

**NEVADA REAL ESTATE COMMISSION
MINUTES**

VIA IN PERSON AND WEBEX VIRTUAL MEETING

August 13, 2024

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

VIDEO CONFERENCE TO:
Nevada State Business Center
3300 W. Sahara Avenue, 4th floor-Nevada Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:12 a.m.

1-A) Introduction of Commissioners in Attendance

Lee Rix Gurr, Elko County; Donna Ruthe, Clark County; Darrell Plummer, Washoe County; David Tina, Clark County; Forrest Barbee, Clark County.

Commission Counsel: Deputy Attorney General Harry Ward

1-B) 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; Shaun Mclean, Compliance Audit Investigator; Annalyn Carrillo, Education and Information Officer; Senior Deputy Attorney General Phil Su and Deputy Attorney General Christal P. Keegan.

2) Public Comment

David Boyer gave public comment regarding the usage of the Waiver form (#636) and the Authorization to Negotiate Directly With Seller (#637). Mr. Boyer submitted his written public comment for the record.

3) Regulation Workshop for Proposed Changes to NAC 645.

Section 1

Shareece Bates read Section 1 into the record.

No public comment.

Section 2

Shareece Bates read Section 2 into the record.

No public comment.

Section 3

Shareece Bates read Section 3 into the record.

No public comment.

Section 4

Shareece Bates read Section 4 into the record.

No public comment.

Section 5

Shareece Bates read Section 5 into the record.

No public comment.

Section 6

Shareece Bates read Section 6 into the record.

No public comment.

Section 7

Shareece Bates read Section 7 into the record.

No public comment.

Section 8

Shareece Bates read Section 8 into the record.

No public comment.

Section 9

Shareece Bates read Section 9 into the record.

No public comment.

Section 10

Shareece Bates read Section 10 into the record.

No public comment.

Section 11

Shareece Bates read Section 11 into the record.

No public comment.

Section 12

Shareece Bates read Section 12 into the record.

No public comment.

Section 13

Shareece Bates read Section 13 into the record.

No public comment.

Section 14

Shareece Bates read Section 14 into the record.

No public comment.

Section 15

Shareece Bates read Section 15 into the record.

No public comment.

Section 16

Shareece Bates read Section 16 into the record.

No public comment.

Section 17

Shareece Bates read Section 17 into the record.

No public comment.

Section 18

Shareece Bates read Section 18 into the record.

No public comment.

Section 19

Shareece Bates read Section 19 into the record.

No public comment.

Section 20

Shareece Bates read Section 20 into the record.

No public comment.

Section 21

Shareece Bates read Section 21 into the record.

No public comment.

Section 22

Shareece Bates read Section 22 into the record.

No public comment.

Section 23

Shareece Bates read Section 23 into the record.

No public comment.

Section 24

Shareece Bates read Section 24 into the record.

No public comment.

Section 25

Shareece Bates read Section 25 into the record.

No public comment.

Section 26

Shareece Bates read Section 26 into the record.

No public comment.

Section 27

Shareece Bates read Section 27 into the record.

No public comment.

Section 28

Shareece Bates read Section 28 into the record.

No public comment.

Section 29

Shareece Bates read Section 29 into the record.

No public comment.

The public workshop portion of the hearing was closed at 10:45am.

Commissioner Discussion and Deliberation

Commissioner Tina moved to adopt the regulation, Sections 1-29, as written. Seconded by Commissioner Ruthe.

Motion passed 5:0.

Minutes prepared by: _____
Shareece Bates
Administration Section Manager

4-A) Discussion Regarding the Administrator’s Report.

Sharath Chandra stated that he appreciates the commission’s support with the regulation workshop/adoption process. Mr. Chandra stated there is some positive movement with the Division moving toward a self-funding model. Mr. Chandra stated that there is still a gap between what the Division brings in and what the Division spends, so the concern has been if the Division moves away from the general fund how is that gap filled. Mr. Chandra stated that ideas are being discussed on how to fill that gap for the Division to be sustainable in a self-funded model. Mr. Chandra stated that the preliminary meetings with the vendor of the Division’s new technology project have taken place, and the vendor is putting together a specific timeline with the goal of the new technology being rolled out by June/July 2025. Mr. Chandra stated the Division anticipates a busy legislative session and at the completion of the session, will work on processing updated regulations as required.

4-B) Discussion Regarding the Disciplinary Report.

Shareece Bates, Administration Section Manager, presented this report. Ms. Bates provided the Commission with a written report.

4-C) Discussion Regarding the Compliance Section’s Current Caseload Report, Including a Summary of Recent Topics of Complaints Filed.

Jan Holle, Chief Compliance Audit Investigator, presented this report. Mr. Holle provided the Commission with a written report.

4-D) Discussion Regarding the Administrative Sanction Report.

Jan Holle, Chief Compliance Audit Investigator, presented this report. Mr. Holle provided the Commission with a written report.

4-E) Discussion Regarding the Continuing Education Supervisor’s Report.

Annalyn Carrillo, Education and Information Officer, presented this report. Ms. Carrillo provided the Commission with a written report.

5-A). For Possible Action: Discussion and Decision Regarding the Instructor Denial Appeal Pursuant to NAC 645.426.

Vera M. Comport was present.

Annalyn Carrillo, Education and Information Officer, was present for the Division.

Annalyn Carrillo stated that if an applicant has received any discipline within the last five years, they must appear before the Commission for approval to be an instructor. Ms. Carrillo stated Ms. Comport was imposed a fine by the Division, but she has paid the fine and is appearing before the Commission for approval to instruct continuing education courses.

President Gurr asked beside the statutory and regulatory language requiring Ms. Comport to appear before the Commission, if the Division had any objection to Ms. Comport being an instructor.

Ms. Carrillo stated that there was no objection.

Commissioner Tina moved to allow Ms. Comport to be an instructor. Seconded by Commissioner Barbee. Motion carried.

7-A). For Possible Action: Discussion and Decision Concerning Real Estate Advisory Review Committee Application.

Corey Carter, License No.: B.0143992.LLC.

Commissioner Tina moved to approve this application for the Real Estate Advisory Review Committee. Seconded by Commissioner Plummer. Motion carried.

8-D) NRED v Brett W. O’Keefe, for possible action Case No. 2024-215

Brett W. O’Keefe was not present.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matter

Ms. Keegan stated that Mr. O’Keefe is not present due to medical reasons, but a stipulation for settlement has been reached. Ms. Keegan stated that Mr. O’Keefe has signed the settlement agreement and attests that he has read and understands the terms of the agreement. Ms. Keegan read the summary of factual allegations, violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$1,238.16 (“Amount Due”), consisting of a \$250.00 fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$360.00, and the Attorney’s pre-hearing costs and fees in the

amount of \$628.16, payable to the Division in full upon approval of this Stipulation by the Commission.

Commissioner Ruthe moved in the matter of NRED v Brett W. O’Keefe case# 2024-215 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Barbee. Motion carried.

8-C) NRED v Theodore Michael Giza, for possible action
Case No. 2024-243

Theodore Michael Giza was present.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matter

Ms. Keegan stated that Mr. Giza is a broker who has failed repeatedly to submit his mandatory annual reporting to the Division. Ms. Keegan stated that Division fined Mr. Giza \$250.00 which he did not pay and therefore the Division filed its complaint on July 5, 2024. Ms. Keegan stated that a settlement has been reached in this matter and there is a signed stipulated agreement to be presented for the Commission’s approval. Ms. Keegan stated that Mr. Giza is present and can confirm to the Commission whether he has submitted his delinquent 546A Form for the year 2024 to the Division.

Mr. Giza stated that he has submitted his 546A Form to the Division.

Ms. Keegan read the summary of alleged violation of law and proposed settlement into the record.

Settlement

- Respondent agrees to complete and submit the delinquent 546A form for the year 2024 to the Division.
- Respondent agrees to pay the Division a total amount of \$1,238.16 (“Amount Due”), consisting of a \$250.00 fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$360.00, and the Attorney’s pre-hearing costs and fees in the amount of \$628.16, payable to the Division in full upon approval of this Stipulation by the Commission.

The Amount Due shall be payable to the Division in full within thirty (30) days after approval of this Stipulation by the Commission.

President Gurr asked Mr. Giza if he has read, understands, and accepts the stipulation.

Mr. Giza answered yes.

Commissioner Plummer moved in the matter of NRED v Theodore Michael Giza case# 2024-243 that the Commission accept the stipulation as presented. Seconded by Commissioner Tina. Motion carried.

8-A) NRED v Alison D’Aintree, for possible action
Case No. 2023-166

8-B) NRED v John D’Aintree, for possible action
Case No. 2023-1096

Alison D’Aintree was present.

John D’Aintree was present.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan stated that these cases are about unlicensed property management committed by the respondents Alison and John D’Aintree. Ms. Keegan stated that the Division filed its complaint in both cases on March 27, 2024, and the respondents filed their answer to the complaints on April 8, 2024. Ms. Keegan stated that these cases were originally noticed for the meetings scheduled for May 14-16, 2024, but the respondents requested a continuance that was granted. Ms. Keegan stated that a settlement agreement has been reached and the signed stipulation is before the Commission for their consideration and approval.

Ms. Keegan read the summary of factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondents, jointly and severally, agree to pay the Division a total amount of \$5,892.64 (“Amount Due”), consisting of a \$1,250 fine for each case (Case nos. 2023-166 and 2023-1096) imposed by the Division, the Division’s pre-hearing costs and fees in the amount of \$440 per case, and the Attorney’s pre-hearing costs and fees in the amount of \$2,512.64 for both cases.

The Amount Due shall be payable to the Division as follows:

Respondents shall pay \$500 a month, with monthly payments to start thirty (30) days after approval of this Stipulation by the Commission, as follows:

11 Payments at \$500/month

12th and Final Payment at \$392.64

For a total payment of \$5,892.64 as being the total Amount Due hereunder. At any time, Respondent may elect to make pre-payments on the Amount Due with no penalties so long as the monthly amount due in the annual period is satisfied in full as specified above.

- Respondents also agree not to “oversee”, “manage”, “host”, or otherwise perform activities upon Nevada properties that they do not personally own without the required Nevada real estate license and property management permit.

Commissioner Barbee moved in the matter of NRED v Alison D’Aintree case# 2023-166 and John D’Aintree case# 2023-1096 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Ruthe. Motion carried.

8-E) NRED v Anna Maria Rozalska, for possible action
Case No. 2024-83

Anna Maria Rozalska was present.

Jessica Beeler, Esq. was present representing EXP Realty.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan stated that Commissioner Plummer was the complainant's broker in this case and would recommend that he recuse himself in this matter and the next two cases being presented that are related.

Commissioner Plummer stated that he will recuse himself in all three cases.

Ms. Keegan stated that in this matter, Anna Maria Rozalska was an expired licensee at the time she represented on a transaction from start to finish and received payment. Ms. Keegan stated that the managing broker, Patrick Allison case# 2024-293, and broker, Spencer S. Walden case# 2024-292, both implicated for allowing this to happen and paying part of their share of commission to Ms. Rozalska. Ms. Keegan stated that the Division filed its complaint on July 5, 2024. Ms. Keegan stated that the parties were able to reach settlement agreements in all 3 cases and will present the signed settlement agreement in this matter for consideration by the Commission and their approval.

Ms. Keegan read the summary of factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$5,967.36 ("Amount Due"), consisting of a \$4,806.00 of commissions benefited, the Division's pre-hearing costs and fees in the amount of \$533.20, and the attorney's pre-hearing costs and fees in the amount of \$628.16, payable to the Division in full within thirty (30) days after approval of this Stipulation by the Commission.

Commissioner Barbee moved in the matter of NRED v Anna Maria Rozalska case# 2024-83 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Tina. Motion carried 4:0 with Commissioner Plummer recused.

8-F) NRED v Patrick Allison, for possible action
Case No. 2024-293

Patrick Allison was present.

Jessica Beeler, Esq. was present representing EXP Realty.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

President Gurr stated for the record that Commissioner Plummer is recusing himself in this matter.

Ms. Keegan stated that there is a stipulation for settlement in this matter to be presented for the Commission's consideration and approval. Ms. Keegan read the summary of factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$9,124.40 ("Amount Due"), consisting of a \$4,806.00 of commissions benefited, a \$3,000.00 fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of \$533.20, and the attorney's pre-hearing costs and fees in the amount of \$785.20, payable to the Division in full within thirty (30) days after approval of this Stipulation by the Commission
- Respondent further agrees to complete a total of six (6) hours of live, continuing education in the relevant areas of Broker Management, which shall not be counted towards his license renewal requirements. Respondent shall complete the education set forth herein within 120 days from the date of the Order approving this Stipulation.

Commissioner Ruthe moved in the matter of NRED v Patrick Allison case# 2024-293 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Barbee. Motion carried 4:0 with Commissioner Plummer recused.

8-G) NRED v Spencer S. Walden, for possible action **Case No. 2024-292**

Spencer S. Walden was present.

Jessica Beeler, Esq. was present representing Mr. Walden and EXP Realty.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Ms. Keegan stated that there is a stipulation for settlement in this matter to be presented for the Commission's consideration and approval. Ms. Keegan read the summary of factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$9,791.80 ("Amount Due"), consisting of a \$2,403.00 of commissions benefited, a \$4,500.00 fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of \$533.20, and the attorney's pre-hearing costs and fees in the amount of \$2,355.60, payable to the Division in full within thirty (30) days after approval of this Stipulation by the Commission.
- Respondent further agrees to complete a total of six (6) hours of live, continuing education in the relevant areas of Broker Management, which shall not be counted towards his license renewal requirements. Respondent shall complete the education set forth herein within 120 days from the date of the Order approving this Stipulation.

Commissioner Barbee asked Mr. Walden what changes have been made to his company's policies and procedures to prevent this from happening again.

Mr. Walden stated that there have been two software programs added to help monitor the licenses that connect with his agents' database for notifications of upcoming expired licenses. Mr. Walden stated that in addition, there is a monthly audit being conducted at the first of each

month to compare the Division's roster with the company roster to see if they match and if they do not, then obviously there is an expired license, and he will receive notification.

Commissioner Barbee moved in the matter of NRED v Spencer S. Walden case# 2024-292 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Tina. Motion carried 4:0 with Commissioner Plummer recused.

8-H) NRED v Brittany N. Northup, for possible action

Case No. 2024-4

Brittany Northup was not present.

Kyle Northup was present, appearing on behalf of Ms. Northup.

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

Preliminary Matters

Mr. Su stated that there is a stipulation for settlement in this matter to be presented for the Commission's consideration and approval. Mr. Su stated this case is the result of Ms. Northup failing to submit her Form 546A. Mr. Su read the summary of factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$1,846.47 ("Amount Due"), consisting of a \$250.00 administrative fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of \$560.00, and pre-hearing attorney's fees in the amount of \$1,036.47.
The Amount Due shall be payable to the Division within 90 days of the effective date of this Order.

Commissioner Tina moved in the matter of NRED v Brittany N. Northup case# 2024-4 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Ruthe. Motion carried.

8-I) NRED v Carol Ann Greco, for possible action

Case No. 2023-724

Carol Ann Greco was present.

Lisa Zastrow, Esq. was present representing Ms. Greco.

Vito Mazzara, complainant, was present.

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

Preliminary Matters

Commissioner Tina stated that he is recusing himself in this matter because he sat on a case with the Las Vegas Realtors board involving this matter.

Mr. Su stated that there is a stipulation for settlement in this matter to be presented for the Commission's consideration and approval. Mr. Su stated that the complainant in this matter, Vito Mazzara, is present if the Commission would like to ask him any questions or for him to provide a statement. Mr. Su read the summary of the factual allegations, violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of \$13,251.24 (“Amount Due”), consisting of an \$8,000.00 administrative fine imposed by the Division, the Division’s pre-hearing costs in the amount of \$760.00, and pre-hearing attorney’s fees in the amount of \$4,491.24.

The Amount Due shall be payable to the Division in thirty-six (36) monthly installments of \$367.09, with initial payment payable to the Division within 30 days of the effective date of this Order.

No grace period is permitted. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent.

Vito Mazzara, the complainant, stated that Ms. Greco’s actions included unethical real estate practices, deceit, fraud, and forgery approximately twenty-three times both physically and electronically over a two-year period. Mr. Mazzara stated that Ms. Greco’s actions were to satisfy her own personal needs and not that of the consumer. Mr. Mazzara stated that the evidence entered proved the violations of fraud, deceit and perjury and that Ms. Greco’s actions were planned and intentional. Mr. Mazzara stated that the respondent’s actions cost him over \$150,000.00 in money and time wasted. Mr. Mazzara stated that he asks the Commission to reprimand the respondent to the fullest extent allowed.

Commissioner Ruthe moved in the matter of NRED v Carol Ann Greco case# 2023-724 that the Commission accept the stipulation for settlement as presented. Seconded by Commissioner Plummer.

Commissioner Barbee stated that this is one of the most egregious cases that has been before the Commission in a while, and he finds it abhorrent and at the same time supports the stipulation process and therefore will support the motion.

Lisa Zastrow stated that she would like to remind the Commission that these allegations are disputed, and that the Commission has only heard the statement of the claimant. Ms. Zastrow stated that there is a civil matter in this transaction with a lot of facts not in front of the Commission, and she appreciates that the Commission trusts the Deputy Attorney General and the negotiated agreement.

Commissioner Plummer asked if the respondent has agreed to the stipulation because there is no signature on the settlement.

Mr. Su stated that he was not able to obtain a signature in time for the hearing, but the respondent has agreed to the terms of the stipulation.

Ms. Zastrow agreed that she would sign the stipulation.

Motion carried 4:0 with Commissioner Tina recused.

8-N) NRED v David Michael Tortia, for possible action

Case No. 2023-314

David Michael Tortia was present.

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

Preliminary Matters

Mr. Tortia stated that he would like to request a continuance because he has been away from his home and only received the mailing containing the complaint and notice of hearing a couple of days ago and needs more time to prepare and consult with counsel before proceeding.

Commissioner Plummer asked if the State had any objection to the continuance and the status of Mr. Tortia's license during the interim if a continuance is granted.

Mr. Su stated that Division does not have an objection to Mr. Tortia's first request for a continuance to prepare and stated that the additional time will also provide time to negotiate a possible settlement.

Kelly Valadez, Commission Coordinator, stated that Mr. Tortia has a broker salesperson license that is in active status.

Commissioner Plummer moved in the matter of NRED v David Michael Tortia case# 2023-314 that the Commission approve the request for a continuance. Seconded by Commissioner Ruthe.

President Gurr stated that she would like to know if the broker in this matter has been notified of this action as it is ongoing.

Mr. Tortia stated yes.

Motion carried.

8-L) NRED v Thomas Buckner, for possible action

Case No. 2023-1078

Thomas Buckner was not present.

Christal P. Keegan, Deputy Attorney General, was present representing the Division.

Kirby Scofield, respondent's previous broker, was present.

Preliminary Matters

Ms. Keegan stated that this case is about Mr. Buckner making false promises to pay his client outside of escrow to induce his client to enter a real estate contract, therefore the Division filed its complaint on July 5, 2024, and the respondent has not filed an answer pursuant to NRS 645.685. Ms. Keegan stated that the Division filed its intent to default on August 8, 2024, attaching exhibits A-C. Ms. Keegan stated that since Mr. Buckner is noticeably absent from this hearing, the Division would like to proceed with entering a default pursuant to NAC 645.810(13).

State's Witness

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

Ms. Keegan moved to admit the certificates of mailings, proofs or mailings, green cards, and return mailings.

President Gurr stated admitted.

Ms. Keegan stated that she would like the Commission to find that the State has proven sufficient service of notice to Mr. Buckner in this case pursuant to NRS 645.680(5).

Commissioner Plummer moved that this Commission pursuant to NAC 645.860 finds that the State has proven sufficient service of notice to Thomas Buckner case# 2023-1078. Seconded by Commissioner Barbee. Motion carried.

Ms. Keegan stated that she is prepared to read the complaint into the record and pursuant to NAC 645.810(13), the Commission can accept the factual allegations and violations of law in the filed complaint as true. Ms. Keegan read the factual allegations and violations of law into the record.

Commissioner Barbee moved in the matter of NRED v Thomas Buckner case# 2023-1078 that the factual allegations and violations of law have been proven. Seconded by Commissioner Plummer. Motion carried.

Division Recommendations

Jan Holle, Chief Compliance Audit Investigator, presented this:

- \$50,000.00 plus the costs of the hearing and investigation in the amount of \$5,070.66 payable within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Ruthe moved in the matter of NRED v Thomas Buckner case# 2023-1078 that the respondent pay a fine of \$50,000.00 plus the costs of the hearing and investigation in the amount of \$5,070.66, payable within 30 days of the effective date of the order, and that all licenses and permits be revoked. Seconded by Commissioner Plummer. Motion carried.

8-M) NRED v Linda Abrams, for possible action
Case No. 2024-236

Linda Abrams was not present.

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

Preliminary Matters

Mr. Su stated that this matter involves Ms. Abrams' failure to submit her 546A Form to the Division. Mr. Su stated that the respondent has not filed an answer to the complaint pursuant to NAC 645.685, and currently her broker license is in active status. Mr. Su stated that the Division would like to proceed with a default pursuant to NAC 645.810(13), since Ms. Abrams is not in attendance for this hearing.

State's Witness

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

Mr. Su moved to admit certificates of mailing, proofs of mailing, green cards, and return mailings.

President Gurr stated admitted.

Commissioner Tina moved that this Commission pursuant to NAC 645.860 finds that the State has proven sufficient service of notice to Linda Abrams case# 2024-236. Seconded by Commissioner Ruthe. Motion carried 4:1 with President Gurr opposed.

Mr. Su stated that he is prepared to read the complaint into the record and pursuant to NAC 645.810(13) and NAC 645.860, since the respondent has failed to appear or provide an answer to the complaint, the Commission can accept the factual allegations and violations of law filed in the complaint as true. Mr. Su read the violations of law into the record.

Commissioner Plummer moved in the matter of NRED v Linda Abrams case# 2024-236 that the factual allegations and violations of law have been proven. Seconded by Commissioner Tina. Motion carried.

Division Recommendations

Jan Holle, Chief Compliance Audit Investigator, presented this:

- \$250.00 fine plus the costs of the hearing and investigation in the amount of \$1,698.45 payable within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Barbee moved in the matter of NRED v Linda Abrams case# 2024-236 that the respondent pay a \$250.00 fine plus the costs of the hearing and investigation in the amount of \$1,698.45, payable within 30 days of the effective date of the order, and that all licenses and permits are revoked. Seconded by Commissioner Plummer. Motion carried.

8-J) NRED v Paul Randy Guevarra, for possible action

Case No. 2023-994

Parties Present

Paul Randy Guevarra was not present.

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

Mr. Su stated that this case was granted a continuance until the next scheduled meeting, November 19-21, 2024. Mr. Su stated that there is underlying litigation regarding the alleged fraudulent transfer. Mr. Su stated that the respondent's attorney has indicated that litigation should resolve in the next two months, which would give the Division some clarity on any recommendations of discipline or early resolution of this case.

Commissioner Barbee moved in the matter of NRED v Paul Randy Guevarra case# 2023-994 that a continuance be granted. Seconded by Commissioner Tina. Motion carried.

4-F) Discussion Regarding 2025 Legislative Bills and Bill Draft Requests (“BDR”) Related to NRS 645.

Sharath Chandra stated that from the Division’s perspective, there is one BDR which is the self-funding bill, which is moving through the process. Mr. Chandra stated that there is a lot of activity on the real estate front and anticipates a lot of legislative questions and activity, but the Division has no pending actions that are wanted or needed.

President Gurr asked if the Division had someone carrying the bill for the carryover of Commission terms that was pulled out of the regulations.

Mr. Chandra stated that Business and Industry has a boards and commissions bill that incorporates a lot of that language, and he hopes that will help reconcile across all commissions the appointments, terms, and their alignment, but that would be the only mechanism where that would be addressed.

4-G) For Possible Action: Discussion, Nomination, and Election of Officers for FY25 Pursuant to NRS 645.110.

Commissioner Tina moved to nominate Commissioner Plummer for President, Commissioner Ruthe for Vice President, and Commissioner Barbee for Secretary. Seconded by President Gurr. Motion carried.

4-H) For Possible Action: Discussion and Decision to Approve Minutes of the May 14-16, 2024, Meeting.

President Gurr moved to approve the minutes of the May 14-16, 2024, meeting. Seconded by Commissioner Ruthe. Motion carried.

4-I) For Possible Action: Discussion and Decision on Date, Time, Place, & Agenda Items for Upcoming Meetings, Including Setting Meeting Dates for 2025.

President Gurr asked for potential dates and stated that the Commission could check their calendars and confirm the dates tomorrow.

Shareece Bates, Administration Section Manager, gave potential dates.

- February 11-13, 2025
- May 13-15, 2025
- August 12-14, 2025, in Carson City
- November 4-6, 2025, or November 18-20, 2025

President Gurr stated that regarding future agenda items, she is in support of an agenda item to clean up the forms that David Boyer mentioned in his public comment, and for the Division to revisit making changes to those forms.

Commissioner Plummer stated that sometime back he was part of an Ad Hoc Committee that had discussions and created a draft form of an interoffice transfer form that would make it easier for a brokerage firm to simply move their licensees from one office to another without having to terminate them, but then it was put on hold and became lost in the process of technology to allow

a broker to just do it. Commissioner Plummer stated that he would like to see this on an upcoming agenda or an understanding of the technology.

President Gurr stated that it is a big concern moving someone from one office to another office and having to terminate them and then bring them back on, because what happens with any transactions that are in progress in the interim.

Commissioner Barbee stated that other states have not figure that problem out either but because it is electronic and there are no costs associated with the dropping from one branch to another, it makes it seamless.

President Gurr stated that it is not seamless in Nevada, but it could be.

Commissioner Barbee stated that once the National Association of Realtors' (NAR) proposed settlement is adopted, an upcoming agenda item should be added at that time, to discuss and assess its impacts on the State of Nevada.

Commissioner Plummer stated that there are many licensees under the Division who are not members of NAR, so it is essential to see how that plays out after the settlement. Commissioner Plummer stated that Nevada does not have a law requiring a buyer/broker agreement which is why it will be a change in our industry.

Commission Barbee stated that at the very least, it might require some advisory opinions on some of the issues that are impacted by the settlement.

President Gurr stated that agenda item 4-I will be revisited to confirm the Commission's meeting dates for FY25.

9) Public Comment

Marshall Carrasco stated that regarding NAC 645.600, he would like to know, as a consumer, if the Commission holds all brokers to the same level of accountability or picks and chooses which brokers to hold accountable for the licensee's misconduct. Mr. Carrasco stated that during the last meeting in May, there was someone who stole \$600,000.00 from a dementia client and the broker was not held accountable and the agent went to jail. Mr. Carrasco stated that he has a list of seven other cases that are extreme where brokers are not being held accountable, but sometimes they are, and he is trying to figure out how does that stacks up as equitable and fair running a brokerage. Mr. Carrasco stated that he is requesting that the State set up a system and procedure for unlicensed agents and brokers because at this junction, as a society, we are allowing brokers to self-manage themselves and that is not protecting the public. Mr. Carrasco stated that there are many cases dealing with an unlicensed broker or agent and the Commission does not know until a complaint comes in, and it is shocking that it is not mandatory to notify all parties engaged if the State revokes, suspends, or inactivates a license.

Cindy Lowman stated that she was happy to see the case dealing with the management of short-term rentals without a license and that the respondents were fined. Ms. Lowman stated that there are thousands of people managing properties illegally, both agents and the public. Ms. Lowman

stated that she would like to see more awareness posted for people because everyone thinks that it is okay to do, and she likes seeing these cases where it shows that it is not. Ms. Lowman also stated she would like to see a process to submit anonymous complaints because many people are aware of the illegal practice but don't want to be involved.

10) For Possible Action: Adjournment

Meeting recessed at 2:55 p.m. on August 13, 2024.

TO BE APPROVED BY COMMISSION

**NEVADA REAL ESTATE COMMISSION
MINUTES**

VIA IN PERSON AND WEBEX VIRTUAL MEETING

August 14, 2024

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

VIDEO CONFERENCE TO:
Nevada State Business Center
3300 W. Sahara Avenue, 4th floor-Nevada Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:10 a.m.

1-A) Introduction of Commissioners in Attendance

Lee Rix Gurr, Elko County; Donna Ruthe, Clark County; Darrell Plummer, Washoe County; David Tina, Clark County; Forrest Barbee, Clark County.

Commission Counsel: Deputy Attorney General Harry Ward

1-B) 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; Annalyn Carrillo, Education and Information Officer; Senior Deputy Attorney General Phil Su and Deputy Attorney Generals Christal P. Keegan and Joseph Ostunio.

2) Public Comment

No Public Comment.

8-K) NRED v Casey Powers, for possible action

Case No. 2024-386

Casey Powers was not present.

Christal Keegan, Deputy Attorney General, was present representing the Division.

James Eagan, respondent's former broker, was present.

Preliminary Matters

Ms. Keegan stated that on August 13, 2024, she represented the Division in the Eighth Judicial District Court in a lawsuit that the Division brought against Casey Powers to restrain her from using client property management trust account monies for which she had been holding hostage since March of 2024 as her personal piggy bank. Ms. Keegan stated that during the District Court case# A-24-897132-C, Ms. Casey Powers did not appear, and so the State is not surprised that

Ms. Powers has failed to appear at this administrative disciplinary hearing. Ms. Keegan stated that the Division prevailed at the District Court hearing and the court's order prohibits Ms. Powers as a trustee by and through her Strawberry Property Management, LLC, DBA Strawberry Realty, from accessing the following accounts held at Enterprise Bank & Trust: Client Trust Account Rents account number ending in 9737 and Security Deposit Trust Account number ending in 9745. Ms. Keegan stated as to the bank Enterprise Bank & Trust, they were ordered to remove Powers, Strawberry Property Management LLC, DBA Strawberry Realty, from the accounts held at its financial institution, and also to permit, as appointed by the court, the succeeding property manager, James "Jim" H. Eagan, B.1000724.LLC, of Limestone Investments, to access the accounts in order to return rents and security deposits belonging to clients.

Ms. Keegan stated that if the Commission can confirm attendance by Mr. Eagan, Ms. Powers' former broker and the succeeding property manager on nearly all of Ms. Powers property management accounts and one of the many complainants in this case, she would request that the Commission permit him to make a statement.

Mr. Eagan stated that he has known Casey Powers since 2008, when she was named Jennifer Payne. Mr. Eagan stated that Ms. Powers became a licensed agent property manager with Limestone Investments in 2016 and then launched her own business in 2018. Mr. Eagan stated that if any of the Limestone property managers left to start their own business, he allowed them to take the clients they obtained with them. Mr. Eagan stated that one of their mutual clients reached out to him in April 2024 and asked if Ms. Powers was okay because the client had not heard from her. Mr. Eagan stated that since he considered Ms. Powers a friend, he reached out to her, but she did not respond. Mr. Eagan stated that he went to her house and was on the phone with the police for a safety welfare check, when he received a response stating that she was out of the country and cannot handle the property management and so they negotiated a purchase of those assets and agreed to a price and started onboarding those in April 2024. Mr. Eagan stated that in May 2024, he showed up unannounced at Ms. Powers' open house and she was clearly not in good health and although he is not a doctor, his assessment is that she had a mental meltdown. Mr. Eagan stated that he offered to help her mitigate or unwind her assets, but she declined. Mr. Eagan stated that the last time he sent a text to Ms. Powers was May 13, 2024, and he has not heard from her since.

Ms. Keegan asked Mr. Eagan to testify to the Commission regarding the list he compiled of the balances due that were able to be determined and verified for rent and security deposits, with the caveat that the amount is most likely higher due to some owners not knowing a dollar amount and those balances due being indicated as zero balances.

Mr. Eagan stated that the numbers that are verifiable are security deposits in the amount of \$96,007.00 and rent accounts in the amount of \$163,267.00. Mr. Eagan stated that those amounts are probably about 5% higher, but there is no proof.

Ms. Keegan stated that the State would like to proceed with a default pursuant to NAC 645.810(13). Ms. Keegan stated that this case is about a broker, Ms. Casey Powers, and her failure to remit client's rents and security deposits in substantial amounts. Ms. Keegan stated that

the Division filed its complaint on July 8, 2024, and the respondent did not file an answer pursuant to NAC 645.685, therefore the Division filed its Notice of Intent to Default on August 9, 2024. Ms. Keegan noted that Ms. Powers is noticeably absent and therefore the State will follow the default procedure.

State's Witness

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

Ms. Keegan moved to admit certificates of mailing, proofs of mailing, green cards, and return mailings.

President Gurr stated admitted.

Commissioner Ruthe moved that this Commission pursuant to NAC 645.860 finds that the State has proven sufficient service of notice to Casey Powers case# 2024-386. Seconded by Commissioner Plummer. Motion carried.

Ms. Keegan stated that she is prepared to read the complaint into the record and pursuant to NAC 645.810(13) and NAC 645.860, since the respondent has failed to appear or provide an answer to the complaint, the Commission can accept the factual allegations and violations of law filed in the complaint as true. Ms. Keegan read the factual allegations and violations of law into the record.

Commissioner Tina moved in the matter of NRED v Casey Powers case# 2024-386 that the factual allegations and violations of law have been proven. Seconded by Commissioner Barbee. Motion carried.

Division Recommendations

Jan Holle, Chief Compliance Audit Investigator, presented this:

- \$120,000.00 fine (7 counts of violation of law #1 and 5 counts of violation of law #2) plus the costs of the hearing and investigation in the amount of \$7,035.14, payable within 30 days of the effective date of the order.
- Revocation of all licenses and permits.

Commissioner Barbee moved in the matter of NRED v Casey Powers case# 2024-386 that the respondent pay a \$120,000.00 fine plus the costs of the hearing and investigation in the amount of \$7,035.14, payable within 30 days of the effective date of the order, and that all licenses and permits are revoked. Seconded by Commissioner Tina. Motion carried.

6-A) For Possible Action: Discussion and Decision Regarding License Denial Appeal Pursuant to NAC 645.335.

Sandy J. McNeal

File No.: S-LDA-25-001

Parties Present

Sandy McNeal was present.

Mr. McNeal requested that the Commission go into closed session.

Commissioner Ruthe moved that the Commission go into closed session. Seconded by Commissioner Plummer. Motion carried.

The Commission went into closed session.

Commissioner Ruthe moved that the Commission go back into open session. Seconded by Commissioner Plummer. Motion carried.

The Commission went back into open session.

Commissioner Tina moved to approve Sandy J. McNeal's appeal, file number S-LDA-25-001, and grant him a license. Seconded by Commissioner Barbee. Motion carried.

6-B) For Possible Action: Discussion and Decision Regarding License Denial Appeal Pursuant to NAC 645.335.

Rick Davis

File No.: S-LDA-25-002

Parties Present

Rick Davis was present.

Mr. Davis requested that the Commission go into closed session.

Commissioner Barbee moved that the Commission go into closed session. Seconded by Commissioner Tina. Motion carried.

The Commission went into closed session.

Commissioner Ruthe moved that the Commission go back into open session. Seconded by Commissioner Plummer. Motion carried.

The Commission went back into open session.

Commissioner Plummer moved to approve Rick Davis' appeal, file number S-LDA-25-002, and grant him a license. Seconded by Commissioner Ruthe. Motion carried 3:2 with President Gurr and Commissioner Barbee opposed.

6-D) For Possible Action: Discussion and Decision Regarding License Denial Appeal Pursuant to NAC 645.335.

James Sharkey

File No.: S-LDA-25-004

Parties Present

James Sharkey was present.

Audrey Sharkey was present.

Mr. Sharkey requested that the Commission go into closed session.

Commissioner Barbee moved that the Commission go into closed session. Seconded by Commissioner Ruthe. Motion carried.

The Commission went into closed session.

Commissioner Plummer moved that the Commission go back into open session. Seconded by Commissioner Tina. Motion carried.

The Commission went back into open session.

Commissioner Ruthe moved in the matter of James Sharkey's appeal, file number S-LDA-25-004, to deny his appeal for a broker's license. Seconded by Commissioner Plummer. Motion carried.

6-C) For Possible Action: Discussion and Decision Regarding License Denial Appeal Pursuant to NAC 645.335.

Raka Shana Raychaudhuri

File No.: S-LDA-25-003

Parties Present

Raka Shana Raychaudhuri was not present.

Kelly Valadez, Commission Coordinator, testified regarding service of the meeting notice.

Commissioner Plummer moved that the Commission deny the license denial appeal request for Raka Shana Raychaudhuri, file number S-LDA-25-003. Seconded by Commissioner Ruthe. Motion carried.

4-I) For Possible Action: Discussion and Decision on Date, Time, Place, & Agenda Items for Upcoming Meetings, Including Setting Meeting Dates for 2025.

Shareece Bates, Administration Section Manager, confirmed the following dates for 2025:

- February 11-13, 2025
- May 13-15, 2025
- August 12-14, 2025, in Carson City
- November 4-6, 2025

9) Public Comment

Commissioner Plummer stated that on behalf of the Commission, he wanted to thank President Gurr for serving as their President this year and for her twelve years of previous service on this Commission by representing rural Nevada and State of Nevada very well. Commissioner Plummer stated that it has been an honor serving with President Gurr.

Mr. Chandra stated that he wanted to say thank you to President Gurr and that he appreciates her leadership and guidance that she given the Division over her many years of service.

Mr. Foger stated that he wanted to say thank you to President Gurr and that she has done an excellent job and will be missed, and that the Division wishes her all the best with her future endeavors.

10) For Possible Action: Adjournment

Meeting adjourned at 12:05 p.m. on August 14, 2024.

TO BE APPROVED BY COMMISSION