

NEVADA REAL ESTATE COMMISSION MINUTES

November 5, 2019

Nevada State Business Center
3300 W. Sahara Avenue, Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:

Division of Insurance
1818 College Parkway, Suite 103
Carson City, Nevada 89706

The meeting was called to order at 9:06 AM

1-A) Introduction of Commissioners in Attendance

Neil Schwartz, Clark County; Lee Gurr, Elko County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark 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; Leah Holmes, Education staff.

In Carson City: Perry Faigin, Deputy Administrator.

2) Public Comment

David Boyer, real estate broker-sales licensee representing a group of subject matter experts (SMEs) working on the test bank for Pearson-Vue, read a letter into the record requesting the Commission initiate discussion with the Administrator to consider increasing the number of scored items on the property management exam which would cover more aspects of property management tasks. Mr. Boyer stated that the idea is to add an additional 10 scored items by the end of 2020 and an additional 10 scored items by the end of 2021.

Forrest Barbee stated that he supports the previous public comment by Mr. Boyer. Mr. Barbee stated his concerns over the new proposed regulations and provided his recommendation based on the areas that need to be concentrated on. Mr. Barbee stated that Senate Bill 230 was passed to improve professionalism. Mr. Barbee stated that the two concerns are the supervision by broker managers, broker-salespersons and brokers and the lack of education in pre-licensing even with salespeople and all the issues that support property management, landlord and tenant. Mr. Barbee stated that very little property management and landlord/tenant relations is being taught in pre-licensing. Mr. Barbee stated that nothing related to commercial and trust accounting is being taught to brokers and broker-salespeople who desperately need it. Mr. Barbee stated that the 30 additional education hours is good, but the Commission needs to be judicious in what is being added. Mr. Barbee stated that the 36 hours in continuing education will not improve professionalism if a simplistic solution is taken by adding more agency and ethics and ignoring the need for property management training.

Tiffany Banks, general counsel for Nevada Association of Realtors, commented that a copy of proposed regulation changes for NAC 645 was received and the association has been soliciting comments received by its members. Ms. Banks stated that the Division will be supplied with written testimony and would like the opportunity to engage in discussion with the Commission on behalf of their membership at the workshop.

6-J) NRED v Andrew Alberti Jr., for possible action
Case # 2017-776

Parties Present

Deputy Attorney General Dennis Belcourt was present representing the Division.
Andrew Alberti Jr. was present.

Preliminary Matters

Mr. Alberti stated he wanted to know if there were any non-realtors on the Commission. Mr. Alberti stated that he is not a member of a realtor organization and is a broker that works by himself.

Opening Statement

Mr. Belcourt gave his opening statement.
Mr. Alberti 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

Mr. Alberti testified.

The Commission questioned Mr. Alberti.

Mr. Alberti stated his case.

Closing Statements

Mr. Belcourt gave his closing statement.
Mr. Alberti gave his closing statement.

Factual Allegations

Commissioner Capurro moved that all factual allegations and violations have been proven.
Seconded by Commissioner Barrett. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$500 administrative fine plus the cost of hearing and investigation to be paid within 90 days of the effective date of the order.

Ms. Pattee stated that the costs are \$1,179.49.

Commissioner Gurr moved that a fine of \$500 be imposed plus costs of \$1,179.49 to be paid within 90 days of the effective date of the order. Seconded by Commissioner Schwartz.

Commissioner Barrett stated that Mr. Alberti stated the reason the \$500 initial fine was not paid was due to Mr. Alberti's fixed income. Commissioner Barrett stated that 90 days to pay the fine would not be fair. Commissioner Barrett stated that he would like to give respondent 12 or 24 months to pay the total amount.

Commissioner Barrett moved to amend the motion that a fine of \$500 be imposed plus the costs of \$1,179.49 to be paid in monthly equal payments within 24 months of the effective date of the order. Seconded by Commissioner Capurro. Motion passed.

6-D) NRED v Edward D. Lord, for possible action
Case # 2018-1449

Parties Present

Edward Lord was present via teleconference in Carson City.
Chad Pace was present via teleconference in Carson City representing Mr. Lord.
Deputy Attorney General Peter Keegan was present representing the Division.

Commissioner Capurro disclosed that many years ago he sat on a professional standards panel which Mr. Lord was a participant. Commissioner Capurro stated that he doesn't want to recuse himself unless Mr. Lord feels differently.

Mr. Lord and Mr. Pace stated that they were fine with Commissioner Capurro not recusing himself.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division a fine of \$3,000.00 plus \$1,500.00 in administrative costs within 1 year of the date of the Commission's order approving the settlement.
- 3 hours of live course continuing education in agency and 3 hours of live course continuing education in ethics must be completed within 180 days of the effective date of the Commission's order approving the stipulation. Such continuing education shall not accrue toward license renewal requirements.

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

6-E) NRED v Cesar Talavera, for possible action
Case # 2018-1272

Parties Present

Cesar Talavera was present.
Michael Feder was present representing Mr. Talavera.
Deputy Attorney General Peter Keegan was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division a fine of \$10,000.00 plus \$1,030.00 in administrative costs. Respondent agrees to pay \$2,000.00 immediately and the balance within 18 months of the date of the Commission's order approving the stipulation.
- 3 hours of live course continuing education in agency and 3 hours of live course continuing education in ethics must be completed within 180 days of the effective date of the Commission's order approving the stipulation. Such continuing education shall not accrue toward license renewal requirements.

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

6-A) NRED v Jason Farrant, for possible action
Case # 2017-1167

Parties Present

Jason Farrant was present.

Andrew Pastwick was present representing Mr. Farrant.

Deputy Attorney General Peter Keegan was present representing the Division.

Preliminary Matters

Mr. Keegan requested confirmation from Mr. Pastwick that there was a stipulation to the Notice of Documents that were submitted to the Commission in terms of admissibility.

Mr. Pastwick stated that there was no objection.

Opening Statements

Mr. Keegan gave his opening statement.

Mr. Pastwick gave his opening statement.

The matter was opened up for questioning by the Commission.

Factual Allegations

Commissioner Barret moved that the factual allegations and violation were proven. Seconded by Commissioner Schwartz.

Commissioner Gurr stated that she is speaking against the motion. Commissioner Gurr stated that she doesn't think Mr. Farrant's activities require a property management permit.

Motion failed 1-4 with Commissioners Schwartz, Capurro, Gurr and President Reiss opposed.

Commissioner Gurr moved that the factual allegations were not proven. Seconded by Commissioner Capurro. Motion failed 2-3 with Commissioners Schwartz, Barrett and President Reiss opposed.

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

Violations of Law

Commissioner Gurr moved that the violation was not proven. Seconded by Commissioner Capurro. Motion passed 4-1 with Commissioner Barrett opposed.

No disciplinary action was ordered by the Commission.

6-K) NRED v Melanie Cohen, for possible action
Case # 2017-149 & 2017-2495

Parties Present

Melanie Cohen was present.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division a fine of \$10,000.00 plus \$1,030.00 in administrative costs.
- Respondent agrees to pay \$2,000.00 immediately and the balance within 18 months of the date of the Commission's order approving the stipulation.

- 3 hours of live course continuing education in agency and 3 hours of live course continuing education in ethics must be completed within 180 days of the effective date of the Commission's order approving the stipulation. Such continuing education shall not accrue toward license renewal requirements.

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

6-Q) NRED v William G. Withelder, for possible action
Case # 2017-1839

Parties Present

William Withelder was present via telephone.

Deputy Attorney General Karissa Neff was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay complainant \$2,364.15 and provide proof of the payment to claimant to the Division plus pay Division \$1,535.85 in administrative costs within 60 days of the effective date of the Commission's order approving the settlement.
- 3 hours of live course continuing education in ethics 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.

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

6-N) NRED v Alexey Dolginov, for possible action
Case # 2017-1462

Parties Present

Alexey Dolginov was present via telephone.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division a fine of \$2,000.00 plus \$648.72 in administrative costs within 60 days of the effective date of the Commission's order approving the settlement.

Commissioner Barrett stated that in some instances with stipulations, the cases need to be heard because more and more misconduct by licensees and brokers is occurring.

Commissioner Barrett moved to accept the stipulation as presented. Seconded by Commissioner Capurro.

Commissioner Gurr stated she is against the motion. Commissioner Gurr stated that this is an instance where the respondent failed to deposit a \$10,000 earnest money deposit in a timely manner. Commissioner Gurr stated that she concurs with Commissioner Barrett in that often it sounds like the Commission is sending a message that it's okay to do things that are in direct contradiction of fiduciary duties to the client and the transaction. Commissioner Gurr stated that the amount of the fine is incredibly low.

Commissioner Schwartz stated that he will not support the motion.

Motion failed 2-3 with Commissioners Barrett, Schwartz and Gurr opposed.

6-C) NRED v Michael Roark, for possible action
Case # 2017-650

Parties Present

Michael Roark was present.

Deputy Attorney General Dennis Belcourt was present representing the Division.

Preliminary Matters

President Reiss recused himself from the case because he has an interest in a company that the respondent works for.

Vice-President Capurro replaced President Reiss.

Opening Statements

Mr. Belcourt gave his opening statement.

Mr. Roark gave his opening statement.

Mr. Belcourt requested that the notice of documents be admitted as State's exhibits.

Vice-President Capurro stated that the notice of documents would be admitted.

State's Witness

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

Mr. Roark cross-examined Ms. Clark.

Mr. Roark requested an exhibit be admitted.

Mr. Roark continued his cross-examination of Ms. Clark.

Mr. Belcourt objected to the exhibit being admitted.

Vice-President Capurro sustained the objection.

Mr. Roark continued his cross-examination of Ms. Clark.

Mr. Belcourt re-examined Ms. Clark.

Mr. Roark re-examined Ms. Clark.

The witness was dismissed.

Respondent's Witness

Jan Holle testified.

The witness was dismissed.

Mr. Roark stated his case.

Closing Statements

Mr. Belcourt gave his closing statement.

Mr. Roark gave his closing statement.

The Commission questioned Mr. Roark.

Factual Allegations

Commissioner Gurr moved that factual allegations 1-6 were proven. Seconded by Commissioner Barrett. Motion passed.

Violations of Law

Commissioner Gurr moved that there are no violations of law. Seconded by Commissioner Schwartz. Motion passed.

No disciplinary action was ordered by the Commission.

6-F) NRED v Kevin Boeve, for possible action

Case # 2018-561

6-G) NRED v Pablo Rodriguez, for possible action

Case # 2018-97

6-H) NRED v Neil Naran, for possible action

Case # 2018-562

6-I) NRED v Todd Manning, for possible action

Case # 2018-973

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

Michael Feder and Jill Rowe were present representing Kevin Boeve, Pablo Rodriguez, Neil Naran and Todd Manning.

Kevin Boeve was present.

Pablo Rodriguez was present.

Neil Naran was present.

Todd Manning was present.

Preliminary Matters

Ms. Rowe presented a motion to have the Commission recuse themselves.

Mr. Keegan stated that the Division objects to the motion on the basis that there should have been a filed written motion as opposed to an oral motion.

President Reiss sustained the objection and denied the motion.

Ms. Rowe presented her rebuttal.

Deputy Attorney General Asheesh Bhalla read into the record the latest District Court order from Case# 2:16-cv-01299-RFB-GWF issued by the Nevada District Court on July 18, 2019.

Ms. Rowe stated for the record that the recusal motion has nothing to do with constitutionality. Ms. Rowe stated that the court order read into the record has nothing to do with the recusal motion or the motion to dismiss.

Ms. Rowe presented a motion to dismiss the cases against Mr. Boeve, Mr. Rodriguez, Mr. Naran and Mr. Manning.

Mr. Keegan stated that the Division objects to the motion. Mr. Keegan stated that he does not see a legal basis to dismiss.

Ms. Rowe stated the legal basis to dismiss.

Mr. Keegan objected to the legal basis to dismiss.

Ms. Rowe presented her rebuttal.

President Reiss denied the motion to dismiss.

Mr. Keegan requested that respondents' counsel stipulate to the State's exhibits 000001-000472.

Ms. Rowe requested that respondents' exhibits be admitted.

Mr. Keegan objected to the admission of respondent's exhibits based on NAC 645.850 requiring that documentation be provided 5 working days in advance.

Ms. Rowe presented her rebuttal. Ms. Rowe stated that counsels were not aware that the documents had to be provided 5 working days in advance. Ms. Rowe stated that in past meetings, the documents were provided the day of the meeting.

Mr. Feder stated that Mr. Keegan did not request the documents be provided 5 working days in advance.

President Reiss stated that respondents' documents would be admitted with the objection noted.

Opening Statements

Mr. Keegan gave his opening statement in Mr. Boeve's case.

Mr. Keegan gave his opening statement in Mr. Rodriguez's case.

Mr. Keegan gave his opening statement in Mr. Manning's case.

Mr. Keegan gave his opening statement in Mr. Naran's case.

Ms. Rowe gave her opening statement.

State's Witness

Daryl McCloskey, Compliance Audit Investigator, testified.

7) Public Comment

No public comment.

8) For Possible Action: Adjournment

Meeting recessed at 4:23 p.m. on November 5, 2019.

November 6, 2019

Nevada State Business Center
3300 W. Sahara Avenue, Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:

Division of Insurance
1818 College Parkway, Suite 103
Carson City, Nevada 89706

The meeting was called to order at 9:00 AM

1-A) Introduction of Commissioners in Attendance

Neil Schwartz, Clark County; Lee Gurr, Elko County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark 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; Leah Holmes, Education staff; Deputy Attorney Generals Dennis Belcourt, Peter Keegan and Vivienne Rakowsky representing the Division.

In Carson City: Perry Faigin, Deputy Administrator.

2) Public Comment

No public comment.

6-F) NRED v Kevin Boeve, for possible action

Case # 2018-561

6-G) NRED v Pablo Rodriguez, for possible action

Case # 2018-97

6-H) NRED v Neil Naran, for possible action

Case # 2018-562

6-I) NRED v Todd Manning, for possible action

Case # 2018-973

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

Michael Feder and Jill Rowe were present representing Kevin Boeve, Pablo Rodriguez, Neil Naran and Todd Manning.

Kevin Boeve was present.

Pablo Rodriguez was present.

Neil Naran was present.

Todd Manning was present.

State's Witness

Daryl McCloskey, Compliance Audit Investigator, testified.

Ms. Rowe cross-examined Mr. McCloskey.

Mr. Keegan re-examined Mr. McCloskey.

Ms. Rowe re-examined Mr. McCloskey.

The witness was dismissed.

3-J) For possible Action: Discussion and decision on date, time, place & agenda items for upcoming meetings, including setting meeting dates for 2020.

The Commission agreed to the following dates for 2020 Commission meetings.

- March 10-12, 2020 in the South
- June 16-18, 2020 in the South
- September 1-3, 2020 in the North
- December 7-9, 2020 in the South

6-F) NRED v Kevin Boeve, for possible action
Case # 2018-561

6-G) NRED v Pablo Rodriguez, for possible action
Case # 2018-97

6-H) NRED v Neil Naran, for possible action
Case # 2018-562

6-I) NRED v Todd Manning, for possible action
Case # 2018-973

State's Witness

Mr. Boeve testified.

The Commission questioned Mr. Boeve.

The witness was dismissed.

State's Witness

Mr. Rodriguez testified.

Ms. Rowe cross-examined Mr. Rodriguez.

The Commission questioned Mr. Rodriguez.

The witness was dismissed.

State's Witness

Mr. Manning testified.

The Commission questioned Mr. Manning.

The witness was dismissed.

President Reiss stated that this matter will reconvene at the next Real Estate Commission meeting on March 10, 2020.

7) Public Comment

No public comment.

8) For Possible Action: Adjournment

Meeting recessed at 4:32 p.m. on November 6, 2019.

November 7, 2019

Nevada State Business Center
3300 W. Sahara Avenue, Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:

Division of Insurance
1818 College Parkway, Suite 103
Carson City, Nevada 89706

The meeting was called to order at 9:00 AM

1-A) Introduction of Commissioners in Attendance

Neil Schwartz, Clark County; Lee Gurr, Elko County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) Introduction of Division Staff in Attendance

In Las Vegas: Sharath Chandra, Administrator; Jan Holle, Chief Compliance Audit Investigator; Annalyn Carrillo, Education & Information Officer; Kimberly Smith, Education Supervisor; Deputy Attorney Generals Dennis Belcourt, Peter Keegan and Karissa Neff representing the Division.

In Carson City: Perry Faigin, Deputy Administrator.

2) Public Comment

No public comment.

3-I) For possible Action: Discussion and decision to approve minutes of the August 20-22, 2019 meeting.

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

6-B) NRED v Carol A. Curtis, for possible action
Case # 2017-1322

Parties Present

Carol Curtis was present.
Deputy Attorney General Dennis Belcourt was present representing the Division.

Opening Statements

Mr. Belcourt gave his opening statement.
Ms. Curtis gave her opening statement.

Mr. Belcourt requested 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

Daryl McCloskey, Compliance Audit Investigator, testified.

Ms. Curtis cross-examined Mr. McCloskey.

The witness was dismissed.

State's Witness

Geoffrey Lavell testified.

Ms. Curtis cross-examined Mr. Lavell.

The Commission questioned Mr. Lavell.

The witness was dismissed.

State's Witness

Ms. Curtis testified.

The Commission questioned Ms. Curtis.

Mr. Belcourt stated that his Case-in-Chief is concluded.

Ms. Curtis stated her case.

Factual Allegations

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

Commissioner Gurr stated that she didn't hear testimony regarding factual allegations 1 and 2. Commissioner Gurr stated that she wanted to hear whether Ms. Curtis's current license and property management permit is active.

Jan Holle stated that it is in the complaint that Ms. Curtis's license and property permit are active.

Motion passed 4-1 with Commissioner Gurr opposed.

Violations of Law

Commissioner Gurr moved that violations 9, 10 and 11 were proven. Seconded by Commissioner Schwartz. 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 to be paid within 90 days of the effective date of the order.
- Respondent's license and property management permit be revoked.

Evelyn Pattee stated that the costs were \$3,548.83.

Commissioner Capurro moved to impose a \$15,000 fine plus costs of \$3,548.83 to be paid within 90 days of the effective date of the order and license and property management permit revocation. Seconded by Commissioner Schwartz. Motion passed.

6-R) NRED v Michael C. Gonyea, for possible action
Case # 2017-1299

Parties Present

Michael C. Gonyea was present.

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. Neff requested that documents be admitted as State's exhibits.

President Reiss stated that the documents would be admitted.

Opening Statements

Ms. Neff gave her opening statement.

Mr. Gonyea gave his opening statement.

State's Witness

Maria Martin, Compliance Audit Investigator, testified.

Mr. Gonyea cross-examined Ms. Martin.

Ms. Neff re-examined Ms. Martin.

The Commission questioned Ms. Martin.

State's Witness

Mr. Gonyea testified.

The Commission questioned Mr. Gonyea.

Mr. Gonyea stated his case.

The Commission questioned Mr. Gonyea.

Factual Allegations

Commissioner Capurro moved that all 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 \$30,000 plus the cost of the hearing and investigation to be paid within 6 months of the effective date of the order.
- Respondent's property management permits be revoked, and brokers licenses downgraded to salesperson license.

Commissioner Capurro stated that \$30,000 is too much. Commissioner Capurro stated that he agrees with the license downgrade and the costs of the investigation. Commissioner Capurro stated that the respondent has been honest and is taking responsibility.

Commissioner Gurr stated that she agrees with Commissioner Capurro. Commissioner Gurr stated that the amount of the fine is excessive. Commissioner Gurr stated that revoking the property management permits is appropriate.

Commissioner Barrett stated that the amount of the fine is justified.

Evelyn Pattee stated that the costs were \$4,936.34.

Commissioner Capurro stated that although no member of the public has been harmed, it's not an exonerating factor however it is a mitigating factor. Commissioner Capurro stated that he is arguing for a lesser fine.

President Reiss stated that there was a lot of discussion about broker responsibility the past 3 days.

President Reiss stated that there is an issue regarding brokers not knowing their responsibilities.

President Reiss stated that the amount of the fine is not an issue. President Reiss stated that he agrees

with the property management permit revocation. President Reiss stated that regarding the license downgrade, he believes the respondent now has a better understanding of what was neglected.

Commissioner Gurr moved to impose a fine of \$10,000 plus costs of \$4,936.34 to be paid within the next 180 days and revocation of property management permits. Seconded by Commissioner Capurro.

Commissioner Schwartz stated that he is not in favor of the motion. Commissioner Schwartz stated that 90% of this case has to do with broker responsibilities. Commissioner Schwartz stated that the license should be downgraded.

Commissioner Barrett moved to amend the motion by adding the license downgrade. Seconded by Commissioner Schwartz. Motion passed.

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

**4-D) For possible action: Discussion and decision regarding license denial appeal:
Shlomo Coneh File No. S-LDA-19-009**

Parties Present

Shlomo Coneh was present.

Susan Clark, Licensing Manager for the Real Estate Division, stated the reason Mr. Shlomo's application for salesperson license was denied.

Mr. Coneh gave his statement.

The Commission questioned Mr. Coneh.

The Commission questioned Ms. Clark.

Commissioner Schwartz moved to grant Mr. Coneh a real estate license. Seconded by Commissioner Gurr. Motion passed.

**4-C) For possible action: Discussion and decision regarding license denial appeal:
Estrella Dela Cruz File No. S-LDA-19-008**

Parties Present

Estrella Dela Cruz was present.

Susan Clark, Licensing Manager for the Real Estate Division, stated the reason Ms. Dela Cruz's application for salesperson license was denied.

Ms. Dela Cruz gave her statement.

The Commission questioned Ms. Dela Cruz.

Commissioner Schwartz moved to grant Ms. Dela Cruz a real estate license. Seconded by Commissioner Barrett. Motion passed 4-1 with Commissioner Gurr opposed.

**4-B) For possible action: Discussion and decision regarding license denial appeal:
Tanikka Queen File No. S-LDA-19-007**

Tanikka Queen was not present. The Division's decision to deny Ms. Queen's application stands.

**4-A) For possible action: Discussion and decision regarding license denial appeal:
David Lysne File No. S-LDA-19-006**

David Lysne was not present. The Division's decision to deny Mr. Lysne's application stands.

5-A) For possible action: Discussion and decision concerning Real Estate Advisory Review Committee application:

Judith E. (Judy) Cook, License No.: B.0015980.LLC

Commissioner Barrett moved to accept the application for the advisory review committee. Seconded by Commissioner Schwartz. Motion passed.

6-L) NRED v Barry M. Ross, for possible action
Case # 2017-2287

Parties Present

Deputy Attorney General Dennis Belcourt was present representing the Division.
Mr. Ross was not present.

Mr. Belcourt stated the Division would submit that there was proper service upon Mr. Ross.

State's Witness

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

Commissioner Gurr 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 Barrett.
Motion passed.

Mr. Belcourt 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 \$15,000 plus the cost of the hearing and investigation to be paid within 90 days of the effective date of the order.

Ms. Pattee stated the costs are \$635.90.

Commissioner Schwartz moved to impose a fine of \$15,000 plus costs of \$635.90 payable within 30 days of the effective date of the order. Seconded by Commissioner Barrett.
Motion passed.

6-M) NRED v Rich Baron, for possible action
Case # 2017-1770

Parties Present

Deputy Attorney General Dennis Belcourt was present representing the Division
Mr. Baron was not present.

Mr. Belcourt stated the Division would submit that there was proper service upon Mr. Baron.

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 Capurro.
Motion passed.

Mr. Belcourt 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 Capurro. 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 to be paid within 90 days of the effective date of the order.
- Revocation of broker license.

Ms. Pattee stated the costs are \$772.21.

Commissioner Schwartz moved to impose a fine of \$15,000 plus costs of \$772.21 payable within 90 days of the effective date of the order and revocation of broker license. Seconded by Commissioner Gurr. Motion passed.

6-O) NRED v Clarissa Gascon Caro, for possible action
Case # 2017-1962

Parties Present

Deputy Attorney General Dennis Belcourt was present representing the Division
Ms. Gascon Caro was not present.

Mr. Belcourt stated the Division would submit that there was proper service upon Ms. Gascon Caro.

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 Gurr.
Motion passed.

Mr. Belcourt read the factual allegations and violation of law into the record.

Commissioner Schwartz moved that the factual allegations and violation were proven. Seconded by Commissioner Capurro.

Commissioner Gurr stated that this type of action is civil since it is a personal loan situation.
Commissioner Gurr stated that this is not a real estate related transaction.

Motion passed 4-1 with Commissioner Gurr opposed.

Division's Recommendation for Discipline

Jan Holle presented this:

- Fine in the amount of \$10,000 plus the cost of the hearing and investigation to be paid within 90 days of the effective date of the order.
- Revocation of real estate license.

Ms. Pattee stated the costs are \$648.72.

Commissioner Schwartz moved to impose a fine of \$10,000 plus costs of \$648.72 payable within 90 days of the effective date of the order and revocation of real estate license. Seconded by Commissioner Barrett. Motion passed 4-1 with Commissioner Gurr opposed.

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

Tabled to the next Real Estate Commission meeting.

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

Tabled to the next Real Estate Commission meeting.

3-D) 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-E) Discussion regarding the Administrative Sanction Report.

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

3-A) Discussion regarding Administrator's report.

Sharath Chandra reported on Division issues.

Mr. Chandra reported on the framework for the new statutes to go into effect and be enforced.

3-B) Discussion regarding the Disciplinary Report.

Teralyn Lewis provided the Commission with a written report.

3-C) Discussion regarding the Attorney General's report.

Asheesh Bhalla stated that there is nothing to report at this time.

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

Kimberly Smith presented this report. Ms. Smith stated that the numbers are from June 2019 to date. Ms. Smith stated that in June 2019, there were 963 roster uploads and 0 midterm certificates. Ms. Smith stated that in July 2019, there were 1,052 roster uploads and 0 midterm certificates. Ms. Smith stated that in August 2019, there were 959 roster uploads and 0 midterm certificates. Ms. Smith stated that in September 2019, there were 1,147 roster uploads and 0 midterm certificates. Ms. Smith stated that in October 2019, there were 1,096 roster uploads and 0 midterm certificates.

The Commissioners presented Commissioner Schwartz with a plaque.

7) Public Comment

No public comment.

8) For Possible Action: Adjournment

Meeting adjourned at 3:14 p.m. on November 7, 2019.