

Open House

A quarterly newsletter for Nevada Real Estate Licensees

Department of Business & Industry

June 2013

The Mission of the Real Estate Division Education Fund

To ensure awareness of relevant laws and practices by all licensees through proactive education and information efforts.

IN THIS ISSUE

| | |
|---|-----------------|
| | → PAGE # |
| July 1st Begins End of 2-Year Education Term..... | 1 |
| <i>By Safia Anwari</i> | |
| Major Upgrade Allows for Smoother Online Renewal, License Lookup Experience..... | 1 |
| <i>By Chad Freeman</i> | |
| A Look at the NRED Website..... | 2 |
| <i>By Chad Freeman</i> | |
| Welcoming New Commissioner Opatik..... | 3 |
| <i>By Safia Anwari</i> | |
| Education Schedules | 3 |
| Disciplinary Actions..... | 4 |
| <i>Compiled By Chad Freeman</i> | |
| Statistics..... | 8 |

IMPORTANT REMINDER: JULY 1st BEGINS END OF 2-YEAR EDUCATION TERM AND SUBMISSION OF PROOF OF COMPLETION TO DIVISION

*By Safia Anwari
Education & Information Officer*

Active licensees, whose second and subsequent license renewals occurred from July 2011 onward, are informed that the requirement to submit proof of completion of their 24 hours of continuing education by the end of the 2nd anniversary month of their license renewal becomes effective July 1, 2013.

that date the licensee is required to have completed 24 hours of continuing education and submitted proof of completion to the Division. For licenses renewed in August 2011, the 2-year education term ends on August 30, 2013, and so on.

Proof of completion of education - the certificates issued by sponsor - must be provided to the Division no later than the end of the 2nd anniversary month of license renewal.

This means, for example, if a license was renewed in July 2011, the first 2-year education term (of the 4-year license renewal period) ends on July 31, 2013. By

The certificates must be delivered by USPS mail, common carrier with tracking or in person to the Division's Las Vegas

(Continued on page 7)

MAJOR UPGRADE ALLOWS FOR SMOOTHER ONLINE RENEWAL, LICENSE LOOKUP EXPERIENCE

*By Chad Freeman
Publications Writer*

The Division recently had a major upgrade in the application software and database that supports all licensing and compliance activities. During the integration process, online renewals were temporarily unavailable for part of December and license lookup wasn't fully functioning

until February, but glitches formerly experienced were worked out or removed. As a result, the new system provides a smoother renewal and license lookup experience.

While the update brings many benefits to the day-to-day operations of the Division, it is important to licensees because this version of software supports an entirely

(Continued on page 6)

Official publication of
STATE OF NEVADA
DEPARTMENT OF
BUSINESS
AND INDUSTRY

BRUCE H. BRESLOW
Director

REAL ESTATE DIVISION

GAIL J. ANDERSON
Administrator

SAFIA ANWARI
*Education
 & Information Officer*

CHAD FREEMAN
Publications Writer

LAS VEGAS OFFICE
 2501 E. Sahara Avenue
 Suite 101
 Las Vegas, NV 89104-4137
 (702) 486-4033

CARSON CITY OFFICE
 1179 Fairview Drive, Suite E
 Carson City, NV 89701-5453
 (775) 687-4280

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

**NEVADA REAL ESTATE
 COMMISSION**

**RICHARD
 JOHNSON**
President
 Washoe County

MARC SYKES
Vice President
 Washoe County

DAVID BOYER
Secretary
 Clark County

PAUL MURAD
Commissioner
 Clark County

**NORMA JEAN
 OPATIK**
Commissioner
 Nye County

Red.state.nv.us offers a wealth of useful information that can be obtained faster than the time it takes to call the Division offices on speed-dial.

A LOOK AT THE NRED WEBSITE

*By Chad Freeman
 Publications Writer*

For licensees - new and experienced - and the general public, the Division's website offers a wealth of useful information that can be obtained faster than the time it takes to call the Division offices on speed-dial. Red.state.nv.us features everything from the latest news and forms, to a vast archive of publications and resources.

Updated at least weekly, sometimes daily, new posts to the site are generally noted on the home page under 'Highlights' or via the 'What's New' page. As more information is added to the site, older pages, even if they are constantly updated, can sometimes get lost in the shuffle. With that in mind, here is a look at some of the site's main sections and what they have to offer:

Education

Looking for licensee education requirements? The 'Education' section provides a summary of the education required to obtain an original license and to renew a

license for all licensing credentials, including salespersons, broker-salespersons, brokers, appraisers, community managers, inspectors of structures, property managers and business-brokers.

This section is also the place where scheduled dates and locations of approved continuing education, pre-licensing and post-licensing courses are available. Updated calendars and lists of distance education sponsors are maintained for all the real estate programs, as well as for community managers and timeshare agents.

Separate continuing education calendars are available for the Division's courses funded by the Education and Research Fund: What Every Licensee Should Know, and Trust Accounting Management and Compliance.

In addition to calendars, the website provides interactive and downloadable course and instructor application forms, lists of distance education sponsors and courses, as well as the qualifying requirements for anyone interested

(Continued on page 7)

WELCOMING NEW COMMISSIONER OPATIK

By Safia Anwari
Education & Information Officer

Norma Jean Opatik from Pah-rump, Nye County, was sworn in at the February 2013 meeting of the Real Estate Commission to begin her first 3-year term on the Commission.

As a Nevada licensee and the owner of a real estate company, Commissioner Opatik adds another decade and a half of experience to the extensive real estate knowledge already represented on the board.

She also holds a business broker permit, and is, additionally, an educator who sponsors and teaches a continuing education (CE) course in broker management, and is a Division-approved instructor of CE courses for the Greater Las Vegas Association of Realtor (GLVAR).

Commissioner Opatik in an active participant on various committees of the GLVAR where she presently serves as Vice-Chair of the Multiple Listing Service Committee and a member of the Political Survival Fund Committee, among others.



President Johnson welcomes new Commissioner Opatik at the February meeting of the Real Estate Commission.

Her previous career background is diverse and includes the fields of accounting, computer programming and cosmetology.

Married with 4 grown children and "3 loving dogs," Ms. Opatik enjoys playing the piano and the harp.

Commissioner Opatik joins Commissioners Marc Sykes, David Boyer, Richard Johnson (current President) and Paul Murad to complete the 5-member body appointed by the Governor to act in an advisory capacity to the Real Estate Division, adopt regulations, and hear disciplinary cases and appeals from the decisions of the Division. ◀

TRUST ACCOUNTING MANAGEMENT AND COMPLIANCE

CE.5369000-RE
For Brokers and
Broker-Salespersons only
3 hours of
Broker Management credits
No Course fee

Register at:
<http://red.state.nv.us>

LAS VEGAS
Room 1100
Grant Sawyer Building
555 E. Washington
Las Vegas, NV 89101

June 4
9 a.m. to Noon

July 22
9 a.m. to Noon

RENO
Reno/Sparks
Association of Realtors
5650 Riggins Court
Suite 200
Reno, NV 89520

July 24
9 a.m. to Noon

WHAT EVERY LICENSEE SHOULD KNOW

| Class Date | Hours | Designation | CE# | Location |
|------------|-------|-------------|---------------|-----------|
| 5/29/13 | 3 | Law & Leg | CE.5464001-RE | Las Vegas |
| 6/03/13 | 3 | Law & Leg | CE.5464001-RE | Las Vegas |
| 6/24/13 | 3 | Agency | CE.5464001-RE | Las Vegas |

www.lasvegasrealtor.com

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. If a stay on discipline is issued by the Court, the matter is not published until final outcome of the Review. 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. Names of persons whose license applications have been denied are not published.

ALLEGATIONS/STIPULATIONS

Stipulations occur when both the Respondent and Division have agreed to conditions reviewed and accepted by both sides. A stipulation may or may not be an admission of guilt. Stipulations are presented to the Commission for review and acceptance.

| NAME | HEARING DATE / TYPE | VIOLATION OR STIPULATION | FINES /EDUCATION / OTHER ACTION |
|--|--|---|---|
| IVY LATIMORE S.0051455 (Active) | June 2012 Action | Knowingly offered and engaged in property management activities without a permit to do so; accepted compensation from someone who was not her broker; failed to timely remit money to a client; and failed to notify the Division of a plea of no contest to a theft misdemeanor. | WELSK: 6 hours Ethics: 6 hours |
| ANTHONY ROY (TONY) WILSON B.0025669 (Revoked) | June 2012 Action | Pled guilty in a US District Court to the felony of Conspiracy to Commit Wire and Mail Fraud. Knowingly participated in a scheme to control various Homeowners' Association Boards of Directors, so construction defect lawsuits and remedial construction contracts would be awarded to his co-conspirators. | \$120,000 fine License revoked |
| DAVID GREEN B.0001051 (Downgraded) PM.0162627 (Surrendered) | June 2012 Stipulated Settlement | Failed to provide trust account reconciliations to the Division for properties managed for clients, and failed to produce documents and disclose facts during the Division's investigation. | WELSK: 6 hours Law: 6 hours License downgraded to broker-salesperson for at least 5 years. Property Management permit surrendered. |
| JAMES F. RODRIGUEZ S.0055989 (Revoked) | November 2012 Action | Engaged as property manager without a permit and committed following violations: 17 counts of NRS 645.630(1)(f) by failing to account for client funds; and 18 counts of NRS 645.630(1)(h) by commingling and converting client funds for his own use. | \$395,000 fine License revoked |
| CRAIG A. HALL B.0032903 (Active) PM.0132903 (Active) | September 2012 Action | As a broker, failed to: maintain and account for money in trust accounts; supervise employee who embezzled \$99,359 from trust accounts over a period of approximately one and a half years. | Broker Management: 6 hours Respondent currently paying money back to trust accounts. |
| ALICE LUNGU S.0069658 (Surrendered) | February 2013 Stipulated Settlement | Violated NRS 645.633(1)(d)(2) by pleading guilty to a felony crime involving fraud, deceit, misrepresentation or moral turpitude. | Voluntary surrender of salesperson's license. |

Disciplinary Actions / Stipulations (Continued)

| NAME | HEARING DATE / TYPE | VIOLATION OR STIPULATION | FINES / EDUCATION / OTHER ACTION |
|---|---|--|--|
| RONALD E. SLITER B.0051731 (Revoked) PM.0151731 (Expired) | June 2012 Action | Commingled and/or converted client funds and failed to: remit rents to clients; notify the Division in writing regarding change of business location; and provide annual Trust Account Reconciliations. Showed a pattern of gross negligence and incompetence with respect to property management. | \$120,000 fine License revoked |
| ZARBOD ZANGANEH B.1000811 (Active) | September 2012 Action | Violated NRS 645.633(1)(d)(2) by pleading guilty to a crime involving fraud, deceit, misrepresentation or moral turpitude. | \$10,000 fine WELSK: 6 hours Broker Management: 6 hours |
| EVE MAZZARELLA B.0050830 (Revoked) | June 2012 Action | Violated NRS 645.633(1)(d)(1) and (1)(d)(2) by being found guilty of Conspiracy to Commit Bank Fraud, Mail Fraud and Wire Fraud, Bank Fraud; Mail Fraud; Wire Fraud; Aiding and Abetting. | \$40,000 fine License revoked |
| MARGARET EGGENBERGER (Unlicensed) | April 2012 Action | Engaged, and offered to engage, as a property manager without the required license and permit. | \$6,265.60 fine |
| KEVIN J. ELLIOTT B.0002502 (Revoked) | April 2012 Action | Violated an order of the Commission by advertising for real estate services under a suspended license, and failed to respond to a request for information concerning the Division's investigation. | \$25,000 fine License revoked |
| TOM W. KING B.0028077 (Active) PM.0128077 (Surrendered) | July 2011 Stipulated Settlement | Acted in a grossly negligent and/or incompetent manner by: failing to pay monies owed for rents; paying commission, compensation or a finder's fee to unlicensed persons acting as salespersons; and failing to properly supervise the activities of his employees. | \$12,000 fine WELSK: 6 hours Broker Management: 6 hours Ethics: 3 hours |
| ANTHONY JOSEPH SY AKA ANTHONY SYEVADES S.0048663 (Expired) | November 2012 Stipulated Settlement | While licensed as a salesperson, operated as an unlicensed broker, representing buyers in the process of bidding to purchase properties at foreclosure auctions. | \$40,000 fine |
| KIM GRIST (Unlicensed) | September 2012 Stipulated Settlement | Respondent engaged in activity for which a Nevada broker's license and a property manager permit are required. | \$5,000 fine |
| ANNA LORD B.1001127 (Active) | September 2012 Stipulated Settlement | Failed to protect the public against fraud, misrepresentation, and/or unethical practices by not properly supervising a licensee. | \$5,000 fine WELSK: 6 hours Ethic: 6 hours |
| EDWARD D. LORD BS.0036344 (Active) PM. 0136344 (Surrendered) | September 2012 Stipulated Settlement | Engaged in numerous deceitful, fraudulent, or dishonest dealings in violation of NRS 645.633 (1)(i). | \$5,000 fine WELSK: 6 hours Ethic: 3 hours Voluntary surrender of property management permit. |

**2,893
EXPIRED**

By the end of April 2013, the following number of real estate licenses had expired:

- Broker: 252
- Broker-Salespersons: 489
- Salespersons: 2,106
- Total: 2,847

A real estate license must be renewed within one year of its expiration date or it will be permanently closed. To check the status of a license, visit www.red.state.nv.us and click on License Lookup.

... ONLINE RENEWAL, LICENSE LOOKUP

(Continued from page 1)

new online module that provides more security, a different consumer payment interface and, over time, will allow more transactions with the Division to be completed online. At the present time, online license renewal is available to real estate licensees and permit-holders, and community managers.

In order to renew online, licensees are required to log in using their license number as user ID and the last four digits of their social security number as password. The user must set and answer security questions for future log-ins.

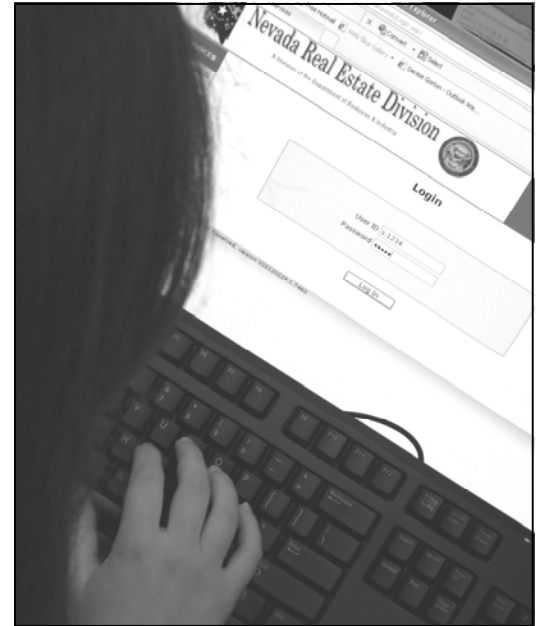
The updated version allows licensees to scan and submit their post-licensing and continuing education certificates with their license renewal. Certificate upload by the licensee is not mandatory. However, licensees who renew without certificates remain subject to the Division's audit.

The upgrade also provides a more user-friendly license lookup. A log-in is not required to use the function, which allows the public to verify the credentials of the licensed professionals in the NRED system.

Searches through license lookup can be made by individual name (last and first), license number, specified license type, city, state, and zip code. Company names may be searched, but licensees affiliated with a specific company is not an available search. Search by county is an option, but it must be noted that not all licensees have the county entered in their license data in the system, and therefore a county search may result in incomplete listings. The

Depicted at right is a licensee logging in using their license number as user ID and the last four digits of their social security number as password.

Below is the new licensee lookup. A log-in is not required to use the function, which allows the public to verify the credentials of the licensed professionals in the NRED system.



| | | | | | |
|-------------------|----------------|------------|--------|------------|--|
| License Number | B | . | | - | |
| Company Name/DBA: | Nevada | | | | |
| First Name: | | Last Name: | | | |
| City: | | State: | | Zip: | |
| County: | Select a State | | | | |
| | | | Search | Clear Form | |

Division will work to remedy and complete this over time.

A search for an individual licensee pulls up the various licenses and/or permits that are assigned to that person. Each result features name, license type, license status, city, state, and zip code.

When the link for "details" is clicked, further registration information is available. A pop-up window displays credential issue date, expiration date, and current license status, e.g. "active," "inactive," "expired," "closed" for an expired license that was

not renewed within one year of expiration, or "suspended," "voluntary surrender" or "revoked."

Although the information is limited, education sponsors in the NRED system can be pulled up via searches by entering their name in the company name search. Education courses can also be searched and are listed in the system with the course number in the license number field.

Visit <http://red.state.nv.us> and click on "Online Services" to renew online or try out the license lookup. ◀

... A LOOK AT THE NRED WEBSITE

(Continued from page 2)

in instructing real estate education.

Commission Meetings

Attending a Real Estate Commission meeting to hear disciplinary cases is not only an education in ethics and how to conduct the real estate business in compliance with the law, it is also an opportunity to earn up to six hours of continuing education credits in ethics or broker management during any licensing period. Dates of upcoming and future meetings of the Real Estate Commission are available for licensees and the public interested in attending these events.

The site also provides - to read online or print - the agendas, education summaries, complaints for disciplinary hearings, and minutes of Commission meetings dating as far back as 2005.

Agendas of upcoming meetings are usually posted on or before 9 a.m. on the third working day before the date of the meeting. Minutes are posted as they are approved by the commission.

Forms

Like education calendars and commission meeting information, Division forms are frequently updated. The website currently houses 183 legal forms ranging from applications for original licensing or license changes, applications for education courses, to statement of facts for filing a complaint with the Compliance Section and sworn declarations.

As soon as new forms are created, or existing ones are updated or made interactive, they become available on the website.

Division policy requires that only the most current version of the form be used to complete and submit an application or other matter to the Division. For this reason, stockpiling copies of completed forms for future use is not advised.

Publications

To stay up to date with the policies that affect real estate licensees and licensed activities, a periodic click on the 'Publications' tab is recommended. This section provides a diverse and current range of the Division's publications from advisory opinions, announcements, informational bulletins, press releases, position statements, to newsletters, among others.

While some public information on specific issues like advisory opinions, informational bulletins or position statements, may only be published once, others like the Open House newsletter, which is also sent by mail to active licensees, are produced periodically.

In 2012, the Division published three issues of Open House, four advisory opinions on different topics and under different licensing programs, and four informational bulletins, two of which, #026 titled "'Trust Account' in the Title of a Bank Account," and #025 "Regulation Amendment Addresses Education Requirements

for the Extended License Renewal Period," relate to real estate.

Other online publications include the 2012 revisions of the Nevada Law & Reference Guide, the Nevada Residential Disclosure Guide, Trust Fund Accounting & Record Keeping for Nevada Brokers, and the Course Booklet. The latter is a reference source for education sponsors on how to complete and submit their course applications.

Statutes and Regulations

The statutes and regulations governing the licensing programs under the Division's jurisdiction may be accessed from the "Legal" tab on the homepage. From here direct links to the Nevada Legislature's website provide the primary laws of real estate, from Sales of Real Property (NRS & NAC 113, which includes seller disclosure requirements), Discrimination in Housing; Landlord Tenant (NRS 118), to Real Estate Brokers and Salesmen (NRS & NAC 645).

Changes to Nevada Revised Statutes (NRS) may only be made through Legislative action, while Nevada Administrative Code or NAC changes are preceded by workshops and public hearings, and adopted by the Commission or Administrator. Proposed regulations and schedules of hearing and adoption workshops may be found in this section of the website. Adopted regulations are also posted here until they are encoded into the NAC at which time they become accessible via a link to the Nevada Legislature's Law Library. ◀

... JULY 1st BEGINS END OF 2-YEAR EDUCATION TERM

(Continued from page 1)

office at 2501 E. Sahara Avenue, Las Vegas, NV 89104, marked for the attention of the Real Estate Education Section. Certificates submitted by fax or email will not be accepted.

Licensees are responsible for ensuring

that their continuing education includes at least 12 hours in the mandatory designations of Agency, Contracts, Ethics, and Law and Legislative Update; and no less than 50% of the 24 hours of education is taken by live instruction. Licensees are responsible to timely obtain the required education

and supply proof to the Division. No courtesy reminder notification is sent by the Division.

Failure to comply will result in immediate involuntary inactivation of the license and an administrative fine. ◀

Real Estate Statistics as of April 2013

| County | BROKER | | BROKER SALESPERSON | | SALESPERSON | | TOTALS | |
|--------------|-------------|------------|--------------------|------------|--------------|-------------|--------------|-------------|
| | Active | Inactive | Active | Inactive | Active | Inactive | Active | Inactive |
| Unknown | 32 | 48 | 41 | 49 | 268 | 95 | 341 | 192 |
| Carson City | 43 | 25 | 36 | 11 | 126 | 33 | 205 | 69 |
| Churchill | 14 | 8 | 7 | 1 | 37 | 9 | 58 | 18 |
| Clark | 1773 | 411 | 2169 | 386 | 10875 | 1674 | 14817 | 2471 |
| Douglas | 63 | 15 | 88 | 13 | 240 | 41 | 391 | 69 |
| Elko | 22 | 4 | 21 | 7 | 58 | 5 | 101 | 16 |
| Esmeralda | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Eureka | 1 | 1 | 0 | 0 | 1 | 0 | 2 | 1 |
| Humboldt | 3 | 2 | 5 | 3 | 19 | 0 | 27 | 5 |
| Lander | 1 | 1 | 2 | 0 | 5 | 0 | 8 | 1 |
| Lincoln | 1 | 0 | 1 | 0 | 1 | 1 | 3 | 1 |
| Lyon | 32 | 10 | 24 | 6 | 87 | 18 | 143 | 34 |
| Mineral | 1 | 0 | 0 | 0 | 2 | 1 | 3 | 1 |
| Nye | 40 | 7 | 28 | 9 | 99 | 30 | 167 | 46 |
| Out Of State | 308 | 25 | 211 | 60 | 424 | 146 | 943 | 231 |
| Pershing | 2 | 0 | 0 | 0 | 2 | 0 | 4 | 0 |
| Storey | 1 | 0 | 1 | 0 | 5 | 2 | 7 | 2 |
| Washoe | 382 | 187 | 413 | 120 | 1695 | 236 | 2490 | 543 |
| White Pine | 2 | 0 | 2 | 1 | 5 | 2 | 9 | 3 |
| Total | 2721 | 744 | 3049 | 666 | 13949 | 2294 | 19719 | 3704 |