

# Open House

*A newsletter for Nevada Real Estate Licensees*

Department of Business & Industry

Jan / Feb / March 2018

## The Mission of the Nevada Real Estate Division

To protect the public and Nevada's real estate sectors by fairly and effectively regulating real estate professionals through licensure, registration, education and enforcement.

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*Data collected by Erica Arnold,  
Publications Writer*



Director Manthe cuts the ribbon to formally open the Nevada State Business Center. Second from right is Sharath Chandra, Administrator of the Real Estate Division. Photo courtesy of Marina Benn.

## FORMAL OPENING OF THE NSBC

On September 19, the Director of the Department of Business and Industry (B&I), C.J. Manthe, formally opened the Nevada State Business Center (NSBC) at a ribbon-cutting ceremony pictured above. The event was scheduled after all of the B&I agencies currently located in

the building at 3300 W. Sahara Avenue completed their move to the site. Employees of the Director's Office, Division Heads and their employees attended the grand opening.

The Real Estate Division was the first B&I agency to relocate to the NSBC in March 2017. ◀

Official publication of  
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DEPARTMENT OF  
BUSINESS  
AND INDUSTRY**

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**NEVADA REAL ESTATE  
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*Commissioner*  
Clark County



Left: Carolyn Washington receives the Governor's Proclamation of Recognized Service from Chief Investigator Jan Holle at Washington's retirement reception on December 21, 2017. Above: With Administrator Sharath Chandra and Jan Holle. Photos courtesy of Holly Ducharme.

## ***NRED Loses Investigator Washington to Retirement***

After 11 years as a Real Estate Compliance Investigator and 28 years as a State employee, Carolyn Washington left the Nevada Real Estate Division at the end of 2017 to start the New Year as a retiree.

As the Division's source for staff and licensee real estate compliance questions for more than a decade, Carolyn leaves a void that will be difficult to fill. In addition to sharing her knowledge liberally with all who approached her, she made several noteworthy contributions to the sales

and broker exams over the years.

Carolyn will be greatly missed both professionally and personally, as an amiable, well-liked and deeply respected team member. For the staff at NRED, she also leaves behind happy memories of her rich, dark, home-baked chocolate cake, covered with satiny chocolate icing.

The good news is that Carolyn has promised to stop by from time to time ... with chocolate cake!

We wish Carolyn a long and happy retirement. ◀

## DID YOU KNOW...?

### Advertising

Advertising real estate on billboards, television, bus stops, shopping carts, websites, social media, radio ...

**Whichever medium you use, the same rules apply** (NRS 645.315 and NAC 645.610).

**The primary requirement is that your brokerage name is included – and “prominent” – in all advertising.** When you use your social media page for any information-sharing that requires a real estate license, remember that the advertising laws and regulations immediately come into play and the brokerage name is required to be displayed prominently on the home page as well as in each post related to real estate.

A medium such as Facebook provides an attractive advertising tool because real estate related items posted to your personal homepage or timeline can be viewed and shared by friends and friends of friends, providing reach far beyond your personal sphere. However, it carries the obvious risk of non-compliance if posts lack the required brokerage name. This issue can be resolved in a couple of simple

ways: 1. Save your brokerage name where it can be easily pulled in with each real estate or related post. 2. Name or rename your social media page or timeline to include your brokerage name, for example, Jack Beanstalk – Towers International. In the latter example, the single act of incorporating the brokerage name on your page ensures compliance with advertising rules on every post. Option two also protects you in the event you forget to add your brokerage name to the real estate post, which could happen in option one.

As a final suggestion for resolving the issue of including brokerage names in social media advertising, **licensees are advised to refrain from using their personal social media page or timeline to promote their real estate business.**

Instead, it is recommended to maintain a separate real estate business page. While not a requirement, as a general rule it makes for good business practice to keep personal and business matters separate. ◀

## DIVISION UPDATES

### NEW HIRES

#### Real Estate Education

Erica Arnold  
*Publications Writer*

#### Real Estate Licensing

Anna Fernandez  
*Licensing Processing  
Technician*

Maria Gallo  
*Customer Service*

Leah Holmes  
*Licensing Services*

#### Ombudsman's Office

Arlena Levy  
*Administrative Assistant II*

Elizabeth Meza  
*Administrative Assistant IV*

## UPCOMING HOLIDAYS

The offices of the Nevada  
Real Estate Division will be  
closed on:

### MARTIN LUTHER KING JR. DAY

**Monday, Jan. 15, 2018**



### PRESIDENT'S DAY

**Monday, Feb. 19, 2018**



# ***LICENSE RENEWAL DOS AND DON'TS***



Knowing your license expiration date and renewing your license in a timely manner is the responsibility of each individual licensee, not the licensee's broker.

To renew online, read the provided directions carefully before starting. Enter your license number

without the leading zeros. The password for online renewal is the last four digits of your social security number. If your login is unsuccessful, it may be because your browser is not compatible with the state's online renewal system. Explorer, Chrome, and Firefox are some of the browsers that are compatible.

When renewing online, the education certificates required for the renewal must be uploaded into the table before completing the application and making payment as the renewal screen is no longer accessible after the renewal fee is paid.

For license renewals by mail and in person, all required education certificates must be submitted with renewal Form 580.

Once established, My Account is a tool that assists you with tracking the education you have taken. Log in to ascertain which education certificates you are required to submit with your renewal application.

If you are in the four-year renewal period (last license renewal was on or before June 30, 2015), and you did not complete the 24 hours of continuing education required in the first two years, you are advised to take that continuing education and submit the certificates for your license renewal with a late fine of \$250. ◀

## **NHD's HIP Program for Licensees**

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**Home Is Possible™**

The Nevada Housing Division (NHD) provides a Home Is Possible (HIP) Program to assist qualified homebuyers with down payment and closing costs. Information about the HIP Program is available to real estate licensees in an approved 3-hour continuing education class, CE.2059001-RE, on the first Thursday of each month in Las Vegas — see class dates on the right. For times and locations of the Las Vegas classes, contact Josie Hatem at [jhatem@housing.nv.gov](mailto:jhatem@housing.nv.gov) or 702-486-4983.

For HIP classes in northern Nevada, visit <http://homeispossiblenv.org/events>.

The class offers three General credits. ◀

- February 1
- March 1
- April 5
- May 3
- June 7
- July 5
- August 2
- September 6
- October 4
- November 1
- December 6

# NRED CLASSES 2018

## Trust Accounting Management and Compliance

**NO COURSE FEE!**  
**PRE-REGISTRATION REQUIRED!**

### **LAS VEGAS**

Nevada State Business Center  
3300 W. Sahara Avenue  
Las Vegas, NV 89102

**March 15**      **June 28**  
1 – 4 p.m.      1 – 4 p.m.

### **RENO**

Reno/Sparks Association of Realtors  
5650 Riggins Court, #200  
Reno, NV 89502

**January 25**      **April 19**  
1 – 4 p.m.      1 – 4 p.m.

<http://red.nv.gov/tamc/>

## What Every Licensee Should Know

**NO COURSE FEE!**  
**PRE-REGISTRATION REQUIRED!**

### **LAS VEGAS**

Nevada State Business Center  
3300 W. Sahara Avenue  
Las Vegas, NV 89102

**March 27**      **May 29**      **June 20**  
9 a.m. – Noon      9 a.m. – Noon      1 – 4 p.m.

### **RENO**

Reno/Sparks Association of Realtors  
5650 Riggins Court, #200  
Reno, NV 89502

**February 6**      **April 3**      **June 26**  
1 – 4 p.m.      1 – 4 p.m.      1 – 4 p.m.

<http://red.nv.gov/welsk/>

## ***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, as needed, to assist with other matters.

To qualify, applicant must be a U.S. citizen, resident in Nevada for at least five years, have no record of Commission discipline in the last five years, and have been:

- a. an active broker for at least 2 years; or
- b. an active broker-salesperson for at least 5 years.

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

For more details and/or an application form, contact:  
Administration Section Manager, Real Estate Division  
3300 W. Sahara Avenue,  
Las Vegas, NV 89102  
**Email: [Realest@red.nv.gov](mailto:Realest@red.nv.gov) ◀**

DEPARTMENT OF BUSINESS AND INDUSTRY  
**REAL ESTATE DIVISION**

[realest@red.nv.gov](mailto:realest@red.nv.gov)    [red.nv.gov](http://red.nv.gov)

## **THE DUTIES OWED FORM 525 FREQUENTLY ASKED QUESTIONS**

**The *Duties Owed* form (Form 525)** REVISED 11/07/16: The purpose of this form is the disclosure of the licensees' duties to both the clients and the public. Providing the form is a requirement under NRS 645.252 3. THE FORM IS A DISCLOSURE AND DOES NOT CREATE AN AGENCY RELATIONSHIP.

**The *Supplemental List of Licensees* (Form 525A):** This additional page was added with the 11/07/16 revision. It should be used when a team or a team's licensed assistants will be working on a transaction file.

### **Who should sign the *Duties Owed* form?**

The Real Estate Division suggests that a single "Duties Owed" form be signed by each party to the transaction. The intent is to provide and assure that each of the parties has been provided the Duties. It is not necessary to provide two or more duplicates of the same disclosure. This means that the listing agent should have the seller's signed disclosure form in the listing and transaction files and the buyer's agent should have the buyer's signed form in the buyer transaction files. However, if there is an unrepresented party to the transaction, the sole agent in the transaction should have a disclosure form signed by both the client and unrepresented party to the transaction as evidence of the disclosure to both parties. (See unrepresented parties below.)

### **Is the licensee responsible for providing the *Duties Owed* form to unrepresented parties?**

Yes. If you are acting as an agent in a real estate transaction in Nevada, even if you are a Nevada licensed real estate agent representing yourself as a principal in the transaction, you are required to provide the other party in the transaction with the form when the other party is not represented by a Nevada real estate licensee. It is required that you include a signed copy of the form in the broker transaction file.

### **When must I have the *Duties Owed* form signed?**

Regulation (NAC 645.637) clearly states that the "Duties" must be disclosed "as soon as practicable but no later than the date and time on which any written document is signed by the client or any party not represented by the licensee, or both". "Any written document" would include a listing agreement, purchase agreement, lease agreement, property management agreement, letter of intent, and buyer brokerage agreements.

**What about confirmation of representation?**

NAC 645.637 also requires the disclosure to be “....confirmed in a separate provision incorporated in or attached to that document”. Some written agreements, i.e., purchase agreements, listing agreements, lease agreements, buyer brokerage agreements, etc. contain the confirmation of representation. When the confirmation is not contained in a written agreement, then you will need to include a separate document for the confirmation of representation disclosure.

**What if there is a possibility of an agent representing both parties in the transaction?**

The acknowledgement of possibly acting as an agent representing both parties in the transaction is located in the last paragraph above the client/customer’s signature block on the *Duties Owed* form.

If the agent will be representing both parties, then a *Consent to Act* form (Form 524) would have to be completed and signed by the parties prior to representing both parties in the real estate transaction.

**Where do I get the current revision of the *Duties Owed* form?**

All Division forms are available online at <http://red.nv.gov>. Position your mouse onto *Forms* to open the drop-down menu, and then click on *Disclosure*. Select the *Duties Owed* form.

For further information please contact the Division’s Real Estate Enforcement Section in Carson City at 775- 684-1900 or Las Vegas at 702-486-4324 or e-mail [realest@red.nv.gov](mailto:realest@red.nv.gov).

12/01/2017

Compiled by Jan Holle, Chief Investigator, Real Estate Enforcement Section, Real Estate Division with input from Neil Schwartz, Real Estate Commissioner, and JC Melvin, Broker, Keller Williams Realty Southwest 12/01/2017

# 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.*

*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.*



## ALLEGATIONS/STIPULATIONS

*Stipulations occur when both the Respondent and Division have agreed to settlement conditions.*

*A stipulation may or may not be an admission of guilt. Stipulations are presented to the Commission for final approval.*

NAME	EFFECTIVE DATE / HEARING TYPE	ALLEGATIONS/ VIOLATIONS	DISCIPLINE/ SETTLEMENT
<b>DANE C. BROOKS</b> B.62410.LLC (Active) PM.163550.BKR (Active)	August 2017 Stipulated Settlement	Respondent violated <u>NAC 645.655(8)</u> by failing to promptly deposit security deposits into the Security Deposit Account. Also violated <u>NRS 645.630(1)(h)</u> by converting the money of others to his own use when he made a personal purchase with a credit card associated with the Owner's Trust Account and by commingling the money of his clients with his own when he transferred money from the Owner's Trust Account into his personal checking account.	\$20,000 fine. Property Management: 12 hours
<b>MATTHEW WILLIAM BROOKS</b> (Unlicensed)	August 2017 Stipulated Settlement	Violated <u>NRS 645.230(1)(a)</u> and/or <u>NRS 645.235(1)(a)</u> by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, broker-salesperson or salesperson within the state of Nevada without first obtaining the appropriate license from the Division.	\$2,000 fine.
<b>THOMAS WILLIAM CHICHESTER</b> (Unlicensed)	August 2017 Stipulated Settlement	Violated <u>NRS 645.230(1)(a)</u> and/or <u>NRS 645.235(1)(a)</u> by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, broker-salesperson or salesperson within the state of Nevada without first obtaining the appropriate license from the Division.	\$2,000 fine.



## Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	ALLEGATIONS/ VIOLATIONS	DISCIPLINE/ SETTLEMENT
<b>BRIAN JEFFREY CONOVER</b> (Unlicensed)	August 2017 Stipulated Settlement	Violated <u>NRS 645.230(1)(a)</u> and/or <u>NRS 645.235(1)(a)</u> by engaging in the business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, broker-salesperson or salesperson within the state of Nevada without first obtaining the appropriate license from the Division.	\$2,000 fine.
<b>BETH S. GARDNER</b> S.51771 (Active)	July 2017 Uncontested	Respondent violated <u>NRS 645.633 (1)(i)</u> on five occasions by submitting false or altered continuing education certificates to the Division.	\$20,000 fine.
<b>RAYMOND F. HALDEMAN</b> B.1136 (Active) PM.162423 (Active)	July 2017 Uncontested	Failed to maintain two separate property management trust accounts distinct from any trust account that he had for other real estate transactions, maintained a custodial or trust account from which money could be withdrawn without his signature, and commingled money or other property of a client with his own money. Additionally, was fined \$500 by the Administrator in 2015 for a violation of <u>NRS 645.635(6)</u> and did not appeal or pay the fine.	\$2,675 fine.
<b>HEATHER HICKS</b> S.35070 (Active)	May 2017 Stipulated Settlement	Respondent violated <u>NRS 645.633 (1)(h)</u> pursuant to <u>NAC 645.605(2)</u> by acting with gross negligence or incompetence in performing any act for which the person is required to hold a license pursuant to this chapter.	\$3,000 fine. Agency: 6 hours Contracts: 6 hours Ethics: 6 hours
<b>ROSA KELLER</b> S.71550 (Suspended)	July 2017 Uncontested	Failed to pay two administration fines from 2015 for: 1. Failing to produce a document, book or record in her possession or under her control, concerning a real estate transaction under investigation by the Division. 2. Failing to provide paperwork to her broker within 5 calendar days after the paperwork was executed by all the parties.	\$1,500 fine.

**3,034  
EXPIRED**

As of December 2017, the following number of real estate licenses in the Division system are expired:

- Broker: 379
- Broker-Salespersons: 559
- Salespersons: 2,096
- Total: 3,034

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, go to [License Lookup](http://red.nv.gov) at <http://red.nv.gov>.

### Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	DISCIPLINE/ SETTLEMENT
<b>BARBARA A. MARIN</b> S.172297 (Voluntary Surrender) PM.165847 (Voluntary Surrender)	September 2017 Stipulated Settlement	Violated NRS <u>645.630(1)(c)</u> by accepting a commission or valuable consideration from a person that was not her associated licensed real estate broker. Violated NRS <u>645.630(1)(h)</u> by commingling the money or other property of her client with her own. Violated NRS <u>645.630(1)(i)</u> by failing to place in the custody of her licensed broker, as soon as possible, client funds entrusted to her. And failed to disclose a personal relationship with the maintenance company hired for repairs to a client's property.	Agrees to the voluntary surrender of her salesperson license and property manager permit. Further agrees to not apply for any real estate license or permit in Nevada for three years.
<b>YAWEN (AMY) PAN</b> S.74999 (Suspended)	July 2017 Stipulated Settlement	Violated NRS <u>645.633(1)(h)</u> or (i), pursuant to <u>NAC 645.605(5)</u> by breaching her obligation of absolute fidelity to her principal's interest when she failed to remit rent income to the property owners.	\$485 fine. Respondent's license was suspended due to fine not being paid and entering default.
<b>DONALD B. PARKER</b> B.37383 (Voluntary Surrender) PM.137383 (Voluntary Surrender)	July 2017 Stipulated Settlement	Respondent violated <u>NRS 645.310(4)</u> by failing to maintain designated trust accounts. Violated <u>NRS 645.630(1)(f)</u> by failing to account for and remit client funds within a reasonable time. Violated <u>NRS 645.660(3)</u> by failing to maintain adequate supervision of a sales licensee under his brokerage. Violated <u>NRS 645.633(1)(h)</u> pursuant to <u>NAC 645.605(1)</u> by failing to do his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate, and <u>NAC 645.605(6)</u> by breaching his obligation of absolute fidelity to his principal's interest.	Agreed to voluntary surrender of his broker license and property manager permit. Further agreed to not apply in Nevada for any permit for five years, nor any real estate license for three years.

## Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	ALLEGATIONS/ VIOLATIONS	DISCIPLINE/ SETTLEMENT
<b>JOSHUA (JOSH) RAMOS</b> S.175867 (Revoked)	July 2017 Uncontested	Respondent violated <u>NRS 645.633(1)(d)(2)</u> by being convicted of a felony involving fraud, deceit, misrepresentation or moral turpitude. Additionally, failed to notify the Division in writing that he entered a plea of guilty to such within 10 days after the plea.	\$10,000 fine. Real estate license revoked.
<b>GREGORY D. SMITH</b> S.169698 (Revoked) PM.165270 (Revoked)	July 2017 Uncontested	Converted the money of his client for his own personal use and engaged in the business of, acting in the capacity of, or advertising or assuming to act as a property manager while his permit was in inactive status.	\$15,000 fine. Real estate license and permit revoked.
<b>LARRY L. SWEET</b> BS.11809 (Suspended) PM.0163367 (Suspended)	July 2017 Contested	Failed to pay an administrative fine from 2016 for a violation of <u>NRS 645.630(1)(f)</u> after failing to account for or remit to the property owner rent monies that he collected.	\$500 fine. Real estate license and property manager permit suspended until administrative fine is paid.
<b>DESIREE SWEET</b> S.29397 (Suspended) PM.129397 (Suspended)	July 2017 Contested	Failed to pay two administrative fines from 2016 for allowing tenants of a property she was managing to have a dog despite it being a violation of the property management agreement, refunding the tenants' security deposit despite the property being left in an unacceptable condition, supplying false information to the Division and failing to account for or remit rent monies to the property owner.	\$2,000 fine. Real estate license and property manager permit suspended until administrative fine is paid.
<b>MICHAEL S. YU</b> BUSB.6669 (Expired) S.78671 (Suspended)	July 2017 Uncontested	Failed to pay an administration fine from 2015 for violations of <u>NRS 645.252(2)</u> and <u>NAC 645.650(2)</u> for failing to return a security deposit and failing to provide paperwork to his broker within five calendar days after it was executed by all parties.	\$1,500 fine.

### Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	ALLEGATIONS/ VIOLATIONS	DISCIPLINE/ SETTLEMENT
<b>WEI (VICTOR) XU WANG</b> S.170101 (Revoked) PM.164885 (Revoked)	July 2017 Uncontested	Violated <u>NAC 645.650(2)</u> by failing to provide paperwork to his broker within five days after the paperwork was executed. Violated <u>NRS 645.280(2)</u> by accepting compensation from a person other than his broker. Violated <u>NRS 645.630(1)(i)</u> by failing to place in the custody of his broker, as soon as possible, a deposit or other money or consideration entrusted to him by a person dealing with him as the representative of his broker.	\$10,000 fine. Real estate license and permit revoked.
<b>GARY M. WILSON</b> S.167821 (Voluntary Surrender)	July 2017 Stipulated Settlement	Respondent violated <u>NRS 645.630(1)(a)</u> and/or <u>NRS 645.633(1)(i)</u> by providing fabricated and/or altered bank statements to Wells Fargo.	Voluntarily surrender of his salesperson license and investigative costs.

### Real Estate Statistics through December 2017

County	BROKER		BROKER SALESPERSON		SALESPERSON		TOTALS	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	54	1	64	9	405	43	523	53
Carson City	39	27	40	9	159	28	238	64
Churchill	12	9	5	1	50	6	67	16
Clark	1,789	395	2,212	359	13,136	1,522	17,137	2,276
Douglas	72	11	69	16	255	32	396	59
Elko	17	4	19	5	73	14	109	23
Esmeralda	0	0	0	0	1	0	1	0
Eureka	1	1	0	0	1	0	2	1
Humboldt	6	4	4	4	23	2	33	10
Lander	1	1	3	0	2	1	6	2
Lincoln	3	1	0	0	5	1	8	2
Lyon	25	10	19	6	113	14	157	30
Mineral	1	0	0	0	2	1	3	1
Nye	30	11	14	8	114	16	158	35
Out Of State	304	91	201	98	588	200	1,093	389
Pershing	1	0	1	0	1	0	3	0
Storey	1	0	2	0	2	3	5	3
Washoe	391	185	400	99	2,203	253	2,994	537
White Pine	3	0	3	1	5	3	11	4
<b>Total</b>	<b>2,750</b>	<b>751</b>	<b>3,056</b>	<b>615</b>	<b>17,138</b>	<b>2,139</b>	<b>22,944</b>	<b>3,505</b>