

NEVADA REAL ESTATE COMMISSION
MINUTES

December 5, 2017

Nevada State Business Center
3300 West Sahara Avenue
4th Floor - Nevada Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:

Department of Business & Industry
Director's Office
1830 College Pkwy. – 1st Floor
Carson City, Nevada 89706

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Lee Barrett, Clark County; Neil Schwartz, Clark County; Devin Reiss, Clark County; Norma Jean Opatik, Nye County; and Wayne Capurro, Washoe County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) SWEARING IN OF REAPPOINTED COMMISSIONER

Commissioner Barrett administered the oath of office to President Reiss.

1-C) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administrative Section: Administrator Sharath Chandra, Teralyn Thompson and Rebecca Hardin
Education Section: Safia Anwari, Kim Smith and Carla Slater
Compliance Section: Chief Jan Holle; Daryl McCloskey and Carolyn Washington
Licensing Section: Manager Susan Clark and Sandra Saenz
Division Counsel: Senior Deputy Attorney General Keith Kizer
Deputy Attorney General Donald Bordelove

In Carson City

Compliance Section: Ann Angell

2) PUBLIC COMMENT

Candy Noel, Keller Williams Realty Sparks, requested that the Division amend NAC 645.610(1)(e) to allow the use of common names and maiden names. Ms. Noel requested that this topic be added to the agenda for the next Commission meeting.

7-2) NRED v Marilisa Debarros - Case # 2015-3860

7-3) NRED v Marilisa Debarros - Case # 2016-3133

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.
Marilisa Debarros was present.

Preliminary Matters

Mr. Kizer stated that there was a Voluntary Surrender in Lieu of Other Disciplinary Action to present for the Commission's approval.

Mr. Kizer read the voluntary surrender into the record.

Voluntary Surrender in Lieu of Other Disciplinary Action Respondent agrees to voluntarily surrender her broker licenses and property management permits. Respondent further agrees that she may not apply for any real estate license in the State of Nevada for a period of ten years.

Ms. Debarros stated that she had read, understood and agreed to the terms of the surrender.

Commissioner Schwartz moved to accept the stipulation and surrender of license. Commissioner Barrett seconded. Motion carried unanimously.

6-1) PETITION FOR REHEARING: ROBERT DAVID COLEMAN - CASE # 2015-3859

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Robert David Coleman was present.

Mr. Kizer stated that the Division had no objection to the rehearing.

Mr. Coleman stated that he had not received the hearing notice.

Commissioner Opatik moved to grant the rehearing at the next Southern Nevada Real Estate Commission hearing. Commissioner Barrett seconded. Motion carried unanimously.

6-2) PETITION FOR REHEARING: REDA MARIA GUDEN - CASE # 2016-2130

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Reda Guden was present.

Mr. Kizer stated that the Division had no objection to the rehearing with the Respondent's agreement that her property management permit would remain suspended until the case was heard.

Commissioner Opatik moved to grant the rehearing at the next Southern Nevada Real Estate Commission hearing. Commissioner Schwartz seconded. Motion carried 4-1 with Commissioner Barrett opposed.

6-3) PETITION FOR REHEARING SHARON (DYLAN) SHINA - CASE # RES 13-11-05-153

Senior Deputy Attorney General Keith Kizer stated that Mr. Shina had withdrawn his petition.

7-9) NRED v ZACHARY ROBERTS - CASE # 2017-1209

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. Zachary Roberts was present.

Preliminary Matters

Mr. Kizer stated that there was a proposed Stipulation for Settlement to present for the Commission's approval.

Mr. Kizer read the settlement into the record.

Settlement

Respondent agrees that his real estate license is revoked and that he may not apply for any real estate license or permit in Nevada for five years from the effective date of the Order.

Respondent agrees to pay to the Division \$289.00 in costs within 180 days of the effective date of the Commission's Order Approving Stipulation.

Mr. Roberts stated that he had read, understood and agreed to the terms of the stipulation.

Commissioner Opatik moved to accept the stipulation for settlement. Commissioner Capurro seconded. Motion carried 4-1 with Commissioner Barrett opposed.

7-12) NRED v J. MARIO SANCHEZ - CASE # RES 15-08-175-336

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. J. Mario Sanchez was present.

Mr. Sanchez stated that he was waiting for his attorney.

This item was postponed until the respondent's attorney arrived.

7-5) NRED v LAURINCE LOVELIFE - CASE # 2017-1342

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division. Laurince Lovelife was present.

Preliminary Matters

Mr. Bordelove stated that there was an oral settlement reached on the morning of the hearing.

Mr. Bordelove read the Jurisdiction, Factual Allegations and Violation into the record.

Settlement

Respondent agreed to pay a total of \$1,000.00 (\$587.54 as an administrative fine and \$412.46 in investigative costs) to the Division due within 30 days of the effective date of the Order.

Respondent has ceased all property management activities and only manages his own property.

Commissioner Capurro moved to approve the proposed stipulation. Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Schwartz opposed.

7-12) NRED v J. MARIO SANCHEZ - CASE # RES 15-08-175-336...CONTINUED

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division. J. Mario Sanchez was present.

Tony Abbatangelo was present representing Mr. Sanchez.

Hearing

Mr. Kizer and Mr. Abbatangelo submitted documents into evidence which were accepted without objection.

Mr. Kizer made his opening statement.

Mr. Abbatangelo made his opening statement.

State's Witness

Darin Kajioka testified.

Mr. Abbatangelo questioned Mr. Kajioka.

The Commission questioned Mr. Kajioka.

Mr. Kizer questioned Mr. Kajioka.

Mr. Abbatangelo questioned Mr. Kajioka.

Commissioner Barrett questioned Mr. Kajioka.

The witness was dismissed.

State's Witness

Roxanne Kajioka testified.

Mr. Abbatangelo questioned Ms. Kajioka.

The Commission questioned Ms. Kajioka.

Mr. Abbatangelo questioned Ms. Kajioka.

The witness was dismissed.

Respondent's Witness

J. Mario Sanchez testified.

Mr. Kizer questioned Mr. Sanchez.

The Commission questioned Mr. Sanchez.

The witness was dismissed.

Mr. Kizer gave his closing statement.

Mr. Abbatangelo gave his closing statement.

Commissioner Schwartz moved that factual allegations 1, 2, 3, 4, 8, 9, 10, 11 and 13 were proven.

Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 5 was proven. Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 6 had been was proven. Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 7 was proven. Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 12 was not proven. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 14 was proven. Commissioner Opatik seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 15 was not proven. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 16 was proven. Commissioner Barrett seconded.

Commissioner Opatik move to amend violation 16 to read “Respondent violated NRS 645.252(1)(a) by failing to notify Kajioka of the properties’ tax liens.” Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 16, as amended, was proven. Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Capurro opposed.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division recommended the following discipline:

- \$25,000.00 fine plus costs of \$1,609.01 payable within 12 months.
- 12 hours of continuing education due within six months:
 - 6 hours of agency
 - 6 hours of ethics

Commissioner Barrett moved to impose the following discipline:

- \$12,500.00 fine plus costs of \$1,609.01 payable within 12 months.
- 18 hours of continuing education due within 12 months:
 - 6 hours of agency
 - 6 hours of ethics
 - 6 hours of contracts

Commissioner Capurro seconded. Motion carried 3-2 with Commissioners Opatik and Schwartz opposed.

7-1) NRED v GORDON ROBERT ALLRED - CASE # 2016-1734

7-13) NRED v PERRY A. WHITE - CASE # 2016-2032

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Scott Marquis was present representing Mr. Allred and Mr. White.

Jill Rowe was present representing Mr. Allred and Mr. White.

Gordon Robert Allred was not present.

Perry A. White was not present.

Preliminary Matters

Ms. Rowe submitted exhibits for the following cases which were admitted into evidence:

<u>Agenda Item</u>	<u>Respondent</u>	<u>Case Number</u>
7-1)	Gordon Robert Allred	Case # 2016-1734
7-13)	Perry A. White	Case # 2016-2032
7-6)	Alvin Mansour	Case # 2016-2402
7-7)	Kevin Mansour	Case # 2016-2403
7-14)	Perry A. White	Case # 2016-2405
7-15)	Nenad Zivkovic	Case # 2016-2404

Mr. Kizer submitted exhibits for case # 2016-1734 and case # 2016-2032.

Ms. Rowe objected to the two documents submitted which had not been provided prior to the hearing.

Mr. Kizer withdrew the two documents and submitted only what had been presented to the Respondent prior to the hearing which were admitted into evidence.

Ms. Rowe motioned for recusal of the Commission citing conflict of interest and prior knowledge due to a federal court action against the Commission. Ms. Rowe stated that an additional reason for recusal was that the regulations that precludes out of state brokers from cooperating with in-state brokers in certain transactions were put in place to protect local broker commissions.

President Reiss denied the motion.

Ms. Rowe motioned that the charges against Mr. Allred be dismissed because the Commission has no jurisdiction to discipline out of state licensees.

President Reiss denied the motion.

Ms. Rowe motioned for a continuance based on NRS 645.680(4) which requires that a respondent be given copies of all communications, reports, affidavits or depositions in possession of the Division relevant to the complaint. Ms. Rowe stated that the gap in the bate-stamped documents received by the respondents indicated that all documents were not provided.

Mr. Kizer objected to the motion stating that the documents relevant to the complaint are those that go to the allegations in the complaint and had been provided in full to the respondents and to the Commission.

President Reiss denied the motion based on the advice of Commission counsel.

Ms. Rowe restated her request for a continuance based on the amount of time needed to present her case.

President Reiss stated the hearing would proceed.

Ms. Rowe made a motion that the hearing not go forward because the standard complaint form or affidavit from the complainant required by NAC 645.680 was not received.

President Reiss denied the motion.

Hearing

Mr. Kizer gave his opening statement.

Ms. Rowe gave her opening statement.

State's Witness

Mr. Kizer called Gordon Robert Allred to testify.

Ms. Rowe stated that Mr. Allred had exercised his right to appear through counsel.

State's Witness

Mr. Kizer called Perry A. White to testify.

Ms. Rowe stated that Mr. White had exercised his right to appear through counsel.

State's Witness

Deputy General Counsel to Marcus & Millichap Seth Mott testified.

The witness was dismissed.

Mr. Kizer asked that the documentation previously submitted be admitted into evidence.

Ms. Rowe objected.

President Reiss sustained the objection.

Mr. Kizer argued that the documents being submitted were public documents and should be accepted.

Ms. Rowe objected on the basis that the documents were not presented to the respondents 30 days prior to the hearing.

President Reiss overruled the objection and the documents were admitted into evidence.

Mr. Kizer rested his case.

Respondent's Witness

State's Attorney Vivienne Rakowsky testified.

The witness was dismissed.

Respondent's Witness

Expert witness Alan D. Wallace testified.

The witness was dismissed.

The hearing was continued to the next day due to time constraints.

8) PUBLIC COMMENT

Steven Kitnick, Steven Kitnick Seminars, asked for a revision of the Classroom Content and Instructor Evaluation Report to provide an additional choice of “good” or move to a point score and provide a space in the summary for positive comments.

9) FOR POSSIBLE ACTION: ADJOURNMENT

The meeting was recessed at 4:44 p.m.

December 6, 2017

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3300 West Sahara Avenue
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The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Lee Barrett, Clark County; Neil Schwartz, Clark County; Devin Reiss, Clark County; Norma Jean Opatik, Nye County; and Wayne Capurro, Washoe County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-C INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administrative Section: Administrator Sharath Chandra, Teralyn Thompson and Rebecca Hardin

Compliance Section: Chief Investigator Jan Holle, Carolyn Washington and Daryl McCloskey

Education Section: Kim Smith and Carla Slater

Licensing Section: Manager Susan Clark and Sandra Saenz

Division Counsel: Senior Deputy Attorney General Keith Kizer

Deputy Attorney General Donald Bordelove

Deputy Attorney General Vivienne Rakowsky

2) PUBLIC COMMENT

Steven Kitnick suggested the following agenda item for a future Real Estate Commission meeting:

Creating a forum related to the cooperative certificate which would include the commissioners, members of the public and perhaps industry experts.

Chief Investigator Jan Holle announced the retirement of Compliance Investigator Carolyn Washington and thanked her for 28 years of State service.

Senior Deputy Attorney General Keith Kizer, on behalf of the Attorney General's Office, thanked Ms. Washington for her service and wished her well.

5-1. PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS:

NRED v JULIANN R. SOKACH - CASE # 2015-620

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Juliann R. Sokach was present

Ms. Sokach asked for monthly payments of \$250.00.

Commissioner Opatik moved to implement a payment schedule of \$250.00 per month going first toward the costs for two years, to be increased to \$500.00 per month thereafter until paid in full. Commissioner Barrett seconded. Motion carried unanimously.

7-1. NRED v GORDON ROBERT ALLRED - CASE # 2016-1734...CONTINUED FROM PREVIOUS DAY

7-13) NRED v PERRY A. WHITE - CASE # 2016-2032 CONTINUED FROM PREVIOUS DAY

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Scott Marquis was present representing Mr. Allred and Mr. White.

Jill Rowe was present representing Mr. Allred and Mr. White.

Gordon Robert Allred was not present.

Perry A. White was not present.

Respondent's Witness

Alan D. Wallace was called to continue his testimony.

Ms. Rowe asked if she could give an offer of proof in which she told the Commission the types of questions she would like to ask the witness and what she expected his testimony to be without going through the testimony. Ms. Rowe stated that the Commission could rule on whether she would be permitted to introduce that examination.

President Reiss denied the offer of proof and instructed Ms. Rowe to ask the witness a relevant question.

Ms. Rowe asked that Commission Counsel be allowed to give his opinion on the offer of proof process.

President Reiss dismissed the witness and asked for closing statements.

Mr. Kizer gave his closing statement.

Ms. Rowe gave her closing statement.

DELIBERATION FOR GORDON ROBERT ALLRED - CASE # 2016-1734

Commissioner Capurro moved that factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Capurro moved that violation 26 was proven. Commissioner Opatik seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division recommended a fine of \$497,760.00 plus costs of \$1,684.33.

Commissioner Schwartz moved to accept the Division's recommendation. Commissioner Opatik seconded.

Commissioner Capurro moved to amend the motion by reducing the fine to \$300,000.00 plus costs of \$1,684.33 payable within 30 days. Commissioner Barrett seconded. Motion carried unanimously.

The amended motion carried unanimously.

DELIBERATION FOR PERRY A. WHITE - CASE # 2016-2032

Commissioner Opatik moved that factual allegations 2-16 and 18-41 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 1 be amended to read “Respondent was licensed as broker by the Division under the license number of B.0034578.CORP until November 7, 2016” was proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that factual allegation 17 be amended to read “On or about February 29, 2016, Marcus & Millichap sent the seller a letter thanking him for permitting Allred to market the property” was proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 42 was proven. Commissioner Capurro seconded. Motion carried unanimously.

Recommendation for Discipline

Mr. Holle stated that the Division recommended a fine \$15,000.00 fine plus costs of \$1,624.33, payable within 30 days.

Commissioner Schwartz move to accept the Division’s recommendation. Commissioner Barrett seconded. Motion carried unanimously.

7-10) NRED v MARTHA J. ROGERS - CASE # 2017-31

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division. Martha J. Rogers 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 Real Estate Division had proven service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Hearing

Mr. Bordelove read the Factual Allegations and Violations into the record.

Commissioner Schwartz moved that the factual allegations and violation have been proven. Commissioner Opatik seconded. Motion carried unanimously.

Division’s Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$10,000.00 per violation for a total of \$430,000.00 plus \$1,248.50 for the cost of the investigation and hearing payable within 90 days of the order.
- Revocation of the real estate license and property management permit.

Commissioner Barrett moved to accept the Division’s recommendation. Commissioner Schwartz seconded. Motion carried unanimously.

7-11) NRED v MARTHA J. ROGERS - CASE # 2017-714

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division. Martha J. Rogers 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 Real Estate Division had proven service of notice. Commissioner Barrett seconded. Motion carried unanimously.

Hearing

Mr. Bordelove read the Factual Allegations and Violations into the record.

Commissioner Schwartz moved that the factual allegations and violation have been proven. Commissioner Opatik seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$10,000.00 per violation for a total of \$40,000.00 plus \$499.12 for the cost of the investigation and hearing payable within 90 days of the order.
- Revocation of the real estate license and property management permit.

Commissioner Barrett moved to accept the Division's recommendation. Commissioner Schwartz seconded. Motion carried unanimously.

7-8) NRED v DARREN PRINGLE - CASE # 2017-1170

Parties Present

Deputy Attorney General Donald Bordelove was present representing the Division. Darren Pringle was not present.

State's Witness

Rebecca Hardin testified regarding proof of service.

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

Hearing

Mr. Bordelove read the Factual Allegations and Violations into the record.

Commissioner Capurro moved that the factual allegations and violation have been proven. Commissioner Opatik seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Compliance Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$10,000.00 per violation for a total of \$810,000.00 plus \$1,738.73 for the cost of the investigation and hearing payable within 90 days of the order.
- Revocation of the real estate license and property management permit.

Commissioner Opatik moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

4-2) LICENSE DENIAL APPEAL: BRENDON SMITH - FILE NO. S-LDA-18-002

Parties Present

Licensing Manager Susan Clark was present
Brendon Smith was present.

Hearing

Mr. Smith requested that the hearing be closed.

Commissioner Barrett moved to go into closed session. Commissioner Capurro seconded. Motion carried unanimously.

The hearing was closed.

Commissioner Barrett moved to go back into the regular session. Commissioner Schwartz seconded. Motion carried unanimously.

The hearing was reopened.

Commissioner Opatik moved to grant the real estate license and restrict a property manager permit for five years. Commissioner Barrett seconded.

Commissioner Capurro suggested reducing the property management restriction to two years.

Commissioner Opatik stated that she would accept the amendment to the motion if Mr. Smith was required to appear before the Commission if he applied for a property manager permit after two years. The amendment passed 3-2 with Commissioner Barrett and President Reiss opposed.

The amended motion carried unanimously.

4-1) LICENSE DENIAL APPEAL: JOHN CHIA-CHANG LIN - FILE NO. S-LDA-18-001

Appellant did not appear.

4-3) LICENSE DENIAL APPEAL: NELSON L. COHEN - FILE NO. S-LDA-18-003

Appellant did not appear.

3-A) Discussion Regarding Administrator's Report

Administrator Chandra stated that the new Director of Business and Industry is C.J. Manthe, replacing Bruce Breslow and that planning for the budget will begin in March.

3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT

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

3-C) COMPLIANCE SECTION'S CURRENT CASELOAD REPORT AND TOTALS FOR FY2017, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED

Jan Holle presented this report. Mr. Holle summarized the report and listed the current issues under investigation.

3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION REPORT

Jan Holle presented this report

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

3-E-2) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORTS ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING;

3-E-3) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORTS ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES.

3-H) DISCUSSION AND DECISION REGARDING CHANGES TO THE DIVISION'S PROCESS FOR LICENSEES TO RECEIVE CONTINUING EDUCATION CREDITS FOR ATTENDING COMMISSION MEETINGS PURSUANT TO NAC 645.467

Continuing Education Program Supervisor Kimberly Smith summarized these reports.

Ms. Smith stated that the Education section was implementing new processes for the sign-in and continuing education certificates distribution process. Ms. Smith described the procedure and handed out a document detailing the new process.

7-6) NRED v ALVIN MANSOUR - CASE # 2016-2402

7-7) NRED v KEVIN MANSOUR - CASE # 2016-2403

7-14) NRED v PERRY A. WHITE - CASE # 2016-2405

7-15) NRED v NENAD ZIVKOVIC - CASE # 2016-2404

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Scott Marquis was present representing Alvin Mansour, Kevin Mansour, Perry A. White, and Nenad Zivkovic.

Jill Rowe was present representing Alvin Mansour, Kevin Mansour, Perry A. White, and Nenad Zivkovic.

Alvin Mansour was not present.

Kevin Mansour was not present.

Perry A. White was not present.

Nenad Zivkovic was not present.

Preliminary Matters

Senior Deputy Attorney General Keith Kizer stated that the parties requested that the administrative matter between the Division and Mr. Allred and the Case# 2016-2032 action against Mr. White be incorporated into the record against the four respondents in the current cases.

Ms. Rowe agreed to the admission of documents previously submitted. Ms. Rowe stated that her motions, opening statement, offers of proof and evidence would be the same as the Allred and Case# 2016-2032 White cases and assumed that the Commission would make all of the same rulings.

President Reiss agreed to both stipulations.

Hearing

Mr. Kizer began his opening statement.

Ms. Rowe interrupted with additional reasons for the motion to continue and stated that she assumed that the ruling would be the same.

President Reiss concurred with Ms. Rowe's assumption.

Mr. Kizer resumed his opening statement

Ms. Rowe gave her opening statement.

Mr. Kizer stated that the four respondents had made factual denials in the complaint and made allegations of their own in the complaint. Mr. Kizer asked for whatever witnesses the respondents' were relying on for that to come to the stand.

Ms. Rowe objected stating that no negative inferences could be drawn from the absences of the respondents because the respondents had the right to appear through their counsel.

Mr. Kizer stated that he was not limiting his request for witnesses to the four respondents.

Mr. Kizer submitted documents into evidence.

Ms. Rowe objected.

President Reiss overruled the objection and the documents were submitted into the record.

Mr. Kizer made his closing statement.

Ms. Rowe made her closing statement.

DELIBERATION FOR ALVIN MANSOUR - CASE # 2016-2402

Commissioner Schwartz moved that factual allegation 1 was proven. Commissioner Capurro seconded. Motion carried unanimously.

Commissioner Capurro moved that factual allegations 2-17 were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Schwartz moved that violation 18 was proven. Commissioner Barrett seconded. Motion carried unanimously.

Recommendation for Discipline

Mr. Holle stated that the Division recommended a fine \$36,750.00 fine plus costs of \$811.79, payable within 30 days.

Commissioner Capurro moved to impose a fine of \$18,375.00 plus costs of \$811.79 payable within 30 days. Commissioner Barrett seconded.

Commissioner Barrett moved to amend the motion to a fine of \$30,000.00 plus costs of \$811.79 payable within 30. Commissioner Opatik seconded. Motion carried unanimously.

The amended motion carried unanimously.

DELIBERATION FOR KEVIN MANSOUR - CASE # 2016-2403

Commissioner Capurro moved that the factual allegations have been proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Capurro moved that the violation had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Recommendation for Discipline

Mr. Holle stated that the Division recommended a fine \$5,000.00 fine plus costs of \$811.79, payable within 30 days.

Commissioner Schwartz moved to accept the Division's recommendation. Commissioner Barrett seconded. Motion carried unanimously.

DELIBERATION FOR PERRY A. WHITE - CASE # 2016-2405

Commissioner Capurro moved that factual allegations 1-28 have been proven. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Capurro moved that violations 29 and 30 have been proven. Commissioner Barrett seconded. The motion failed 1-4 with Commissioners Barrett, Opatik, Schwartz and President Reiss opposed.

Commissioner Capurro moved that violation 29 had been proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Capurro moved that violation 30 was not proven. Commissioner Schwartz seconded. Motion carried 3-2 with Commissioners Barrett and Opatik opposed.

Recommendation for Discipline

Mr. Holle stated that the Division recommended the following discipline:

- \$5,000.00 fine plus costs of \$811.79, payable within 30 days.
- 6 hours of agency continuing education to be completed within 120 days.

Commissioner Barrett moved to accept the Division's recommendation. Commissioner Opatik seconded.

Commissioner Opatik moved to amend the motion as follows:

- \$5,000.00 fine plus costs of \$811.79, payable within 30 days.
- 3 hours of agency and 3 hours of contracts continuing education to be completed within 120 days.

Commissioner Schwartz seconded. Motion carried unanimously.

The amended motion carried unanimously.

DELIBERATION FOR NENAD ZIVKOVIC - CASE # 2016-2404

Commissioner Capurro moved that factual allegations 1-12 have been proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Capurro moved that violation 13 had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Recommendation for Discipline

Mr. Holle stated that the Division recommended the following discipline:

- \$36,750.00 fine plus costs of \$811.79 payable within 30 days.
- 3 hours of agency and 3 hours of contracts continuing education to be completed within 120 days.

Commissioner Capurro moved to impose the following discipline:

- \$30,000.00 fine plus costs of \$811.79 payable within 30 days.
- 3 hours of agency and 3 hours of contracts continuing education to be completed within 120 days.

Commissioner Barrett seconded. Motion carried unanimously.

3-F) DISCUSSION REGARDING THE PROPERTY MANAGEMENT WORK GROUP MEETING CONDUCTED ON NOVEMBER 21, 2017.

Commissioner Barrett stated that the group discussion included what could or could not be done and that the group is looking at creating a resource guide and what else could be done that would not require legislation although they were not dismissing the possibility of regulation and statute changes.

Forrest Barbee stated the work group was focused on creating the property management resource guide and that some things could not be done through the Commission but would have to depend on the best practices of brokers. Mr. Barbee stated that he asked his own property managers to join either the National Association of Residential Property Managers (NARPM) or the Institute of Residential Property Managers (IRPM) and encouraged others to do the same.

Commissioner Schwartz asked about increasing the amount of property management hours required.

Commissioner Barrett stated that increasing education had been discussed. Commissioner Barrett stated that the work group would be addressing that issue further in upcoming meetings.

3-G) PRESENTATION OF ARELLO COMMISSION COLLEGE CERTIFICATES TO COMMISSIONERS OPATIK AND SCHWARTZ.

President Reiss presented the certificates to Commissioners Opatik and Schwartz.

Commissioner Schwartz reported on the ARELLO meeting and thanked the Nevada Association of Realtors (NVAR) for their support.

Commissioner Opatik thanked NVAR for supporting the conference and commented on the advantage of attending and learning the differences between states.

3-I) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE AUGUST 15-16, 2017 MEETING

Commissioner Barrett moved to approve the minutes. Commissioner Opatik seconded. Motion carried unanimously.

3-J) DISCUSSION AND DECISION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS, INCLUDING SETTING MEETING DATES FOR 2018

Teralyn Thompson proposed possible dates for the 2018 Real Estate Commission meetings.

The Commission decided on the following meeting dates:

- March 20-22, 2018 in the South
- June 12-14, 2018 in the North
- September 10-12, 2018 in the South
- December 4-6, 2018 in the South

3-K) COMMISSIONER COMMENTS

Commissioner Schwartz requested a discussion of expanding continuing education credits for attending Commission meetings beyond broker management and ethics be added to the a future agenda.

8) PUBLIC COMMENT

None.

9) ADJOURNMENT

The meeting was adjourned on December 6, 2017 at 3:17 p.m.