

Open House

A newsletter for Nevada Real Estate Licensees

Department of Business & Industry

June/July 2015

The Mission of the Real Estate Division Education Fund

To ensure awareness of relevant laws and practices by all licensees through proactive education and information efforts.

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FROM THE ADMINISTRATOR'S DESK

The Legislative session is over and we are turning our attention to our continued operations for the next biennium.

The Division's revised budget proposal and accompanying bills were passed but the Division remains a General Fund agency.



Joseph (JD) Decker
Administrator

We will continue to find ways to regulate the industry as effectively as possible and improve our services and processes.

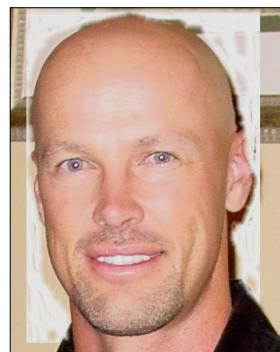
To that end, we have launched a new website at www.red.nv.gov which we

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MICHAEL JORY APPOINTED DEPUTY ADMINISTRATOR

On March 9th, 2015, Michael Jory was appointed to the Nevada Real Estate Division's Deputy Administrator position.

Michael moves to the position from the private sector where he spent the last 24 years in business



Michael Jory
Deputy Administrator

and operations management. His experience includes; budgeting, financial analysis, reporting, business planning, marketing, customer service, technology, human resources, payroll analysis,

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DEVIN REISS
Commissioner
Clark County

OUT WITH THE NEW AND IN WITH THE OLD FOR ORIGINAL LICENSES AND RENEWALS!

Two year renewal periods are back for real estate licensees! In the recent 2015 meeting of the Nevada Legislature that ended in beginning of June, Assembly Bill 475 was passed that brings back the pre-2011 licensure periods for a real estate broker, broker-salesperson, or salesperson license. Effective July 1, 2015, the initial license period for an original license is 12 months and for each subsequent renewal period following the initial period of an original license is 24 months. Thirty hours of Post-Licensing education is required for an original license.

Twenty-four hours of continuing education is required for subsequent two year renewals.

The bill also provides for a splitting of existing fees by one half to correspond to returning licensing periods back to 12 months for an original license and 24 months for renewal of a license. The fees for penalties for late renewal of a license are returned to the previous \$75.00 for a salesperson license and \$95.00 for a broker or broker salesperson.

Fees Effective July 1, 2015

Original Salesperson: \$125.00
**Original Broker or Broker
Salesperson: \$145.00**
Renewal Salesperson: \$180.00

“Our Licensing staff is here to help with any questions that licensees may have with the transition process.”

*- Susan Clark,
Licensing Manager*

**Renewal Broker or Broker
Salesperson: \$220.00**

**Penalty for Late Renewal of
Salesperson: \$75.00**

**Penalty for Late Renewal of Broker
or Broker-Salesperson: \$95.00**

Original licenses and renewals issued prior to July 1, 2015 will not be renewed until the established expiration date. This means that, for example, an original license issued in June 2015 will not expire until June 30, 2017. Grandfathered licensing terms will still be required to submit mid-term continuing education until the license is renewed into the 24 month licensing period.

Our Licensing staff is here to help with any questions that licensees may have with the transition process. ◀

...FROM THE ADMINISTRATOR'S DESK

(Continued from page 1)

anticipate will make regulatory information easier to find and use.

Thank you for your letters and emails of support. We look forward to working with our Commissioners and licensees to continue the great work that has been undertaken over the past year. ◀

“We will continue to find ways to regulate the industry as effectively as possible and improve our services and processes.”

*- Joseph (JD) Decker,
Administrator*

...MICHAEL JORY APPOINTED DEPUTY ADMINISTRATOR

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contract negotiation and compliance management.

Michael and his wife Jennifer have called Nevada home since June 2000.

“Nevada is where my wife and I started our family and is definitely home for us,” Michael said.

Michael’s family includes wife Jennifer, son Hayden (14) and daughter Skylar (12).

“I’m looking forward to utilizing my experience to help the division become as efficient and effective as possible for the public and industry constituents it serves.” ◀

JUDGMENT CLAIMS PAID FROM THE RECOVERY FUND

In February, 2015 a judgment claim in the amount of \$17,110 was approved by Administrator Decker for payment to Brian Elliott from the Real Estate Recovery Fund. Elliott petitioned for recovery of unpaid damages awarded by the district court against licensee Ronald Sliter.

A separate claim for \$5,984 by Teresa Holden was approved in April for a Las Vegas Justice Court judgment against licensee Kirk N. Niesen.

Administrative approval of payment from the Recovery Fund

triggers the immediate revocation of the judgment debtor’s license with no legal recourse to appeal the revocation, for reinstatement of the license or for the issuance of a new license until debtor has recompensed the Fund in full.

Niesen’s license was previously revoked by Real Estate Commission order in October, 2014 after hearing NRED’s disciplinary case against the licensee for property management violations as reported under “Disciplinary Actions/ Stipulations” in this issue of Open House.

In cases of fraud, misrepresentation or deceit, the law permits recovery of final court judgments against real estate agents of up to \$25,000 per licensee. Claims by petition from the judgment-rendering court may be made to the Administrator, and claimant must show that all reasonable efforts to obtain payment from the judgment debtor have been exhausted. Only awarded damages are recoverable; the costs and expenses of litigation cannot be claimed from the Fund. ◀

Disciplinary Actions / Stipulations

ACTIONS/DECISIONS

Real Estate Commission actions are not published in this newsletter until the 30-day period allowed for filing for Judicial Review has passed. If a stay on discipline is issued by the Court, the matter is not published until final outcome of the Review.

A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection



*proceedings to recover fines and costs.
Names of persons whose license*

applications have been denied are not published.

ALLEGATIONS/STIPULATIONS

Stipulations occur when both the Respondent and Division have agreed to conditions reviewed and accepted by both sides. A stipulation may or may not be an admission of guilt. Stipulations are presented to the Commission for review and acceptance.

NAME	EFFECTIVE DATE / HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
TIFFANEE A. DALTON B.43503 (Active)	December 2014 Stipulated Settlement	Failed to maintain adequate supervision over a licensee and allowed the operation of an unregistered property management company. Additionally, did not maintain a separate trust account solely for security deposits and did not submit trust account reconciliations.	\$2,500 fine Broker Management: 3 hours Property Management: 3 hours
RIGOALBERTO (RIGO) CARDENAS S.0071962 (Suspended)	November 2014 Stipulated Settlement	Respondent directly accepted money from two clients in exchange for false promises to help with a loan modification and a short sale.	\$15,000 fine License suspended until fine is paid in full.
PAMELA MILLER S.75650 (Closed)	October 2014 Action	As seller, misrepresented the sales price on a property to include a \$30,000 payment to a third party directly from escrow.	\$5,000 fine
BENEDICT PRASAD B.27625 (Revoked) PM.127625 (Revoked)	October 2014 Action	Continued to conduct real estate activities requiring a license after the Commission issued an order revoking respondent's license and permit in August 2009.	\$20,000 fine
ELVA MORALES S.30079 (Revoked)	October 2014 Action	Failed to supply a written response or produce documents requested by the Division regarding a transaction under investigation.	\$15,000 fine Salesperson license revoked.
KIRK NIESEN B.19066 (Revoked) PM.162773 (Revoked)	October 2014 Action	Respondent committed 18 violations of NRS 645.630(1)(f) by failing, within a reasonable time, to remit money that belonged to others, and committed 10 violations of NRS 645.633 (1)(b) by failing to deposit security deposits into the security deposit trust account. Additionally, failed to: maintain a definite place of business; notify the Division within ten days of any change of business location; and comply with requests from the Division to supply a written response and documents.	\$330,000 fine Broker license and property management permit revoked.

Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
ERIN SCHLUMPF S.56337 (Closed)	October 2014 Action	Respondent engaged in gross negligence or incompetent conduct, failed to protect the public from fraud, misrepresentations or unethical practices, and acted in a deceitful, fraudulent or dishonest manner by having an intentionally inaccurate and inflated sales price entered in the purchase agreement.	\$10,000 fine
SARAH M. GOLDSTEIN B.39746 (Downgraded) PM.139746 (Revoked)	October 2014 Action	Failed within a reasonable time to remit money that belonged to others which came into her possession and provided false information to a Division investigator. Additionally, respondent failed to remit a security deposit refund as ordered by the Justice Court and was in violation of NRS 645.633(1)(i) for dishonest dealings.	\$4,500 fine WELSK: 6 hours Ethics: 3 hours Ordered to pay \$702 security deposit refund per a 2011 Justice Court judgement. Broker license downgraded to a salesperson license. Property Management permit revoked.
MINH TRAN S.57236 (Closed)	October 2014 Action	Respondent engaged in gross negligence or incompetent conduct, failed to protect the public from fraud, misrepresentations or unethical practices, and acted in a deceitful, fraudulent or dishonest manner by increasing the property list price in the MLS to match the buyer's offer price.	\$6,000 fine
FLORA B. VALDEZ S.38117 (Active)	October 2014 Action	Engaged in property management activity without first obtaining a permit to do so; received compensation from persons other than the broker under whom she was associated; commingled her clients' funds with her own; failed to submit client funds to her broker; performed services outside of her area of expertise; failed to provide her transaction file to her broker; and engaged in property management activity without the knowledge of her broker.	\$20,000 fine Ethics: 6 hours WELSK: 6 hours May not apply for a property management permit for five years.
CHUANG (LOUIS) WEI B.60535 (Revoked) PM.162895 (Revoked)	October 2014 Action	Committed 24 violations of NRS 645.630(1)(h) by converting client funds to his own personal use with cash withdrawals at casinos and committed eight violations of NRS 645.630(1)(f) by failing to account for and remit client funds within a reasonable time. Additionally, failed to maintain designated trust accounts, committed conduct which constitutes deceitful, fraudulent or dishonest dealing and failed to supply a written response to the Division.	\$350,000 fine Brokers license and property manager permit revoked.

**613
EXPIRED**

As of June 2015, the following number of real estate licenses in the Division system are expired:

- Broker: 46
- Broker-Salespersons: 84
- Salespersons: 483
- Total: 613

A real estate license must be renewed within one year of its expiration date or it will be permanently closed.

To check the status of a license, visit www.red.state.nv.us and click on License Lookup.

Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
HILARION CORDERO JR. B.16062 (Active)	February 2015 Stipulated Settlement	Committed 11 violations of NRS 645.230(1)(b) by engaging in the business of and acting in the capacity of a property manager without a permit issued by the Division. Additionally, failed to comply with the Division's request to produce documents.	\$10,000 fine Ethics: 3 hours WELSK: 3 hours
CRISTINA RODRIGUEZ S.70042 (Voluntary Surrender)	January 2015 Voluntary Surrender	Respondent failed to remit \$500 in earnest money funds within a reasonable time; forged signatures of her clients and endorsed the check herself; and commingled and or converted the money into her personal account.	Voluntary surrender of salesperson license in leu of disciplinary action. May not apply for any real estate license in Nevada for five years.
RICHARD WILLER S.35047 (Voluntary Surrender)	January 2015 Voluntary Surrender	While on a maintenance call for an apartment, respondent violated NRS 645.633 (1)(i), engaging in deceitful behavior by asking to remove his clothes without clarifying that it was his intention to remove all of his clothing including his underwear.	Voluntary surrender of salesperson license in leu of disciplinary action. May not apply for any real estate license in Nevada for five years.
MICHAEL A. PANCIRO B.52607 (Downgraded)	January 2015 Stipulated Settlement	Respondent drafted a fraudulent appraisal for a property and knowingly submitted it to an interested person.	\$7,000 fine Ethics: 6 hours WELSK: 3 hours
CHRISTOPHER RODRIGUEZ (Unlicensed)	February 2015 Action	Violated NRS 645.230(1)(a) on 9 occasions by engaging in real estate broker activities without a license.	\$45,000 fine
DOUGLAS SUTFIN (Unlicensed)	October 2014 Action	Engaged in property management activity without first obtaining a real estate license and a permit.	\$5,000 fine
DEMETRIA KALFAS-GORDON S.51521 (Active) PM.0163959 (Active)	March 2015 Stipulated Settlement	Respondent violated NRS 645.630(1)(a) pursuant to NAC 645.610(1)(a) by advertising under a name for which she is not licensed, and violated NAC 645.610(1) by entering into residential lease and property management agreements, and otherwise managing properties, in the name of an entity not registered with the Division.	\$2,500 fine

DIVISION SEEKS ADVISORY COMMITTEE MEMBERS

The Real Estate Division is seeking to increase membership of the Real Estate Advisory Committee and is inviting applications from interested licensees who meet the criteria listed below. Once appointed to the Committee by the Real Estate Commission, the Advisory Committee member will assist the Administrator on a recurring basis to conduct education course audits, and may be called upon by the Administrator or the Commission, if needed, to assist with other matters.

To qualify, applicant must be a U.S. citizen, resident in Nevada for at least 5 years, have been:

- a. an active broker for at least 2 years; or
- b. an active broker-salesperson for at least 5 years; and may not have a record of Commission discipline in the past 5 year.

Appointment to the Advisory Committee is at the discretion of the Commission.

For more details and/or an application form, contact:
 Legal Administrative Officer, Real Estate Division
 2501 E. Sahara Avenue,
 Las Vegas, NV 89104
Email: Realest@red.state.nv.us ◀

DID YOU KNOW ...?

A **licensee** who engages in property management or business broker activities without the required permit does so in an unlicensed capacity in violation of NRS and NAC 645. Be informed. Be compliant. Do not be the respondent in a disciplinary case!

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NRED's Compliance section will receive and investigate a complaint filed by any person who believes she or he has been harmed by the conduct of a real estate licensee, or any person acting as a licensee, in a real estate transaction. The Compliance section does not investigate complaints arising from private agreements between licensees such as independent contractor agreements, and disputes between agents and brokers regarding commissions. ◀

Real Estate Statistics through May 2015

County	BROKER		SALESPERSON		SALESPERSON		TOTALS	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	4	0	5	0	22	5	31	5
Carson City	45	27	37	14	157	35	239	76
Churchill	14	10	6	2	39	13	59	25
Clark	1,845	442	2,269	522	11,780	2,695	15,894	3,659
Douglas	67	14	79	18	249	50	395	82
Elko	24	4	21	6	61	15	106	25
Esmeralda	0	0	1	0	1	1	2	1
Eureka	1	1	0	0	1	0	2	1
Humboldt	6	4	3	4	24	4	33	12
Lander	1	1	3	0	2	0	6	1
Lincoln	1	0	1	0	4	0	6	0
Lyon	32	14	19	9	99	28	150	51
Mineral	1	0	0	0	2	1	3	1
Nye	42	8	19	13	100	38	161	59
Out Of State	360	95	245	139	477	325	1,082	559
Pershing	1	1	1	0	1	2	3	3
Storey	2	0	3	0	4	1	9	1
Washoe	416	191	415	141	1,959	378	2,790	710
White Pine	4	0	3	1	6	3	13	4
Total	2,866	812	3,130	869	14,988	3,594	20,984	5,275