaction in writing from the due diligence time period. Commissioner Barrett stated that Mr. Dolginov tied the owner's property up because the day he was supposed to close escrow, Mr. Dolginov said he would call back. Commissioner Barrett stated that Mr. Dolginov could have called over the weekend to cancel the transaction.

Commissioner Gurr stated that licensees are held to a higher standard when working on real estate transactions. Commissioner Gurr stated that a licensee acting on their own behalf does not excuse them of the responsibility of all the requirements set forth in statutes and regulations nor does it excuse them from acting in an unethical manner. Commissioner Gurr stated that harm was done to the seller in the failure of the buyer to cancel the transaction. Commissioner Gurr stated that the fact that the earnest money was not deposited, the deal was not cancelled in a manner that was professional or competent and the argument made that the earnest money didn't have to be deposited goes right by the side of any purchase agreement. Commissioner Gurr stated that clarification of the earnest money was not properly noted on the purchase agreement.

Commissioner Plummer stated that whether Mr. Dolginov was the broker or the buyer, there was a responsibility to deposit earnest money. Commissioner Plummer stated that had the earnest money deposit been made, things would have been much different.

Commissioner Schwartz stated that had the earnest money been deposited, the cancellation probably would have been in writing in order to get the earnest money deposit refunded. Commissioner Schwartz stated that it was very clear that Mr. Dolginov was representing the buyer.

President Reiss stated that everything shows that Mr. Dolginov was acting as an agent as well as the buyer. President Reiss stated that Mr. Dolginov still had an obligation as a broker. President Reiss stated that regarding the earnest money deposit read NAC 645.605(6). President Reiss stated that it's been established that Mr. Dolginov was acting as a real estate broker therefore NAC 645.605(6) applies. President Reiss stated that the contractual terms were not followed. President Reiss stated that not turning in the earnest deposit and not cancelling the transaction correctly appears deceitful.

Factual Allegations

Commissioner Gurr moved that factual allegations 1-5 have been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that factual allegations 7, 10, 11 and 12 have been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that factual allegation 6 has not been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that factual allegation 8 has been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that factual allegation 9 has been proven. Seconded by Commissioner Schwartz. Motion passed.

Commissioner Gurr moved that factual allegation 13 has not been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that factual allegations 14 and 15 have not been proven. Seconded by Commissioner Barrett. Motion passed.

Violations of Law

Commissioner Gurr moved that violation 1 has been proven. Seconded by Commissioner Barrett. Motion passed.

Commissioner Gurr moved that violation 2 has been proven. Seconded by Commissioner Schwartz. Motion passed.

Commissioner Gurr moved that violation 3 has not been proven. Seconded by Commissioner Barrett.

Commissioner Schwartz stated that he was going to vote against the motion because he believes that part of the transaction file should have been a Duties Owed which was never discovered.

Motion passed 3-2 with Commissioners Schwartz and Barrett opposed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$5,000.00 administrative fine plus the cost of hearing and investigation in the amount of \$1,393.33 to be paid within 90 days of the effective date of the order.

Commissioner Gurr moved that a fine of \$5,000.00 be imposed plus costs of \$1,393.33 to be paid within 90 days of the effective date of the order. Seconded by Commissioner Plummer. Motion passed.

6-F) NRED v Cung F. Tam, for possible action

Case # 2018-411

Parties Present

Cung F. Tam was not present.

Ramir Hernandez was present representing Ms.Tam.

Deputy Attorney General Karissa Neff was present representing the Division.

Preliminary Matters

Ms. Neff stated that a settlement had been reached. Ms. Neff read the settlement and the complaint into the record.

Settlement

- Respondent agrees to pay the Division \$6,000.00 as an administrative fine and \$1,500.00 in administrative costs within 90 days of the Commission's order approving the settlement.
- 3 hours of live course continuing education in ethics to be completed within 90 days of the Commission's order approving the settlement. Such continuing education shall not count toward license renewal requirements.

Commissioner Schwartz moved to accept the stipulation as presented. Seconded by Commissioner Barrett. Motion passed.

6-N) NRED v Frederick Britton, for possible action

Case # 2017-2125

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.
Mr. Britton was not present.

Ms. Neff stated that there was a discussion with Mr. Britton regarding a continuance. Ms. Neff stated that Mr. Britton was instructed to contact the Commission Coordinator. Ms. Neff stated that an official continuance request was not received.

Ms. Neff stated the Division would submit that there was proper service upon Mr. Britton.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Schwartz moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Plummer.
Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Seconded by Commissioner Barrett. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$15,000 plus the cost of the hearing and investigation in the amount of \$2,192.32 to be paid within 30 days of the effective date of the order.

Commissioner Schwartz moved to impose a fine of \$15,000 plus costs of \$2,192.32 payable within 30 days of the effective date of the order. Seconded by Commissioner Barrett. Motion passed.

6-O) NRED v Frederick Britton, for possible action

Case # 2018-161

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.
Mr. Britton was not present.

Ms. Neff stated the Division would submit that there was proper service upon Mr. Britton.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Schwartz moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Plummer.
Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Barrett moved that the factual allegations and violations were proven. Seconded by Commissioner Schwartz. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Revocation of the real estate license.
- Hearing and investigative costs in the amount of \$1,111.80 payable within 30 days of the effective date of the order.

Commissioner Gurr moved to accept the recommendation of the Division. Seconded by Commissioner Schwartz. Motion passed.

6-S) NRED v Jean Marie McGannon, for possible action

Case # 2019-1293

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. McGannon was not present.

Ms. Neff stated the Division would submit that there was proper service upon Ms. McGannon.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Barrett moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Schwartz. Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Seconded by Commissioner Gurr. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$20,000.00 plus the cost of the hearing and investigation in the amount of \$987.44 to be paid within 60 days of the effective date of the order.

Commissioner Gurr moved to impose a fine of \$20,000.00 plus costs of \$987.44 payable within 60 days of the effective date of the order. Seconded by Commissioner Schwartz. Motion passed.

6-Q) NRED v Jean Marie McGannon, for possible action

Case # 2019-699

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. McGannon was not present.

Ms. Neff stated the Division would submit that there was proper service upon Ms. McGannon.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Barrett moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Schwartz. Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Seconded by Commissioner Barrett. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$20,000.00 plus the cost of the hearing and investigation in the amount of \$987.44 to be paid within 60 days of the effective date of the order.

Commissioner Schwartz moved to impose a fine of \$20,000.00 plus costs of \$987.44 payable within 60 days of the effective date of the order. Seconded by Commissioner Barrett. Motion passed.

6-P) NRED v Jean Marie McGannon, for possible action

Case # 2019-246

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. McGannon was not present.

Ms. Neff stated the Division would submit that there was proper service upon Ms. McGannon.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Barrett moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Schwartz. Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Gurr moved that the factual allegations and violations were proven. Seconded by Commissioner Schwartz. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$230,000.00 plus the cost of the hearing and investigation in the amount of \$2,603.60 to be paid within 60 days of the effective date of order.
 - Revocation of all real estate licenses and property manager permits.

Commissioner Gurr moved to accept the recommendation of the Division. Seconded by Commissioner Barrett. Motion passed.

6-R) NRED v Jean Marie McGannon, for possible action

Case # 2019-878

Parties Present

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. McGannon was not present.

Ms. Neff stated the Division would submit that there was proper service upon Ms. McGannon.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of the complaint.

Commissioner Barrett moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Schwartz. Motion passed.

Ms. Neff read the factual allegations and violations of law into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Seconded by Commissioner Barrett. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$450,000.00 plus the cost of the hearing and investigation in the amount of \$3,559.76 to be paid within 60 days of the effective date of order.
- Revocation of all real estate licenses and property manager permits.

7) Public Comment

Chava Litowsky asked if legal action could be taken in matters heard by the Commission. Commission Counsel, Asheesh Bhalla, stated that there are methods of referrals for criminal activity that could be taken by the Deputy Attorney General.

8) For Possible Action: Adjournment

Meeting recessed at 4:24 p.m. on March 10, 2020.

March 11, 2020

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

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street, Room 3137
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; Lee Gurr, Elko County; Devin Reiss, Clark County; Neil Schwartz, Clark County and Darrell Plummer, Washoe County

Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) Introduction of Division Staff in Attendance

In Las Vegas: Sharath Chandra, Administrator; Teralyn Lewis, Administration Section Manager; Evelyn Pattee, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator; Daryl McCloskey, Compliance Audit Investigator; Annalyn Carrillo, Education & Information Officer; Kimberly Smith, Education Supervisor; Susan Clakr, Licensing Manager; Deputy Attorney General Karissa Neff representing the Division.

In Carson City: Perry Faigin, Deputy Administrator.

2) Public Comment

No public comment.

6-R) NRED v Jean Marie McGannon, for possible action

Case # 2019-878 Recall

President Reiss stated that at the end of the case being heard on March 10, 2020, a recommendation by the Division was made. President Reiss stated that it was voted on without an official motion and a second. President Reiss called the case open.

Commissioner Schwartz moved to accept the recommendation of the Division. Seconded by Commissioner Barrett. Motion passed.

6-G) NRED v Terri Jo Hook, for possible action

Case # 2017-647

Parties Present

Terri Jo Hook was present.

Deputy Attorney General Karissa Neff was present representing the Division.

Preliminary Matters

Ms. Neff stated that a Notice of Default was issued February 20, 2020. Ms. Neff stated that no response was received from Ms. Hook. Ms. Neff requested a default judgement against Ms. Hook.

Ms. Hook stated that she received the complaint on October 14, 2019. Ms. Hook stated that she contacted the Real Estate Division and requested a continuance which was granted. Ms. Hook stated that

30 days was not enough to obtain 7 years of paperwork since the allegations stemmed from 2013. Ms. Hook stated that she received the re-notice February 3, 2020. Ms. Hook stated that she contacted her broker and was in the process of getting paperwork together in order to submit an answer. Ms. Hook stated that she received the notice of default 2 weeks later. Ms. Hook stated that due to a family emergency, she was not able to send a response in the requested timeframe. Ms. Hook requested her case be heard.

President Reiss denied the motion for default.

Opening Statements

Ms. Neff gave her opening statement.

Ms. Hook gave her opening statement.

Ms. Hook requested that additional exhibits be admitted.

Ms. Neff objected to the additional exhibits and requested that they be stricken.

President Reiss stated that the additional documents will be stricken. President Reiss stated that the only respondent's documents that would be admitted are the documents that have been received.

Ms. Neff asked that the state's exhibits be admitted.

President Reiss stated that the State's exhibits would be admitted.

State's Witness

Susan Clark, Licensing Manager for the Real Estate Division, testified.

Ms. Hook cross-examined Ms. Clark.

Ms. Neff re-examined Ms. Clark.

Ms. Hook re-examined Ms. Clark.

The Commission questioned Ms. Clark.

The witness was dismissed.

State's Witness

Daryl McCloskey, Compliance Audit Investigator, testified.

Ms. Hook cross-examined Mr. McCloskey.

Ms. Neff re-examined Mr. McCloskey.

The witness was dismissed.

Ms. Hook stated her case.

Respondent's Witness

JC Melvin testified.

Ms. Neff cross-examined Mr. Melvin.

The Commission questioned Mr. Melvin.

The witness was dismissed.

The Commission questioned Ms. Hook.

Closing Statements

Ms. Neff gave her closing statement.
Ms. Hook gave her closing statement.

Commissioner Plummer stated that there are thousands of real estate professionals in our State and a couple hundred, as a witness said that may have been confused because it was a confusing time. Commissioner Plummer stated that licensees still had a responsibility. Commissioner Plummer stated that Ms. Hook's records where not submitted in a timely manner required by the Division.

Commissioner Schwartz stated that licensees went through this situation regarding changes and there was some confusion. Commissioner Schwartz stated that just because the system didn't have the ability to continually check a licensee's continuing education credit, based on statute, the licensee should not be absolved from the responsibility to adhere to the requirements of either the midyear education and/or the renewal of education. Commissioner Schwartz stated that this is something that was not followed.

Commissioner Barrett stated that he agrees that Ms. Hook sent the information in late. Commissioner Barrett stated that Ms. Hook did not understand the timelines. Commissioner Barrett stated that this case started in 2017 and being heard in 2020. Commissioner Barrett stated that he's concerned that back in that time period, there were over 770 administrative fines given. Commissioner Barrett stated that at one point this could have been resolved for \$470.00. Commissioner Barrett stated that he is going to push to get it resolved for \$470.00 because Ms. Hook didn't understand what she was getting into.

Commissioner Gurr stated that she is not convinced that the basis of this action has to do with responsibility. Commissioner Gurr stated that it's a matter of misunderstanding and miscommunication. Commissioner Gurr stated that it was a very confusing time for a lot of agents. Commissioner Gurr stated that Ms. Hook could have resolved this matter by accepting the \$470.00 stipulation. Commissioner Gurr stated that she relates to Ms. Hook's statement that accepting the stipulation meant Ms. Hook had to acknowledge that she had done something wrong. Commissioner Gurr stated that Ms. Hook feels very strongly that she did not do anything wrong.

President Reiss stated that everything in this case follows a similar pattern where Ms. Hook chose to do things at the very last moment. President Reiss stated that there is no proof that midterm certificates were submitted. President Reiss stated that ample opportunity was given to provide documents. President Reiss stated that he hoped this would have been settled and did not expect to get to this point. President Reiss stated that he doesn't see where any of the factual allegations were not proven. President Reiss stated that Ms. Hook was given opportunities to mitigate the situation, none of which were done in a timely fashion.

Factual Allegations

Commissioner Schwartz moved that the factual allegations and violations were proven. Seconded by Commissioner Plummer. Motion passed 3-2 with Commissioners Gurr and Barrett opposed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$250.00 plus the cost of the hearing and investigation in the amount of \$2,981.69 to be paid within an appropriate time period.

Commissioner Schwartz moved that a fine of \$250.00 be imposed plus costs of \$2,981.69 to be paid within 60 days of the effective date of the order. Seconded by Commissioner Barrett.

Commissioner Barrett moved to amend the motion to a payment plan of approximately \$135.00 per month for 24 months until the \$250.00 fine plus costs of \$2,981.69 are paid in full. Seconded by Commissioner Plummer. Motion passed.

4-A) For possible action: Discussion and decision regarding respondent's request for reconsideration of disciplinary terms:

NRED v Juliann R. Sokach
Case # 2015-620

Parties Present

Juliann Sokach was present.

Ms. Sokach stated that she is requesting to extend her \$250.00 monthly payment for an additional year.

Teralyn Lewis, Administration Section Manager, stated that Ms. Sokach is in good standing with her payments. Ms. Lewis stated that Ms. Sokach has been making payments for two years.

Commissioner Barrett moved to extend the \$250.00 monthly payment for 12 more months adding an additional year to the existing payment plan. Seconded by Commissioner Schwartz. Motion passed.

5-A, B & C) For possible action: Discussion and decision concerning Real Estate Advisory Review Committee applications:

Jane Armstrong-Morse, License No.: BS.0039087

Lois Harper, License No.: BS.0144159.LLC

Robert Miller, License No.: BS.0017369.LLC

Commissioner Barrett moved to accept the three applications for the advisory review committee. Seconded by Commissioner Gurr. Motion passed.

3-A) Discussion regarding Administrator's report.

Sharath Chandra reported on Division issues. Mr. Chandra reported on the timelines for the new statutes to go into effect and be enforced.

3-B) Discussion regarding the Disciplinary Report.

Teralyn Lewis presented this report. Ms. Lewis provided the Commission with a written report.

3-C) Discussion regarding the Compliance Section's current caseload report, including a Summary of recent topics of complaints filed.

Jan Holle presented this report. Mr. Holle provided the Commission with a written report and summarized.

3-D) Discussion regarding the Administrative Sanction Report.

Jan Holle presented this report. Mr. Holle provided the Commission with a written report and summarized.

3-E-3) Discussion regarding Continuing Education Supervisor's reports on continuing education and post education roster upload submittals issues.

Kimberly Smith presented this report. Ms. Smith stated that the numbers being reported are from November 2019 to date. Ms. Smith stated that in November 2019, there were 681 roster uploads. Ms. Smith stated that in December 2019, there were 491 roster uploads. Ms. Smith stated that in January 2020, there were 871 roster uploads. Ms. Smith stated that in February 2020, there were 616 roster uploads. Ms. Smith stated that March 2020 is still being tracked. Ms. Smith stated that in November 2019, there were 121 post uploads. Ms. Smith stated that in December 2019, there were 241 post uploads. Ms. Smith stated that in January 2020, there were 104 post uploads. Ms. Smith stated that in February 2020, there were 90 post uploads. Ms. Smith stated that March 2020 is still being tracked.

3-E-1) Discussion regarding Continuing Education Supervisor's reports on continuing education Course audit program report.

Kimberly Smith provided the Commission with a written report.

3-F) Discussion regarding changes to the Real Estate Division Waiver Form No. 636 and Authorization to Negotiate Directly with Seller Form No. 637.

Commissioner Gurr stated her concerns regarding Forms 636 and 637. Commissioner Gurr stated that the language of the intent needs to be cleaned up on the forms.

Forrest Barbee stated concerns and ideas regarding changes to the forms in order to prevent the forms from being misused.

Sharath Chandra stated that the Division will discuss changes and possibly come up with a bulletin draft for the Commission to review.

3-G) Discussion regarding Duties Owed by a Nevada Real Estate Licensee Form No. 525.

Commissioner Gurr stated that the Duties Owed form should be updated to be more user friendly, appealing and meaningful so people will want to read it.

Forrest Barbee stated concerns and ideas regarding changes to the form.

Sharath Chandra stated and suggested that a work group be formed to develop a prototype then bring it to the Division to review for statute and regulation compliance.

Commissioner Gurr stated her concerns regarding changes to the Seller's Real Property Disclosure form including adding the disclosure of recording devices to the form.

President Reiss stated that this would be added to a future agenda.

3-H) Discussion regarding changes to post licensing education curriculum.

Commissioner Schwartz provided written comment on this matter. Commissioner Schwartz stated that the post licensing education program has not been reviewed since 2004.

Sharath Chandra stated that it will be re-visited to come up with suggestions, vet it through then when ready, explore making changes in the regulation

3-I) For possible action: Discussion, nomination and election of Vice-President for FY20 Pursuant to NRS.645.110.

Commissioner Schwartz moved for Commissioner Barrett to be Vice-President. Seconded by Commissioner Gurr. Motion passed 4-1 with Commissioner Barrett abstaining.

3-J) For possible action: Discussion and decision to approve minutes of the November 5-7, 2019 meeting.

Commissioner Barrett moved to approve the minutes as presented. Seconded by Commissioner Gurr. Motion passed.

3-K) For possible action: Discussion and decision to approve minutes of the February 7, 2020 meeting.

Commissioner Gurr moved to approve the minutes as presented. Seconded by Commissioner Barrett. Motion passed.

7) Public Comment

No public comment.

8) For Possible Action: Adjournment

Meeting adjourned at 1:56 p.m. on March 11, 2020.