

NEVADA REAL ESTATE COMMISSION
MINUTES

MARCH 15, 2016

Grant Sawyer Building
555 East Washington Avenue
Room 4412
Las Vegas, Nevada 89101

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street
Room 2134
Carson City, Nevada 89701

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Devin Reiss, Clark County; Neil Schwartz, Clark County; Lee Barrett, Clark County;
Sherrie Cartinella, Washoe County; and Norma Jean Opatik, Nye County
Commission Counsel: Rose Marie Reynolds

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Administrator Joseph (JD) Decker

In Carson City

Deputy Administrator Michael Jory
Investigator Jaye Lindsay

In Las Vegas

Administrative Section:

Administration Section Manager Teralyn Thompson
Commissioner Coordinator Rebecca Hardin

Enforcement Section:

Chief Investigator Jan Holle
Investigator Linda Chavez
Investigator Carolyn Washington
Investigator Daryl McCloskey

Education Section:

Education/Information Manager Safia Anwari
Continuing Education Program Supervisor Ingrid Trillo

Attorney General's Office:

Deputy Attorney General Keith Kizer
Deputy Attorney General Peter Keegan

2) PUBLIC COMMENT

None.

3-I-2) DISCUSSION REGARDING ADDITIONAL PROPOSED CHANGES TO THE SELLER'S REAL PROPERTY DISCLOSURE FORM, ADDING DISCLOSURE REGARDING SOLAR ENERGY

Administrator Decker stated that the Seller's Real Property Disclosure form was changed and mistakenly sent out without gathering feedback by staff. Mr. Decker stated that changes to the Duties Owed form was on hold at the request of the Nevada Association of Realtors.

David Sanders, general counsel for the Greater Las Vegas Association of Realtors, asked that the Seller's Real Property Disclosure form be updated to include language that would allow the seller to disclose the existence of solar panels and other types of restrictive covenant easements.

President Opatik asked if the language proposed included specific items, such as solar water heaters.

Mr. Sanders answered no, but stated that he would provide more specific language for review and acceptance by the Commission.

Mr. Decker stated that the Division could work with the Greater Las Vegas Association of Realtors to create wording that would be all-encompassing to present to the Commission at the next meeting.

3-I-1) DISCUSSION REGARDING ADDITIONAL PROPOSED CHANGES TO THE SELLER'S REAL PROPERTY DISCLOSURE FORM, ADDING DISCLOSURE REGARDING SEX OFFENDERS

Commissioner Cartinella stated that she requested this agenda item at the behest of others in the North.

Administrator Decker stated that the seller's ability to determine known sex offenders in the area was no greater than the buyers, because there are public websites that are put forth by law enforcement.

President Opatik stated that it was a buyer's due diligence.

Mr. Decker stated that this was an issue that is outside of the control of the seller and did not belong on the disclosure.

7-5) NRED v BORIS JAKUBCZACK - CASE # RES 14-03-48-668

7-6) NRED v CARINE JAKUBCZACK - CASE # RES 14-03-49-669

Parties Present

Keith Kizer was present representing the Division.

Boris Jakubczack was present.

Carine Jakubczack was not present.

Preliminary Matters

Mr. Jakubczack requested a continuance for himself and Carine Jakubczack.

The Commission questioned Mr. Jakubczack.

Commissioner Schwartz moved to approve granting continuances until the next scheduled Commission meeting. Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Barrett opposed.

7-12) NRED v DIANE WILD - CASE # 2015-416

Parties Present

Keith Kizer was present representing the Division.
Diane Wild was present.

Preliminary Matters

Ms. Wild stipulated to the facts of the case.

Mr. Kizer submitted State's Exhibit A which was admitted into evidence with no objection.

Hearing

Mr. Kizer read the factual allegations and violations of law.

Ms. Wild made a statement.

Commissioner Reiss moved to accept the factual allegations with the modification to number eleven, changing the spelling to Sheldon. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Reiss moved that the violations were proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle stated the Division's would recommend a fine of \$10,000.00 plus \$807.19 for the costs of the hearing and investigation payable within 60 days of the effective date of the order.

Ms. Wild made a statement

Commissioner Schwartz moved to fine Ms. Wild \$5,000 plus \$807.19 for costs to be paid within 60 days of the effective date of the order. Commissioner Reiss seconded. Motion carried unanimously.

7-4) NRED v HELENA GARCIA - CASE # 2015-0006

Parties Present

Peter Keegan was present representing the Division.
Helena Garcia was present.

Preliminary Matters

Mr. Keegan submitted State's Exhibit A which was admitted into evidence with no objection.

Hearing

Mr. Keegan made an opening statement.

Ms. Garcia made an opening statement.

State's Witness

Maria Guzman testified.

Spanish Interpreter Diego Trujillo translated for Ms. Guzman.

Ms. Garcia questioned Ms. Guzman.

The Commission questioned Ms. Guzman.

The witness was dismissed.

State's Witness

Helena Garcia testified

The Commission questioned Ms. Garcia.

The witness was dismissed.

Ms. Garcia presented her case.

President Opatik questioned Ms. Garcia.

Mr. Keegan made a closing statement.

Ms. Garcia made a closing statement.

Commissioner Cartinella moved that the factual allegations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Commissioner Reiss moved that the violation of NRS 645.630(1)(b) was proven. Commissioner Cartinella seconded. Motion carried unanimously.

Commissioner Schwartz moved that the violation of NRS 645.633(1)(i) was proven. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Schwartz moved that the violation of NRS 645.633(1)(i), pursuant to NAC 645.605(11)(d) was proven. Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Reiss opposed.

Division's Recommendation for Discipline

Jan Holle stated the Division's recommended revocation of the real estate license effective 30 days from the effective date of the order, a fine of \$15,000.00 plus \$1,528.96 for cost of the hearing and investigation payable within 120 days of the effective day of the order

Ms. Garcia made a statement

Commissioner Schwartz moved that Ms. Garcia be fined \$15,000 plus costs of \$1,528.96 to be paid within 120 days of the effective date of the order and the real estate license be revoked 30 days from the effective date of the order. Commissioner Reiss seconded. Motion failed 2 to 3 with President Opatik, Commissioners Cartinella and Reiss opposed.

Commissioner Cartinella moved that Ms. Garcia be fined \$15,000 plus \$1,528.96 in costs to be paid within 120 days of the effective date of the order and revocation of the license within 30 days of the effective date of the order. Commissioner Schwartz seconded. Motion carried unanimously.

4-1) RESPONDENT'S PETITION FOR REHEARING: NRED v MATTHEW D'ERCOLE - CASE # 2015-2200

Parties Present

Keith Kizer was present representing the Division.
Matthew D'Ercole was present.

Mr. D'Ercole made a statement.

President Opatik questioned Mr. D'Ercole.

Mr. Kizer made a statement.

Commissioners Reiss and Cartinella questioned Mr. D'Ercole.

Commissioner Cartinella moved to grant a rehearing. Commissioner Barrett seconded. Motion failed 2 to 3 with President Opatik, Commissioners Reiss, and Schwartz opposed.

Commissioner Reiss moved to deny a rehearing. Commissioner Schwartz seconded. Motion carried 3 to 2 with Commissioners Barrett and Cartinella opposed.

7-1) NRED v FREDERICK (FRED) BRILMAN - CASE # RES 14-10-22-135

Parties Present

Keith Kizer was present representing the Division.
Frederick (Fred) Brillman was present.
William Devine was present representing Mr. Brillman.

Preliminary Matters

Mr. Devine requested a continuance for Mr. Brillman.

Mr. Kizer opposed the continuance unless Mr. Brillman's license was suspended.

Mr. Devine objected to the suspension.

The Commission questioned Mr. Brillman

Commissioner Cartinella moved to grant the continuance to the next scheduled meeting. Commissioner Reiss seconded. Motion carried 3 to 2 with President Opatik and Commissioner Barrett opposed.

7-3) NRED v CHRISTINE (CHRISSE) FRASER - CASE # RES 14-10-23-136

Parties Present

Keith Kizer was present representing the Division.
Christine (Chrissie) Fraser was present.
William Devine was present representing Ms. Fraser.

Preliminary Matters

Mr. Devine requested a continuance for Ms. Fraser.

Commissioner Reiss moved to grant the continuance to the next scheduled meeting. Commissioner Schwartz seconded. Motion carried 3 to 2 with President Opatik and Commissioner Barrett opposed.

7-7) NRED v BLANCA PAREDES - CASE # 2015-1917

Parties Present

Keith Kizer was present representing the Division.
Blanca Paredes was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Schwartz moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Reiss seconded. Motion carried unanimously.

Hearing

Mr. Kizer submitted documents contained in the Notice of Documents as State's Exhibit A. The documents were admitted into evidence.

Mr. Kizer read the factual allegations and violations into the record.

Commissioner Barrett moved that the factual allegations and violations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle stated the Division's would recommend a fine of \$5,000.00 plus \$1,112.76 for cost of the hearing and investigation payable within 30 days of the effective date of the order

Commissioner Cartinella moved to fine Ms. Paredes a \$5,000.00 fine plus costs of \$1,112.76 to be paid within 30 days of the effective date of the order. Commissioner Barrett seconded. Motion carried unanimously.

7-11 NRED v VAHAG M. STEPANYAN - CASE # 2014-4545

Parties Present

Keith Kizer was present representing the Division.
Vahag M. Stepanyan was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Schwartz moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Hearing

Mr. Kizer submitted documents contained in the Notice of Documents as State's Exhibit A. The documents were admitted into evidence.

Mr. Kizer read the factual allegations and violations into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Commissioner Cartinella seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle stated the Division's would recommend a revocation of the license 30 days from the effective date of the order.

Commissioner Reiss moved that the license be revoked within 30 days of the effective date of the order. Commissioner Cartinella seconded. Motion carried unanimously.

7-8) NRED v PATRICIA PRASAD - CASE # 2014-4160

Parties Present

Keith Kizer was present representing the Division.
Patricia Prasad was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Schwartz moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Hearing

Mr. Kizer submitted documents contained in the Notice of Documents as State's Exhibit A. The documents were admitted into evidence.

Mr. Kizer read the factual allegations and violations into the record.

Mr. Kizer read the previous order for this case into the record.

Commissioner Schwartz moved that the factual allegations and violations were proven. Commissioner Reiss seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle stated the Division's would recommend the discipline ordered by the Commission in the previous order.

Commissioner Cartinella moved that Ms. Prasad be fined \$50,000.00 plus \$807.77 in costs, revocation of the license, all to be due within 30 days from the effective date of the order. Commissioner Barrett seconded. Motion carried unanimously.

7-9) NRED v PATRICIA PRASAD - CASE # 2014-4238

Parties Present

Keith Kizer was present representing the Division.
Patricia Prasad was not present.

Hearing

Mr. Kizer submitted documents contained in the Notice of Documents as State's Exhibit A. The documents were admitted into evidence.

Mr. Kizer read the factual allegations and violations into the record.

State's Witness

Rebecca Hardin testified regarding proof of service.

Commissioner Schwartz moved that the Commission, pursuant to NAC 645.860, find that the State had proven sufficient service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Schwartz moved that the factual allegations and violations were proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Jan Holle stated the Division would recommend a duplication of the discipline as stated in the previous order for this case as follows: \$50,000.00 fine, plus hearing and investigation costs of \$993.27 to be paid within 30 days of the effective date of the order; revocation of two broker's licenses and a property management permit.

Commissioner Reiss moved to impose a fine of \$50,000.00 plus the cost of \$993.27 payable within 30 days of the effective date of the order, revocation of both broker licenses and property management permit. Commissioner Schwartz seconded. Motion carried unanimously.

5-1) INSTRUCTOR DENIAL APPEAL - MICHELLE ROPER

Parties Present

Ingrid Trillo was present.

Michelle Roper was present.

Ms. Roper requested that the hearing be closed.

Commissioner Barrett moved to close the hearing pursuant to NRS 241.030(1). Commissioner Schwartz seconded. Motion carried unanimously.

The hearing was closed.

Commissioner Cartinella moved to go back into open session. Commissioner Barrett seconded. Motion carried unanimously.

The hearing was reopened.

Commissioner Cartinella moved to grant an instructor license to Michelle Roper. Commissioner Barrett seconded. Motion carried unanimously.

6-1) CONTINUING EDUCATION COURSE DESIGNATION CHANGE
COURSE: "AGENTS SAFETY, SITUATIONAL AWARENESS AND TRAINING"
SPONSOR: BRIAN C. WOLFFIS

Parties Present

Ingrid Trillo was present.
Brian Wolffis was present.

Mr. Wolffis requested changing the designation of this course from personal development to general.
Ms. Trillo stated the criteria required for a general designation.
Commissioner Schwartz questioned Mr. Wolffis and Ms. Trillo.

Mr. Wolffis and Ms. Trillo stated that they would work together to determine content changes required to approve the class with a general designation.

3-A-1) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON PERSONNEL

Administrator Decker stated that there was a new real estate enforcement investigator in the North.
Michael Jory introduced Jaye Lindsay, the new investigator.
Ms. Lindsay commented on her experience and stated that she looked forward to learning her new position.

3-A-2) DISCUSSION REGARDING STATUS UPDATE REGARDING CHANGES TO REAL ESTATE DIVISION FORMS INCLUDING BUT NOT LIMITED TO CHANGES TO THE DUTIES OWED BY A NEVADA REAL ESTATE LICENSEE FORM AND THE SELLER'S REAL PROPERTY DISCLOSURE FORM

Administrator Decker stated that the Division was waiting for feedback from the Nevada Association of Realtors about changes to the Duties Owed form.
Safia Anwari stated the change to the Duties Owed form entailed adding space to list team members.

3-A-3) DISCUSSION REGARDING STATUS UPDATE ON LCB FILE NOR097-14

Teralyn Thompson stated that she and Administrator Decker attended the last Legislative Commission meeting on February 19, 2016 to speak on behalf of R097-14; however no regulations were addressed due to other agenda items. Ms. Thompson stated that the regulation may be presented for approval at the next Legislative Commission meeting scheduled for April 4, 2016.

3-N) DISCUSSION AND DECISION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS

Administrator Decker stated that there was an issue regarding the Real Estate Commission meeting scheduled for September 20-22, 2016 because the Association of Real Estate License Law Officials national meeting is being held that week.

After discussion the matter was tabled until March 16, 2016.

8) PUBLIC COMMENTS

None.

9) ADJOURNMENT

The meeting was recessed at 4:30 PM on March 15, 2016

MARCH 16, 2016

Grant Sawyer Building
555 East Washington Avenue
Room 4401
Las Vegas, Nevada 89101

VIDEO CONFERENCE TO:

The Legislative Building
401 South Carson Street
Room 2134
Carson City, Nevada 89701

The meeting was called to order at 9:00 AM.

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Devin Reiss, Clark County; Neil Schwartz, Clark County; Lee Barrett, Clark County;
Sherrie Cartinella, Washoe County; and Norma Jean Opatik, Nye County
Commission Counsel: Rose Marie Reynolds

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Administrator Joseph (JD) Decker

In Carson City

Deputy Administrator Michael Jory
Investigator Jaye Lindsay

In Las Vegas

Administrative Section:

Administration Section Manager Teralyn Thompson
Commissioner Coordinator Rebecca Hardin

Enforcement Section:

Chief Investigator Jan Holle
Investigator Carolyn Washington

Education Section:

Education/Information Manager Safia Anwari
Continuing Education Program Supervisor Ingrid Trillo

Attorney General's Office:

Deputy Attorney General Keith Kizer

2) PUBLIC COMMENT

None.

3-N) DISCUSSION AND DECISION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS

The Commission agreed to reschedule the September 20-22, 2016 meeting to October 5-7, 2016.

7-13) NRED v MARTY ZABIB - CASE # 2015-722

Parties Present

Keith Kizer was present representing the Division.
Marty Zabib was not present.

Hearing

Mr. Kizer stated that Mr. Zabib had planned to fly in from out of state but was not currently present.
President Opatik stated that the hearing would be postponed until later in the day to give Mr. Zabib some time to get there.

3-A-1) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON PERSONNEL

Administrator Decker stated Senior Deputy Attorney General Kimberly Arguello left the Attorney General's Office and would not be working with the Real Estate Division in the future.

Mr. Decker reported on the Administrator' Real Estate Education Subcommittee (AREES).

Safia Anwari stated that there are three former commissioners on the AREES committee assisting staff with reviewing and making recommendations on the content of continuing education applications.

Mr. Decker stated that the Division decides whether to approve, modify or deny a course after reviewing the recommendations.

3-A-4) DISCUSSION REGARDING LEGISLATIVE UPDATE

Administrator Decker stated that the Division had started its budgeting process. Mr. Decker stated that the top priority for the Division was turning the five temporary positions, which have had to be renewed every legislative session, into permanent positions.

3-A-5) DISCUSSION REGARDING DIVISION UPDATE

Administrator Decker stated that regulation R004-16 was waiting for the Legislative Council Bureau to draft some of the final language before the Division submits it for workshop.

3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT

Teralyn Thompson presented this report and highlighted changes since the last Commission meeting.

3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION REPORT

Jan Holle presented the administrative sanction report.

3-C) DISCUSSION REGARDING THE COMPLIANCE SECTION'S CURRENT CASELOAD REPORT, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED

Jan Holle presented the current caseload report and recapped the topics of complaints filed.

3-E) DISCUSSION AND DECISION REGARDING EDUCATION & INFORMATION MANAGER'S REPORT ON FY17 EDUCATION AND RESEARCH FUND PROJECTS BUDGET PLAN FOR COMMISSION APPROVAL PURSUANT TO NRS 645.842

Safia Anwari stated that the funding plan and projects for fiscal year 17 were the same as what the Commission approved for the current fiscal year. Ms. Anwari stated that the budget amounts would also be the same, with the exception of reducing the Residential Disclosure Guide budget to \$3,000 and increasing the budget for the What Every Licensee Should Know class by \$400. Ms. Anwari stated that the budget reflected a decrease in the quantity of Residential Disclosure Guides to be printed and an increase for two additional classes of What Every Licensee Should Know in Elko.

Commissioner Cartinella moved to approve the Education and Research Fund proposed budget funding for 2017. Commissioner Barrett seconded. Motion carried unanimously.

3-F-1) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION COURSE AUDIT PROGRAM

Ingrid Trillo presented the audit program report stating that one unanswered item was received just prior to the Commission meeting.

3-F-2) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING

Ingrid Trillo presented this report stating that incorrect information on certificates requires that certificates be reissued. Ms. Trillo stated that certificates have to be turned in as a complete package.

3-F-3) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORT ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES

Ingrid Trillo stated that some of the issues with the submissions were unreported name changes, not using the Division's 785A form, incorrect license types and incorrect course numbers.

7-13) NRED v MARTY ZABIB - CASE # 2015-722

7-14) NRED v MARTY ZABIB - CASE # 2015-2676

Parties Present

Keith Kizer was present representing the Division.
Marty Zabib was present via telephone.

Preliminary Matters

Mr. Zabib requested a continuance for both cases.

President Opatik questioned Mr. Zabib.

Geraldine Kirk-Hughes, representative of the complainants, made a statement.

Commissioner Cartinella made a statement.

Commissioner Reiss made a statement.

Commissioner Barrett made a statement.

Commissioner Cartinella moved to deny the request for a continuance. Commissioner Barrett seconded.

Keith Kizer stated that the Division would withdraw its opposition to a continuance if Mr. Zabib agreed to voluntarily surrender his license.

Mr. Zabib agreed.

Commissioner Cartinella withdrew her motion. Commissioner Barrett withdrew his second.

Commissioner Cartinella moved to grant a continuance for both cases with Mr. Zabib surrendering his license until the next scheduled Commission meeting. Commissioner Barrett seconded. Motion carried unanimously.

7-2) NRED v CHRISTIAN DELGADO - CASE # RES 14-09-20-097

Tabled until next Commission meeting.

7-10) NRED v ANTHONY SHAW - CASE # 2015-2627

Tabled until next Commission meeting.

3-G) DISCUSSION AND DECISION REGARDING CHANGES TO POST-LICENSING EDUCATION AS STATED IN NRS 645.575(3)(A)

Commissioner Schwartz stated that he had approached the legislative arm of the Nevada Association of REALTORS to ask them if they would find someone in the legislature who would sponsor a bill to change the time allowed for post licensing education from 12 months to 6 months. Commissioner Schwartz stated that he would also address another change to NRS 116 regarding the ability to cancel common-interest communities' resale packages by electronic means.

Commissioner Reiss stated that Commissioner Schwartz should also work with Administrator Decker to explore other avenues.

Administrator Decker stated that the Division would not use its Bill Draft Request (BDR) because it would be needed for the Division's budgeting.

Commissioner Barrett supported the post licensing education change.

President Opatik supported the post licensing education change and questioned the statute's requirements for delivery of common-interest communities' resale package cancellations.

Commissioner Schwartz stated that statute specifically stated that common-interest communities' resale package cancellations must be delivered by U.S. Mail or hand delivered.

Commissioner Schwartz moved that the Commission approve that post education be completed within six months of licensure. Commissioner Cartinella seconded.

Commissioner Schwartz withdrew his motion. Commissioner Cartinella withdrew her second.

Commissioner Cartinella moved that Commissioner Schwartz be authorized to advise the Association of the Commission's position that post licensing education requirements in NRS 645.575(3)(a) be changed to six months. Commissioner Barrett seconded. Motion carried unanimously.

3-H) DISCUSSION REGARDING STATUS OF POST-LICENSING EDUCATION REVIEW BY THE REAL ESTATE DIVISION

Safia Anwari stated that the post licensing education curriculum cited in NAC 645 lists 15 modules to be completed within 30 hours. Ms. Anwari stated that the regulation does not give any more direction with regard to post licensing education, such as values and structure.

Administrator Decker stated that the Division has established policy for approving courses based on the regulation, which is relatively broad in allowing the Division to set policy. Mr. Decker stated that current policy is inflexible in the way that courses are currently being offered and the way the Division is approving those courses does not require them to be consistent. Mr. Decker stated that modules were not placed in any particular order so that licensees could theoretically take a subset of courses from any sponsor that would contribute to the completion of the whole. Mr. Decker stated that the Education Section had been working on a project to come up with a program to achieve consistency across the sponsors and convenience for licensees.

Safia Anwari stated that she and Commissioner Schwartz were working on putting together some time values for each module, giving a breakdown of the content of each module and prescribing a sequence of how the modules should be offered by all post licensing sponsors.

Administrator Decker stated that the Division would engage all of its constituents, including the Associations and sponsors, in any changes to the Division's process or requirements in approving courses.

Commissioner Schwartz stated that these changes would help when a licensee misses a class in one area, because the licensee can go to another sponsor which is very difficult right now.

3-J) DISCUSSION REGARDING CHANGING THE CONTINUING EDUCATION NUMBERS FOR CERTIFICATES OF ATTENDANCE GIVEN TO LICENSEES WHO ATTEND REAL ESTATE COMMISSION MEETINGS TO ALLOW LICENSEES TO RECEIVE ADDITIONAL CONTINUING EDUCATION CREDITS FOR ATTENDING MEETINGS

Ingrid Trillo stated that continuing education numbers are issued for Commission meetings but NAC 645.467 only allows up to 6 credit hours for continuing education requirements.

President Opatik stated that the education gained at Commission meetings was a benefit to agents and should be encouraged by offering more continuing education credits.

Commissioner Schwartz expressed concern that licensees might not take any other classes if the limitations on continuing education credits for attending Commission meetings were lifted.

Ingrid Trillo stated that only ethics and broker management credits could be earned at Commission meetings.

Mr. Decker stated that Commission meetings are public meetings so everyone was welcome; and meeting are sometimes streamed and watched online. Mr. Decker questioned whether the extra hours beyond the six allowed would be more beneficial than the classroom training that is currently required.

President Opatik stated that there was something to be learned from every disciplinary case that goes before the Commission.

Teralyn Thompson stated that this would require a change to regulation and the Division would have to wait until after Legislative Session.

Mr. Decker stated that he recommended the Commission take the next 12 months to compile important regulation changes that it would like to make so those changes can be put into one regulation file in the future.

3-K) DISCUSSION REGARDING THE DISTINCTION BETWEEN BROKER'S PRICE OPINIONS AND COMPARATIVE MARKET ANALYSIS PURSUANT TO NRS 645.2515

Jan Holle stated that NRS 645.2515 was the statute for the broker's price opinion (BPO) but there was no regulation to go along it which has resulted in some difficulties from a regulatory standpoint on the distinction between a BPO and comparable market analysis (CMA).

President Opatik stated that the statute for a BPO reads the same as what is used for a CMA but there should be some distinction.

Administrator Decker stated that the distinction would be basically that the broker providing the BPO is a third party unrelated to the transaction.

Administrator Decker stated that it was not currently a problem from the Division's side.

3-L) DISCUSSION REGARDING PROPOSED COMMERCIAL/BUSINESS SELLER'S DISCLOSURE

Len Krick, Sunbelt Business Brokers, presented a proposed Commercial/Business Seller's Disclosure Form that he created for use in his business. Mr. Krick stated that this document should be established as a compulsory form.

Administrator Decker stated that it would require a legislative change to make the form mandatory and suggested that the Commission add this item to the list of issues being presented to the Associations' legislative committees.

The Commission supported making the form mandatory.

3-M) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE DECEMBER 15-17, 2015 MEETING

Commissioner Schwartz moved to approve the December 15-17, 2015 meeting minutes. Commissioner Barrett seconded. Motion carried unanimously.

3-O) COMMISSIONER COMMENTS

Rose Marie Reynolds explained the role of Attorney General's Office, stating that the Attorney General's Office represents the Division not individual constituents.

Ingrid Trillo explained how continuing education credits are earned for attending Commission meetings.

Rose Marie Reynolds explained the stacked agenda.

8) PUBLIC COMMENTS

Marc Siver, Realty One Group, asked about the outcome of the discussion regarding solar energy on the Seller's Real Property Disclosure Form.

Administrator Decker recapped the March 15, 2016 discussion regarding solar energy on the Seller's Real Property Disclosure Form.

9) ADJOURNMENT

The meeting was adjourned at 12:00 PM on March 16, 2016.