

Open House

A newsletter for Nevada Real Estate Licensees

January / February / March / April 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.



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*by Antonio Brown,
CE Program Specialist*

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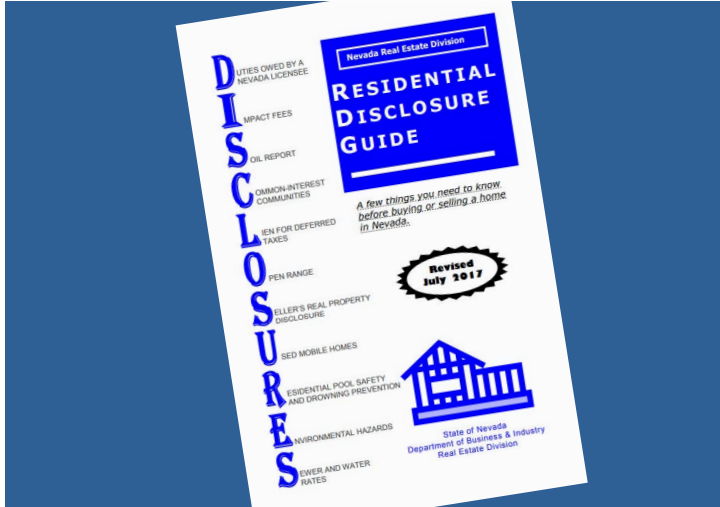
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*Compiled by Erica Arnold,
Publications Writer*

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*Compiled by Erica Arnold,
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DID YOU KNOW . . . ?

Annual Reporting Requirements for All Brokers

NAC 645.806 requires every real estate broker to submit either a completed [Trust Account Reconciliation \(Form 546\)](#) or a completed [Affidavit in Lieu of Form 546 \(Form 546A\)](#) on an annual basis.

The form to be submitted by the broker is dependent on the broker's activity during the prior year. If the broker receives money, including, without limitation, rents, security deposits, down payments, advance fees, earnest monies, etc., and those monies are held and deposited into the broker's account, the broker is required to submit a Form 546 on an annual basis. If the broker did not receive such monies during the prior year, then the broker is required to Form 546A on an annual basis.

The annual due date for submission of either form to the Division is dependent on the anniversary of the

broker's license renewal. For example, if the broker's real estate license is due to renew on July 31, then the broker is required to submit either Form 546 or 546A no later than July 31 every year. If the broker holds two real estate broker licenses, then the broker is required to submit either a completed Form 546 or 546A annually, on or before the expiration date for each broker's license.

Failure to submit Form 546 on time will result in an administrative fine of at least \$1,000. Failure to submit Form 546A on time will result in an administrative fine of at least \$250.

We are always here to assist you with any questions about Forms 546 and 546A. Contact the Division's Enforcement line at (702) 486-4324 or realest@red.nv.gov.

Be On Time, Don't Be Fined!

FAQs

RESIDENTIAL DISCLOSURE GUIDE

WHERE CAN I GET COPIES OF THE 5 ½ X 8 ½ BOOKLETS?

You may download and print the [disclosure guide](#) from the website or have one mailed to you upon request.

DO I HAVE TO OBTAIN THE SIGNATURES OF BOTH THE BUYER AND THE SELLER ON THE ACKNOWLEDGMENT PAGE?

NO. You are only required to obtain the signature of the party for whom you are acting as an agent and each unrepresented party to the real estate transaction, if any.

IS THE BOOKLET REQUIRED FOR COMMERCIAL SALES?

NO. The Residential Disclosure Guide is only required for residential sales.

IS THE BOOKLET REQUIRED FOR NEW HOME SALES?

YES.

SHOULDN'T THERE BE A SPOT ON THE ACKNOWLEDGMENT PAGE FOR THE PROPERTY ADDRESS?

The address is unnecessary. The disclosure booklet is an informational document...it is not designated for a specific transaction. If your client purchases more than one property or if the initial deal falls through, you may copy the acknowledgment page with your client's signature and include it in the transaction file of any additional properties.

THE DISCLOSURE BOOKLET STATES THAT THE LICENSEE MUST "DISCLOSE TO EACH PARTY IN THE TRANSACTION, ALL DUTIES OWED TO THE PARTIES AND THE LICENSEE'S RELATIONSHIP AS AN AGENT TO EACH PARTY..." DOES THIS MEAN THAT I HAVE TO GET THE SIGNATURE OF BOTH PARTIES ON THE DUTIES OWED FORM EVEN IF I AM NOT REPRESENTING BOTH PARTIES?

NO. Although the licensee has the duty to disclose certain information to each party in a real estate transaction (i.e., material and relevant facts, compensation received from parties and/or interest in a transaction), the licensee is only responsible for providing the "Duties Owed By a Nevada Real Estate Licensee" form to the party for whom the licensee is acting as an agent in the real estate transaction and each unrepresented party to the real estate transaction, if any.



Calling All Prospective Course Auditors

WHO SHOULD APPLY TO BE AN AUDITOR?

Course auditors are required to be members of the Advisory Review Committee (ARC). NRS 645.090 by way of NAC 645.490(3) provides the requirements for who may serve on the ARC. Each member of the ARC must:

1. Be a citizen of the United States.
2. Have been a resident of the State of Nevada for not less than 5 years.
3. Have been actively engaged in business as:
 - a. A real estate broker within the State of Nevada for at least 3 years immediately preceding the date of appointment; or
 - b. A real estate broker-salesperson within the State of Nevada for at least 5 years immediately preceding the date of appointment.

HOW DOES ONE APPLY?

Apply to become a member of the ARC through the application on the Division's website at [https://red.nv.gov/Content/Real_Estate/](https://red.nv.gov/Content/Real_Estate/Advisory_Committee/)

[Advisory_Committee/](#). You may submit a complete application via email to realest@red.nv.gov; mail to 3300 W. Sahara Ave, STE. 350, Las Vegas, NV 89102, ATTN: Administration Section; or by walking it into our office. Complete applications received by the Division are reviewed by the Real Estate Commission for approval or denial. If approved, the Division would then contact you via email at least monthly.

WHAT ARE THE BENEFITS OF AUDITING REAL ESTATE EDUCATION COURSES?

Auditors get to use their professional expertise to directly assist the Division with improving the quality of education in the state. Additionally, real estate licensees are already required to take continuing education to keep their licenses active; audited courses may be counted toward the education required for renewal and make a great addition to a professional resume.

Though ARC members serve without compensation, auditors are entitled to a reimbursement of any course fee and mileage (when

applicable) when they perform an audit, while funds remain available. This can reduce the cost of taking continuing education.

WHAT IS REQUIRED TO MAINTAIN ARC MEMBERSHIP?

To maintain ARC membership, auditors are expected to perform at least one course audit per quarter and be responsive to email correspondence from the Nevada Real Estate Division.

All qualified candidates are encouraged to apply and participate in this rewarding program. Before applying to become a member, please submit any questions to the Division's Education Section by emailing realest@red.nv.gov or calling (702) 486-0951.

Antonio Brown
CE Program Specialist

Interested in auditing CE courses?

The [ARC application](#) and details are available on the Division's website.

Things to Remember



1

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. You can also view your personal education history by logging into your My Account



2

When registering for continuing education (CE) courses, remember to use your license number and not your public ID. Your license number begins with S, BS or B. If you use the wrong number, then the course will not be reflected under Continuing Education Credits on your My Account.



3

SPONSORS AND INSTRUCTORS: Remember to use the License Lookup function on the Division website prior to submitting any rosters. You are responsible for ensuring that students' names are spelled correctly and that license numbers are accurate and do not include leading zeros.

UPCOMING HOLIDAYS

PRESIDENTS DAY
MON / FEB 21

MEMORIAL DAY
MON / MAY 30

INDEPENDENCE DAY
MON / JULY 4

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
Green, Pamela Jo 2020-866 S.75615 (Revoked) PM.167694 (Revoked)	September 2021	Violated NRS 645.633(1)(i) by engaging in deceitful, fraudulent or dishonest dealings by failing to notify her father's property management clients and the Division of his passing, and by continuing to run his business under his licensure after his death, while not holding the required licensing to do so herself; NRS 645.633(1)(h) pursuant to NAC 645.605(1) by engaging in gross negligence or incompetence by engaging in property management without the proper licensure from the Division and by failing to do her utmost to protect the public against fraud, misrepresentation, and unethical practices related to real estate; NRS 645.252(2) by failing to exercise reasonable skill and care with respect to all parties to a real estate transaction; NRS 645.633(1)(i) six times by engaging in deceitful, fraudulent or other dishonest dealings by preparing and submitting Integrity's annual trust account reconciliations to the Division bearing her deceased father's, Wes Green's, signature each year from 2015 through 2020; NRS 645.633(1)(i) at least 16 times by engaging in conduct that is deceitful, fraudulent, or dishonest by submitting continuing education credits for her deceased father to the Division; NRS 645.633(1)(i) on at least two occasions by causing her deceased father's license renewal applications to be submitted to the Division for 2017 and 2019; NRS 645.633(1)(i) two times by submitting a Consent to Service document and a Real Estate Termination Form to the Division bearing Wes Green's signature following his death; NRS 645.633(1)(i) by submitting a property management permit application to the Division bearing her deceased father's signature	\$375,000 fine \$3,965.81 in Division costs and fees. Licenses and permit revoked.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Green, Pamela Jo 2020-866 CONTINUED	September 2021	designating him as Respondent's broker/property manager; NRS 645.630(1)(f) with respect to four of Integrity's property management clients on multiple occasions by failing, within a reasonable time, to account for or remit any money which comes into her possession which belongs to others; NRS 645.630(1)(c) by accepting property management fees from Integrity's clients following the passing of her broker father; NRS 645.630(1)(d) by representing or attempting to represent a real estate broker other than whom RESPONDENT was associated with, without that express knowledge and consent; NRS 645.630(1)(i) by failing to place in the custody of her broker, as soon as possible, any deposit or other money entrusted to her as the representative of her licensed broker; NRS 645.630(1)(h) by commingling the money of her clients with her own and converting the money of others for her own use; NRS 645.633(1)(h) pursuant to NAC 645.605(6) by breaching her obligation of absolute fidelity to her principal's interest or her obligation to deal fairly with all parties to a real estate transaction with respect to four of Integrity's property management clients; NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) by failing to provide a written response and the Requested Information to the Division; and NAC 645.655(6) by being the only signatory on a custodial or trust account without having her broker's signature.	\$375,000 fine \$3,965.81 in Division costs and fees. Licenses and permit revoked.
Wenzel, Anson Blair 2019-224 BS.144016 (Revoked)	October 2021	Violated NRS 645.230(1)(B) by managing the property on behalf of the owner to include the facilitating of repairs to the property and the collection of rents and security deposits from tenant without a property management permit; and NRS 645.630(1)(h) by accepting funds from the complainant and holding them in his personal bank account. Additionally, the RESPONDENT collected rents and security deposits from the tenant and placed them in a bank account the RESPONDENT controlled. Respondent violated NRS 645.630(1)(i) by accepting funds for the Complainant and holding the funds in a personal bank account. RESPONDENT failed to turn over funds collected from the Complainant and tenant to his broker. Respondent violated NRS 645.630(1)(t) by accepting funds for the Complainant and holding the funds in his personal bank account. The RESPONDENT also collected rents and security deposits from the tenant and failed to remit or account for the funds to the property owner. Respondent violated NRS 645.633(1)(h) pursuant to NAC 645.605(1) by requesting the Complainant transfer \$24,660.00 to him for repairs to the property. The Respondent failed to pay for the all the repairs that were completed but informed the Complainant that he had taken care of the payments. RESPONDENT violated NAC 645.650(2) by failing to submit the management lease agreement to his broker when he started managing and leasing the property.	\$55,000 fine \$4,572.08 in Division costs and fees Licenses revoked

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Howie, David 2020-486 Unlicensed	December 2021	Alleged to have violated NRS 645.230(1)(a) for acting in the capacity of a real estate broker in the State of Nevada without first obtaining a broker's license from the Real Estate Division.	\$4,000 fine \$1,206.16 in Division costs and fees
Murad, Paul 2019-1011 B.57454 (Active)	December 2021	Violated NRS 645.252(3)(b) by submitting a transaction file for the property at 1319 S. Main Street, Las Vegas, NV 89104 to the Division and the transaction file did not contain a Duties Owed by a Nevada Licensee for the unrepresented Tenant of the property; NRS 645.633(1)(h) pursuant to NAC 645.605(2) by leasing the property at 1319 S. Main Street, Las Vegas, NV 89104 to Complainant while the property was not able to be occupied to conduct business out of due to the condition of the property; and NRS 645.633(1)(h) pursuant to NAC 645.605(7) by having the Complainant relocate his business from the property at 1319 S. Main Street, Las Vegas, NV 89104 to the property at 1203 S. Main Street, Las Vegas NV 89104 and never amended or created a new lease with the new address.	\$1,500 fine \$3,487.20 in Division costs and fees 3 hours Property Management
Byrd, Richard 2020-469 B.19254 (Revoked) B.1001574 (Revoked) PM.166341 (Revoked) PM.166548 (Revoked)	January 2022	Violated NRS 645.252(2) as he acted as an agent in a real estate transaction and failed to exercise reasonable skill and care with respect to all parties to the real estate transaction by failing to deposit earnest money as agreed to in the purchase agreement and its numerous addendums; NRS 645.630(a) as he made material misrepresentations by promising additional sums of earnest money to extend the close of escrow and then refused to pay agreed upon sums; NRS 645.630(1)(b) as he made false promises of character likely to influence, persuade or induce by falsely promising to deposit additional sums of earnest money to persuade and induce the Complainant to extend the close of escrow; NRS 645.633(1)(i) as his conduct constituted deceitful, fraudulent, or dishonest dealing as Respondent failed to deal fairly with Complainant when he prepared and signed the Notice of Cancellation of Purchase Agreement and stated he would not pay Complainant the \$30,000.00 in Earnest Money that he failed to deposit with Fidelity National Title Company as he agreed in multiple addendums to the purchase agreement; Pursuant to NAC 645.605(6) as he breached his obligation to deal fairly with all parties of a real estate transaction.	\$15,000 fine \$2,032.40 in Division costs and fees
Byrd, Richard 2020-728 B.19254 (Revoked) B.1001574 (Revoked) PM.166341 (Revoked) PM.166548 (Revoked)	January 2022	Violated NRS 645.630(1)(f) by failing to account for or to remit money he received on behalf of his client; NRS 645.633(1)(h) (through NAC 645.605(6)) as he was grossly negligent or incompetent in performing acts as a real estate broker by breaching his obligation of absolute fidelity to his client when he failed to pay his client the money he collected on his behalf; and NRS 645.633(1)(i)	\$15,000 fine \$2,487.62 in Division costs and fees Licenses and permits revoked.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Byrd, Richard 2020-728 CONTINUED	January 2022	(through NAC 645.605(6)) by engaging in conduct which constitutes deceitful, fraudulent or dishonest dealing by breaching his obligation of absolute fidelity to his client when he failed to pay his client the money he collected on his behalf.	\$15,000 fine \$2,487.62 in Division costs and fees Licenses and permits revoked.
Roberts, Bradford 2019-893 B.143293 (Revoked) B.1000704 (Revoked) PM.164974 (Revoked)	January 2022	Violated NRS 645.235(1)(b) by assisting his assistant in engaging in unlicensed activity.	\$5,000 fine \$2,357.32 in Division costs and fees
Roberts, Bradford 2020-310 B.143293 (Revoked) B.1000704 (Revoked) PM.164974 (Revoked)	January 2022	Violated NRS 645.633(1)(h) pursuant to NRS 645.6056 by failing to obtain property management agreements with the owners of the Copper Palms Property and the Delighted Avenue Property prior to managing the properties; NRS 645.630(1)(h) by commingling money from the Brokerage Payroll Account with the Operational Rental Trust Account; NRS 645.630(1)(h) by commingling money by transferring more than his average, monthly property management fees from the Operational Rental Trust Account to the Brokerage Payroll Account and then by transferring money from the Brokerage Payroll Account into the Operational Rental Trust Account; NRS 645.630(1)(h) by commingling money between the Brokerage Payroll Account and the Security Deposit Account; and NRS 645.630(1)(h) by commingling money between the Operational Rental Trust Account and the Security Deposit Trust Account.	\$50,000 fine \$8,395.68 in Division costs and fees Licenses and permits revoked.
Daigneau, Joelle N. 2018-996 S.173876 (Closed) PM.166620 (Closed)	January 2022	Violated NRS 645.647(2) by failing to pay the \$1,000.00 fine to the Division which provides grounds for the Commission to refuse to renew or revoke any license or permit RESPONDENT holds from the Division.	\$1,000 fine \$1,574.88 in Division costs and fees Licenses and permits revoked.
Rowell, Julie 2021-424 S.174798 (Revoked) PM.167498 (Revoked)	January 2022	Respondent's criminal convictions violated NRS 645.633(1)(d)(2) . Respondent violated NRS 645.615(1) and (2) by failing to report her felony conviction to the Division with 10 days after the conviction or entry of her plea of guilty.	\$1,795.12 in Division costs and fees. Licenses and permits revoked.



Since our last newsletter (May 2021), the following number of new real estate licenses have been added in the Division system:

BROKERS / **89**

BROKER-SALESPERSONS / **106**

SALESPERSONS / **1,438**

Real Estate Statistics Through January 2022

	Brokers		Broker-Salespersons		Salespersons		Totals	
County	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	10	2	17	1	98	9	125	12
Carson City	35	1	41	2	216	19	292	22
Churchill	11	0	5	1	51	2	67	3
Clark	1,886	43	2,305	121	16,835	1,287	21,026	1,451
Douglas	67	3	70	0	302	22	439	25
Elko	16	0	23	1	122	10	161	11
Esmeralda	0	0	0	0	0	0	0	0
Eureka	0	0	0	0	0	0	0	0
Humboldt	5	0	5	2	32	6	42	8
Lander	2	0	2	1	6	0	10	1
Lincoln	2	0	0	0	6	0	8	0
Lyon	22	1	23	0	152	14	197	15
Mineral	0	0	0	0	3	0	3	0
Nye	31	1	20	0	180	12	231	13
Out Of State	402	37	297	61	1,039	210	1,738	308
Pershing	3	0	0	0	7	0	10	0
Storey	2	0	1	1	2	1	5	2
Washoe	392	14	452	18	2,864	185	3,708	217
White Pine	3	0	4	0	3	0	10	0
Total	2,889	102	3,265	209	21,918	1,777	28,072	2,088

**PROPERTY
MANAGERS**

ACTIVE
3,190

INACTIVE
475

**BUSINESS
BROKERS**

ACTIVE
360

INACTIVE
67



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.](#)

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* POSITION CHANGE