

Open House

A newsletter for Nevada Real Estate Licensees

September / October / November / December 2022



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.



IN THIS ISSUE

- 1 Commission Hearings for CE Credit
- 2 FAQs: Education Providers
- 4 **Cybersecurity Checklist: Best Practices for Real Estate Professionals**
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- 5 Education Corner: Things to Remember
- 6 **Disciplinary Actions/ Stipulations**
Compiled by Kyle Moorer, Publications Writer
- 8 **Real Estate Statistics Through September 2022**
Compiled by Kyle Moorer, Publications Writer
- 9 **Real Estate Round-up: ARELLO Nashville**



DID YOU KNOW . . . ?

Commission Hearings for CE Credit

Commission Meetings are officially back! Real Estate Licensees can once again earn continuing education credit by attending Nevada Real Estate Commission meetings.

Licensees must be present for at least three (3) hours of an active commission meeting and can earn up to six (6) hours of Agency, Ethics, Broker Management, or Law and Legislation.

A predetermined number of seats both in the South and North will be allocated per Commission meeting for licensees attending to receive CE credits.

Registration opens two weeks prior to the first day of the Commission Hearings and will be on a first-come, first-served basis.

Please visit www.red.nv.gov and check under Administration > Hearing and Agendas > Real Estate to receive the most-up-to-date information about the hearings. Be advised that no certificates will be distributed at the Commission Hearings.

Hearings are scheduled for 3 days but may end earlier upon conclusion of Commission business.

Please make sure that you know when you expire and schedule your courses accordingly! See you there!

FAQs

Education Providers

WHAT DO I NEED TO BE APPROVED AS A REAL ESTATE INSTRUCTOR IN NEVADA?

A school or sponsor would need to apply on your behalf to teach a specific course using the [Form 635](#). This form requires your signature, a copy of your resume, degrees, licenses, and certifications. To be considered for approval, you will need to have:

1. A Bachelor's degree, plus at least 2 years of full-time experience in the field which you will be providing instruction;
2. At least 75 hours of teaching experience in the field you will be providing instruction within 3 years immediately preceding the date of your application plus 3 years of full-time experience;
3. At least 6 years of full-time experience in the field you will be providing instruction; **or**
4. Any combination of at least 6 years of college level course work and full-time experience in the field you will be providing instruction.

HOW CAN I MAKE SURE MY COURSE GETS APPROVED UNDER THE DESIGNATION REQUESTED?

By ensuring 75% of the course content fulfills the distinguishing characteristics of the designation being requested. Descriptions of acceptable content under the mandatory designations are available in the [Course Manual](#) and [Informational Bulletin #37](#) available on the Division website: <https://red.nv.gov/Content/Publications/Main/>

FAQs

Continued...

WHAT DOES A CONTINUING EDUCATION COURSE APPLICATION NEED TO CONTAIN TO BE CONSIDERED COMPLETE?

The course application [Form 526](#) (available on the [Division website](#)) contains a checklist on the last page. Please refer to this checklist for a complete listing of required elements.

DOES MY DISTANCE CONTINUING EDUCATION COURSE NEED TO BE CERTIFIED BY THE ASSOCIATION OF REAL ESTATE LICENSE LAW OFFICIALS' (ARELLO) DISTANCE EDUCATION CERTIFICATION PROGRAM TO BE CONSIDERED FOR APPROVAL?

No, though it is highly encouraged to obtain ARELLO's distance education certification prior to applying, it is not required. You may review the standards for asynchronous distance education courses under [NAC 645.443](#). If your course does not contain active ARELLO certification, then you must complete pages 3-4 (Distance Education Questionnaire) and page 5 (secure electronic final exam), or 6 (proctored final exam) of the Course Application [Form 526](#).

HOW CAN I IMPROVE AS AN INSTRUCTOR?

There are several certification programs offered by various organizations. Between ARELLO and the Real Estate Educators Association (REEA), you will find programs to improve your instructor skills for both in-person and distance education instruction. It is suggested you reach out to these organizations for more information on how to improve your skills.

The Course Manual is a valuable resource for current & prospective sponsors of prelicensing, post-licensing and continuing education. All providers are encouraged to review it prior to completing or submitting a new course application. You can view the [Course Manual](#) in its entirety on the Nevada Real Estate Division website.

CYBERSECURITY CHECKLIST

Best Practices for Real Estate Professionals

Cybercrime can be devastating to real estate professionals and their clients. The following checklist offers some best practices to help you curb the risk of cybercrime. Because data protection and cybersecurity laws differ across the country, NAR recommends that you work with an attorney licensed in your state to help you develop cybersecurity-related programs, policies, and materials.

A. Email and Password Hygiene

- ✓ Never click on unknown attachments or links, as doing so can download malware onto your device.
- ✓ Use encrypted email, a transaction management platform, or a document-sharing program to share sensitive information.
- ✓ Carefully guard login and access credentials to email and other services used in the transaction.
- ✓ Regularly purge your email account, and archive important emails in a secure location.
- ✓ Use long, complicated passwords such as phrases or a combination of letters, numbers, symbols.
- ✓ Do not use the same password for multiple accounts.
- ✓ Consider using a password manager.
- ✓ Use two-factor authentication whenever it is available.
- ✓ Avoid doing business over public, unsecured wifi.

B. Other IT-based Security Measures

- ✓ Keep antivirus software and firewalls active and up-to-date.
- ✓ Keep your operating system and programs patched and up-to-date.
- ✓ Regularly back up critical data, applications, and systems, and keep backed up data separate from online systems.
- ✓ Don't download apps without verifying that they are legitimate and won't install malware or breach privacy.
- ✓ Don't click on links in texts from unknown senders.
- ✓ Prior to engaging any outside IT provider, review the applicable privacy policies and contracts with your attorney.

C. Law, Policy, and Insurance Considerations

- ✓ In collaboration with your attorney, develop a written disclosure warning clients of the possibility of transaction-related cybercrime. NAR has created a [Wire Fraud Email Notice Template](#) that you and your counsel may adapt.
- ✓ Stay up-to-date on your state's laws regarding personally identifiable information, the development and maintenance of cyber and data-related business policies, and other required security-related business practices.
- ✓ Develop and implement the following policies:
 1. Document Retention and Destruction Policy
 2. Cyber and Data Security Policy
 3. Breach Response and Breach Notification Policy
- ✓ Ensure that your staff and licensees have reviewed and are following all implemented policies.
- ✓ Review your current insurance coverage, and ask your insurance agent about cyber insurance and the availability and applicability of products such as social engineering fraud endorsements and computer and electronic crime riders. Visit the [CyberPolicy](#) partner page for details about cyber liability insurance available through the REALTOR® Benefits Program.

For more information about cybercrime and cybersecurity, please visit NAR's [Data Privacy and Security](#) topic page.

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Things to Remember



LICENSEES:

Per [NAC 645.313](#), you are required to submit copies of your Continuing Education (CE) certificates to the Division upon renewal, regardless of whether you renew in-person, online, or by mail. The education history reflected on your My Account on the Division's website is not proof of completion and should be used for reference ONLY.

EDUCATORS:

Per [NAC 645.695\(1\)](#), the Division may impose an administrative fine not to exceed \$500 per violation should a sponsor fail to submit a corrected roster within 5 business days after notification from the Division. Fines may also be imposed should a sponsor fail to comply with written instructions contained in the [Guidelines for Submitting Course Rosters](#), or if the sponsor fails to submit a roster within 3 days after course completion. Multiple violations may result in a withdrawal of course approval.

EDUCATORS:

Remember to use the [License Lookup](#) function on the Division website when completing class rosters. You are responsible for ensuring that students' names are spelled correctly and that license numbers are entered accurately and without leading zeros. For more information, reference [Form 785](#).

ATTENTION ALL LICENSEES:

[NRS 353C.1965](#) requires licensing agencies to collect State business license information and provide it to the Controller's Office as part of the list of state professional and occupational licensees. While independent contractors are required to have a state business license pursuant to [NRS 602.010](#), the Division does not require this license. The business license information is collected to determine compliance with the State business license requirements contained in [NRS Chapter 76](#).

For information on state business license requirements, please contact the Secretary of State's office directly at (775) 684-5708.

UPCOMING HOLIDAYS

VETERANS DAY
FRI / NOV 11

THANKSGIVING
THURS / NOV 24

FAMILY DAY
FRI / NOV 25

CHRISTMAS
MON / DEC 26

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.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Adams, Robert 2020-87 S.0187455.PC (Expired)	November 2022	Violated NRS 645.252(2) by failing to exercise reasonable skill and care with respect to all parties to the real estate transaction when he failed to inform the Sellers' agent that buyer was unresponsive and did not wire the earnest money deposit to the escrow holder as required by the RPA; NRS 645.630(1)(a) by communicating to Sellers' agent that he was unsure if buyer wired the earnest money deposit when RESPONDENT knew buyer had not wired the funds as set forth in the RPA, and buyer was in breach; NAC 645.650(2) when he failed to provide the broker he is associated with a copy of the RPA.	\$1,500 fine \$5,967.60 in Division costs and fees
Anderson, Joseph 2021-383 S.0078640 (Expired)	November 2022	Violated NRS 645.633(1)(i) as he as he engaged in conduct which constitutes deceitful, fraudulent, or dishonest dealings when he shoplifted merchandise from his brokerage's client.	\$10,000 fine \$1,688.60 in Division costs and fees
Martin, Brad 2020-1033 (Unlicensed)	October 2022	Allegedly violated NRS 645.230(1)(a) as he acted as a real estate salesperson, as defined by NRS 645.040 , or real estate broker as defined by NRS 645.030 , without an appropriate license when he represented buyer in a transaction for real property located in Nevada and advertised his brokerage services by referencing the recent sale of 9420 W. Lake Mead Blvd., Las Vegas, NV 89134.	\$10,000 fine \$1,688.60 in Division costs and fees
Wynn, Paul 2019-1122 BS.0143587 (Active)	November 2022	Violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(a) , by failing to produce the transaction files upon the Division's request.	\$5,000 fine \$10,441.41 in Division costs and fees 3 hours Agency 3 hours Contracts 3 Ethics



Since our last newsletter (July 2022), the following number of new real estate licenses have been added in the Division system:

BROKERS / **30**

BROKER-SALESPERSONS / **34**

SALESPERSONS / **529**

Real Estate Statistics Through September 2022

	Brokers		Broker-Salespersons		Salespersons		Totals	
County	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	10	1	16	3	4	5	30	9
Carson City	34	2	47	2	212	21	293	25
Churchill	9	0	6	0	57	5	72	5
Clark	1,875	45	2,291	45	16,823	1,432	20,989	1,522
Douglas	65	2	65	2	304	17	434	21
Elko	16	1	22	1	130	12	168	14
Esmeralda	0	0	0	0	0	0	0	0
Eureka	0	0	0	0	0	0	0	0
Humboldt	6	0	5	0	40	5	51	5
Lander	2	0	2	0	6	0	10	0
Lincoln	2	0	0	0	8	0	10	0
Lyon	22	0	22	0	168	15	212	15
Mineral	0	0	0	0	3	0	3	0
Nye	29	2	24	2	175	15	228	19
Out Of State	431	33	307	61	1,110	224	1,848	318
Pershing	3	0	0	0	7	0	10	0
Storey	3	0	1	0	3	1	7	1
Washoe	352	14	443	14	2,843	191	3,638	219
White Pine	4	0	3	0	3	0	10	0
Total	2,863	100	3,254	130	21,896	1,943	28,013	2,173

**PROPERTY
MANAGERS**

ACTIVE
3,180

INACTIVE
484

**BUSINESS
BROKERS**

ACTIVE
358

INACTIVE
68



Real Estate Round-up: ARELLO Nashville

In August, the Association of Real Estate License Law Officials (ARELLO) hosted their annual conference in Nashville, Tennessee.

There, Division staff and Commission members met with over 270 of the greatest minds in Real Estate, contributing to ARELLO's biggest conference in over ten years!

The five-day agenda was packed with programs and presentations on cutting-edge committee work, case studies, and legislative initiatives.

Among the numerous issues discussed, one that stuck out to Commissioner Gurr was Homebuyer Benefit Programs, "They are marketing this program, which is spreading to other states rapidly, as an innovative program that allows them to create a long-term relationship, for which they pay homeowners between \$800 and

\$3,000." She added that, "Most of the people who accept the plan have no idea that they are tied to paying a fee if they—or their heirs—list and sell their home with any other broker."

Furthermore, Commissioner Gurr and Commissioner Plummer both agreed that the Real Estate Roundtable discussion about Wholesalers was especially insightful. The concern here are prices being artificially inflated by bargaining interest in sales contracts. They are, according to Gurr, "essentially double-escrowing properties." Fortunately, conferences like ARELLO are invaluable when it comes to addressing and combating these kinds of predatory practices.

ARELLO's next symposium will take place in Henderson this January so if you're looking to attend, make sure to register as soon as possible!

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* POSITION CHANGE