

**NEVADA REAL ESTATE COMMISSION
MINUTES**

IN PERSON AND VIRTUAL VIA WEBEX

November 7, 2023

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor – Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:
Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

The meeting was called to order at 9:05 AM

1-A) Introduction of Commissioners in Attendance

David Tina, Clark County; Lee Gurr, Elko County; Darrell Plummer, Washoe County; Russell Roth, Clark County; and Donna A. Ruthe, Clark County

Commission Counsel: Deputy Attorney General Ziwei Zheng

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Kelly Valadez, Commissioner Coordinator; Maria Gallo, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator, and staff; Annalyn Carrillo, Education and Information Officer; Kyle Moorner, C.E. Program Specialist; Senior Deputy Attorney General Phil Su and Deputy Attorney General Christal Keegan representing the Division.

2) Public Comment

Geoffrey Lavell stated that he would like to see solar as a required continuing education credit under risk reduction because of the unregulated nature of the industry. Mr. Lavell stated that many Nevadans are left with derelict solar panels because the installer has gone out of business and real estate practitioners are generally unfamiliar with what solar processes exist, whether that be purchase agreements, leased, financed, or outright owned solar. Mr. Lavell stated that solar is here to stay which creates nuances that cannot be avoided and possible liability for licensees and brokers that oversee those licensees.

9-M) NRED v Marshall Carrasco, for possible action
Case No. 2023-533

Parties Present

Marshall Carrasco was present.

Thierry Barkley, Esq. was not present representing Mr. Carrasco.

Christal Keegan was present representing the Division.

President Gurr stated that this matter was granted a continuance until the next scheduled Commission meeting.

4-A) For Possible Action: Discussion and Decision Regarding Respondent's Petition for Rehearing of Disciplinary Action
NRED v Marshall Carrasco
Case Nos. 2021-1122 and 2022-120

Parties Present

Marshall Carrasco was present.

Hal Taylor, Esq. was present representing Mr. Carrasco.

Deputy Attorney General Christal Keegan was present representing the Division.

Ms. Keegan stated that NAC 645.820(4) prohibits oral arguments in support of the petition so the Commission should make their determination on the briefings filed. Ms. Keegan stated that Mr. Carrasco's response to the State's opposition was filed within three working days prior to the hearing and absence good cause the State objects to the admission of his untimely response. Ms. Keegan stated that this matter as requested and noticed should only be considered as a request for rehearing not a reconsideration of disciplinary terms. Ms. Keegan stated that Mr. Carrasco has filed for judicial review and the Division has delayed revoking his license pending the Commission's decision regarding this rehearing request.

Mr. Taylor stated that he agrees with the restriction of oral arguments and the Commission can seek the information they need to make their decision. Mr. Taylor stated that he authored the response to the opposition, but the original request submitted in a letter and pleading form was drafted and filed by attorney Robert Kilroy. Mr. Taylor stated that the response should be considered by the Commission in making their determination. Mr. Taylor stated that Mr. Carrasco is not seeking a rehearing on the whole matter but the opportunity to discuss possible terms and mitigation regarding the discipline imposed. Mr. Taylor stated that he is withdrawing any reference in the letter and pleading to opposing counsel's previous licensure in real estate because it has no relevance in this case.

Commissioner Plummer stated that Mr. Carrasco received a continuance in May of 2023, and in August when the cases were to be before the Commission, Mr. Carrasco was not present because of a family matter and the Commission moved forward with a default creating the disciplinary action that revoked all licenses. Commissioner Plummer stated that if the request is granted it will be another three months before the cases are heard.

Mr. Taylor stated that Mr. Carrasco is not seeking a full hearing on the entire case, but just the matters regarding the serious discipline.

Commissioner Plummer stated that there is a difference between reconsideration of disciplinary terms and rehearing of disciplinary action and if the Commission granted a rehearing it would proceed as a full hearing.

President Gurr stated that six months have passed since the initial hearing was supposed to take place and the matters are still dragging on and during the past six months there was plenty of time to provide a timely response and not just three days before it was due. President Gurr stated that the discipline authorized was the result of Mr. Carrasco not being able to show up due to a family matter.

Commissioner Plummer stated that he would like to know if there were any settlement discussions to try and settle the matters.

Ms. Keegan stated that the State extended settlement terms to Mr. Carrasco, but Mr. Carrasco replied that it was in his best interest to contest the case.

Mr. Taylor stated that if there was a rehearing and the previously proposed settlement terms were discussed, the Commission might conclude that Mr. Carrasco, who is a non-attorney, might not have fully understood the settlement terms being presented.

Ms. Keegan stated that the basis for Mr. Carrasco's first continuance was for him to be able to consult with an attorney and Mr. Carrasco was asked numerous times if he was going to hire an attorney and Mr. Carrasco chose to represent himself in these matters.

Mr. Taylor stated that with regards to Mr. Carrasco not being an attorney, he did not understand what the consequences would be by making the decision to represent himself. Mr. Taylor stated that Mr. Carrasco would like the ability to present certain matters that might give the Commission additional information to consider possible mitigation of the discipline, not to retry the cases.

Ms. Keegan stated that the Commission should stand by their default order and deny the respondent's request for a rehearing because these disciplinary hearing should not be secondary to the respondent's convenience. Ms. Keegan stated that Mr. Carrasco admits in his response that his grandmother was set up in 24-hour hospice care and that he was in driving distance to internet access. Ms. Keegan stated that Mr. Carrasco claims delays in sending emails but when looking at his communications with the Division and the State from Friday, August 18, 2023 through Monday, August 21, 2023 prior to the hearings, they are contemporaneous in time starting early in the morning until late afternoon. Ms. Keegan stated that the Commission considered the case and ordered the discipline as statutorily defined without Mr. Carrasco being present and it is not the Division's job to present the case for a party who does not show up.

Commissioner Ruthe stated that she is against granting a rehearing.

Commissioner Tina stated that he agrees with Commissioner Ruthe and is against a petition for rehearing.

Commissioner Roth stated that he does not have a strong opinion either way.

Commissioner Plummer stated that he feels the respondent didn't take this matter seriously. Commissioner Plummer stated that if this request was a reconsideration of the disciplinary terms, he would consider that, but to grant a rehearing he has mixed feelings. Commissioner Plummer stated the fine amount was large due to the finding of default because Mr. Carrasco chose not to be present. Commissioner Plummer stated that Mr. Carrasco had the ability to be present and he should have understood the circumstances of his failure to attend after being given a continuance at his own request. Commissioner Plummer stated that the agenda item is rehearing of disciplinary action not a rehearing of disciplinary terms.

President Gurr stated that the Commission is considering a petition for rehearing that was drawn up by another attorney requesting a rehearing and she is not in favor of granting this petition even though Mr. Taylor has stated all that is being requested is a rehearing on the fines, penalties, and discipline.

Commissioner Tina moved in the matter of NRED v Marshall Carrasco case numbers 2021-1122 and 2022-120 that the Commission deny the petition for reconsideration of disciplinary action. Seconded by Commissioner Ruthe. Motion carried.

5-A) For Possible Action: Discussion and Decision Regarding Respondent's Petition for Rehearing of Disciplinary Action
NRED v Michael Sloane
Case No. 2021-1217

Parties Present

Michael Sloane was present.

Senior Deputy Attorney General Phil Su was present representing the Division.

Mr. Su stated that NAC 645.820(4) states there should be no oral arguments in support of the petition is not permitted, but if the Commission would allow, he would like to state his reasons against the petition. Mr. Su stated that Mr. Sloane did not provide an answer to the complaint which Mr. Sloane admits to receiving in his request for rehearing.

Mr. Sloane stated that after he received notice of his violation, he reached out to the investigator several times to inquire when he would be put on the agenda and each time, he was told that he was not on the agenda and when he was, he would receive an email and mailing when the case was scheduled. Mr. Sloane stated that he made sure that the investigator had his correct email and home address, but never received anything for over a year, which made him foolishly think that the complaint had been dropped. Mr. Sloane stated that in August, he reinstated his license and updated his address with the Division and on September 10, 2023, he received mail with the fine and discipline where he had missed the hearing. Mr. Sloane stated that he would not have missed the hearing if had been aware of the date because that is not in his character, and he was very concerned with the situation.

Mr. Su stated that the respondent did not receive the complaint and notice of hearing because he failed to update his address with the Division which is his responsibility.

Commissioner Ruthe asked when Mr. Sloane updated his address with the Division.

Mr. Su stated that he updated his address on August 30, 2023.

Commissioner Plummer stated that he believes that the complaint was served to Mr. Sloane's old address that he did not keep current with the Division, but that Mr. Sloane would have been present if he knew about the hearing. Commissioner Plummer stated that he would be in favor of a rehearing in this matter.

Commissioner Plummer moved in the matter of NRED v Michael Sloane case number 2021-1217 that the Commission approve the request for rehearing of disciplinary action. Seconded by Commissioner Ruthe. Motion carried.

6-A) For Possible Action: Discussion and Decision Regarding Respondent's Petition for Reconsideration of Disciplinary Terms
NRED v Ali Shahrokhi
Case No. 2021-622

Parties Present

Ali Shahrokhi was present.

Senior Deputy Attorney General was present representing the Division.

Phil Su stated that Mr. Shahrokhi signed a stipulation for settlement with the Division but has not abided by the terms of the settlement and is in default. Mr. Su stated that Mr. Shahrokhi is trying to rely on a case that has no bearing on his personal custody matter and there is no order from a court overturning the district court proceeding. Mr. Su stated Mr. Shahrokhi has failed to live up to his part of the stipulated agreement and is trying to negotiate to pay only the costs set forth in the agreement and not the administrative fine. Mr. Su stated that Mr. Shahrokhi agreed to pay \$283.08 per month beginning April 1, 2023 and has not made any payments so his request should not be considered.

Mr. Shahrokhi stated that prior to signing the stipulation for settlement he emailed with a different Deputy Attorney General that was handling his case and asked if his child custody order was vacated if it would be possible to go back before the Commissioners and request that the stipulation with the Division be vacated. Mr. Shahrokhi stated that there is recent case law that has been published by the Nevada Court of Appeals that supports his position. Mr. Shahrokhi stated that he filed a petition with the Nevada Supreme Court based on the new case precedent requesting that his child custody order be vacated.

President Gurr stated that on page 3 lines 12-22 in the stipulation, it states that the respondent agrees and understand by signing the stipulation, your rights to reconsideration and/or rehearing, appeal and/or judicial review and all other rights which may be accorded by the Nevada Administrative Procedure Act are waived.

Commissioner Tina asked Mr. Shahrokhi if he had made any payment towards the stipulation since it was signed.

Mr. Shahrokhi stated that he mailed a payment in May that was never received by the Division. Mr. Shahrokhi stated that he received a letter from the Division in August stating that his license was suspended for non-payment. Mr. Shahrokhi stated that he contacted the Division immediately to make a payment but was told he could no longer make payments and that he would need to pay the balance in full.

Commissioner Ruthe moved in the matter of NRED v Ali Shahrokhi case number 2021-622 that the Commission rejects the petition for reconsideration of disciplinary terms. Seconded by Commissioner Plummer. Motion carried.

9-A) NRED v Ronald M. Powell, for possible action
Case No. 2020-401

Parties Present

Ronald Powell was present.

Steven Mack, Esq. was present representing Mr. Powell.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Phil Su stated that a settlement had been reached. Mr. Su read the factual allegations, alleged violations of law, and settlement into the record.

Settlement

- It is the intent of the parties that, to all reasonable extent, Respondent assist Complainant in obtaining a marketable title to the motor home currently affixed to the Property (the "Motor Home Titling Process"), and as to the same:
- Respondent had already cooperated in the Motor Home Titling Process, with the Division and Complainant; and
- Respondent further agrees to continue to cooperate in the Motor Home Titling Process in the same manner, if any further administrative requirements or costs may still arise as to the same, provided that Respondent would have been required to do so had Respondent acted as a direct real property seller of the Property to Complainant, as of the time of the Second Assignment, and expressly committed to provide Complainant with a marketable title to the motor home affixed to the Property, at that time.
- By way of example, but without any limitations on any of the foregoing, costs, fees, and taxes that are normally allocated to time periods after the Second Assignment (i.e., past July 14, 2017) are not, as they would not have been, Respondent's responsibility under this Stipulation.

Further, it is the intent of the parties hereto that no other party, including Complainant, may claim to be third party beneficiary under this Stipulation nor have any standing whatsoever to bring suit hereunder. Without any limitations on Section 10 of this Stipulation, the Division may not utilize the associated Complaint or the factual allegations therein against Respondent in any future proceedings brought by the Division. In specific reliance on Respondent's stated commitments to Complainant's Motor Home Titling Process, in Sections l(A) and l(B) of this Stipulation, the Division shall not require

Respondent to pay any fines, pre-hearing costs, or attorneys' fees that would otherwise be payable to the Division.

Mr. Mack stated that Mr. Powell agreed to the stipulation.

Commissioner Ruthe moved in the matter of NRED v Ronald Powell case number 2020-401 to approve the stipulation as presented. Seconded by Commissioner Tina. Motion carried.

9-B) NRED v Scott Shandrew, for possible action
Case No. 2022-240

Parties Present

Scott Shandrew was present.

Dane A. Littlefield, Esq. was present representing Mr. Shandrew.

Deputy Attorney General Christal Keegan was present representing the Division.

Preliminary Matters

Christal Keegan stated that a settlement had been reached. Ms. Keegan read the proposed settlement terms into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$6,937.00 (“Amount Due”), consisting of a \$5,000.00 administrative fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$470.00, and the Attorney’s pre-hearing costs and fees in the amount of \$1,467.00 within 24 months.

The amount Due shall be payable to the Division as follows:

Respondent shall pay \$290 a month, with monthly payments to start sixty (60) days after approval of this Stipulation by the Commission, as follows:

1st Year: 12 payments at \$290/month

2nd Year: 11 payments at \$290/month

With \$267.00 to be paid on the 12th and final payment in the 2nd year for a total payment of \$6,937.00, as being the total Amount Due hereunder. At any time, Respondent may elect to make pre-payments on the Amount Due with no penalties so long as the monthly amount due in the annual period is satisfied in full as specified above.

- Respondent further agrees that he shall not apply for broker-salesperson and/or broker licenses for a period of five (5) years after approval of this Stipulation.

Commissioner Plummer moved in the matter of NRED v Scott Shandrew case number 2022-240 to accept the stipulation for settlement as presented. Seconded by Commissioner Tina. Motion carried.

9-C) NRED v Greg DeVille, for possible action
Case No. 2022-536

Parties Present

Greg DeVille was not present.

Deputy Attorney General Christal Keegan was present representing the Division.

Preliminary Matters

Christal Keegan stated that Mr. DeVille was advised that the Commission expected his attendance. Mr. Keegan stated there is a signed stipulation for settlement to be presented to the Commission despite Mr. DeVille not being present.

Ms. Keegan read the factual allegations, alleged violations, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$4,665.60 (“Amount Due”), consisting of a \$1,000.00 administrative fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$1,310.00, and the Attorney’s pre-hearing costs and fees in the amount of \$2,355.60.
- The amount Due shall be payable to the Division as follows:
Respondent shall pay \$200 a month, with monthly payments to start sixty (60) days after approval of this Stipulation by the Commission, as follows:
1st Year: 12 payments at \$200/month
2nd Year: 11 payments at \$200/month
With \$65.60 to be paid on the 12th and final payment in the 2nd year for a total payment of \$4,665.60, as being the total Amount Due hereunder. At any time, Respondent may elect to make pre-payments on the Amount Due with no penalties so long as the monthly amount due in the annual period is satisfied in full as specified above.

Commissioner Tina moved in the matter of NRED v Greg DeVille case number 2022-536 that the Commission approve the stipulation for settlement as presented. Seconded by Commissioner Roth. Motion carried.

9-E) NRED v John E. Grant, for possible action
Case No. 2020-632

Parties Present

John Grant was not present.
Rick Hsu, Esq. was present representing Mr. Grant.
Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Phil Su stated that a settlement had been reached. Mr. Su read the factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$26,554.00 (“Amount Due”), consisting of a \$21,000.00 administrative fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$650.00, and the pre-hearing attorney’s fees in the amount of \$4,904.00.
- The amount Due shall be payable to the Division in full within thirty (30) days of the date of the order approving this settlement.

Mr. Hsu stated that Mr. Grant agreed to the stipulation.

Commissioner Ruthe asked if the stipulation required any continuing education, or conditions placed on Mr. Grant's license.

Mr. Su stated that there were no conditions on his license or continuing education within the settlement. Mr. Su stated that Mr. Grant's license is currently expired.

Commissioner Tina moved in the matter of NRED v John E. Grant case number 2020-632 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Roth. Motion carried 4:1 with Commissioner Ruthe opposed.

9-F) NRED v John Sheedy, IV, for possible action
Case No. 2020-631

Parties Present

John Sheedy was not present.

Rick Hsu, Esq. was present representing Mr. Sheedy.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Phil Su stated that a settlement had been reached. Mr. Su read the summary of alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$20,002.00 ("Amount Due"), consisting of a \$15,000.00 administrative fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of \$650.00, and the pre-hearing attorney's fees in the amount of \$4,352.00.
- The Amount Due shall be payable to the Division in full within thirty (30) days of the date of the order approving this settlement.

Mr. Hsu stated that Mr. Sheedy agreed to the stipulation.

Commissioner Ruthe asked what would be required if Mr. Sheedy wanted to obtain his license again.

Mr. Su stated that he would complete the continuing education requirements and reapply.

Commissioner Tina moved in the matter of NRED v John Sheedy, IV, case number 2020-631 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Roth. Motion carried 4:1 with Commissioner Ruthe opposed.

9-G) NRED v Cung Tam (aka Karen Tam), for possible action
Case No. 2022-539

Parties Present

Cung Tam was present.

Bob Peterson, Esq. was present representing Ms. Tam.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Phil Su stated that a settlement had been reached. Mr. Su read the factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$22,522.00 (“Amount Due”), consisting of an \$18,000.00 administrative fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$890.00, and pre-hearing attorney’s fees in the amount of \$3,632.00.

The Amount Due shall be payable to the Division in full within ninety (90) days of the date of the order approving this settlement.

No grace period is permitted. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default.

- Respondent agrees to voluntarily surrender her Property Management permit to the Division within forty-five (45) days from the date of the order approving this settlement.
- Respondent further agrees that she will not re-apply for a Property Management permit with the Division for a period of forty-two (42) months from the date of the order approving this settlement.
- If Respondent does reapply for a permit after the suspension has elapsed and after she has met all fee and education requirements required for reinstatement of the permit, Respondent further agrees to appear before the Commission for final approval of reinstatement.

President Gurr stated that this stipulation was unsigned and asked Mr. Peterson if his client agrees to the stipulation.

Mr. Peterson stated that Ms. Tam agrees to the stipulation and has authorized him to convey her e-signature.

President Gurr asked Ms. Tam if she had read, understands, and agrees to the stipulated agreement.

Ms. Tam answered yes.

Commissioner Plummer asked if the complainant was paid their fees as the landlord.

Mr. Su stated that he did not know for certain, but his understanding was that \$6,300.00 of the \$7,000.00 were paid for repairs that the complainant alleges were not performed.

Commissioner Ruthe stated that with these allegations that occurred she has a difficult time supporting the stipulation and thinks the penalties should be harsher.

Commissioner Tina stated that he agrees with Commissioner Ruthe, but the property management permit is being taken, Ms. Tam is paying a fine, and because she will have to come back before the Commission if she wants to reinstate, he will be in support of approving the stipulation.

Commissioner Roth stated that he supports the stipulation.

Commissioner Tina moved in the matter of NRED v Cung Tam (aka Karen Tam) case number 2022-539 that this Commission accept the stipulation for settlement as presented. Seconded by Commissioner Plummer. Motion carried 4:1 with Commissioner Ruthe opposed.

3-B) Discussion Regarding the Disciplinary Report.

Shareece Bates, Administration Section Manager, presented this report. Ms. Bates provided the Commission with a written report.

3-A) Discussion Regarding the Administrator's Report.

Sharath Chandra, Administrator, presented this report. Mr. Chandra stated that a vendor has been selected that will be developing the Division's new technology and currently, discussions of pricing, scope of work, and working within the budget are taking place to finalize the contract. Mr. Chandra stated that once the contract is finalized and approved by the board, the goal is to have the project begin in February 2024 and have the technology go live approximately nine months later. Mr. Chandra stated that he is planning to bring in a consultant to help bridge the gap between the Division and the technology provider to assist with the process. Mr. Chandra stated that a draft of the codified regulation changes from 2018 and 2020 was received and that it will be put on the Division's website. Mr. Chandra stated that a draft of the proposed changes workshopped in 2023 should be received soon and another workshop will be scheduled. Mr. Chandra stated that the Department of Business and Industry will be getting a new director because Director Terry Reynolds is retiring on November 13, 2023. Mr. Chandra stated that during the recent legislative session, SB431 created the Office of Nevada Boards, Commissions, and Council Standards within the Department of Business and Industry to consolidate a lot of the boards and commissions under one entity to help standardize procedures.

3-C) Discussion Regarding the Compliance Section's Current Caseload Report, Including a Summary of Recent Topics of Complaints Filed.

Jan Holle, Chief Compliance Audit Investigator, presented this report. Mr. Holle provided the Commission with a written report.

3-D) Discussion Regarding the Administrative Sanction Report.

Jan Holle, Chief Compliance Audit Investigator, presented this report. Mr. Holle provided the Commission with a written report.

3-E) Discussion Regarding the Continuing Education Supervisor's Report.

Annalyn Carrillo, Education and Information Officer, presented this report. Ms. Carrillo provided the Commission with a written report.

3-F) Discussion and Decision to Approve Minutes of the August 22-23, 2023, meeting.

Commissioner Plummer moved to approve the minutes of the August 22-23, 2023, meeting. Seconded by Commission Tina. Motion carried.

3-G) Discussion and Decision on Date, Time, Place, and Agenda Items for Upcoming Meetings, Including Setting Meeting Dates for 2024.

- February 20-22, 2024
- May 14-16, 2024
- August 13-15, 2024 (in Carson City)
- November 19-21, 2024

9-H) NRED v Iyad Haddad, for possible action
Case No. 2022-133

Parties Present

Iyad Haddad was present.

Michael Bohn, Esq. was present representing Mr. Haddad.

Senior Deputy Attorney General Phil Su was present representing the Division.

Opening Statements

Mr. Su gave his opening statement.

Mr. Bohn gave his opening statement.

State's Witness

Shannon Goddard testified.

Mr. Su moved to admit the State's documents NRED 0001-0145.

President Gurr stated so moved.

Mr. Bohn cross-examined Ms. Goddard.

Mr. Su re-examined Ms. Goddard.

The Commission questioned Ms. Goddard.

The witness was dismissed.

Mr. Bohn moved to admit the respondent's exhibits.

President Gurr stated the documents are admitted.

Respondent's Witness

Nathan Vidrine testified.

Mr. Su cross-examined Mr. Vidrine.

Mr. Bohn re-examined Mr. Vidrine.

The Commission questioned Mr. Vidrine.

The witness was dismissed.

Respondent's Witness

Mr. Haddad testified.

Mr. Su cross-examined Mr. Haddad.

Mr. Bohn re-examined Mr. Haddad.

The Commission questioned Mr. Haddad.

The witness was dismissed.

Commissioner Gurr stated that this case will be continued until tomorrow morning.

10) Public Comment

No public comment.

11) For Possible Action: Adjournment

Meeting recessed at 4:30 p.m. on November 7, 2023.

**NEVADA REAL ESTATE COMMISSION
MINUTES**

IN PERSON AND VIRTUAL VIA WEBEX

November 8, 2023

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor – Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:
Nevada Division of Insurance
1818 East 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

David Tina, Clark County; Lee Gurr, Elko County; Darrell Plummer, Washoe County; Russell Roth, Clark County; and Donna A. Ruthe, Clark County

Commission Counsel: Deputy Attorney General Ziwei Zheng

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Kelly Valadez, Commissioner Coordinator; Maria Gallo, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator and staff; Annalyn Carrillo, Education and Information Officer; Kyle Moorner, C.E. Program Specialist; Senior Deputy Attorney General Phil Su and Deputy Attorney General Christal Keegan representing the Division.

2) Public Comment

No public comment.

**9-H) NRED v Iyad Haddad, for possible action
Case No. 2022-133**

Parties Present

Iyad Haddad was not present.

Michael Bohn, Esq. was present representing Mr. Haddad.

Senior Deputy Attorney General Phil Su was present representing the Division.

Mr. Bohn requested that the first 15 minutes of an audio recording submitted as part of the respondent's exhibits be played.

Closing Statements

Mr. Su gave a closing statement.

Mr. Bohn gave a closing statement.

Commissioner Ruthe stated that the person in the audio recording sounded desperate and after looking at the condition of the property in the photos, it is frightening that two adults and three children were living in that property. Commissioner Ruthe stated that a court not finding the property manager guilty of anything is because the management agreement relieves the property manager of taking care of any repairs because that is the owner's responsibility.

Commissioner Plummer stated that in listening to the audio recording, it demonstrated a person under duress that needed to get into a property, and the property manager should not have proceeded with signing anything. Commissioner Plummer stated that the respondent was signing documents as an individual, he had a responsibility to disclose that he has a real estate license.

Commissioner Tina stated that to ask anyone to move into a house without a hot water heater is inhumane and certain repairs should have been done before tenants moved in.

Commissioner Roth stated that the Commission is not asked to pass on the moral attitude of the respondent, but he does not see where the respondent broke any laws, and he was careful not to be responsible for anything and succeeded.

Commissioner Plummer asked if a house sitter is someone that provides protection to a home when it is vacant.

President Gurr stated that if you are in an area or in this case a time-period where squatters are prevalent, someone is hired to sit inside the property, so squatters do not move in. President Gurr stated that it is proper for a licensee to hire someone to manage their property if they do not have a property manager permit or want a buffer between themselves and tenants. President Gurr stated that she believes Mr. Haddad did the proper thing by employing a property manager since he does not do property management.

Commissioner Ruthe stated that in this case it was not full property management because the owner elected to be in charge of the repairs and for the property management to complete the paperwork.

Commissioner Tina stated that Mr. Haddad separated the property management agreement, and the repairs and livability of the property is the responsibility of Mr. Haddad.

Commissioner Roth stated that he does not believe that Mr. Haddad is responsible because the tenant was told several times if he did not like it not to move in.

Factual Allegations

Commissioner Plummer moved that those factual allegations 1, 2 and 4-9 have been proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Ruthe moved that factual allegation 3 has been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Ruthe moved that those factual allegations 10-18 have been proven. Seconded by Commissioner Tina.

President Gurr stated that she is not in favor of including allegation 13 because there was a photograph showing there was no gas meter installed, and the hot water heater was sitting on the ground. President Gurr stated she has issues with allegation 16 regarding the timing because she does not recall significant testimony supporting that the tenant was without hot water for five months and the property management agreement addressed that the owner was responsible for securing utilities not the property manager.

Commissioner Ruthe stated allegation 16 is referring to the owner failing to follow the property management agreement by having all the utilities on.

Commissioner Roth stated that he remembers testimony regarding the tenant being without hot water for two weeks.

Commissioner Ruthe amended her motion that factual allegations 10-12 and 14-18 have been proven. Seconded by Commissioner Tina, who agreed to the amendment. Motion carried 3:2 with President Gurr and Commissioner Roth opposed.

Commissioner Plummer moved that factual allegation 13 was not proven. Seconded by Commissioner Tina. Motion carried.

Violations of Law

Commissioner Ruthe moved that violation of law 19(a)(b) and (c) have been proven. Seconded by Commissioner Tina. Motion carried 3:2 with President Gurr and Commissioner Roth opposed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$15,000.00 administrative fine, plus the costs of the hearing and investigation in the amount of \$5,750.54 to be paid within 60 days of the effective date of the order.

At the recommendation of commission counsel, Commissioner Ruthe offered a friendly amendment to her previous motions in case of an incorrect case number.

Commissioner Tina moved in the matter of NRED v Iyad Haddad case number 2022-133 that the respondent pay a fine in the amount of \$15,000 plus the administrative costs in the amount of \$5,750.54 within 60 days of the effective date of the order. Seconded by Commissioner Ruthe. Motion carried 4:1 with President Gurr opposed.

9-D) NRED v Bradford Roberts, for possible action

Case No. 2022-592

Parties Present

Bradford Roberts was not present.

Gregory Wilde, Esq. was present representing Mr. Roberts.

Deputy Attorney General Christal Keegan was present representing the Division.

Preliminary Matters

Christal Keegan stated that the State has a subpoenaed witness present, Glen Gao, for this case, but since Mr. Roberts is not present in person or virtually, the State is prepared to move forward with a default as permitted by NAC 645.860.

Mr. Wilde stated that he would like the opportunity to cross examine Mr. Gao.

Ms. Keegan stated that the State objects and requests that this case proceed as a default by relying on the facts and violations as set forth in the complaint. Ms. Keegan stated that the State will prove that proper service was provided, and the respondent chose not to appear.

Mr. Wilde stated that he is expecting that his client will be fined today, but a cross examination of Mr. Gao will determine how much Mr. Roberts is fined because Mr. Gao is not the person that allegedly paid \$3,000.00.

Ms. Keegan stated that the State objects because the person alleged to have paid the \$3,000.00, Mr. Roberts, is not present.

President Gurr read NAC 645.860 into the record. President Gurr stated that she would like to hear from the Commissioners whether this case should be heard or proceed as a default.

Commissioner Roth stated default.

Commissioner Tina stated default.

Commissioner Ruthe stated default.

Commissioner Plummer stated default.

Commissioner Plummer moved for case number 2022-592 that this matter proceed as a default. Seconded by Commissioner Ruthe. Motion carried.

Ms. Keegan stated that this case deals with Mr. Roberts continuing to engage in broker and property management activities despite a previous order by this Commission that revoked all licenses and permits. Ms. Keegan stated that Mr. Roberts requested a continuance in this matter that was granted but failed to submit an answer to the Division's complaint in a timely manner, and the Division subsequently filed a notice of default, therefore the State would like for this matter to proceed as a default pursuant to NAC 645.860.

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of the complaint and meeting re-notice.

Ms. Keegan moved to admit the Division's exhibits bates stamped NRED 1-97.

President Gurr stated admitted.

Ms. Keegan moved to admit the proof of mailings.

President Gurr stated admitted.

Commissioner Roth moved in the matter of NRED v Bradford Roberts case number 2022-592 that proper service was provided. Seconded by Commissioner Tina. Motion carried.

Factual Allegations

Commissioner Ruthe moved in the matter of Bradford Roberts case number 2022-592 that the factual allegations and violations of law in the complaint have been proven. Seconded by Commissioner Plummer. Motion carried.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$5,000.00 administrative fine, plus the costs of the hearing and investigation in the amount of \$6,137.63 to be paid within 30 days of the effective date of the order.

Commissioner Plummer moved in the matter of NRED v Bradford Roberts case number 2022-592 that the respondent pay a \$5,000.00 fine plus the investigative costs in the amount of \$6,137.63 within 30 days of the effective date of the order. Seconded by Commissioner Ruthe. Motion carried.

9-I) NRED v Alison Lee, for possible action
Case No. 2022-881

Parties Present

Alison Lee was present.

Audren Tawaji, Esq. was present representing Ms. Lee.

Deputy Attorney General Christal Keegan was present representing the Division.

Opening Statements

Ms. Keegan gave her opening statement.

Mr. Tawaji gave his opening statement.

State's Witness

Jan Holle testified.

Ms. Keegan moved to admit the Division's exhibits bates stamped NRED 1-151.

President Gurr stated so moved.

Mr. Tawaji cross-examined Mr. Holle.

The Commission had no questions for Mr. Holle.

The Witness was dismissed.

State's Witness

Alice Village testified.

Mr. Tawaji cross-examined Ms. Village.

The Commission had no questions for Ms. Village.

The witness was dismissed.

Respondent's Witness

Alison Lee testified.

Ms. Keegan cross-examined Ms. Lee.

The Commission had no questions for Ms. Lee.

The witness was dismissed.

Closing Statements

Ms. Keegan gave her closing statement.

Mr. Tawaji gave his closing statement.

Commissioner Roth stated that the respondent admitted that she committed an unlicensed act.

Commissioner Plummer stated that the respondent received a cease and desist and then in Ms. Lee's testimony she stated that she continued to do what she was told not to do in the cease and desist.

Commissioner Ruthe stated that there were three opening letters and two demands which should have prompted the respondent to check out what was needed to do business in the state of Nevada.

Commissioner Roth moved in the matter of NRED v Alison Lee case number 2022-881 that the factual allegations and violations of law have been proven. Seconded by Commissioner Ruthe.

Commissioner Plummer asked that the motion be amended to exclude factual allegation 7 because a dollar amount was not proven.

Commissioner Roth amended his motion that those factual allegations 1-6 and 8-12, and violations of law 1-5 have been proven. Seconded by Commissioner Ruthe agreed to the amendment. Motion carried.

Commissioner Plummer moved in the matter of NRED v Alison Lee case number 2022-881 that factual allegation 7 was not proven. Seconded by Commissioner Tina. Motion carried.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$22,034.74 administrative fine for the benefit gained plus the costs of the hearing and investigation in the amount \$4,590.73 to be paid within 30 days of the effective date of the order.

Commissioner Ruthe moved in the matter of NRED v Alison Lee case number 2022-881 that the respondent pay a fine in the amount of \$22,034.74 plus the costs of the hearing and investigation in the amount of \$4,590.73 to be paid within 30 days of the effective date of the order. Seconded by Commissioner Plummer. Motion carried.

7) For Possible Action: Discussion and Decision Regarding License Denial Appeal:
Kathy Moreno File No. S-LDA-24-002

Parties Present

Kathy Moreno was present.

Ms. Moreno requested that the Commission go into closed session.

Commissioner Plummer moved that the Commission go into closed session. Seconded by Commissioner Tina. Motion carried.

The Commission went into closed session.

Commissioner Plummer moved that the Commission go back into open session. Seconded by Commissioner Roth. Motion carried.

The Commission went back into open session.

Commissioner Plummer moved in the license denial appeal for Kathy Moreno file number S-LDA-24-002 that the Commission approve her appeal for license. Seconded by Commissioner Tina. Motion carried.

9-J) NRED v Kea Rana, for possible action
Case No. 2021-264

9-L) NRED v Kea Rana, for possible action
Case No. 2022-890

Parties Present

Kea Rana was present.

Gregory Wilde, Esq. was present representing Ms. Rana.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Phil Su stated that case# 2021-264 involves Ms. Rana, as a property manager, receiving auto-payments totaling approximately \$27,390.00 after her property management contract was terminated, mistakenly thinking that she was entitled to that money and did not pay the money to Mr. McGrath, the property owner, until the complaint was filed by the Division, at which time Ms. Rana paid the full amount to the property owner with the final payment being made in September 2021.

Mr. Su stated that the State is requesting that case# 2022-890 proceed as a default pursuant NAC 645.810 because the complaint was filed on January 20, 2023, and the respondent did not file an answer.

Mr. Wilde stated that he hopes the State will not seek a default because not providing an answer was simply an oversight by him and his client. Mr. Wilde stated that Ms. Rana is present today and agrees with the allegations in the complaint and can testify that Ms. Wright has been paid in full which could not be done until Mr. Rana's bankruptcy was dismissed because that would have violated federal law. Mr. Wilde stated that all three cases deal with the economical, physical, and emotional collapse of Ms. Rana, occurring during a difficult time in her personal life. Mr. Wilde stated that both Mr. McGrath, who was a tenant, and Ms. Wright have been paid in full and he is asking the Commission to be lenient with the fines. Mr. Wilde stated that regarding the bankruptcy, there was a plan in place to pay all of Ms. Rana's creditors off, but someone anonymously sent a copy of one of the Division's complaints to Ms. Rana's employer and she was fired, making it impossible for her to make her bankruptcy payments, at which time the bankruptcy was dismissed and Ms. Rana borrowed money from family to pay the remaining clients and Mr. McGrath as a tenant.

Mr. Su stated that he would request that a default be entered for case# 2022-890.

Mr. Wilde stated that his client has already conceded that the allegations brought in the complaint are true and it would make a cleaner record to avoid a default.

Mr. Su asked Mr. Wilde if Ms. Rana is admitting to all the facts and violations in both cases.

Mr. Wilde answered yes.

Mr. Su moved to admit the Division's exhibits in both cases.

President Gurr stated so admitted.

President Gurr asked Mr. Su and Mr. Wilde if they are stating that they have completed their case in chief and response on these two cases.

Mr. Su answered yes.

Mr. Wilde answered yes.

Mr. Roth moved in the matters of NRED v Kea Rana case numbers 2021-264 and 2022-890 that the factual allegations and violations of law have been proven. Seconded by Commission Plummer. Motion carried.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$80,000.00 administrative fine, plus the costs of the hearing and investigation in the amount of \$17,343.95 to be paid within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Roth stated that that was a lot of money and asked how the amount was derived.

Mr. Holle stated that between the two cases there are a total of 8 violations at a maximum fine of \$10,000.00 each and there were several counts in one of the cases that were not included which could have made the fine amount greater.

President Gurr stated that she agrees with Commissioner Roth and while the violations are egregious, she is sympathetic to the respondent's circumstances and receptive to the idea that the respondent managed to pay restitution to all parties. President Gurr stated that she does not know if Ms. Rana is still practicing real estate and if that was her only source of income, but revocation of her licenses would be a significant penalty by itself and adding on \$100,000.00 worth of fines and costs seems excessive.

Commissioner Plummer asked Ms. Rana if she still had an active license.

Ms. Rana stated no.

Mr. Wilde stated that during the initial hearing that he attended on behalf of Ms. Rana, he attempted to tender her license, but Division's counsel advised the Commission not to allow Ms. Rana to do that because she was in an active bankruptcy. Mr. Wilde stated that the certificate for her property management is expired, but she will tender her license.

Mr. Su stated that there was an order issued by this Commission on April 24, 2023, suspending Ms. Rana's license pending the bankruptcy stay being lifted and the hearing of these matters by the Commission.

Commissioner Ruthe moved in the matters of NRED v Kea Rana case numbers 2021-264 and 2022-890 that the respondent pay an administrative fine of \$80,000.00 plus the costs of the hearing and investigation in the amount of \$17,343.95 all payable within 30 days from the effective date of the order, and that all of respondent's licenses and permits are revoked. Seconded by Commissioner Tina. Motion carried 3:2 with President Gurr and Commissioner Roth opposed.

9-K) NRED v Kea Rana, for possible action
Case No. 2022-339

Parties Present

Kea Rana was present.

Gregory Wilde, Esq. was present representing Ms. Rana.

Senior Deputy Attorney General Phil Su was present representing the Division.

Opening Statements

Mr. Su gave his opening statement.

Mr. Wilde gave his opening statement.

State's Witness

Rebecca Bruce testified.

Mr. Su moved that the State's exhibits be admitted.

President Gurr stated so admitted.

Mr. Wilde cross-examined Ms. Bruce.

Mr. Su re-examined Ms. Bruce.

The Commission questioned Ms. Bruce.

The witness was dismissed.

Respondent's Witness

Ms. Rana testified.

Mr. Su cross-examined Ms. Rana.

Mr. Wilde re-examined Ms. Rana.

The Commission questioned Ms. Rana.

The witness was dismissed.

Closing Statements

Mr. Su gave his closing statement.

Mr. Wilde gave his closing statement.

Commissioner Plumer moved in the matter of NRED v Kea Rana case number 2022-339 those factual violations 1-7, 9-17, 22, 25-33, 35, 40-43, 48-51, 53-55, 58-60, 62, 64, 65, 67-69, 71, 74-78, 81, 83-85, 87, 88, 90-95, 100-102, 109, 113, 114, 119-138, 140-145 have been proven. Seconded by Commissioner Ruthe. Motion carried.

President Gurr read factual allegations 103, 104, and 111 into the record.

Commissioner Plummer moved those factual allegations 103, 104, and 111 have not been proven. Seconded by Commissioner Tina. Motion carried.

President Gurr read factual allegation 139 into the record.

Commissioner Plummer moved that factual allegation 139 has not been proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Tina read factual allegation 8 into the record.

Commissioner Plummer moved that factual allegation 8 has been proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Plummer read factual allegations 18-21 into the record.

President Gurr stated that there were no actual bank records but rather a spread sheet named bank records.

Commissioner Plummer moved that factual allegation 18 was not proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Plummer moved that factual allegation 19 has been proven. Seconded by Commissioner Tina. Motion carried.

Commissioner Plummer moved those factual allegations 20-21 have been proven. Seconded by Commissioner Ruthe. Motion carried. 3:1 with President Gurr opposed.

Commissioner Plummer read factual allegations 23 and 24 into the record.

Commissioner Tina moved that those factual allegations 23-24 have been proven. Seconded by Commissioner Plummer. Motion carried 3:1 with President Gurr opposed.

Commissioner Plummer read factual allegations 34 and 36-39 into the record.

Commissioner Ruthe moved those factual allegations 34, and 36-39 have been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Plummer read factual allegations 44-47 into the record.

Commissioner Plummer moved those factual allegations 44-47 have been proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Plummer read factual allegations 52, 56, and 57 into the record.

Commissioner Ruthe moved those factual allegations 52, 56, and 57 have been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Plummer read factual allegations 61 and 63 into the record.

Commissioner Tina moved those factual allegations 61 and 63 have been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Plummer read factual allegation 66 into the record.

Commissioner Plummer moved that factual allegation 66 was proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Plummer read factual allegations 70, 72, and 73 into the record.

Commissioner Tina moved those factual allegations 70 and 72 have been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Tina moved that factual allegation 73 has not been proven. Seconded by Commissioner Ruthe. Motion carried.

Commissioner Plummer read factual allegations 79, 80, 82, and 86 into the record.

Commissioner Ruthe moved those factual allegations 79, 80, 82, and 86 have been proven. Seconded by Commissioner Tina. Motion carried.

Commissioner Plummer read factual allegations 89 and 96 into the record.

Commissioner Ruthe moved those factual allegations 89 and 96 have been proven. Seconded by Commissioner Plummer. Motion carried.

Commissioner Plummer read factual allegations 97-99, 105, 106, 107, 108, and 110 into the record.

Commissioner Ruthe moved those factual allegations 97-99, 105, 106, 107, 108, and 110 have been proven. Seconded by Commissioner Plummer. Motion carried 3:1 with President Gurr opposed.

Commissioner Plummer read factual allegations 112, 115, 116, 117, and 118 into the record.

Commissioner Ruthe moved those factual allegations 112, 115, 116, 117, and 118 have been proven. Seconded by Commissioner Tina.

President Gurr stated that this case will be continued until tomorrow morning.

10) Public Comment

Steven Kitnick stated that he was the complainant in the prior case# 2020-310 against Bradford Robert, where Mr. Roberts failed to show up and there was a default being entered revoking his broker license and property management permits. Mr. Kitnick stated that Mr. Roberts has damaged the public, brokers, agents, the reputation of licensees, the industry, and has been a drain on the time and money of the Real Estate Division. Mr. Kitnick stated that he would like the Division to seek support from legislators and interested parties to require background checks and character checks on individuals who want to be owners of real estate companies and require some kind of licensing registration.

Kenneth Altman stated that he wanted to commend Deputy Attorney General Christal Keegan in the matter regarding the complainants Mr. and Mrs. Village because she presented an incredible case with clear and concise information that was well documented from beginning to end. Mr. Altman stated that he and his significant other have been harmed by Alison Lee in California where she stole over \$60,000.00 and he believes that the Commission came to the right conclusion in Ms. Lee's case based on the evidentiary facts. Mr. Altman stated that he thanks the Villages for having the strength to go through this daunting process.

11) For Possible Action: Adjournment

Meeting recessed at 4:46 p.m. on November 8, 2023.

**NEVADA REAL ESTATE COMMISSION
MINUTES**

IN PERSON AND VIRTUAL VIA WEBEX

November 9, 2023

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor – Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:
Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

The meeting was called to order at 9:04 AM

1-A) Introduction of Commissioners in Attendance

David Tina, Clark County; Lee Gurr, Elko County; Darrell Plummer, Washoe County; Russell Roth, Clark County; and Donna A. Ruthe, Clark County

Commission Counsel: Deputy Attorney General Ziwei Zheng

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Kelly Valadez, Commissioner Coordinator; Maria Gallo, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator, and staff; Susan Clark, Licensing Section Manager; Sandra Saenz, Licensing Section Supervisor; Kyle Moorner, C.E. Program Specialist; Senior Deputy Attorney General Phil Su and Deputy Attorney General Christal Keegan representing the Division.

2) Public Comment

No public comment.

9-K) NRED v Kea Rana, for possible action
Case No. 2022-339

Parties Present

Kea Rana was not present.

Gregory Wilde, Esq. was present representing Ms. Rana.

Senior Deputy Attorney General Phil Su was present representing the Division.

Violations of Law

Commissioner Tina moved in the matter of NRED v Kea Rana case number 2022-339 those violations of law 1-7 have been proven. Seconded by Commissioner Ruthe. Motion carried 4:1 with Commissioner Roth abstaining due to not being present for the entire hearing in this matter.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$70,000.00 administrative fine, plus the costs of the hearing and investigation in the amount of \$10,503.39 to be paid within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Ruthe moved in the matter of NRED v Kea Rana case# 2022-339 that the respondent pay a fine in the amount of \$70,000.00 plus the cost of the hearing and investigation in the amount of \$10,503.39 within 30 days of the effective date of the order, and that all respondent's licenses and permits are revoked. Seconded by Commissioner Plummer.

President Gurr stated that she is against the motion because consideration is not being given to Ms. Rana paying restitution and attempting to take responsibility and be accountable. President Gurr stated that she is against another enormous fine in these matters.

Commissioner Ruther stated that this is a respondent who lied, stole rent from numerous people, used COVID as an excuse and now just because she comes in and says I'm sorry does not excuse the behavior and there are consequences. Commissioner Ruthe stated that she cannot take into consideration fines imposed for another case nor worry how Ms. Rana is going to afford to pay.

Commissioner Tina stated that forgiveness could be given for one instance because anyone can make a mistake, but this was repeated, knowingly, and egregiously bilking the public out of a lot of money.

Motion carried 3:1 with President Gurr opposed and Commissioner Roth abstaining due to not being present for the entire hearing in this matter.

8. For Possible Action: Discussion and Decision Regarding License Denial Appeal: Paul Dean Kistner No. N-LDA-24-004

Parties Present

Paul Dean Kistner was present.

Mr. Kistner requested that the Commission go into closed session.

Commissioner Plummer moved that the Commission go into closed session. Seconded by Commissioner Tina. Motion carried.

The Commission went into closed session.

Commissioner Plummer moved that the Commission go back into open session. Seconded by Commissioner Roth. Motion carried.

The Commission went back into open session.

Commissioner Plummer stated that each license denial appeal must be considered individually, and the Commission is here to protect the public. Commissioner Plummer stated that he is leaning towards approving the appeal because this incident occurred in 2008.

Commissioner Tina stated that he agrees with Commissioner Plummer that fifteen years have passed with nothing else illegal happening.

Commissioner Tina moved to approve Paul Dean Kistner's appeal and grant him a license to practice real estate. Seconded by Commissioner Plummer. Motion carried 4:1 with Commissioner Ruthe opposed.

10) Public Comment

Gregory Wilde stated that he just sat through two and a half days of hearings where he represented two clients. Mr. Wilde stated that in the Kea Rana matters where she was fined the maximum amount, he believes the Commission is sending the wrong message when no recognition is given to someone trying to rectify a wrong. Mr. Wilde stated that the Commission could take a page out of the playbook from district and justice courts where plea bargains are made, fines reduced, and people are given rehab to try and rectify a situation and make things better. Mr. Wilde stated recognition should also be given to the Nevada State Bar where they go out of their way to preserve licenses and balance it with people paying restitution.

Katie Doody stated that she has been an agent for three years and attending the Commission meeting was beneficial and educational.

Amy Meedel with Love Las Vegas Realty stated that she wanted to thank the Commission for their time and service.

11) For Possible Action: Adjournment

Meeting adjourned at 9:49 a.m. on November 9, 2023.