

**NEVADA REAL ESTATE COMMISSION
MINUTES**

VIA IN PERSON AND WEBEX VIRTUAL MEETING

December 14, 2022

Nevada State Business Center
3300 W. Sahara Avenue, Nevada 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 9:10 a.m.

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 Sophia Long

1-C) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Kelly Valadez, Commission Coordinator; Maria Gallo, Commission Coordinator; Jan Holle, Chief Compliance Audit Investigator; Kimber Bruce, Compliance Audit Investigator; and Annalyn Carrillo, Education and Information Officer.

Deputy Attorney Generals Michelle Briggs and Phil Su were present representing the Division.

2) Public Comment

Neil Schwartz stated that he wanted to thank the Commissioners and Administrator Chandra for their time and support with the workshop on education and the proposed changes that will benefit the industry.

8-A) NRED v Khalil Abusharkh, for possible action

Case # 2020-1034

Parties Present

Khalil Abusharkh was present via Webex.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division \$4,400.00 as an administrative fine and \$1,880.00 in administrative costs within 60 days of the Commission's order approving the settlement.

Commissioner Gurr moved to accept the stipulation as presented. Seconded by Commissioner Roth. Motion carried 4:1 with Commissioner Plummer opposed. Motion carried.

8-B) NRED v Kenneth Calder, for possible action

Case # 2021-1227

8-C) NRED v Kenneth R. Calder, for possible action

Case # 2021-1230

Parties Present

Kenneth Calder was present.

Nicholas Wooldridge, Esq. was present representing Mr. Calder.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

Mr. Su stated that a settlement had been reached. Mr. Su read the factual allegations and settlements into the record for case numbers 2021-1230 and 2021-1227.

Case 2021-1230 Settlement

- Respondent agrees to pay the Division \$8,000.00 as an administrative fine and \$3,295.86 in administrative costs within 90 days of the Commission's order approving the settlement.
- Respondent shall surrender any and all property management permits issued to him by the Division for a period of five years from the Effective date of the order approving this settlement and shall not be permitted to engage in any type of activity constituting property management during the time said permits are surrendered.

Case 2021-1227 Settlement

- Respondent agrees to pay the Division \$500.00 as an administrative fine and \$2,129.80 in administrative costs within 90 days of the Commission's order approving the settlement.
- Respondent shall surrender any and all property management permits issued to him by the Division for a period of five years from the Effective date of the order approving this settlement and shall not be permitted to engage in any type of activity constituting property management during the time said permits are surrendered.

Commissioner Plummer moved to accept the stipulation as presented. Seconded by Commissioner Tina. Motion carried.

8-E) NRED v Malcolm B. Boot, for possible action

Case # 2020-815

Parties Present

Malcolm Boot was present.

Andrew Pastwick, Esq. was present representing Mr. Boot.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division \$500.00 as an administrative fine and \$3,872.60 in administrative costs within 36 months of the Commission's order approving the settlement.

Commissioner Tina moved to accept the stipulation as presented. Seconded by Commissioner Roth. Motion carried.

8-D) NRED v Richard Naft, for possible action

Case # 2020-1052

Parties Present

Richard Naft was present.

Andrew Pastwick, Esq. was present representing Mr. Naft.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division \$500.00 as an administrative fine and \$3,692.60 in administrative costs within 36 months of the Commission's order approving the settlement.

Commissioner Tina moved to accept the stipulation as presented. Seconded by Commissioner Gurr. Motion carried.

8-N) NRED v Candace Easdale, for possible action

Case # 2020-633

Parties Present

Candace Easdale was present.

Andrew Pastwick, Esq. was present representing Ms. Easdale.

Senior Deputy Attorney General Phil Su was present representing the Division.

Preliminary Matters

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

Settlement

- Respondent agrees to pay the Division \$5,000.00 as an administrative fine and \$4,161.15 in administrative costs within 90 days of the Commission's order approving the settlement.

Commissioner Tina moved to accept the stipulation as presented. Seconded by Commissioner Roth. Motion carried.

8-F) NRED v Tammy Hinh, for possible action

Case # 2021-417

Parties Present

Tammy Hinh was not present.

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

Ms. Briggs stated that the Division would submit that there was proper service upon Ms. Hinh.

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of complaint.

Commissioner Gurr 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 Plummer. Motion carried.

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

Ms. Briggs asked that the documents for this case be admitted.

President Filios stated that the documents are admitted.

Commissioner Plummer moved that the factual allegations and violations of law were proven. Seconded by Commissioner Tina. Motion carried.

Division's Recommendation for Discipline

Jan Holle presented this:

- \$70,000.00 administrative fine plus the cost of the hearing and investigation in the amount of \$2,295.10 to be paid within 60 days of the effective date of the order.
- Revocation of all real estate licenses and permits.

Commissioner Gurr moved in the matter of NRED v Tammy Hinh case# 2021-417, that the respondent be fined \$70,000, pay administrative costs in the amount of \$2,295.10, with all fines and costs being payable to the Division within 60 days of the effective date of the order, and that all respondent's licenses, permits, and certifications be revoked. Seconded by Commissioner Plummer. Motion carried.

8-K) NRED v Jordan Shtulman, for possible action

Case # 2020-738

Parties Present

Jordan Shtulman was not present.

Senior Deputy Attorney General Phil Su was present representing the Division.

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

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of complaint.

Commissioner Gurr 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 carried.

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

Mr. Su asked that the documents for this case be admitted.

President Filios stated that the documents are admitted.

Commissioner Gurr moved that the factual allegations and violations of law were proven. Seconded by Commissioner Tina. Motion carried.

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 \$3,188.64 to be paid within 30 days of the effective date of the order.

Commissioner Tina moved in the matter of NRED v Jordan Shtulman case# 2020-738, that the respondent be fined \$5,000 and pay administrative costs in the amount of \$3,188.64, with all fines and costs being payable to the Division within 30 days of the effective date of the order. Seconded by Commissioner Roth. Motion carried.

8-L) NRED v Connor Shell, for possible action
Case # 2020-739

Parties Present

Connor Shell was not present.

Senior Deputy Attorney General Phil Su was present representing the Division.

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

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of complaint.

Commissioner Gurr 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 carried.

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

President Filios stated that the documents in this case are admitted.

Commissioner Gurr moved that the factual allegations and violations of law were proven. Seconded by Commissioner Tina. Motion carried.

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 \$3,173.20 to be paid within 30 days of the effective date of the order

Commissioner Tina moved in the matter of NRED v Connor Shell case# 2020-739, that the respondent be fined \$5,000 and pay administrative costs in the amount of \$3,173.20, with all fines and costs being payable to the Division within 30 days of the effective date of the order. Seconded by Commissioner Roth. Motion carried.

8-M) NRED v Graham Gold, for possible action

Case # 2020-740

Parties Present

Graham Gold was not present.

Senior Deputy Attorney General Phil Su was present representing the Division.

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

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of complaint.

Commissioner Gurr 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 carried.

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

President Filios stated that the documents in this case are admitted.

Commissioner Gurr moved that the factual allegations and violations of law were proven. Seconded by Commissioner Tina. Motion carried.

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 \$3,173.20 to be paid within 30 days of the effective date of the order.

Commissioner Tina moved in the matter of NRED v Graham Gold case# 2020-740, that the respondent be fined \$5,000 and pay administrative costs in the amount of \$3,173.20, with all fines and costs being payable to the Division within 30 days of the effective date of the order. Seconded by Commissioner Roth. Motion carried.

8-H) NRED v George L. Anderson, for possible action

Case # 2021-32

President Filios stated that this case has been continued until a later date.

8-I) NRED v George L. Anderson, for possible action
Case # 2021-1228

President Filios stated that this case has been continued until a later date.

8-J) NRED v Allan N. Rothstein, for possible action
Case # 2020-359

President Filios stated that this case has been continued until a later date.

8-G) NRED v Sherry Lynn Matzdorff, for possible action
Case # 2020-86

Parties Present

Sherry Lynn Matzdorff was present.

Kenneth Toop, Esq. was present representing Ms. Matzdorff

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

Ms. Briggs stated that an email was received yesterday, December 13, 2022, notifying the Division of additional counsel and requesting another continuance. Ms. Briggs stated that the Division does not agree with granting another continuance and would like the case to proceed today.

Mr. Toop stated that the new counsel was not present today. Mr. Toop stated that the previous request and current second request for a continuance is due to the respondent having knee surgery and to allow new counsel that was hired yesterday to have time for discovery and prepare their case.

Ms. Briggs stated that the respondent had requested a continuance last week due to having knee surgery and that request was denied by the Commission's Secretary, and another request for a continuance was received yesterday due to the respondent hiring new counsel.

Commissioner Plummer, Commission Secretary, stated that he denied the request for a continuance received last week due to Ms. Matzdorff having knee surgery and asked that the respondent appear virtually.

Mr. Toop stated that if this second request for a continuance is granted, Ms. Matzdorff is willing to put a voluntary hold on her license and not practice or represent clients until her case is heard by the Commission.

Commissioner Plummer stated that if there is a voluntary surrender of her license, he is open to the discussion of his previous opposition to the continuance request.

Ms. Briggs stated that the respondent's license should not be put on hold but should be suspended so that Ms. Matzdorff cannot conduct business or receive any commissions until her case is heard by the Commission.

Commissioner Tina stated that if the respondent's license was suspended and she was not practicing, he would agree to continuing the matter until the next scheduled Commission meeting.

Commissioner Roth agreed with Commissioner Tina.

Commissioner Gurr asked if the respondent is in agreement to having her license suspended, not just put on hold, until the next scheduled Commission meetings.

Mr. Toop stated that Ms. Matzdorff will agree to have her license suspended but would request that the order for suspension be entered on Monday, December 19, 2022, to allow the respondent to receive a commission from a closing that will take place on Friday, December 16, 2022.

Commissioner Gurr asked if Ms. Matzdorff's broker was in attendance and hearing that if the respondent's license is suspended that she would not be receiving any commissions.

Mr. Toop stated that Mr. Sommers, Ms. Matzdorff's broker is in attendance.

Commissioner Plummer asked if there was anything else pending that the respondent would need to assign to someone else.

Mr. Toop stated that there was nothing else pending.

President Filios moved that the request for a continuance be granted pursuant to and stipulated by the parties, that the respondent's license is suspended immediately until this case is heard and decided by the Commission and that the respondent will not receive any commissions for closings currently in escrow or otherwise. Seconded by Commissioner Roth. Motion carried.

9) Public Comment

No public comment.

10) For Possible Action: Adjournment

The meeting adjourned at 12:00 p.m. on December 14, 2022.

Minutes prepared by: _____
Kelly Valadez
Commission Coordinator