

From: Julie Davies
To: Shareece N. Bates
Subject: Fw: Denial letter
Date: Friday, December 10, 2021 5:44:58 PM
Attachments: DENIAL LETTER VACATION HOME STR PROPERTY MANAGEMENT BEST PRACTICES.pdf

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ELDERxl
Julie Davies
6074 Gordon Creek Avenue
Las Vegas, NV 89139

December 10, 2021

Shareece Bates
Administration Section Manager
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

RE: VACATION HOME/STR PROPERTY MANAGEMENT BEST PRACTICES

Dear Shareece Bates:

I received the letter of denial from Antonio Brown. This was after I met personally with Mr. Brown and, according to him prior to the meeting and after he reviewed the course content, satisfied the request for course information. I keep getting told that all of the requirements have been met but then I hear that the Division wants more information or a different format

I ask for an appeal of this decision.

Antonio Brown told me that he didn't have several of the components that I have repeatedly supplied to NRED within this application process. Perhaps they are missing from the file. I gave him another copy of the textbook, the timelines, and I reviewed the course content with him in a manner that does not put me in jeopardy of losing the ability to use the shared content within the academic setting (which has its own laws and rules). This course is taught within academic settings in for-credit and continuing education/professional enhancement courses in several states. There are rules and laws associated with this that I must consider. This is important. I obey rules and laws. I would think that NRED would respect an instructor who is conscientious about doing so and not want to compromise an academic program, especially when the requirements have been met according to your instructions.

I have been working with NRED regarding this course since 2018. I can go through the long list of information that multiple staff members have requested from this instructor and from the colleges and universities where the course is offered. (I, by the way, have completed their sponsor applications for them, just as I completed this course application). We should review the long list because each new NRED staff member to whom the file is transferred seems to be missing submitted information. I am willing to do so.

This course has been approved for 12 cumulative CE by NRED twice and we have complied with applicable rules and code references in our instruction of the course. A portion of the course is also approved for 3 CE as a seminar (not the full certification). It is currently approved through TMCC and the part of it is currently approved as a seminar course for the first section of the 2-day course is approved through ELDERxl. Why are the remaining 3 segments of this course (which are part of the approved four segments, but have been put into one course, per staff recommendation) now being

denied approval? We have provided documentation for the approved courses and even more documentation for this course that has been denied approval. And I have indeed complied with the requests that do not violate license agreements, other laws, and rules within Higher Education. The security of course content, examination integrity, privacy laws, and licensing agreements should not be compromised within an application process for real estate CE. That is why I spent hours with staff members who have thoroughly reviewed the slides and tests. Each time, your staff has commented on the high quality of the content within this course.

This is a course that is taught through colleges and universities. It does not have sponsors or "infomercials" within the course, like some of your approved CE courses. The course content has passed multiple academic and legal reviews by colleges and universities, real estate divisions, book publishers, real estate associations, and city and state officials. It is currently approved (the complete 14-hour course) by multiple real estate divisions for real estate CE and it qualifies for CEU through NSHE and other states.

And the complete course is currently approved by NRED within a limited sponsorship (TMCC for the full four segments of the course for 12 cumulative CE and within a seminar through ELDERxL for 3 CE). It was determined that since CSN has been approved and TMCC had been approved, it qualified for being offered through other NSHE institutions. Then I was told that it would be better to divide the course into two segments (the 4-hour laws and essential best practices segment, which is approved through ELDERxL for 3 General CE, and then I would apply for the 9-hour course (which is the course proposal you have now denied) that covers the other three segments of the course that is part of what was approved within our CSN and TMCC applications (which required less documentation than I have provided in the current 9-hour application). The reason for this application was that the individual institutions may have turnover in their staff, which changes the names of the sponsor, while the ELDERxL sponsor is the instructor who holds the intellectual property rights to the content no matter where it is taught.

The course and the instructor have consistently received excellent reviews from course participants. When asked to attend a teacher training session from the Division, I complied (unlike some other approved instructors, according to the instructors and your staff).

I have spoken with other NRED CE-approved instructors and I have attended CE-approved courses. Other instructors and course sponsors report that they have not been asked for a fraction of the layers of information, slides, test questions/answers, and timelines that have been requested for this course. One said that he is only required to provide 50 slides and he can change and add slides as he sees fit without getting added approval from NRED. And some of the courses obviously do not comply with NAC standards, yet they qualify for NRED CE. Why is this course being singled out for denial? Why has this course required more documentation and reorganization/reapplication than other courses? Do your other approved courses provide a 350-page textbook that is used within accredited courses and to students who attend the CE-approved course?

I have not changed the slides within the approved courses. I answer questions about the changing regulations that are affecting Nevada hosts, property managers, investors, and realtors selling properties, which may be specific to the current situation or student question, but the course is about industry best practices and how to follow current regulations. The 350-page textbook remains the same (which the Division has requested multiple times so I have given staff 5 softcover books and two or three digital copies of the book). And, as I disclosed, the hand-outs are either the printed ordinances provided by Cities and Counties regarding applicable laws, or links to the City websites. This information may change. When it did with one of the cities, I emailed the change to NRED. I was not making the change; it was the City that made the change, but I still provided the information to NRED.

I could go on with more pages of reasons why this denial should be overturned. But the most important reason is that this course is needed for your realtors, especially as the State rolls out AB 363 changes that severely affect the STR industry and property management of residential units that are used for short-term guest stays. This course was written by and is presented by a leading content-matter expert who can answer questions students may have about issues they are dealing with here in Nevada. STR is very different from the long-term rental of a residential unit. And not

understanding the key differences can cause problems and legal issues for realtors and their clients. It's also a misunderstood industry, particularly by realtors who think they can jump into the industry without being educated about the differences. City officials report that their worst code violators have been realtors who are managing their own or client properties. These problems can negatively affect the community. That is why STR license and permit applicants are required by some city regulations and planning commission or city council mandates to receive the education and certification provided within this course. Why should a realtor not receive CE for a course that affects how they will apply their real estate knowledge and practices?

This is not content that can be easily taught by someone who doesn't thoroughly understand the industry and the ordinances. Again, this course was written by and is taught by one of the leading content matter experts in the nation. But I am a Nevadan who understands and cares about our community, too. This course was developed at the request of City Officials here in Nevada, and it is now taught in multiple states, universities, and in international lecture tours. It is approved by real estate divisions in other states. Why would NRED not want Nevada realtors to receive CE for quality education about an emerging industry that is affecting real estate in Nevada?

I have been told by staff and community members (and a commissioner) that there is someone connected to the division who wants try to use the course content within this course to do their own course, and that may be why it is now being denied for CE. Please know that the course content released to the Division is protected by layers of intellectual property provisions. The certification is trademark protected. And the textbook content is protected through an international publishing company. If another course is approved that uses any content resembling this course, we will first question why the other course was approved while this accredited course was denied, and we will take action regarding any unauthorized use of intellectual property within this course and textbook (and our applications).

Why would NRED not want a course to be approved for CE when it will help Nevada real estate professionals working with STR investors, it will help them to be more code-compliant, it will help them avoid legal challenges through inappropriate information and practices, it will help their clients, and it will help their overall industry and Nevada communities? The Division knows the importance of quality education. With AB 363 being implemented, this is vital information for Nevada Realtors, especially those who are or who plan to practice property management of residential units renting accommodations to guests for short stays here.

I have spent many hours addressing the multiple requests for content and other information, and revision to schedules, organization, and sponsor names through multiple NRED staff over the years--beyond the stated requirements within the regulations. Could the file that you have been reviewing be missing some of the information provided to the Division?

Why would this course format or sponsorship application be denied when it is the same as the course content currently approved (only it is organized in 9 CE rather than 3 separate segments of 3 CE-approved courses)? Why have I been asked to reorganize and resubmit information so many times, beyond what is required of other CE-approved courses and beyond what is required for CE-approved courses? It appears that the application file may be missing some of the submitted information.

I ask that the denial of this application be overturned. I am willing to meet with staff and go over the file that you are reviewing.

Wishing you the best,

Julie Davies
ELDERxL

Author, Educator, and longtime real estate investor and lodging industry professional
702-755-6881

scriptsandtrips@hotmail.com

www.strcertification.com

From: Julie Davies <scriptsandtrips@hotmail.com>
Sent: Friday, December 10, 2021 6:23 AM
To: Julie Davies <scriptsandtrips@hotmail.com>
Subject: Fwd: Denial letter

Sent from my iPhone

Begin forwarded message:

From: Leah Holmes <lholmes@red.nv.gov>
Date: November 10, 2021 at 4:40:01 PM PST
To: scriptsandtrips@hotmail.com
Subject: Denial letter

Greetings,

Please view the letter attached.

Leah Holmes

Course Processor ©
Department of Business and Industry
Nevada Real Estate Division
3300 W. Sahara Suite #350
Las Vegas, NV 89102
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STEVE SISOLAK
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STATE OF NEVADA



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Director

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

red.nv.gov

November 10, 2021

ELDERXL
JULIE DAVIES
6074 GORDON CREEK AVENUE
LAS VEGAS, NV 89139

RE: VACATION HOME/STR PROPERTY MANAGEMENT BEST PRACTICES

Dear Julie Davies:

After reviewing the course referenced above, the Real Estate Division has determined that the content does not meet the standards for continuing education as provided by NAC 645. Therefore, your application for approval of this course is denied. Please be advised of the following reason(s) for this decision:

- After several requests by multiple staff, you have failed to complete your course application by refusing to include all course materials to be provided and/or presented to licensees in attendance pursuant to NAC 645.455(1). All new courses are subject to comprehensive review and audit by the Division. Therefore, the Division cannot approve a course that is unable to be properly reviewed or effectively subjected to the audit program.

You have the right to file an appeal with the Real Estate Commission no later than 30 days from the date of receipt of this denial letter.

Send your appeal to:

Shareece Bates
Administration Section Manager
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

Should you have any questions you may contact the Education Section at (702) 486-0951.

Sincerely,

Antonio Brown

Antonio Brown
Continuing Education Program Specialist
Cc: Leah Holmes, Course Processor
Course File