

NEVADA REAL ESTATE COMMISSION
MINUTES

MARCH 14, 2017

Gaming Control Board
1919 College Parkway
Carson City, Nevada 89701

VIDEO CONFERENCE TO:

Grant Sawyer Building
Gaming Control Board
555 East Washington Avenue, Room 2450
Las Vegas, Nevada 89101

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

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

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section: Administrator Sharath Chandra and Teralyn Thompson
Compliance Section: Linda Chavez and Carolyn Washington
Education Section: Safia Anwari and Kimberly Smith
Licensing Section: Susan Clark

In Carson City

Administration Section: Deputy Administrator Sharon Jackson and Rebecca Hardin
Compliance Section: Jan Holle
Division Counsel: Deputy Attorney General Peter Keegan

2) PUBLIC Comment

Former Real Estate Commissioner Marc Sykes read a petition opposing the Division's removal of "Nickname" from form 549 and removing licensed nicknames from licenses upon renewal.

Mike Perez, Dickson Realty, commented that the Real Estate Division should make some changes to NAC 645.610 to achieve the goal of allowing licensees to comply with social media and technology, as it pertains to displaying the broker's name prominently on their social media accounts, with statutes that apply more specifically to social media technology.

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

Administrator Chandra stated that Sharon Jackson is the new Deputy Administrator in Carson City, replacing Michael Jory and Charvez Foger is the new Ombudsman in Las Vegas, replacing Sharon Jackson.

Deputy Administrator Sharon Jackson stated that part-time Compliance Audit Investigator Jaye Lindsay was promoted to a full-time position in the Appraisal section. Ms. Jackson stated that Compliance Chief Jan Holle was currently recruiting for another part-time real estate investigator in the North.

3-A-2) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON THE DIVISION'S LAS VEGAS OFFICE MOVING TO ANOTHER LOCATION

Administrator Chandra stated that the Division's Las Vegas office was closed to the public from Wednesday, March 15 through Friday, March 17 while moving to the new location at 3300 West Sahara Avenue. Mr. Chandra stated that the Division would reopen to the public on Monday, March 20, 2017.

3-A-3) DISCUSSION REGARDING ADMINISTRATOR'S REPORT ON LEGISLATION THAT AFFECTS THE REAL ESTATE DIVISION AND THE REAL ESTATE COMMISSION

Administrator Chandra reviewed Bill Draft Requests affecting the Real Estate Division and the Real Estate Commission.

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

Chief Investigator Jan Holle presented this report. Mr. Holle read the report into the record.

3-D) ADMINISTRATIVE SANCTION REPORT

Chief Investigator Jan Holle presented this report and summarized changes since the last meeting.

6-2) NRED v MICHAEL (A.K.A. MIKE) CULLUM HARDING - CASE # 2016-647

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Matthew Hippler was present representing Mr. Harding. Michael Cullum Harding was present.

Preliminary Matters

Mr. Keegan stated that there was a proposed settlement agreement for the Commission to review.

Mr. Hippler made a statement.

Mr. Keegan read the proposed settlement into the record.

Settlement

Respondent agreed to a voluntary revocation of his salesperson license and agreed that he would not apply for any real estate license in Nevada for ten years. Any application by Respondent will require a reinstatement hearing and the approval of the Commission.

Commissioner Reiss moved to accept the stipulation. Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Barrett opposing.

6-3) NRED v JASON A. JAIRAM - CASE # 2016-1708

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. James Walsh was present representing Mr. Jairam. Jason Jairam was present.

Preliminary Matters

Mr. Keegan stated that there was a proposed settlement agreement for the Commission to review.

Mr. Keegan read the proposed settlement into the record.

Settlement

Respondent agreed to a voluntary revocation of his salesperson license and agreed that he would not apply for any real estate license in Nevada for ten years. Any application by Respondent will require a reinstatement hearing and the approval of the Commission.

Mr. Walsh made a statement.

Commissioner Capurro disclosed that he had worked as an expert witness for Mr. Walsh. Commissioner Capurro stated that he did not see any conflict and did not recuse himself.

Commissioner Reiss moved to accept the stipulation. Commissioner Capurro seconded. Motion carried 4-1 with Commissioner Barrett opposing.

4) NRED v KYLE KRCH - CASE # 2016-646

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

James Walsh was present representing Mr. Krch.

Kyle Krch was present.

Hearing to Decide Motion to Dismiss

Mr. Keegan stated that the procedural posture on this case was different due to outside matters related to the case that were litigated in First Judicial District Court. Mr. Keegan stated that there was an order filed by Judge Wilson limiting the discussion at the current hearing to the Motion to Dismiss.

Mr. Walsh presented the Motion to Dismiss and the Order filed by District Court.

Mr. Walsh submitted exhibits to the Commission which were admitted into evidence with no objections.

Mr. Walsh made a statement.

Mr. Keegan made a statement.

Commissioner Capurro disclosed that he had worked as an expert witness for Mr. Walsh. Commissioner Capurro stated that he did not see any conflict and did not recuse himself.

Commissioner Capurro questioned Mr. Keegan.

Mr. Walsh made a statement.

Commissioner Reiss moved to deny the motion to dismiss. Commissioner Barrett seconded. Motion carried unanimously.

At Mr. Walsh's request each commissioner stated their reason for denying the motion.

6-1) NRED v CONSTANCE ATHAYDE - CASE # 2016-1165

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

Constance Athayde was present.

Hearing

Mr. Keegan submitted exhibits to the Commission which were admitted into evidence with no objections.

Mr. Keegan made his opening statement.

Ms. Athayde testified.

The Commission questioned Ms. Athayde.

Mr. Keegan read the violations into the record.

Commissioner Barrett moved that the factual allegations and violation of law had been proven. Commissioner Opatik seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend a fine of \$2,500.00, plus \$1,022.30 for the costs of the hearing and investigation with a payment plan of the Commission's preference.

Ms. Athayde made a statement.

Commissioner Reiss moved to impose a fine of \$1,000.00 plus \$1,022.30 for the costs of the hearing and investigation payable over the course of twenty-four months. Commissioner Barrett seconded. Motion carried unanimously.

4-1) LICENSE DENIAL APPEAL FOR DECISION: CHESTER A. RUIZ - FILE NO. N-LDA-17-002

Parties Present

Licensing Manager Susan Clark was present in Las Vegas.
Chester A. Ruiz was present in Carson City.

Hearing

Mr. Ruiz requested that the hearing be closed.

The hearing was closed.

The hearing was reopened.

Commissioner Reiss moved to grant Mr. Ruiz's appeal. Commissioner Barrett seconded. Motion carried 4-1, with Commissioner Opatik opposing.

6-5) NRED v GARRETT LEPIRE - CASE # 2016-3644

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Garrett Lepire was present.

Hearing

Mr. Keegan submitted exhibits to the Commission which were admitted into evidence with no objections.

Mr. Keegan made his opening statement.

Mr. Lepire made his opening statement.

Mr. Lepire testified.

The Commission questioned Mr. Lepire.

The Commission questioned Mr. Keegan.

Commission Counsel Sarah Bradley questioned Mr. Lepire.

Mr. Keegan made his closing statement.

Mr. Lepire made his closing statement.

Ms. Bradley read factual allegation 1 into the record.

Commissioner Reiss moved that factual allegation 1 had been proven. Commissioner Opatik seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 2 into the record.

Commissioner Reiss moved that factual allegation 2 had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 3 into the record.

Commissioner Reiss moved that factual allegation 3 had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 4 into the record.

Commissioner Reiss moved that factual allegation 4 had been proven. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 5 into the record.

Commissioner Opatik moved that factual allegation 5 had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 6 into the record.

Commissioner Opatik moved that factual allegation 6 had been proven. Commissioner Capurro seconded. Motion carried 4-1 with Commissioner Barrett opposing.

Ms. Bradley read factual allegation 7 into the record.

Commissioner Opatik moved that factual allegation 7 had been proven. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 8 into the record.

Commissioner Reiss moved that factual allegation 8 had been proven. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 9 into the record.

Commissioner Reiss moved that factual allegation 9 had been proven. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read Violation 10 into the record.

Commissioner Opatik moved that Violation 10 had been proven. Commissioner Capurro seconded. Motion carried 3-2, with Commissioners Barrett and Reiss opposing.

Ms. Bradley read Violation 11 into the record.

Commissioner Capurro moved that Violation 11 had been proven. Commissioner Opatik seconded. Motion failed 2-3, with Commissioners Barrett, Opatik and Reiss opposing.

Ms. Bradley read Violation 12 into the record.

Commissioner Reiss moved that Violation 12 had not been proven. Commissioner Barrett seconded. Motion failed 2-3, with Commissioners Capurro, Opatik and Schwartz opposing.

Commissioner Reiss moved that Violation 12 had been proven. Commissioner Opatik seconded. Motion carried 4-1, with Commissioner Barrett opposing.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend a fine of \$2,000.00, plus \$1,519.95 for the costs of the hearing and investigation payable in three months.

Mr. Lepire made a statement.

Commissioner Capurro made a statement.

Commissioner Reiss moved that no fine be imposed, other than \$1,519.95 for the costs of the hearing and investigation payable within one year. Commissioner Barrett seconded. Motion carried unanimously.

6-6) NRED v R. JEFFREY LOWDEN - CASE # 2016-1936

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Sean Brohawn was present representing Mr. Lowden.
Jeffrey Lowden was present.

Preliminary Matters

Mr. Keegan presented exhibits 1-10.

Mr. Brohawn objected to exhibit 5.

The hearing was tabled to allow Mr. Keegan time to removed exhibit 5 from the exhibit packets.

3-H) DISCUSSION REGARDING HAVING A COMMERCIAL REAL ESTATE LICENSE

Former commissioner Dick Johnson, Reno, spoke in favor of establishing a commercial real estate license or permit, citing the Division's mission statement of protecting the public. Mr. Johnson stated that the public was being harmed because of agents' and brokers' lack of commercial real estate knowledge. Mr. Johnson stated that there was also an increase in the number of out-of-state brokers coming in that should not be practicing in Nevada. Mr. Johnson stated that the outside influence was illegal and participating agents were subject to a minimum \$5,000.00 fine.

Commissioner Opatik stated that she was in favor of licensing or a strong permit requiring 60-90 hours of commercial education.

Commissioner Capurro stated that he was in favor of a strong permit rather than a separate license.

Mr. Johnson stated that he would prefer licensing, but would accept a strong permit like the property management permit where it would be highly regulated. Mr. Johnson stated that there should be enough hours required so that somebody practicing commercial real estate would have to make a commitment.

Dana Uhlhorn, 1st Option Realty, stated that he supported a commercial license so that agents would know what information was needed to proceed with a commercial transaction.

Mary McQuattie stated she was a Certified Commercial Investment Member (CCIM) and she had encountered problems in dealing with agents with inadequate commercial experience. Ms. McQuattie stated that she would also like to see some credit given to those who have taken CCIM or Society of Industrial and Office REALTORS® courses when considering educational requirements for a commercial real estate license.

President Schwartz stated that the Commission and Division would determine how to proceed, but if an NRS change was required, it would have to be addressed at the next Legislation Session which would be in 2019.

6-6) NRED v R. JEFFREY LOWDEN - CASE # 2016-1936 (HEARING RESUMED)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Sean Brohawn was present representing Mr. Lowden.
Jeffrey Lowden was present.

Hearing

Mr. Keegan presented exhibits 1-4 and 6-10 which were admitted into evidence with no objections.

Mr. Keegan made his opening statement and rested his case.

Mr. Brohawn waived making an opening statement.

Mr. Brohawn moved to dismiss Violation 23 of the complaint due to lack of evidence.

Mr. Keegan spoke against dismissing Violation 23.

Mr. Brohawn stated his reasons for dismissing Violation 23.

Commissioner Opatik moved to deny the motion to dismiss Violation 23. Commissioner Reiss seconded. Motion carried unanimously.

Mr. Lowden testified.

Mr. Brohawn questioned Mr. Lowden

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

6. PUBLIC COMMENT

None.

7. FOR POSSIBLE ACTION: ADJOURNMENT

The meeting was recessed at 4:17 PM on March 14, 2017.

MARCH 15, 2017

Gaming Control Board
1919 College Parkway
Carson City, Nevada 89701

VIDEO CONFERENCE TO:

Grant Sawyer Building
Gaming Control Board
555 East Washington Avenue, Room 2450
Las Vegas, Nevada 89101

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

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

2) PUBLIC Comment

None.

6-6) NRED v R. JEFFREY LOWDEN - CASE # 2016-1936 (CONTINUED FROM PREVIOUS DAY)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Sean Brohawn was present representing Mr. Lowden.
Jeffrey Lowden was present.

Hearing (continued)

Mr. Lowden continued his testimony.

The Commission questioned Mr. Lowden.

Mr. Keegan made his closing statement.

Mr. Brohawn made his closing statement.

Mr. Brohawn stipulated that factual allegations 1-10, 12-15 and 17-20 were admitted by Mr. Lowden.

Commissioner Reiss moved that factual allegations 1-10, 12-15 and 17-20 were proven. Commissioner Barrett seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 11 into the record.

Commissioner Reiss moved that factual allegation 11 had not been proven. Motion died for lack of second.

Commissioner Opatik moved that factual allegation 11 had been proven. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read factual allegation 16 into the record.

Commissioner Reiss moved that factual allegation 16 was not proven. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read Violation 21 into the record.

Commissioner Reiss moved that Violation 21 had been proven. Commissioner Opatik seconded. Motion carried unanimously.

Ms. Bradley read Violation 22 into the record.

Commissioner Reiss that Violation 22 had been proven. Commissioner Opatik seconded. Motion carried unanimously.

Ms. Bradley read Violation 23 into the record.

Commissioner Reiss that Violation 23 had not been proven. Commissioner Barrett seconded. Motion carried 4-1, with Commissioner Capurro opposing.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend a \$2,000.00 fine plus \$1,663.38 for the costs of the hearing and investigation, 9 hours of continuing education to include 3 hours of Broker Management, 3 hours of Contracts and 3 hours of Property Management, all due in 6 months.

Mr. Brohawn made a statement.

Commissioner Reiss moved to impose a \$1,000.00 fine, plus \$1,663.38 for the costs of the hearing and investigation, 6 hours of continuing education to include 3 hours of Broker Management and 3 hours of Property Management, all due in 6 months. Commissioner Barrett seconded.

Commissioner Opatik stated that she did not agree with the reduction of the fine and education.

Commissioner Reiss amended his motion to include 3 hours of Contracts continuing education. Commissioner Barrett seconded the amendment.

The final motion was for a fine of \$1,000.00, plus \$1,663.38 for the costs of the hearing and investigation, 9 hours of continuing education to include 3 hours of Broker Management, 3 hours of Property Management and 3 hours of Contracts, all due in 6 months. Motion carried unanimously.

6-7) NRED v PATTY STEELMAN - CASE # 2016-3493

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Patty Steelman was present.

Hearing

Ms. Steelman stipulated to the admission of the State's exhibits, which were admitted into evidence.

Ms. Steelman stipulated to factual allegations 1 and 3-14.

Ms. Steelman stipulated to Violation of Law 15.

Commissioner Reiss moved that factual allegations 1 and 3-14 were proven. Commissioner Barrett seconded. Motion carried unanimously.

Commissioner Reiss moved that Violation 15 was proven. Commissioner Barrett seconded. Motion carried unanimously.

Peter Keegan gave his opening statement.

Ms. Steelman gave her opening statement.

Ms. Steelman testified.

Ms. Steelman submitted exhibits, which were admitted into evidence with no objections.

The Commission questioned Ms. Steelman.

Ms. Bradley questioned Mr. Keegan.

Commissioner Capurro questioned Mr. Keegan.

Commissioner Opatik moved that factual allegation 2 be amended as follows: "RESPONDENT is currently ~~employed~~ contracted with KRCH Realty, LLC ("KRCH"), in Reno, Nevada." Commissioner Capurro seconded. Motion carried unanimously.

Mr. Keegan stated that the Division conceded that Violation 16 was not valid.

Commissioner Reiss moved that Violation 16 be removed from the complaint. Commissioner Capurro seconded. Motion carried unanimously.

Ms. Bradley read Violation 17 into the record.

Commissioner Opatik moved that Violation 17 had been proven. Commissioner Barrett seconded. Motion carried 4-1, with Commissioner Capurro opposing.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend a \$1,000.00 fine plus \$1,221.25 for the costs of the hearing payable in 6 months.

Commissioner Reiss moved to impose a \$225.00 fine, plus \$1,221.25 for the costs of the hearing and investigation, payable in 6 months. Commissioner Capurro seconded. Motion failed, with Commissioners Barrett, Opatik and Schwartz opposing.

Commissioner Opatik moved to approve the Division's recommendation of a \$1,000.00 fine plus \$1,221.25 for the costs of the hearing payable in 6 months. Commissioner Barrett seconded. Motion carried 3-2, with Commissioners Capurro and Reiss opposing.

3-I) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE DECEMBER 5-6, 2016 MEETING

Commissioner Capurro moved to approve the minutes of December 5-6, 2016. Commissioner Barrett seconded. Motion carried unanimously.

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

President Schwartz stated that the next meeting would be in May.

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

This item was tabled.

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

This item was tabled.

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

This item was tabled.

3-L) COMMISSIONER COMMENTS

None.

3-F) DISCUSSION REGARDING THE DIVISION'S CHANGE OF TESTING VENDORS TO PEARSON VUE

This item was tabled.

3-G) DISCUSSION REGARDING HAVING A PROPERTY MANAGEMENT LICENSE

This item was tabled.

3-K) DISCUSSION REGARDING COMMISSIONER'S SPEAKING ENGAGEMENT REQUESTS AND GUIDANCE FROM COMMISSION COUNSEL REGARDING DISCLOSURES

This item was tabled.

6-8) NRED v DENNIS J. WILSON JR. - CASE # REN 14-03-01-027

Commissioner Capurro recused himself from this case because he held a financial interest in a property that the Respondent owns.

This hearing was postponed until later in the day.

5-1) NRED v MARY E. MCQUATTIE - PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS CASE # 2015-1825

Commissioner Capurro recused himself from this case because he had been retained by Respondent's counsel in a past civil litigation.

This hearing was postponed until later in the day.

1-A) COMMISSIONERS IN ATTENDANCE

Wayne Capurro, Washoe County, exited and was absent for the remainder of the meeting.

6-8) NRED v DENNIS J. WILSON JR. - CASE # REN 14-03-01-027 (RESUMED)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Dennis J. Wilson was present.

Hearing

Mr. Keegan submitted exhibits 1-16.

Mr. Wilson objected to exhibit 16 citing the documents was not relevant to this case.

Mr. Keegan stated reasons for admission of the documents.

Mr. Wilson stated reasons why the documents should not be admitted.

President Schwartz overruled Mr. Wilson's objection.

Exhibits 1-15 were admitted into evidence by stipulation of both parties.

Exhibit 16 was admitted into evidence by the overruling of Mr. Wilson's objection.

Mr. Keegan gave his opening statement.

Mr. Wilson gave his opening statement.

State's Witness

Thomas McGhee testified.

Mr. Wilson questioned Mr. McGhee.

Commissioner Barrett questioned Mr. McGhee.

The witness was dismissed.

Respondent's Witness

Mr. Wilson testified.

The Commission questioned Mr. Wilson.

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

**5-1) NRED v MARY E. MCQUATTIE - PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS
CASE # 2015-1825 (RESUMED)**

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

Mary E. McQuattie was present.

Hearing

Ms. McQuattie requested an extension of her disciplinary fine.

The Commission questioned Ms. McQuattie.

Mr. Keegan made a comment.

The Commission questioned Deputy Administrator Sharon Jackson.

Commissioner Barrett moved to institute a payment plan of \$274 a month starting on June 1, 2017 until the fine is paid, not to exceed 48 months. Commissioner Opatik seconded. Motion carried 4-0.

Commissioner Capurro abstained.

6. PUBLIC COMMENT

None.

7. FOR POSSIBLE ACTION: ADJOURNMENT

The meeting was recessed at 4:30 PM on March 15, 2017.

MARCH 16, 2017

Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

NO VIDEO CONFERENCE

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Devin Reiss, Clark County; Lee Barrett, Clark County; Norma Jean Opatik, Nye County; and Neil Schwartz, Clark County
Commission Counsel: Sarah Bradley, Senior Deputy Attorney General
Commissioner Wayne Capurro, Washoe County, was not present.

2) PUBLIC Comment

None.

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Carson City

Division Counsel: Deputy Attorney General Peter Keegan

Division Staff: Deputy Administrator Sharon Jackson, Jaye Lindsay and Rebecca Hardin

6-8) NRED v DENNIS J. WILSON JR. - CASE # REN 14-03-01-027 (CONTINUED FROM PREVIOUS DAY)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Dennis J. Wilson was present.

Respondent's Witness

Mr. Wilson continued his testimony.

Mr. Wilson submitted an exhibit, which was admitted into evidence with no objections.

The Commission questioned Mr. Wilson.

Mr. Keegan made his closing statement.

Mr. Wilson made his closing statement.

Ms. Bradley read factual allegation 1 into the record.

Commissioner Reiss moved that factual allegation 1 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

Ms. Bradley read factual allegation 2 into the record.

Commissioner Opatik moved that factual allegation 2 had been proven. Commissioner Barrett seconded. Motion failed 4-0. Commissioner Capurro abstained.

Commissioner Barrett moved that factual allegation 2 had not been proven. Commissioner Reiss seconded. Motion carried 3-1, with Commissioner Opatik opposing. Commissioner Capurro abstained.

Ms. Bradley read factual allegation 3 into the record.

Commissioner Reiss moved that factual allegation 3 be amended to state, “Respondent learned about Complainant’s IRA accounts,” striking “through a prior real estate transaction where he served as their Broker.” Commissioner Barrett seconded. Motion carried 3-1, with Commissioner Barrett opposing. Commissioner Capurro abstained.

President Schwartz read factual allegation 4 into the record.

Commissioner Reiss moved that factual allegation 4 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

Commissioner Reiss moved that factual allegation 5 had been proven.

President Schwartz read factual allegation 5 into the record.

Commissioner Opatik seconded Commissioner Reiss’s motion. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 6 into the record.

Commissioner Reiss moved that factual Aallegation 6 had been proven. Commissioner Opatik seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 7 into the record.

Commissioner Reiss moved that factual allegation 7 had been proven. Commissioner Opatik seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 8 into the record.

Commissioner Opatik moved that factual allegation 8 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 9 into the record.

Commissioner Reiss moved that factual allegation 9 had been proven. Commissioner Opatik seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 10 into the record.

Commissioner Opatik moved that factual allegation 10 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 11 into the record.

Commissioner Opatik moved that factual allegation 11 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

Factual allegation 12 was stricken by the State.

President Schwartz read factual allegation 13 into the record.

Commissioner Reiss moved that factual allegation 13 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 14 into the record.

Commissioner Opatik moved that factual allegation 14 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read factual allegation 15 into the record.

Commissioner Reiss moved that factual allegation 15 had been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read Violation 16 into the record.

Commissioner Opatik moved that Violation 16 had been proven. Commissioner Reiss seconded. Motion carried 3-1, with Commissioner Barrett opposing. Commissioner Capurro abstained.

President Schwartz read Violation 17 into the record.

Commissioner Reiss moved that Violation 17 had been proven. Commissioner Opatik seconded. Motion carried 3-1, with Commissioner Barrett opposing. Commissioner Capurro abstained.

President Schwartz read Violation 18 into the record.

Commissioner Reiss moved that Violation 18 had not been proven. Commissioner Barrett seconded. Motion carried 3-1, with Commissioner Opatik opposing. Commissioner Capurro abstained.

President Schwartz read Violation 19 into the record.

Commissioner Reiss moved that Violation 19 had not been proven. Commissioner Barrett seconded. Motion carried 4-0. Commissioner Capurro abstained.

President Schwartz read Violation 20 into the record.

Commissioner Reiss moved that Violation 20 had not been proven. Commissioner Barrett seconded. Motion carried 3-1, with Commissioner Opatik opposing. Commissioner Capurro abstained.

President Schwartz read Violation 21 into the record.

Commissioner Reiss moved that Violation 21 had been proven. Commissioner Opatik seconded. Motion carried 4-0. Commissioner Capurro abstained.

Recommendation for Discipline

Deputy Administrator Sharon Jackson stated that the Division would recommend a \$10,000.00 fine per violation for a total of \$30,000.00, suspension of the Respondent's license for a minimum of 18 months, plus \$3,345.94 for the costs of the hearing payable within 18 months.

Mr. Wilson made a statement.

Commissioner Opatik moved to impose a fine of \$30,000.00, plus \$3,345.94 for the costs of the hearing payable within 24 months, and a condition be placed on the Respondent's license that no transactions involving self-directed IRAs be conducted within a 24-month period. Commissioner Reiss seconded.

President Schwartz suggested that the fine be in equal payments over 24 months rather than a lump sum at the end of 24 months.

Commissioner Opatik amended her motion to add that the fine and costs were to be made in 24 equal monthly payments of \$1,389.42 for 24 months to begin within 30 days of the effective date of the order. Commissioner Reiss seconded the amendment. Motion carried 4-0. Commissioner Capurro abstained.

6. PUBLIC COMMENT

None.

7. FOR POSSIBLE ACTION: ADJOURNMENT

The meeting was adjourned at 11:00 PM on March 16, 2017.