

**NEVADA REAL ESTATE COMMISSION  
MINUTES**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING**

November 19, 2024

Nevada State Business Center  
3300 W. Sahara Avenue, 4<sup>th</sup> Floor-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 9:15 a.m.

**1-B) Swearing in of Newly Appointed Commissioner**

President Plummer swore in Commissioner William Bradley Spires.

**1-A) Introduction of Commissioners in Attendance**

Darrell Plummer, Washoe County; Donna Ruthe, Clark County; Forrest Barbee, Clark County; and William Bradley Spires, Douglas County.

Commission Counsel: Deputy Attorney General Joseph Ostunio.

**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; Lisa Galletto-Smith, Compliance Audit Investigator; Shaun Mclean, Compliance Audit Investigator; Annalyn Carrillo, Education and Information Officer; Senior Deputy Attorney General Phil W. Su and Deputy Attorney General Christal P. Keegan.

**2) Public Comment**

Steven Kitnick stated that he congratulates Commissioner Spires on his appointment and looks forward to his tenure. Mr. Kitnick stated that the Commission has a quorum with four Commissioners, but he is disappointed that a fifth Commissioner to date has not been appointed or that David Tina was not reappointed. Mr. Kitnick stated that he appreciated Mr. Tina's service on the Commission, and that Mr. Tina deserved a better send-off.

Britney Gaitan, member of Las Vegas Realtors stated that she is attending the Real Estate Commission meeting today with the Las Vegas Realtors' leadership team for 2025, Vice President Merri Perry, and Board of Directors' member Susan Brock.

**6-A) NRED v Kayvoughn Moradi, for possible action**

**Case No. 2024-350**

Kayvoughn Moradi was present.

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

Preliminary Matters

Ms. Keegan stated that Mr. Moradi submitted his outstanding 546A Form to the Division on October 21, 2024. Ms. Keegan stated that to summarize this case, Mr. Moradi is a broker who repeatedly failed to submit his mandatory broker annual reporting to the Division, therefore the Division fined Mr. Moradi \$250.00, which he did not pay, so the Division filed its complaint on October 1, 2024. Ms. Keegan stated that a signed settlement has been reached in this matter, and she is prepared to present the settlement terms for the Commission's approval.

Ms. Keegan read the proposed settlement terms 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 One Thousand Two Hundred Thirty-Eight and 16/100 (\$1,238.16) ("Amount Due"), consisting of Two Hundred Fifty Dollars (\$250.00) fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of Three Hundred Sixty Dollars (\$360.00), and the Attorney's pre-hearing costs and fees in the amount of Six Hundred Twenty-Eight and 16/100 (\$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 within thirty (30) days after approval of this Stipulation by the Commission.

President Plummer asked Mr. Moradi if he accepted the terms and signed the settlement agreement.

Mr. Moradi answered yes.

Commissioner Ruthe moved in the matter of NRED v Kayvoughn Moradi Case# 2024-350 to accept the stipulation for settlement as presented. Seconded by Commissioner Barbee. Motion carried.

**6-B) NRED v Michelle A. Stewart, for possible action**

**Case No. 2024-497**

Michelle A. Stewart was present.

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

Preliminary Matters

Ms. Keegan stated that Ms. Stewart submitted her outstanding 546A Form to the Division on October 21, 2024. Ms. Keegan stated that to summarize this case, Ms. Stewart is a broker who has repeatedly failed to submit her mandatory broker annual reporting to the Division, therefore

the Division fined Ms. Stewart \$250.00 which she did not pay, so the Division filed its complaint on October 1, 2024. Ms. Keegan stated that a signed settlement has been reached in this matter, and she is prepared to present the settlement terms for the Commission's approval.

Ms. Keegan read the proposed settlement terms 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 One Thousand Two Hundred Thirty-Eight and 16/100 (\$1,238.16) ("Amount Due"), consisting of Two Hundred Fifty Dollars (\$250.00) fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of Three Hundred Sixty Dollars (\$360.00), and the Attorney's pre-hearing costs and fees in the amount of Six Hundred Twenty-Eight and 16/100 (\$628.16) payable to the Division in full upon approval of this Stipulation by the Commission.

President Plummer asked Ms. Stewart if she accepted the terms and signed the settlement agreement.

Ms. Stewart answered yes.

Commissioner Barbee moved in the matter of NRED v Michelle A. Stewart Case# 2024-497 to accept the stipulation for settlement as presented. Seconded by Commissioner Ruthe. Motion carried.

**6-C) NRED v Michael Dalan Ulmer, for possible action**  
**Case No. 2024-505**

Michael Dalan Ulmer was present.

Mark Otero, respondent's broker, was present.

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

Preliminary Matters

Ms. Keegan stated that there is a signed settlement agreement in this matter. Ms. Keegan stated that to summarized this case, Mr. Ulmer committed advertising violations on a flyer, therefore the Division fined Mr. Ulmer \$500.00 which he did not pay, so the Division filed its complaint on October 1, 2024. Ms. Keegan stated that she is prepared to read the factual allegations, alleged violations of law, and settlement terms for the Commission's consideration.

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 One Thousand Eight Hundred-and-Two Dollars and 24/100 (\$1,802.24) ("Amount Due"), consisting of Five Hundred Dollars (\$500.00) fine imposed by the Division, the Division's pre-hearing costs and

fees in the amount of Three Hundred Sixty Dollars (\$360.00), and the Attorney's pre-hearing costs and fees in the amount of Nine Hundred Forty-Two Dollars and 24/100 (\$942.24) payable to the Division in full upon approval of this Stipulation by the Commission.

- The Amount Due shall be payable to the Division as follows:  
Respondent shall pay One Hundred Fifty Dollars and 19/100 (\$150.19) a month, with monthly payments to start sixty (60) days after approval of this Stipulation as follows:  
Within the First Year 11 payments at \$150.19/month  
With \$150.15 to be paid on the 12<sup>th</sup> and final payment within the first year  
for a total payment of One Thousand Eight Hundred-and-Two Dollars and 24/100 (\$1,802.24), 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.

President Plummer asked Mr. Ulmer if he accepted the terms and signed the settlement agreement.

Mr. Ulmer answered yes.

Commissioner Ruthe moved in the matter of NRED v Michael D. Ulmer Case# 2024-505 to accept the stipulation for settlement as presented. Seconded by Commissioner Barbee. Motion carried.

**6-E) NRED v Cody J. Raynoha, for possible action**  
**Case No. 2023-313**

Cody J. Raynoha was present.

Brian Dziminski, Esq. was present representing Mr. Raynoha.

Enzo Varela, respondent's former broker, was present.

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

Preliminary Matters

Mr. Dziminski stated that he is filling in for the respondent's attorney Mr. Benedict.

Mr. Su stated that a settlement has been reached in this matter. Mr. Su stated that this case involved a fraudulent cash for homes sale of a property where the home was sold out from under the actual owner. Mr. Su stated that Mr. Raynoha represented the purchaser in the second leg of the fraudulent transaction. Mr. Su stated that this case was continued from the previous hearing because the underlying civil suit was in the process of settlement, and fortunately it has since settled. Mr. Su stated that he has spoken at length with Mr. Raynoha's attorney, Mr. Benedict, and they were able to reach settlement terms.

Mr. Su read the factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of Seven Thousand Nine Hundred Fifty-Five Dollars and 97/100 (\$7,955.97) (“Amount Due”), consisting of One Thousand Dollar (\$1,000.00) administrative fine imposed by the Division, the Division’s pre-hearing costs and fees in the amount of Eight Hundred Dollars (\$800.00), and pre-hearing attorney’s fees in the amount of Six Thousand One Hundred Fifty-Five Dollars and 97/100 cents (\$6,155.97).

The Amount Due shall be payable to the Division in full within sixty (60) days of the date of the order approving this settlement.

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.

- Respondent further agrees to complete six (6) hours of continuing education, including three (3) hours in Agency and three (3) hours in Contracts, with proof of completion to be provided to the Division within six (6) months of the effective date of this order. These classes shall not count towards those necessary for Respondent’s annual license renewal.

President Plummer asked Mr. Raynoha if he accepted the terms and signed the settlement agreement.

Mr. Raynoha answered yes.

Commissioner Barbee moved in the matter of NRED v Cody J. Raynoha Case# 2023-313 to accept the stipulation for settlement as presented. Seconded by Commissioner Ruthe. Motion carried.

**6-F) NRED v Paul Randy Guevarra, for possible action**

**Case No. 2023-994**

Paul Randy Guevarra was present.

Robert A. Ryan, Esq. was present representing Mr. Guevarra.

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

Preliminary Matters

Mr. Su stated that he will note for the record that this case substantially has the same facts as the previous case# 2023-313 dealing with the fraudulent transaction that was resolved in District Court by settlement. Mr. Su stated that it has been confirmed that there is a judgement against Mr. Guevarra for the total amount that he profited from the transaction and that he has promised to pay. Mr. Su stated that this administrative matter has separately been settled, and he is prepared to present the settlement terms for the Commission’s approval.

Mr. Su read the factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of Eleven Thousand Four Hundred Forty-Nine Dollars (\$11,449.00) (“Amount Due”), consisting of a Five Thousand Dollar

(\$5,000.00) administrative fine imposed by the Division, the Division's pre-hearing costs in the amount of Five Hundred Sixty Dollars (\$560.00), and pre-hearing attorney's fees in the amount of Five Thousand Eight Hundred Eighty-Nine Dollars (\$5,889.00). The Amount Due shall be payable to the Division in twelve (12) monthly installments of Nine Hundred Fifty-Four Dollars and 09/100 cents (\$954.09), with first payment due thirty (30) days after the date of the signed order approving this settlement. Lump sums can be made in pre-payment with no penalties. No grace period is permitted. If any monthly 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.

President Plummer asked Mr. Guevarra if he accepted the terms and signed the settlement agreement.

Mr. Guevarra answered yes.

Commissioner Ruthe moved in the matter of NRED v Paul Randy Guevarra to accept the stipulation for settlement as presented. Seconded by Commissioner Barbee. Motion carried.

**6-D) 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. Su stated that one of the complainants in this case is present if the Commissioners would like to ask any questions. Mr. Su stated that a settlement has been reached in this matter. Mr. Su stated that to summarize this case, Mr. Tortia accepted \$135,000.00 in funds to his own separate investment fund for joint investments to buy properties. Mr. Su stated that there is a dispute regarding Mr. Tortia's failure to repay the agreed upon promissory note with the complainants from that investment account and whether Mr. Tortia misrepresented draft notes and security instruments to the complainant's parties. Mr. Su stated that this matter was continued from the previous stack in August 2024, but the Division and Mr. Tortia have reached settlement terms. Mr. Su stated that the underlying litigation between the complainants and Mr. Tortia remains ongoing.

Mr. Su read the factual allegations, alleged violations of law, and proposed settlement into the record.

Settlement

- Respondent agrees to pay the Division a total amount of Seven Thousand Four Hundred Seventy-Four Dollars and 20/100 cents (\$7,474.20) ("Amount Due"), consisting of zero administrative fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of \$800.00, and pre-hearing attorney's fees in the amount of \$6,674.20.
- The Amount Due shall be payable to the Division in full within sixty (60) days of the date of the order approving this settlement.

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.

- Respondent agrees to voluntarily surrender all current licenses, permits, and certificates issued by Division to him, including but not limited to his Broker-Salesperson license (BS.0146142), within five (5) business days from the date of the order approving this settlement. Respondent further agrees that he will not re-apply for any license, permit, or certificate with the Division for a period of ten (10) years from the date of the order approving this settlement.

President Plummer asked Mr. Tortia if he accepted the terms and signed the settlement agreement.

Mr. Tortia answered yes.

Commissioner Barbee moved in the matter of NRED v David Michael Tortia Case# 2023-314 to accept the stipulation for settlement as presented. Seconded by Commissioner Ruthe. Motion carried.

**6-G) NRED v William Francis Beaubien, for possible action**  
**Case No. 2024-521**

William Francis Beaubien was present.

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

Preliminary Matters

Ms. Keegan stated that the State recently became aware that Mr. Beaubien committed an ex parte communication with a sitting Commissioner, and she would like to address this potential prejudice to the State's case. Ms. Keegan stated that on November 8, 2024, Mr. Beaubien sent an email to Commission President Darrell Plummer that did not appear to be initiated or invited by Commission President Plummer. Ms. Keegan stated that Mr. Beaubien made one sided pleas regarding his case. Ms. Keegan stated that the ex parte communication clearly demonstrated that Mr. Beaubien was aware that President Plummer was a Commissioner and asked him to "make sense of an outrageous situation that has happened with the Real Estate Division" and then proceeded with just his side of the story. Ms. Keegan stated that the State filed this email with the Division on November 8, 2024, to be included in the record. Ms. Keegan stated that President Plummer acted appropriately by deferring to the Division and unless President Plummer believes Mr. Beaubien's ex parte communication has somehow prejudiced him, the State is not requesting for President Plummer to recuse himself from participating. Ms. Keegan stated that since this ex parte communication made attacks on the attorney's prehearing fees stating, "this is outrageous " and "Every time I respond to the AG she adds more fees.", the State is asking the Commission to admit the submission of prehearing attorney fees including exhibits 1 and 2 which were filed on November 12, 2024.

President Plummer stated that he does not remember the email because he immediately forwarded the email to Division staff because it is not his role to respond. President Plummer stated that he does not recuse himself when he does not know the individual or remember the communication.

Mr. Beaubien stated that he apologizes for protocol that he was not aware of because he does not get prosecuted for late fees and documents. Mr. Beaubien stated that after reviewing the documents extensively, he was not notified of the 546A Form that was due by April 30, 2024, and that is why it was not submitted. Mr. Beaubien stated that on July 23, 2024, he received an email from Jan Holle with the Division and within 3 hours of receiving that email, he submitted his 546A Form. Mr. Beaubien stated the first certified letter he received from the Division was on October 3, 2024, which was dated June 7, 2024, asking for the 546A Form and the fine. Mr. Beaubien stated that he called Jan Holle with the Division to explain that he had just received the mailing and that he had already submitted his 546A Form in July, but he was never sent an invoice for the fee, and he had no way to know how to pay.

#### Opening Statements

Ms. Keegan gave her opening statement.

#### State's Witness

Jan Holle, Chief Compliance Audit Investigator, testified.

Ms. Keegan moved to admit the State's exhibits bates stamped NRED 000001-000019 into the record.

President Plummer stated so admitted.

Mr. Beaubien questioned Mr. Holle.

Ms. Keegan re-examined the witness.

The Commission had no questions.

The witness was dismissed.

Mr. Beaubien stated his case.

Ms. Keegan questioned Mr. Beaubien.

The Commission had no questions.

#### Closing Statements

Ms. Keegan gave her closing statement.

Mr. Beaubien gave his closing statement.

President Plummer stated that he will ask Ms. Keegan to read the complaint's factual allegations and violations of law into the record, and then he will close the hearing for Commission deliberation.

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



Commissioner Ruthe stated that she has a property management license and does not collect security anymore but still completes the 546A Form every year. Commissioner Ruthe stated that we are all entitled to thinking that we should be more entitled than the next person, but she gets treated no differently than anyone else. Commissioner Ruthe stated that she is appalled that someone just took the time and thinks that they will do the Division a favor now and pay the \$250.00 because they see they are not going to get away with it and thinks the Division's time is worth nothing. Commissioner Ruthe stated that she was going to ask the respondent if he works for nothing, because she doubted that he does. Commissioner Ruthe stated that it is upsetting that we went through this and the attitude of entitlement.

Commissioner Barbee stated that he applauds the Division and legislature for taking trust accounting seriously, providing adequate checks and balances and ways to prevent commingling, as well as conversion. Commissioner Barbee stated that not only is it in statute, but there is an amazing trust account manual that is funded by fees paid by real estate licensees into the Education, Research and Recovery Fund, which is a wealth of great information. Commissioner Barbee stated that this is not just about property management, but knowing where those trust accounts are and how they are properly managed. Commissioner Barbee stated that this is a very important form, and it plays a key role in the checks and balances as we manage trust accounting in Nevada.

President Plummer stated that there has been adequate evidence presented that the respondent had ample time to pay and knowledge of the \$250.00 fine. President Plummer stated that the communications from the Division's Chief Compliance Investigator have a standard of professionalism and respect and gave the individual the knowledge of potential exposure if he wanted to fight the fight because one of the communications stated that the fine could be up to \$10,000.00. President Plummer stated that Division staff can make a recommendation of discipline, and the Commission can say it is not onerous enough. President Plummer stated that there was ample time to pay the \$250.00 and it was like the respondent just wanted it to go away.

#### Factual Allegations

Commissioner Barbee moved in the matter of NRED v William Francis Beaubien Case# 2024-521 that factual allegations 1-15 have been proven. Seconded by Commissioner Ruthe. Motion carried.

#### Violations of Law

Commissioner Ruthe moved in the matter of NRED v William Francis Beaubien Case# 2024-521 that violations of law 1-2 have been proven. Seconded by Commissioner Barbee. Motion carried.

#### Division's Recommendation for Discipline

Jan Holle presented this:

- \$250.00 administrative fine, plus the costs of the hearing and investigation in the amount of \$4,233.60 to be paid within 30 days of the effective date of the order.

Commissioner Barbee moved in the matter of NRED v William Francis Beaubien Case# 2024-521 that this Commission impose a fine of \$250.00 plus the Division's costs in the amount of \$4,233.60 to be paid within 30 days of the effective date of the order. Seconded by Commissioner Ruthe. Motion carried.

**3-A) Discussion Regarding the Administrator's Report.**

Sharath Chandra, Administrator, stated that the Division is in the process of its budget approval. Mr. Chandra stated that the Division is trying to become self-funded again, but this time it is proposed to go as a Governor recommended bill that will then go to the legislature for final approval. Mr. Chandra stated that the Division's IT project is ongoing, and the Division is working with the vendor through the complicated phases of the licensing process with the goal of streamlining operations and to eliminate as much paper as possible. Mr. Chandra stated that the challenge has always been with new applicants and trying to make that process smoother and move to an online process. Mr. Chandra stated that the Division went through a period where there were staffing issues and a lot of turnover, so the Division's goal is to get everyone up to speed. Mr. Chandra stated that he cannot say enough good things about the Attorney General's office and the collaboration that the Division has with Senior Deputy Attorney General Phil Su and Deputy Attorney General Christal Keegan, who are both amazing individuals and the Division appreciates their hard work, as well as the work done by the administrative staff.

**3-B) Discussion Regarding the Disciplinary Report.**

Shareece Bates, Administration Section Manager, 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, Chief Compliance Audit Investigator, presented this report. Mr. Holle provided the Commission with a written report.

**3-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.

**3-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.

**3-G) For Possible Action: Discussion and Decision to Approve Minutes of the August 13-14, 2024, Meeting.**

Commissioner Ruthe moved to approve the minutes of the August 13-14, 2024 meeting. Seconded by Commissioner Barbee. Motion carried.

**3-F) Discussion Regarding the ARELLO Annual Conference Held September 23-25, 2024.**

President Plummer stated that the Commission is fortunate that Nevada Realtors State Association has a budget set aside that allows Commissioners to attend the Association of Real

Estate Licensed Law Officials (ARELLO) mid-year and/or annual conference, and he has had the opportunity to attend several conferences over the last five years while serving on the Commission. President Plummer stated that when he leaves the ARELLO conference, 99.9% of the time, he feels good about the way Nevada conducts business because not all states have disciplinary hearings with their appointed Commissioners. President Plummer stated that ARELLO is basically a big think tank comprised of Commissioners, General Counsels, Administrators, Deputy Administrators, and Deputy Attorney Generals which is a national/international membership-based organization that is fascinating. President Plummer stated that he attended the annual ARELLO conference in September with Commissioner Tina, Commissioner Ruthe, and Deputy Administrator Charvez Foger. President Plummer stated that there were keynote speakers from the National Association of Realtors (NAR) and Consumer Federation of America (CFA), that had diverse opinions, some even a little controversial with each other. President Plummer stated that one of his favorite sessions was the Commissioners round table discussions where Commissioners discuss the different types of issues in various states. President Plummer stated that he wanted to mention appreciation again to the Nevada Realtors State Association for allowing the Commissioners the opportunity to represent the state.

Commissioner Ruthe stated that attending the annual ARELLO conference was a great experience.

Charvez Foger, Deputy Administrator stated that Commissioner attendance at ARELLO is important to their roles on the Commission. Mr. Foger stated that ARELLO has been beneficial to him, and he has learned a great deal attending the Administrator meetings and listening to trends happening around the country.

**3-H) For Possible Action: Discussion and Decision on Date, Time, Place and Agenda Items for Upcoming Meetings.**

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

**3-I) For Possible Action: Discussion and Decision to Delegate Authority for Representative to Appear on Commission's Behalf for Mandatory NRAP 16 Supreme Court Settlement Conference(s) in Haddad vs. State, Department of Business & Industry (CIVIL) (NRED Case No. 2022-133; NVSC Case No. 89443).**

Phil W. Su, Senior Deputy Attorney General, stated that the matter of NRED v Iyad Haddad Case# 2022-133 previously heard by the Commission was appealed in District Court which ended in favor of the Division and Commission, but the case is now being appealed to the Supreme Court. Mr. Su stated that Rules of Appellate Procedure 16 requires that matters go through the settlement mediation process before they can be heard on appeal. Mr. Su stated that a representative from the Commission will need to appear at the settlement mediation and speak on behalf of the Commission with the caveat that if there is any settlement resolution made during that meeting, it is subject to final approval by the entire Commission. Mr. Su stated that the preference is for the representative to appear in person.

Commissioner Ruthe moved to nominated Commissioner Barbee to be the representative during the settlement mediation process. Seconded by Commissioner Spires. Motion carried.

**6-H) NRED v Christopher Caguiat, for possible action**  
**Case No. 2024-165**

Christopher Caguiat was not present.

Ma Theresa Lim, complainant, was present.

Eric Crosby, respondent's previous broker, was present.

Ryan Borden, respondent's previous broker, was present.

Spencer Walden, respondent's previous broker, was present.

Cesar Tobar, respondent's current broker, was present.

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

Preliminary Matter

Ms. Keegan stated that the State expected Mr. Caguiat to be present and will be moving for a default in this matter. Ms. Keegan stated that this case involves real estate salesperson Christopher Caguiat scamming his client Ma Theresa Lim out of \$350,000.00. Ms. Keegan stated that the Division filed its complaint on October 4, 2024, but Mr. Caguiat did not file an answer. Ms. Keegan stated that Mr. Caguiat has communicated with the State as recently as November 5, 2024, and during that communication Mr. Caguiat did not request a continuance. Ms. Keegan stated that Mr. Caguiat is aware of his attendance today and he decided not to appear, which is a disappointment to the State and assumingly to Ms. Lim and the former brokers as well. Ms. Keegan stated that NAC 645.860 permits the Commission to consider the case without the participation of the absent party. Ms. Keegan stated that she requests the Commission's consideration of hearing statements from the State's witnesses who have taken the time to appear today because their statements might be helpful to the Commissioners in determining the appropriate discipline for Mr. Caguiat. Ms. Keegan stated that the State would like to proceed with a default pursuant to NAC 645.860.

State's Witness

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

Ms. Keegan moved to admit the State's exhibits bates stamped NRED 000001-000423 into the record.

President Plummer stated so admitted.

Ms. Keegan moved to admit the proof of mailings.

President Plummer stated so admitted.

Commissioner Ruthe moved in the matter of NRED v Christopher Caguiat Case# 2024-165 that pursuant to NAC 645.860 the State has proven sufficient service to the respondent. Seconded by Commissioner Barbee. Motion carried.

Ms. Keegan stated that proceeding with NAC 645.860 and the filed complaint being part of the record, since Mr. Caguiat has failed to appear and defend, the Commission can accept the factual allegations and violations of law as true. Ms. Keegan stated that she would like to offer proof that the Division's Investigator, Shaun McLean, who would have testified to the factual allegations as supported by the Division's documents, that testimony would have substantiated the violations of law. Ms. Keegan stated that she is prepared to read the complaint into the record at the preference of the Commission, and should the Commissioners have any follow up questions, Investigator McLean is available.

President Plummer stated that since this case is proceeding as a default due to the respondent not appearing, the Commission could move right through the factual allegations and violations of law, but he would like the complainant and former brokers to be given the opportunity to speak because they are present.

State's Witness

Ma Theresa Lim testified.

The Commission had no questions for Ms. Lim.

State's Witness

Eric Crosby testified.

The Commission had no questions for Mr. Crosby.

State's Witness

Ryan Borden testified.

The Commission had no questions for Mr. Borden.

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

Commissioner Barbee moved in the matter of NRED v Christopher Caguiat Case# 2024-165 that the factual allegations and violations of law have been proven. Seconded by Commissioner Ruthe. Motion carried.

Division Recommendations for Discipline

Jan Holle presented this:

- \$10,000.00 for each of the 10 violations of law for a total fine of \$100,000.00 plus the costs of the hearing and investigation in the amount of \$13,075.37 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 Christopher Caguiat Case# 2024-165 that the respondent pays \$100,000.00 fine plus the costs of the hearing and investigation in the amount of \$13,075.37 payable within 30 days of the effective date of the order, and that all of

respondent's licenses, permits, and certificates be revoked. Seconded by Commissioner Barbee. Motion carried.

**4-A) For Possible Action: Discussion and Decision Regarding Respondent's Petition for Rehearing and Stay of Disciplinary Action.**

**NRED v Linda Abrams**

**Case No. 2024-236**

Linda Abrams was present.

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

Ms. Abrams stated that she received a telephone call stating that mail was sent to her office, but she never received the mail. Ms. Abrams stated that the reason she did not receive the mail is because it was mailed to her old business address.

President Plummer stated that this case was previously heard as a default during the Commission meeting held on August 13, 2024, because the respondent was not present. President Plummer stated that he is not sure what other outcome Ms. Abrams is looking for with a rehearing, because there is still the matter of the 546A Form being submitted or not submitted in a timely manner, but Mr. Su can give his presentation about whether the rehearing should be granted.

Mr. Su stated that the only difference between the default that was entered and what might potentially come about as a settlement stipulation is that Ms. Abrams' license was revoked as part of the default and that could change. Mr. Su stated that the Division did have the address on Camino Al Norte with Suite 201.

Ms. Abrams stated that her old address was Suite 201, but she moved to Suite 210.

Mr. Su stated that the hearing notice was sent to Suite 201, as well as a residential address, so if there were service issues, it should now be resolved if it is the Commission's desire to entertain the petition.

President Plummer stated that revocation of all licenses which is rather onerous over the 546A Form, even though it is an important form.

Commissioner Ruthe asked Ms. Abrams if the correct address was given to the Division.

Ms. Abrams stated that she explained that she never received the mail, but she has not addressed the issues that she was going through at the time. Ms. Abrams stated that she has chronic health problems in addition to taking care of her youngest daughter that had problems, and subsequently her daughter died last year. Ms. Abrams stated that as the result of her daughter's death, she has chronic anxiety which she takes medication for and now suffers from stage 3 kidney disease.

President Plummer stated that he is inclined to be in support of granting Ms. Abrams a rehearing but will leave it to the other Commissioners. President Plummer stated that the fine is

the fine, and the investigation is the cost of honoring the people that serve the State. President Plummer asked Ms. Abrams if it was her desire to have a license and proceed in this profession.

Ms. Abrams answered yes and stated that she has been a broker for most of her adult life and has never had any complaints. Ms. Abrams stated that she has gone through a difficult period in her life and it is embarrassing because she has memory issues because of the stress.

Commissioner Barbee moved in the matter of NRED v Linda Abrams Case# 2024-236 that the petition for rehearing be granted. Seconded by Commissioner Ruthe. Motion carried.

**5-A) For Possible Action: Discussion and Decision Regarding Respondent's Petition for Reconsideration of Discipline Terms and Payment Plan**  
**NRED v Wayne Tang**  
**Case No. 2022-100**

Wayne Tang was present.

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

Mr. Tang stated that during the hearing in February last year, the witness called by Ms. Keegan lied during her testimony. Mr. Tang stated that he has downloaded his phone dialogue that he was not allowed to present previously showing that Ms. Poe knew why he wired the \$10,000.00 to her and that she requested for him to Zelle her the \$275.00 inspection fee. Mr. Tang stated that he admits his wrongdoing and being punished by the Commission, but his point is that it was all done with good intent.

President Plummer stated that this is not a rehearing, and not the time to dive deeper into the case that was already heard, and if the Commission were to proceed, it would be specifically to the disciplinary terms and a payment plan that will be discussed.

Ms. Keegan stated that the hearing was not in February 2023, but in May 2023, and pursuant to NAC 645.850, if Mr. Tang had additional documents those should have been provided five working days prior to these Commission meetings. Ms. Keegan stated that as President Plummer has stated, since this request came as a reconsideration of discipline and a payment plan and not a request for rehearing, pursuant to NRS 241.020 the Commission cannot take action on items not listed on the agenda. Ms. Keegan stated that this case involved Mr. Tang engaging in fraudulent, deceitful, and dishonest dealings, and the Commission unanimously decided that the State proved their case and ordered the administrative fines commensurate with the violations. Ms. Keegan stated that Mr. Tang has not presented any legal basis for the Commission to reduce his fine. Ms. Keegan stated that the State opposes Mr. Tang's request because his request is time barred pursuant to 233B.130(4) and the fine amount of \$28,496.34 is reasonable and lawful. Ms. Keegan stated that pursuant NAC 645.810, there were no irregularities, accidents or surprises with the hearing held on May 2, 2023, and pursuant to NRS 645.680, Mr. Tang had proper notice of disciplinary proceeding against him. Ms. Keegan stated that in Mr. Tang's request he stated that he was surprised to learn in September 2024 that his license was suspended, which is unreasonable, because Mr. Tang had notice of the Commission's order which included the default language explaining what would happen if he failed to pay. Ms. Keegan stated that there is no newly discovered evidence that could not have

been produced during the May 2, 2023 hearing and pursuant to NRS 645.630, NRS 645.633 and NRS 622.400, the Commission's order is statutorily authorized. Ms. Keegan stated that Mr. Tang has failed his burden of proof to present a repayment plan, and the Commission should deny his request.

Commissioner Ruthe moved in the matter of NRED v Wayne Tang Case# 2022-100 that the Commission deny respondent's request for reconsideration of discipline. Seconded by Commissioner Barbee. Motion carried.

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

**Jacob Boucon**

**File No.: S-LDA-25-005**

**Parties Present**

Jacob Boucon was present.

Susan Clark, Licensing Section Manager, was present.

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

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

The Commission went into closed session.

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

Commissioner Ruthe moved to approve Jacob Boucon's license denial appeal, file number S-LDA-25-005 and grant him a license. Seconded by Commissioner Spires. Motion carried 3:1 with Commissioner Barbee opposed.

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

**Terril Sheldon Honey**

**File No.: S-LDA-25-006**

**Parties Present**

Terril Sheldon Honey was present.

Angela Powers-Armstrong, broker, was present.

Susan Clark, Licensing Section Manager, was present.

Mr. Honey stated that he did not want a closed session.

Ms. Clark stated that the Division received Mr. Honey's real estate salesperson application and pursuant to NRS 645.330(1)(a) and NRS 645.330(2) denied his application.



President Plummer asked if the information was disclosed and answered honestly on the application.

Ms. Clark answered yes.

Mr. Honey gave a statement.

Ms. Powers-Armstrong gave a statement on behalf of Mr. Honey.

The Commission questioned Mr. Honey.

Commissioner Barbee moved to deny Terril Sheldon Honey's license denial appeal, file number S-LDA-25-006. Seconded by Commissioner Ruthe.

Commissioner Barbee stated that he is looking at the language in NRS 645.330 about having three years following the probation before being approved for a license and he would like to see those three years.

President Plummer stated that because Mr. Honey's Utah probation has been terminated and with the other information he has heard, he would be willing to grant Mr. Honey's licensure.

Commissioner Ruthe stated that she agrees with Commissioner Barbee and is concerned that with the probation just being dismissed on October 31, 2024, not enough time has passed.

Motion failed 2:2 with President Plummer and Commissioner Spires opposed.

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

**Justin Cannon**

**File No.: S-LDA-25-007**

**Parties Present**

Justin Cannon was present.

Susan Clark, Licensing Section Manager, was present.

Mr. Cannon stated that he did not want a closed session.

Ms. Clark stated that the Division received Mr. Cannon's real estate salesperson application and because of disclosed information, his application was denied pursuant to NRS 645.330(1)(a) and NAC 645.095(1)(f).

Mr. Cannon gave a statement.

Commissioner Barbee moved to approve Justin Cannon's license denial appeal, file number S-LDA-25-007, and grant him a license. Seconded by Commissioner Spires. Motion carried.

**8) Public Comment**

No public comment.

**9) For Possible Action: Adjournment**

Meeting adjourned at 3:45 p.m. on November 19, 2024.

Prepared by: Kelly Valadez

TO BE APPROVED BY COMMISSION