

**NEVADA REAL ESTATE COMMISSION
MINUTES**

VIA VIRTUAL AND IN PERSON MEETING

June 7, 2022

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

VIDEO CONFERENCE TO:

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

The meeting was called to order at 9:00 AM

1-A) Introduction of Commissioners in Attendance

Spiridon Filios, Clark County; Lee Gurr, Elko County; Russell Roth, Clark County; David Tina, Clark County and Darrell Plummer, Washoe County

Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager, Evelyn Pattee, Commission Coordinator, Kelly Valadez, Commission Coordinator, Jan Holle, Chief Compliance Audit Investigator and staff; Deputy Attorney Generals Virginia Tomova, Matthew Feeley, Michelle Briggs and Karissa Neff representing the Division.

2) Public Comment

Geoffrey Lavell stated that he is seeing more parties to a transaction. Mr. Lavell stated that he would like to see more signature lines on the Duties Owed form.

4-A) For possible action: Discussion and decision regarding the instructor denial appeal pursuant to NAC 645.426

Parties Present

Jimmy Dague was present.

Lee Barrett was present.

Antonio Brown, Education Supervisor was present.

Mr. Brown stated that the Division approved the instructor application for Mr. Dague in error on September 8, 2021. Mr. Brown stated that the mistake was remedied by issuing a retracted denial. Mr. Brown stated that Mr. Dague was found to have been disciplined by the Division

acting on behalf of the Commission. Mr. Brown stated that pursuant to NAC 645.426(3)(a)(1), the Division shall not without the approval of the Commission, approve a person as an instructor if the person has been disciplined by the Division acting on behalf of the Commission within the immediately preceding five years. Mr. Brown stated that this appeal is now in front of the Real Estate Commission to be decided.

Mr. Dague stated that he is requesting that the Commission approve him as a CE instructor. Mr. Dague stated that he was sanctioned and fined by the Real Estate Division for turning in his trust account reconciliation late. Mr. Dague stated that he paid the administrative fine. Mr. Dague stated that he submitted a property management course on case studies for approval. Mr. Dague stated that the course was approved however he was not approved as the instructor. Mr. Dague stated that he is also concerned that the denial will impact his ability to teach his post licensing and pre-licensing courses.

Mr. Barrett stated that if the Commission does not approve Mr. Dague as an instructor, it would be a disadvantage to the marketplace. Mr. Barrett stated that Mr. Dague is one of the best instructors he knows nationally and locally. Mr. Barrett stated that it is priceless for licensees to have the opportunity to obtain Mr. Dague's knowledge.

The Commission questioned Mr. Brown.

The Commission questioned Mr. Dague.

Commissioner Gurr move to grant the appeal and approve Mr. Dague as an instructor. Seconded by Commissioner Filios. Motion passed.

8-B) NRED v Tod A. Wever, for possible action
Case # 2019-1186

Parties Present

Tod Wever was not present.

Aaron Shipley was present representing Mr. Wever.

Deputy Attorney General Matthew Feeley was present representing the Division.

Preliminary Matters

Mr. Feeley stated that a settlement had been reached. Mr. Feeley read the factual allegations and settlement into the record.

Settlement

- Respondent agrees to pay the Division \$1,500.00 as an administrative fine and \$1,326.16 in administrative costs as follows:
 - Respondent shall make monthly payments in the amount of \$706.00 per month beginning July 1, 2022 for four months.

Commissioner Filios moved to accept the stipulation as presented. Seconded by Commissioner Tina. Motion passed.

8-F) NRED v Christine Dang, for possible action

Case # 2021-209

Parties Present

Christine Dang was present.

Scott Marquis was present representing Ms. Dang.

Deputy Attorney General Virginia Tomova was present representing the Division.

Preliminary Matters

Ms. Tomova stated that a settlement had been reached. Ms. Tomova read the factual allegations and settlement into the record.

Settlement

- Respondent agrees to pay the Division \$20,000.00 as an administrative fine and \$8,965.41 in administrative costs as follows:
 - Respondent shall pay \$8,965.41 within 30 days of the Commission's order approving the settlement.
 - Respondent shall pay \$20,000.00 in monthly installments in the amount of \$238.00 beginning August 1, 2022 and due the first day of each month thereafter for 83 months with the 84th payment in the amount of \$246.00.
- 6 hours of continuing education in agency and 6 hours of continuing education in ethics to be completed within 120 days of the Commission's order approving the stipulation and such continuing education shall not accrue toward license renewal requirements.
- Voluntary surrender of property management permit for at least 5 years.

Commissioner Roth moved to accept the stipulation as presented. Seconded by Commissioner Gurr. Motion passed.

6-A) For possible action: Discussion and decision regarding respondent's petition for rehearing and reconsideration of disciplinary terms:

NRED v Kathy A. Perrault

Case # 2020-689

Parties Present

Kathy Perrault was present.

Deputy Attorney General Matthew Feeley was present representing the Division.

Ms. Perrault stated that she is not in Las Vegas all the time because she is caring for her aging parents in Oregon. Ms. Perrault stated that she was not present to receive the hearing notification for the March 29-31, 2022 meeting. Ms. Perrault stated that her broker failed to notify her.

Mr. Feeley stated that the Division does not oppose Ms. Perrault's request for a rehearing.

The Commission questioned Ms. Perrault.

Commissioner Filios moved to grant the rehearing. Seconded by Commissioner Tina. Motion passed.

8-A) NRED v Gregory Navone, for possible action
Case # 2018-1606

Parties Present

Gregory Navone was present.

Lisa Tavra was present.

Chief Deputy Attorney General Michelle Briggs was present representing the Division.

Opening Statements

Ms. Briggs gave her opening statement.

Mr. Navone gave his opening statement.

Commissioner Tina stated that he will recuse himself from discussions and voting regarding this matter.

Ms. Briggs asked that the State's exhibits be admitted.

President Plummer stated that the State's and Respondent's exhibits would be admitted.

State's Witness

Ann Angell testified.

Mr. Navone cross-examined Ms. Angell.

Ms. Briggs re-examined Ms. Angell.

The Commission questioned Ms. Angell.

The witness was dismissed.

Respondent's Witness

Lisa Tavra testified.

The Commission questioned Ms. Tavra

The witness was dismissed.

Respondent's Witness

Ann Angell testified.

The witness was dismissed.

Closing Statements

Mr. Navone gave his closing statement.

Ms. Briggs gave her closing statement.

Factual Allegations and Violations of Law

Commissioner Gurr moved that the factual allegations and violations of law have been proven. Seconded by Commissioner Roth.

Commissioner Gurr stated that this is a broker who is trying to excuse his inability to comply with the law by stating that an unlicensed assistant didn't do something one way or another.

Commissioner Filios stated that he can't sympathize with someone who isn't taking care of business in the moment at the time.

Motion passed with Commissioner Tina abstaining.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$1,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$1,795.80 to be paid within 30 days of the effective date of the order.

Commissioner Gurr stated that the Commission should consider adding continuing education.

- Commissioner Gurr moved to accept the recommendation of the Division and add 6 hours of live continuing education in broker management within 60 days of the effective date of the order and such continuing education shall not accrue toward license renewal requirements. Seconded by Commissioner Filios. Motion passed with Commissioner Tina abstaining.

7) For possible action: Discussion and decision concerning Real Estate Advisory Review Committee applications:

Lori Archer, License No.: B.0143822.CORP

Vandana Bhalla, License No.: B.0058386.LLC

Shana Wilgar, License No.: S.0051280

Donna Clark, License No.: BS.0027697

Antonio Brown, Education Supervisor stated the criteria to be eligible to serve on the Advisory Review Committee.

Commissioner Gurr moved to approve Lori Archer for the advisory review committee. Seconded by Commissioner Tina. Motion passed.

Commissioner Tina moved to approve Vandana Bhalla for the advisory review committee. Seconded by Commissioner Roth. Motion passed.

Mr. Brown stated that based on Shana Wilgar's license history, this applicant is not eligible because she doesn't have a broker's license or a broker salesperson's license.

Commissioner Gurr moved to deny Shana Wilgar for the advisory review committee. Seconded by Commissioner Tina. Motion passed.

Commissioner Tina moved to approve Donna Clark for the advisory review committee. Seconded by Commissioner Gurr. Motion passed.

5-A) For possible action: Discussion and decision regarding respondent's request for his real estate broker-salesperson license pursuant to the Commission's order filed June 15, 2021

NRED v Mark Daniel Heckert

Case # 2020-78

Parties Present

Mr. Heckert was present.

Deputy Attorney General Matthew Feeley was present representing the Division.

Mr. Heckert stated that one year ago there was a stipulation in this case containing a fine and required education. Mr. Heckert stated that the stipulation also included a 1 year suspension of his broker-salesperson's license and would need to go before the Commission for reinstatement.

Mr. Feeley stated that the Division does not oppose the request by Mr. Heckert to reinstate his license effective June 15, 2022. Mr. Feeley stated that the terms of the settlement agreement from one year ago have been completed.

Commissioner Roth moved to reinstate Mr. Heckert's license effective June 15, 2022. Seconded by Commissioner Gurr. Motion passed.

3-E) Discussion regarding Continuing Education Supervisor's reports on continuing education and post education roster upload submittals issues.

Antonio Brown presented this report. Mr. Brown provided the Commission with a written report. Mr. Brown stated that in March 2022, 7 course audits were completed. Mr. Brown stated that in April 2022, 8 course audits were completed. Mr. Brown stated that in May 2022, 4 course audits were completed.

- March 2022, there were 16 new course applications.
- April 2022, there were 17 new course applications.
- May 2022, there were 25 new course applications.
- March 2022, there were 1,746 roster uploads that resulted in 21,486 individual records uploaded with 403 errors.
- April 2022, there were 1,487 roster uploads that resulted in 10,397 individual records uploaded with 1,603 errors.
- May 2022, there were 1,448 roster uploads that resulted in 12,963 individual records uploaded with 4,312 errors.

Mr. Brown stated that there are 45 risk reduction courses currently approved.

3-F) For possible action: Discussion and decision to approve minutes of the March 29-31, 2022 meeting.

Commissioner Tina moved to approve the minutes as presented. Seconded by Commissioner Roth. Motion passed.

3-A) Discussion regarding Administrator's report.

Sharath Chandra presented this report. Mr. Chandra stated that the Division is close to getting a technology contract. Mr. Chandra stated that his goal is to have something in place by the end of this fiscal year which is June 2022. Mr. Chandra stated that there is software that addresses some of the superficial things but finding a software solution that addresses the relationship management between brokers and salespeople has been the challenge. Mr. Chandra stated that the focus is to find something that addresses the key licensing issue. Mr. Chandra stated that if the software addresses licensing, everything can tie in together relatively easy. Mr. Chandra stated that the goal is to get everything online. Mr. Chandra stated that there will be a regulation workshop developed shortly followed by public comment then moving through the regulation process. Mr. Chandra stated that the workshop may take place between now and the next Real Estate Commission meeting.

8-D) NRED v Stephen Connolly, for possible action
Case # 2021-759

Parties Present

Stephen Connolly was present.

Scott Rasmussen was present representing Mr. Connolly.

Deputy Attorney General Karissa Neff was present representing the Division.

President Plummer stated that he will recuse himself from discussions and voting regarding this matter.

Preliminary Matters

Ms. Neff stated that a settlement had been reached. Ms. Neff read the factual allegations and settlement into the record.

Settlement

- Respondent agrees to pay the Division \$11,792.54 as an administrative fine and \$4,207.46 in administrative costs within 30 days of the Commission's order approving the settlement.
- 3 hours of continuing education in agency, 3 hours of continuing education in contracts and 3 hours of continuing education in ethics to be completed within 90 days of the Commission's order approving the stipulation and such continuing education shall not accrue toward license renewal requirements.

Commissioner Roth moved to accept the stipulation as presented. Seconded by Commissioner Gurr. Motion passed with President Plummer abstaining.

8-C) NRED v Timothy R. Carter, for possible action
Case # 2020-530

Parties Present

Timothy Carter was not present.

Deputy Attorney General Matthew Feeley was present representing the Division.

Mr. Feeley stated that the Division would like to proceed with a default.

Mr. Feeley stated that the Division would submit that there was proper service upon Timothy R. Carter.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of complaint.

Commissioner Filios moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Gurr. Motion passed.

Mr. Feeley read the factual allegations and violations of law into the record.

Commissioner Filios moved that the factual allegations and violations were proven. Seconded by Commissioner Tina. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$1,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$2,325.27 to be paid within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Gurr moved that respondent be fined \$5,000.00 plus the cost of the hearing and investigation in the amount of \$2,325.27 to be paid within 30 days of the effective date of the order and revocation of all licenses and permits. Seconded by Commissioner Filios. Motion passed.

8-C) NRED v Raymin Vafaei, for possible action
Case # 2018-613

Parties Present

Raymin Vafaei was not present.

Deputy Attorney General Phil Su was present representing the Division.

Mr. Su stated that the Division would like to proceed with a default.

Mr. Su stated that the Division would submit that there was proper service upon Raymin Vafaei.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of complaint.

Commissioner Filios moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Roth. Motion passed.

Mr. Su read the factual allegations and violations of law into the record.

Commissioner Roth moved that the factual allegations and violations were proven. Seconded by Commissioner Gurr. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$25,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$2,331.77 to be paid within 90 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Gurr moved to accept the recommendation of the Division. Seconded by Commissioner Tina. Motion passed.

8-E) NRED v Charity Sabrina Hart, for possible action

Case # 2021-285

Parties Present

Charity Hart was not present.

Deputy Attorney General Virginia Tomova was present representing the Division.

Ms. Tomova stated that the Division would like to proceed with a default.

Ms. Tomova stated that the Division would submit that there was proper service upon Charity Sabrina Hart.

State's Witness

Evelyn Pattee, Commission Coordinator, testified regarding service of complaint.

Commissioner Roth moved that the Commission pursuant to NAC 645.860 find that the Real Estate Division has proven service of notice to respondent. Seconded by Commissioner Filios. Motion passed.

Ms. Tomova read the factual allegations and violations of law into the record.

Commissioner Filios moved that the factual allegations and violations were proven. Seconded by Commissioner Roth. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$1,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$3,148.48 to be paid within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Tina moved to accept the recommendation of the Division. Seconded by Commissioner Roth. Motion passed.

8-G) NRED v Michael Henry Ring, for possible action

Case # 2020-358

Parties Present

Michael Ring was present.

Timothy Wiseman was present representing Mr. Ring.

Deputy Attorney General Karissa Neff was present representing the Division.

Ms. Neff asked that the State's exhibits be admitted.

President Plummer stated that the State's exhibits would be admitted.

Mr. Wiseman asked that the respondent's exhibits be admitted.

President Plummer stated that the respondent's exhibits would be admitted.

Opening Statements

Ms. Neff gave her opening statement.

Mr. Wiseman gave his opening statement.

Ms. Neff gave her rebuttal.

Mr. Ring gave his rebuttal.

State's Witness

Rebecca Bruce testified.

Mr. Wiseman cross-examined Ms. Bruce.

Ms. Neff re-examined Ms. Bruce.

Mr. Wiseman re-cross-examined Ms. Bruce.

The Commission questioned Ms. Bruce.

The witness was dismissed.

State's Witness

Michael Ring testified.

Mr. Wiseman cross-examined Mr. Ring.

The Commission questioned Mr. Ring.

Closing Statements

Ms. Neff gave her closing statement.

Mr. Wiseman gave his closing statement.

President Plummer stated that this matter will continue tomorrow.

9) Public Comment

No Public Comment

10) For Possible Action: Adjournment

Meeting recessed at 4:35 p.m. on June 7, 2022.

NOT APPROVED BY COMMISSION

VIA VIRTUAL AND IN PERSON MEETING

June 8, 2022

Nevada State Business Center
3300 W. Sahara Avenue, Tahoe Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:

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

The meeting was called to order at 9:00 AM

1-A) Introduction of Commissioners in Attendance

Spiridon Filios, Clark County; Lee Gurr, Elko County; David Tina, Clark County; Russell Roth, Clark County; and Darrell Plummer, Washoe County

Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Shareece Bates, Administration Section Manager, Evelyn Pattee, Commission Coordinator, Kelly Valadez, Commission Coordinator, Jan Holle, Chief Compliance Audit Investigator; Rebecca Bruce, Compliance Audit Investigator; Deputy Attorney Generals Karissa Neff and Virginia Tomova representing the Division.

2) Public Comment

No Public Comment

8-G) NRED v Michael Henry Ring, for possible action

Case # 2020-358

Parties Present

Michael Ring was present.

Timothy Wiseman was present representing Mr. Ring.

Deputy Attorney General Karissa Neff was present representing the Division.

Factual Allegations

Commissioner Gurr moved that factual allegations 1 through 8, 11, 13 through 21, 23, 24, 28 through 30, 32 and 33 have been proven. Seconded by Commissioner Filios. Motion passed.

Commissioner Gurr moved that factual allegation 9 has been proven. Seconded by Commissioner Tina. Motion passed 3-2 with Commissioners Roth and Filios opposed.

Commissioner Gurr moved that factual allegation 10 has not been proven. Seconded by Commissioner Filios. Motion passed.

Commissioner Filios moved that factual allegation 12 has not been proven. Seconded by Commissioner Roth. Motion passed.

Commissioner Gurr moved that factual allegation 22 has been proven. Seconded by Commissioner Filios. Motion passed.

Commissioner Gurr moved that factual allegations 25 and 26 have not been proven. Seconded by Commissioner Filios. Motion passed 4-1 with Commissioner Tina opposed.

Commissioner Gurr moved that factual allegation 27 has not been proven. Seconded by Commissioner Roth. Motion passed.

Commissioner Gurr moved that factual allegations 31 and 34 have been proven. Seconded by Commissioner Tina. Motion passed.

Violations of Law

Commissioner Filios moved that violation 35 has not been proven. Seconded by Commissioner Roth. Motion passed 4-1 with Commissioner Tina opposed.

Commissioner Filios moved that violation 36 has not been proven. Seconded by Commissioner Gurr. Motion passed 4-1 with Commissioner Tina opposed.

Commissioner Gurr moved that violation 37 has not been proven. Seconded by Commissioner Filios. Motion passed.

Commissioner Gurr moved that violation 38 has not been proven. Seconded by Commissioner Filios. Motion passed 4-1 with Commissioner Tina opposed.

Commissioner Gurr moved that violation 39 has not been proven. Seconded by Commissioner Filios. Motion passed 4-1 with Commissioner Tina opposed.

Commissioner Gurr moved that violation 40 has been proven. Seconded by Commissioner Filios. Motion passed.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$5,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$4,050.14 to be paid within 90 days of the effective date of the order.
- 9 hours of continuing education in property management to be completed with 90 days of the effective date of the order. Such continuing education shall not count toward license renewal requirements.

Commissioner Gurr moved to accept the recommendation of the Division. Seconded by Commissioner Filios. Motion passed.

3-B) Discussion regarding the Disciplinary Report.

Shareece Bates presented this report. Ms. Bates provided the Commission with a written report.

3-C) Discussion regarding the Compliance Section's current caseload report, including a Summary of recent topics of complaints filed.

Jan Holle presented this report. Mr. Holle provided the Commission with a written report and summarized.

9) Public Comment

Geoffrey Lavell stated that more and more companies in Las Vegas are opening loan offices and title companies. Mr. Lavell stated that there is no disclosure being made to the parties of the transaction that the company is owned by a parent corporation that represents the buyer or seller. Mr. Lavell stated that no disclosure is being required by the offering party about these affiliations. Mr. Lavell stated that there is a case that has come up for the professional grievance committee citing a conflict like this. Mr. Lavell stated that we will see sellers or buyers that aren't aware of these ownership situations. Mr. Lavell stated that the spirit of the statute is to disclose the source of income to the agent but in many cases, the broker is the recipient of benefits which is not being disclosed. Mr. Lavell stated that this provides an opportunity for conflict. Mr. Lavell stated that he is asking the Commission to make this disclosure necessary as part of the existing statute.

Jack Lindberg stated that he wants to emphasize the idea of increased cyber security training. Mr. Lindberg stated that just like the recent case heard, there is a line drawn between the knowledge of law and when you hand over your knowledge to somebody who is more of an expert. Mr. Lindberg stated that the same is done with technology. Mr. Lindberg stated that the new risk reduction category in his opinion has been somewhat watered down by subjects that allow people to avoid some of the cyber security issues that are crucial to all licensees. Mr. Lindberg stated that there are some property management things in the risk reduction category that allow people to take those classes that are not necessarily cyber security. Mr. Lindberg stated that he would argue that there is only eleven percent of property management licensees but 100 percent of licensees carry a cell phone, have email and use passwords which are the things he tries to teach in his class and recommends be taught to all licensees.

10) For Possible Action: Adjournment

Meeting adjourned at 10:30 a.m. on June 8, 2022.

Prepared by: Evelyn Pattee