

Open House

A newsletter for Nevada Real Estate Licensees

Oct / Nov / Dec 2019



The Mission of the Nevada Real Estate Division:
To protect the public and Nevada's real estate sectors by fairly and effectively regulating real estate professionals through licensure, registration, education and enforcement.



1

3

4

IN THIS ISSUE

1 Best wishes to term-limited Commissioner Schwartz

*Annalyn Carrillo,
Education & Information Officer*

2 To avoid trust account violations, keep positive balances, attitude

3 Introducing online renewals for CE courses

The Education Section Staff

4 Education Corner: Things to Remember

The Education Section Staff

5 Disciplinary Actions/Stipulations

*Compiled by Erica Arnold,
Publications Writer*

8 NRED surpasses its goal for school drive donations

*Melanie Barkus
Administrative Assistant II*

9 Real Estate Statistics as of September 2019

*Compiled by Erica Arnold,
Publications Writer*



BEST WISHES TO TERM-LIMITED COMMISSIONER NEIL SCHWARTZ

In October, we bid farewell to Real Estate Commissioner Neil Schwartz of Clark County, whose leadership and expertise earned him a gubernatorial appointment to the Commission by Governor Brian Sandoval. Initially sworn in at the December 2013 Real Estate Commission Meeting and reappointed in 2016, his final term comes to an end on October 31, 2019.

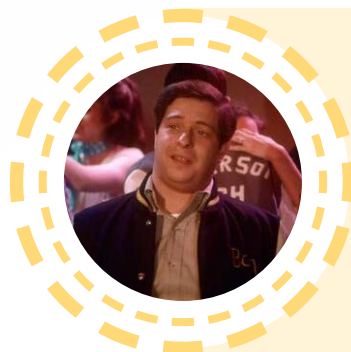
Commissioner Schwartz and his wife, Ronnie Schwartz, have worked at Coldwell Banker Premier Realty since they moved to Las Vegas in 1994. The same year, they became active members of the Greater Las Vegas Association of Realtors (GLVAR), where Commissioner Schwartz served as a member of the Board of Directors and was named the 2009 Realtor of the Year. In 2013, he was even inducted into the GLVAR Hall of Fame.

Commissioner Schwartz is a fair and passionate member of the Commission and demands a high level of professionalism from those licensed to engage in the business of real estate in Nevada. A staunch proponent of education, he has remained highly involved with licensee education and developed several classes presently offered for continuing education (CE) credits in multiple designations.

Although his term is coming to an end, Commissioner Schwartz's work is far from over.

He continues to encourage the Commission and Division to pursue advancements in education and instruction - the work he began that will impact real estate education across our state. For the duration of his service, Commissioner Schwartz has shown compassion and concern for licensee and consumer issues, and his support to the Nevada Real Estate Division staff and Commissioners will be greatly missed.

This new fiscal year brings with it a renewed sense of focus and purpose. It reminds us of our mission to provide fair and consistent industry regulation while protecting the public and real estate sectors. Those who serve on our Real Estate Commission and committees help us achieve this mission. Please join us in saluting all members for their service and in thanking them for their efforts - both past and present.



DID YOU KNOW?

Prior to joining the real estate business in 1986, Commission Schwartz worked as an actor. Constituents might recognize him from episodes of "All in the Family," "Barney Miller," or "Happy Days," where he portrayed Bag Zombroski.

DID YOU KNOW . . . ?

To avoid trust account violations, keep positive balances, attitude

Conversion! This is a dreaded word if you are a broker responsible for a trust account. Yet, a common property management practice might very well cause this label to be applied to you.

If a broker permits any trust account, including any individual ledger within the trust account, to fall into deficit and remain in deficit for more than 45 consecutive days, the broker will be subject to discipline under [NAC 645.655\(9\)](#).

Some property managers will "overdraw" the account balance of a client in order to pay expenses such as property repairs. Any amount over the balance belonging to the client whose property is being repaired belongs to another client. Thus, money belonging to one client is spent on behalf of another client and conversion occurs. A negative ledger in a trust account almost always equals conversion and requires the broker's immediate attention and correction.

Should the brokerage have a business policy allowing the advancement of funds to clients

whose managed properties require emergency repairs, the loaned funds should come from the brokerage, not from other client's funds in the trust account. This "loan" is a business decision and brokerage risk, not a client risk.

One of the more frequent deficiencies found in the audit of trust account reconciliations is a Schedule D listing owner ledger with negative balances. This should not occur. Proper monitoring of the ledger balances month-to-month will ensure that all balances are positive at the time of annual trust account reconciliation submission.

Many of the available property management software packages can be configured to flag or not permit transactions which would cause a ledger to go negative. Inquire with your software provider.

Remember, to avoid trust account violations, keep positive balances and a positive attitude!

Originally published in the May 2014 issue of Open House, this article has been updated for republication.



The Nevada Real Estate Division is pleased to announce the launch of online renewals for sponsors of Real Estate Continuing Education (CE). In the past, providers have only been able to renew by mail or in person. As of August 2019, however, educators now have the option of renewing courses from the comfort of their own home or office (or home office!).

Most licensees are familiar with My Account, the personalized portal where they can review their contact information, track their continuing education, and complete their license renewals. The same portal is now open to sponsors. However, sponsors who are also licensees should be aware that there is a separate login for course renewals. The Education Section provides usernames and passwords for sponsor accounts. If a sponsor has not been issued a username and password, or misplaces login information, they should contact the Education Section directly.

Upon logging in for the first time, sponsors will be prompted to configure three security questions. Once these are established, they will have access to the Start/Continue Renewal link on the left-hand side of the page. If no courses appear

on the Renew a License page, the sponsor should verify their courses' expiration dates. A course only becomes available for online renewal within 45 days of its expiration date.

The online renewal process for CE courses follows the same template as the paper-form application and is broken up into five sections: Course Information, Course Changes, Instructor Information, Sponsor Information, and Attestation.

Providers will have the opportunity to review all entries and selections prior to submission, as well as a breakdown of fees which includes a 1.5 percent convenience fee for credit/debit card payments. Once review is complete, it's as easy as adding the renewal to the invoice and proceeding to payment, or, if a sponsor has multiple courses to renew, returning to the Renew a License page to renew a second, third, or fourth course! (Sponsors can renew up to four courses at a time.)

In addition to cutting down on paper waste, renewing online will save busy educators the hassle of mailing or hand-delivering applications, course materials and payment to the Division.

Things to Remember



The Division's website is the best resource for education inquiries. You can confirm the current CE requirements anytime by navigating to [Renewal Requirements](#) under the Licensing tab. If you're wondering which hours or designations you have yet to fulfill, it's as easy as comparing the information on the website with the education history on your My Account.



SPONSORS: You may not offer more than one designation for the same course. Course content including the timed outline, objectives, and materials (presentations, handouts, etc.) must be tailored to suit each designation. You may not submit the same materials more than once with a different designation selected.



If you complete your continuing education (CE) before you're able to renew, you can submit your certificates to the Education Section ahead of time. Please note: You must have all 24 hours complete in order to turn them in early. Partial education will not be accepted. Incomplete submissions will be returned.

UPCOMING HOLIDAYS

NEVADA DAY
FRI / OCT 25

VETERANS DAY
MON / NOV 11

THANKSGIVING
THURS / NOV 28

FAMILY DAY
FRI / NOV 29

CHRISTMAS
WED / DEC 25

DISCIPLINARY ACTIONS / STIPULATIONS

ACTIONS/DECISIONS

Real Estate Commission actions are not published in this newsletter until the 30-day period allowed for filing for Judicial Review has passed. A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection proceedings to recover fines and costs.

ALLEGATIONS/STIPULATIONS

Stipulations occur when both the Respondent and Division have agreed to settlement conditions. A stipulation may or may not be an admission of guilt. Stipulations are presented to the Commission for final approval.



Disciplines that are the subject of a judicial review are in *italics*. A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection proceedings to recover fines and costs.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Barcel, Stephen 2017-2286 Unlicensed	August 2019	Violated NRS 645.235(1)(a) four times by knowingly engaging or offering to engage in any activity for which a license, permit, certificate or registration or any type of authorization is required pursuant to NRS Chapter 645, or any regulation adopted pursuant thereto.	\$43,495 fine
Barry, Megan 2017-2062 S.178431 (Expired)	August 2019	Commission voted 3-2 to modify the disciplinary terms such that the Respondent shall be required to pay \$10,000 of the amount owed no later than August 2019 and \$2,500 per month thereafter until the remaining balance is paid.	Extension granted for payment of fines, costs and fees.
Bhandari, Amrit 2017-169 BS.18482 (Active)	August 2019	Violated NRS 645.630(1)(a) when he made a material misrepresentation on his Application for Reinstatement; NRS 645.630(1)(a) by making a material misrepresentation when he represented himself as a broker on the duties owed form and purchase agreement; NRS 645.633(1)(j) by failing to disclose his misdemeanor convictions on his Application for Reinstatement which relate to property management activities in California, and which if known to the Division would have been grounds to deny the license; and NAC 645.650(2) and NAC 645.605(7) by failing to provide the purchase and sale agreement to his associated broker within five calendar days after it was signed by all the parties.	\$3,200 fine License downgraded from Broker to Broker-salesperson for two years. Shall not apply for a Property Management Permit. Shall not supervise any licensees. Contracts: 3 Hours Ethics: 3 Hours

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Cooper, David Evan 2018-12 Unlicensed	August 2019	Violated NRS 645.235 sixty-four times by knowingly engaging or offering to engage in any activity for which a license, permit, certificate, or registration or any type of authorization is required pursuant to NRS Chapter 645, or any regulation adopted pursuant thereto, without the required license, permit, certificate or registration, or authorization.	\$5,000 fine
Delacruz, Tyson R. 2016-115 S.176538 (Revoked)	August 2019	Violated NRS 645.252(2) when he failed to exercise reasonable skill or care to determine whether there was a tenant on the Property before causing the locks to be changed, removing the tenant's personal property, or otherwise taking action detrimental to the tenant; NRS 645.633(1)(i) by having his client transfer the Property without notifying the first mortgage holder that the ownership to the Property had changed; NAC 645.650(2) by failing to submit completed documents regarding the Property, including his client's agreement, to his broker within five days of the completed transaction; NAC 645.637 or NAC 645.640 by failing to notify a second and third client that he held an interest in the Property in a second and third agreement; NRS 645.633(1)(i) by failing to disclose in the second agreement that he was under contract to purchase the Property; and NRS 645.633(1)(i) by taking advantage of his first client's disadvantaged circumstance and agreeing to pay him only \$3,000 while receiving payment for the sale of the Property to his third client in the amount of \$79,947, less Craig Sevy's share, as well as commission in the amount of \$2,445.	\$25,000 fine License revoked
Delacruz, Tyson R. 2017-1345 S.176538 (Revoked)	August 2019	Violated NRS 645.633(1)(h) or NRS 645.635(6) by failing to provide a copy of one or more requested agreements; NRS 645.633(h) or (i) or NAC 645.605(11)(c) by providing the Division with a notarized affidavit which falsely stated that he was not providing representation as a real estate agent on either side; NAC 645.650(2) by failing to submit to his broker Agreement 1; and NRS 645.252(1) , NAC 645.637 , or NAC 645.640(1)(a) or (b) by failing to disclose that he was a managing member of GFYS, LLC, the buyer listed on Agreement 2.	\$10,000 fine
Hunter, Katherine 2017-2158 S.177706 (Revoked)	May 2019	Respondent's petition for rehearing was denied and her obligations and the Division's authority as set forth in the Commission's Decision dated April 19, 2019 shall remain in full force and effect.	Petition for rehearing denied.
Larsen, Sung (Kim) 2017-577 S.51518 (Active)	July 2019	Violated NRS 645.633(1)(i) on two occasions by engaging in conduct which constitutes deceitful, fraudulent or dishonest dealing in connection with NAC 645.605(1) and/or (11) including promising to repay a loan, failing to do so, and/or evading the complainant, and/or claiming the loan was for a different amount; and NRS 645.630(1)(a), (b), (f), and/or (h) on two occasions by making any material misrepresentation or false promise in connection with NAC 645.605(1) and/or (11) including promising and failing to repay a loan and/or additionally promising and failing to begin repayment of a loan in her response to the Division's investigation.	\$1,500 fine

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
LeBeau-Witty, Patricia 2017-64 BS.35716 (Invalidated) S.35716 (Active)	July 2019	Violated NRS 645.252(3) or NRS 645.633(1)(h) by failing to provide the buyer with the Duties Owed form; NRS 645.252(1)(d) or NRS 645.633(1)(h) by failing to obtain written consent from each party that she was acting for more than one party to the transaction; NRS 645.252(d) by failing to exercise reasonable skill and care with respect to the buyer by failing to provide the resale packages when the buyer specifically requested them; NRS 645.633(1)(h) (through NAC 645.605(6)) by committing gross negligence or incompetence by breaching her obligation of absolute fidelity to the buyer and failing to fairly deal with the parties by threatening to cancel the purchase agreement if the buyer did not agree to material economic changes to the purchase agreement; and NAC 645.650(2) and NRS 645.633(1)(h) (through NAC 645.605(7)) by committing gross negligence or incompetence by failing to provide a copy of the signed purchase contract to her associated broker within five calendar days after the paperwork was executed by all parties.	\$10,000 fine License downgraded to from Broker-Salesperson to Salesperson Agency: 3 Hours Ethics: 3 Hours
Macko, Ronald 2017-1970 B.30097 (Revoked) PM.165487 (Revoked)	August 2019	Violated NRS 645.630(1)(f) or NRS 645.633(1)(h) two times by failing to forward received rent payments in a reasonable time and NRS 645.635(6) by failing to provide the information requested of them by the Division.	\$30,000 fine License and permit revoked.
Patel, Manish (Tom) 2015-566 Unlicensed	July 2019	Violated NRS 645.230(1)(a) as he acted as a real estate broker as defined by NRS 645.030 without an appropriate license when he solicited the buyer for the Property and received compensation through his company 1111 Investment Holding, LLC.	\$32,000 fine
Phoenix-Myrick, Roslynn 2018-182 B.1000600 (Expired) B.1001579 (Revoked) PM.064860 (Revoked)	August 2019	Respondent's entry of a plea of no contest to conspiracy to commit theft is a violation of NRS 645.633(1)(d)(2) . Violated NRS 645.615(1)(b) by failing to report the plea of no contest to said crime within the time provided for in NRS 645.615(2)(a) ; NRS 645.3205 and NRS 645.633(1)(i) , in consideration of NAC 645.605(1) and (6) , in her advice and conduct with respect to her client's money; NAC 645.650(1) in failing to keep records of the transaction she acted as a broker on for her client; and NRS 645.635(6) by failing to produce the records of the transaction she acted as a broker on for her client.	\$50,000 fine License and permit revoked.
Sauter, Patrick 2016-3716 B.45077 (Active)	July 2019	Violated NRS 645.280(1) or NRS 645.633(1)(c) and (i) , pursuant to NAC 645.605(1) , by paying commission to a salesperson without an active, valid license; NRS 645.660(3) , by failing to maintain adequate supervision of Tangora, during which Tangora violated a provision of NRS Chapter 645, to wit: NRS 645.230 ; and NRS 645.530(1) by failing to keep in his custody and control Tangora's license.	\$11,000 fine Broker Mgmt: 6 Hours
Tangora, Arthur 2016-3715 S.167677 (Active)	July 2019	Violated NRS 645.230(1)(a) by acting as a salesperson without an active, valid license; NRS 645.633(1)(b) , by violating NAC 645.315 , by allowing his license to lapse and continuing to act as a real estate salesperson during the lapse; and NRS 645.633(1)(h) , pursuant to NAC 645.605(1) , by allowing his license to lapse and thereafter acting as a real estate salesperson without an active, valid license.	\$20,000 fine Agency: 3 Hours Ethics: 3 Hours Law & Legislation: 3 Hours

NRED SURPASSES ITS GOAL FOR SCHOOL DRIVE DONATIONS



Left to right: Elaine Rodriguez, Education Section; Melanie Barkus, Licensing; Rossana Johnson-Parker, Temporary Assistant Principal (QM); Christine Smith, Projects Section ; and Gianna Rodriguez, Counselor (QM)

In September, NRED hosted a community event for Quannah McCall Elementary School (QM) in North Las Vegas. Located in a low-income area, it is among the lowest test scoring schools in Clark County, with 13.8 percent of students testing proficient in math and 14.9 percent in English language arts. Of the 385 students enrolled in QM's Pre-K through K-5 programs, 100 percent participate in the free and reduced lunch program.

When called upon to offer donations and support to the students of QM, Division staff accepted the challenge and showed each other and the community that NRED is more than a state agency. Almost as soon as the drive began, NRED not only exceeded its initial goal of five boxes of donations – it doubled it.

Quannah McCall Elementary is one of Nevada's "Victory Schools," a designation that means it is tasked with meeting student needs at the lowest performing schools in the highest poverty zip codes in the state. Teacher shortage and high enrollment cause gaps in the school's ability to provide students with everything from educational materials and extracurricular activities to the proper tools for life decisions, not to mention prepared bags of food to send with homeless students each Friday.

Thanks to the generosity of its employees, NRED was able to gather and donate over \$100 in gift cards, 10 boxes of school supplies, food, clothing, and backpacks, as well as a few cases of

water for this worthy cause. The staff and teachers were "blown away" when Division staff showed up to deliver. Ms. Parker stated, "the waters and food are greatly appreciated since we send lunch bags home with students every Friday to help provide nutrition over the weekend."



NEW LICENSES
1,345

Since our last newsletter (May 2019), the following number of new real estate licenses have been added in the Division system:

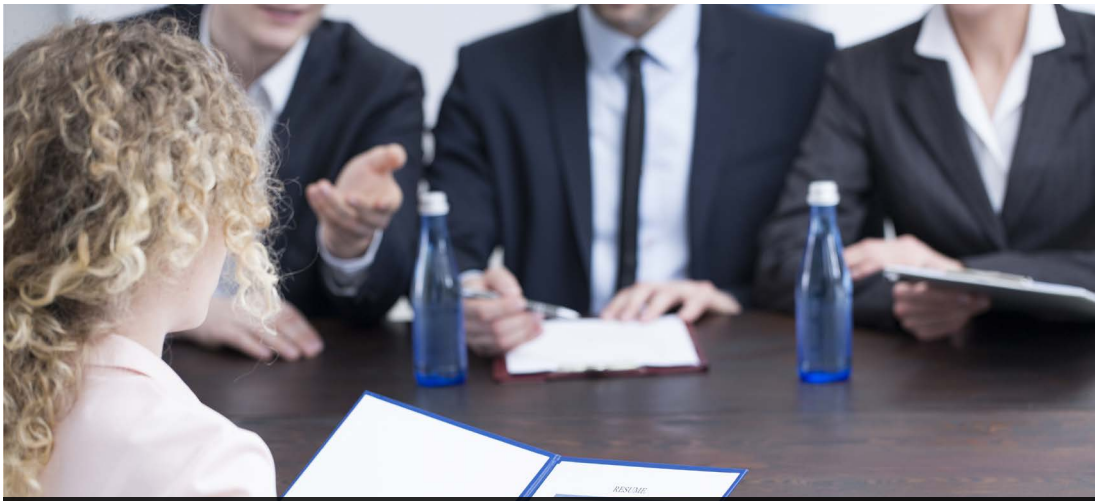
BROKERS / **3**
BROKER-SALESPERSONS / **91**
SALESPERSONS / **1,251**

Real Estate Statistics Through September 2019

County	Brokers		Broker-Salespersons		Salespersons		Totals	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	39	5	42	7	263	47	344	59
Carson City	39	28	38	11	180	34	257	73
Churchill	10	8	5	2	49	7	64	17
Clark	1,820	364	2,285	311	14,496	1,343	18,601	2,018
Douglas	66	12	66	14	255	29	387	55
Elko	17	3	19	5	73	14	109	22
Esmeralda	0	0	0	0	0	0	0	0
Eureka	0	1	0	0	1	0	1	1
Humboldt	4	4	3	4	24	3	31	11
Lander	1	1	3	0	3	0	7	1
Lincoln	3	0	0	0	5	1	8	1
Lyon	26	11	21	5	112	16	159	32
Mineral	1	0	1	0	1	1	3	1
Nye	34	9	15	4	130	20	179	33
Out Of State	328	75	227	86	727	203	1,282	364
Pershing	3	0	0	0	4	0	7	0
Storey	1	0	1	0	2	2	4	2
Washoe	400	174	435	96	2,433	243	3,268	513
White Pine	3	0	2	2	5	2	10	4
Total	2,795	695	3,163	547	18,763	1,965	24,721	3,207

PROPERTY MANAGERS ACTIVE **3,216** INACTIVE **392**

BUSINESS BROKERS ACTIVE **343** INACTIVE **60**



DIVISION SEEKS ADVISORY COMMITTEE MEMBERS

The Real Estate Division is seeking to increase membership of the Real Estate Advisory Committee and is inviting applications from interested licensees in northern and southern Nevada who meet the criteria listed below.

Once appointed to the Committee by the Real Estate Commission, the Advisory Committee member will assist the Administrator on a recurring basis to conduct education course audits, and may be called upon by the Administrator or the Commission, as needed, to assist with other matters.

To qualify, applicant must be a

U.S. citizen, resident in Nevada for at least five years, have no record of Commission discipline in the last five years, and have been:

- a. An active broker for at least two years; or
- b. An active broker-salesperson for at least five years.

Appointment to the Advisory Committee is at the discretion of the Commission. [The application and additional details are available on the Division's website.](#)

Official publication of the

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

MICHAEL J. BROWN
Director

NEVADA REAL ESTATE DIVISION

SHARATH CHANDRA
Administrator

ANNALYN CARRILLO
Education & Information Officer

ERICA ARNOLD
Publications Writer

LAS VEGAS OFFICE

3300 W. Sahara Avenue
Suite 350
Las Vegas, NV 89102-3200
(702) 486-4033

CARSON CITY OFFICE

1818 E. College Parkway
Suite 110
Carson City, NV 89706-7986
(775) 684-1900

Production of Open House is funded by the Real Estate Education and Research Fund.

NEVADA REAL ESTATE COMMISSION

DEVIN REISS
President
Clark County

WAYNE CAPURRO
Vice President
Washoe County

LEE R. GURR
Secretary
Elko County

LEE K. BARRETT
Commissioner
Clark County

NEIL SCHWARTZ
Commissioner
Clark County

DIVISION UPDATES

NEW HIRES

Real Estate Education

Annalyn Carrillo
Education and Information
Officer

Abel Rivera Ayala
Administrative Assistant I

Ombudsman's Office

Rosalia Silva
Administrative Assistant I

POSITION CHANGES

Ombudsman's Office

Shareece Bates
Administrative Assistant IV