

# Open House

*A newsletter for Nevada Real Estate Licensees*

*January / February / March / April 2020*



#### **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.





1

## IN THIS ISSUE

- 1 Darrell Plummer Appointed to the Real Estate Commission
- 2 Real Estate Commission to Consider Changes to NAC 645 at February 7, 2020 Workshop



3

- 3 Did You Know . . . ?  
Avoiding Unlicensed Activity

- 4 Brokerage Name and License Number Required on All Advertisements

- 5 Education Corner: Things to Remember  
*The Education Section Staff*

- 6 Disciplinary Actions/  
Stipulations  
*Compiled by Erica Arnold,  
Publications Writer*

- 9 Real Estate Statistics as of January 2020  
*Compiled by Erica Arnold,  
Publications Writer*



4

# Darrell Plummer Appointed to the Real Estate Commission



**D**arrell Plummer, the broker/owner of Sierra Nevada Properties, was recently appointed by Nevada Governor Steve Sisolak to serve as a member of the Nevada Real Estate Commission.

Plummer is a fourth generation Nevadan and 1984 graduate of the University of Nevada, Reno (UNR), where he earned a degree in business administration with a special emphasis in finance and a minor in economics.

Upon graduating from UNR, Plummer became a trust officer with First Interstate Bank of Nevada (now known as Wells Fargo), and then spent seven years as the Director of Economic Development with Sierra Pacific Power (now NV Energy). He joined Coldwell Banker Plummer & Associates in 1995 and took over as broker/owner in January 2001. In 2013, the company became Sierra Nevada Properties. It now has offices in Reno, Incline

Village, Fallon and Fernley.

Plummer is the current Board Chair of the Reno & Sparks Chamber of Commerce and was also recognized with the Distinguished Alumni Award from their Leadership Program in 1993. He also serves on the Boards of Junior Achievement of Northern Nevada, Northern Nevada Regional Multiple Listing Service, My Hometown Heroes, and the JUSTin Hope Foundation.

Plummer holds several real estate designations including Certified Real Estate Brokerage Manager (CRB) and Graduate of the REALTOR® Institute (GRI). He was the Dean of the Leadership Program for Nevada Realtors® and a founding member of the Board of Trustees program, as well as the 1984 President of the Delta Sigma Pi Business fraternity; the 1990-1992 President of the College of Business Alumni Association; and 1998 Chair of the Dean's Advisory Board.

Plummer was the recipient

of the 1992 College of Business Outstanding Alumnus Award for his professional and community involvement and earned the UNR Professional Achievement award in 2017.

In his free time, he enjoys hiking, biking and the great outdoors. In 2019, he hiked the John Muir Trail in 16 days and in 1993, cycled 4,000 miles from Seattle to Boston. Most of all, he enjoys spending time with his four children and wife of 21 years.

The Real Estate Commission is a five-member body, appointed by the governor, that acts in an advisory capacity to the Nevada Real Estate Division. The group adopts regulations and conducts disciplinary hearings, among other duties.

Commissioner Plummer joins Devin J. Reiss of Clark County (President), Lee Gurr of Elko County (Secretary), and Lee K. Barrett of Clark County (Commissioner). The fifth seat is currently vacant.



# Real Estate Commission to Consider Changes to NAC 645 at Feb. 7 Workshop

**T**he Nevada Real Estate Commission will be considering proposed changes to NAC 645 at a public workshop on Friday, February 7, 2020.

The workshop begins at 9 a.m. at the Nevada State Business Center (3300 W. Sahara Ave., 4th Floor Nevada Room, Las Vegas, NV 89102) and will be video conferenced to the Nevada Division of Insurance (1818 College Parkway, Suite 103, Carson City, Nevada 89706).

The Division has prepared a small business impact survey relating to how the proposed changes could affect small businesses in Nevada.

[These documents and an online Small Business Impact Survey can be found on the Division's website.](#)

# Avoiding Unlicensed Activity

**A**n unlicensed assistant who performs licensee activities without the required license could be in danger of violating the law!

In addition to any other remedy or penalty, the Real Estate Commission may impose an administrative fine against any unlicensed person who knowingly engages in any activity for which a license, permit, certificate, registration or authorization is required. The amount of the fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000.00, whichever amount is **greater**.

The Commission may also impose an administrative fine against any person who knowingly assists an unlicensed person to engage in any such activity.

So, which activities may an unlicensed person perform? Use the guidelines below and review [NRED's Information Bulletin #10](#) for additional information.

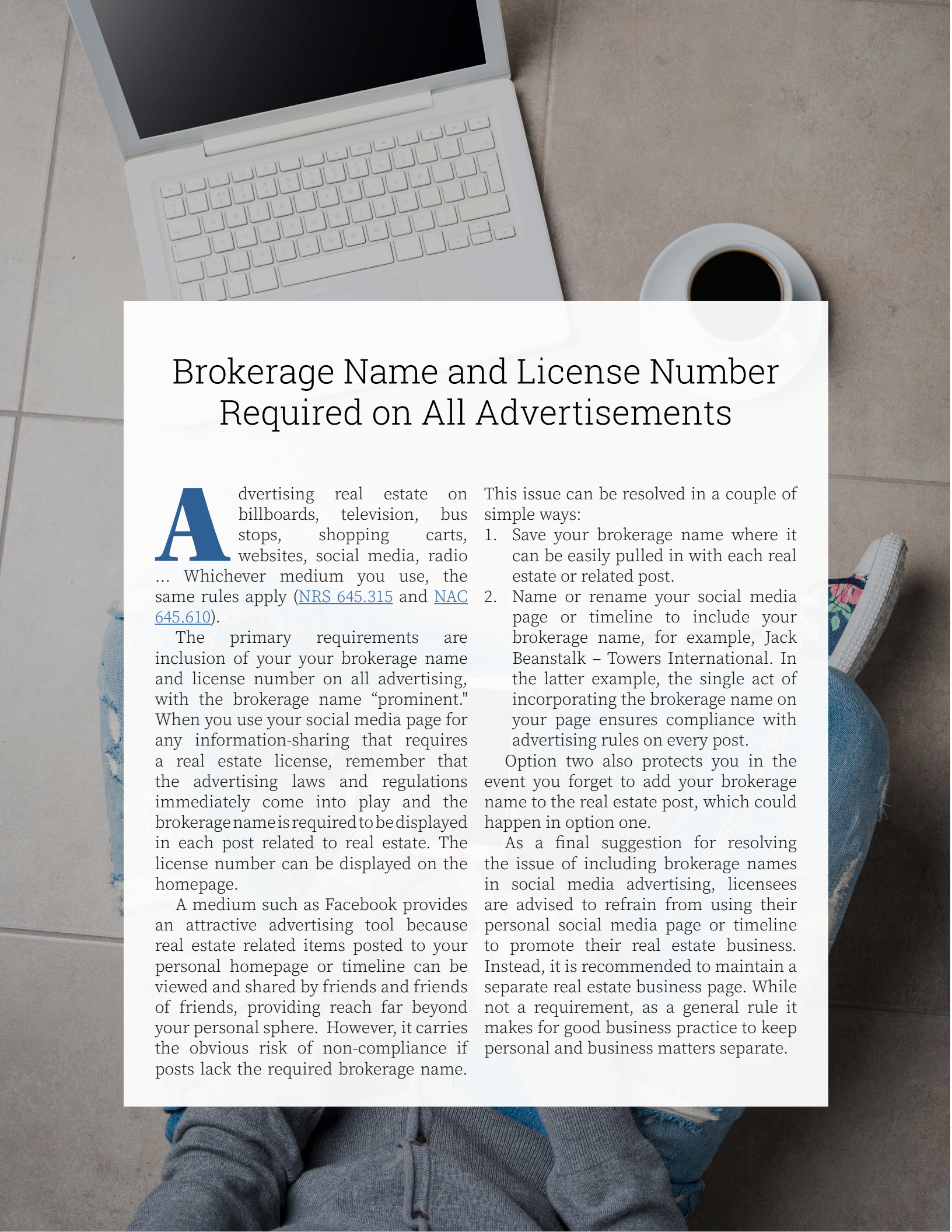
## ACTIVITIES AN UNLICENSED ASSISTANT MAY PERFORM:

- 
- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"><li>• Answer phones, forward calls to or take messages for a licensee.</li><li>• Transmit listings and changes to a multiple listing service.</li><li>• Follow up on administrative aspects of loan commitments after a contract has been negotiated by a licensee.</li><li>• Draft and assemble transaction documents, draft correspondence, do office filing, develop and</li></ul> | <ul style="list-style-type: none"><li>• maintain mailing lists, and perform other clerical duties for a licensee.</li><li>• Have keys made for company listings.</li><li>• Act as a courier service to deliver documents, pick up keys, etc.</li><li>• Write and prepare newsletters, advertising, flyers, and promotional information and place such advertising after approval by</li></ul> | <ul style="list-style-type: none"><li>• licensee and supervising broker.</li><li>• Perform bookkeeping, record and deposit trust funds under direction of the broker.</li><li>• Place and/or remove signs on a property.</li><li>• Accept rental payments and issue receipts at the broker's place of business.</li><li>• Witness signatures.</li></ul> |
|---|---|---|

## ACTIVITIES AN UNLICENSED ASSISTANT MAY NOT PERFORM:

- 
- |  |  |   |
|--|--|---|
| <ul style="list-style-type: none"><li>• Negotiate or agree to any commission, commission split, management fee or referral fee on behalf of a licensee or receive a referral fee from a licensee.</li><li>• Provide advice or guidance to a client or consumer regarding a real estate contract, brokerage agreement, property management agreement, title, financing, closing</li></ul> | <ul style="list-style-type: none"><li>• or other real estate document.</li><li>• Show property or provide clients or consumers information on listings.</li><li>• Answer any questions about a listing, including asking price, square footage, age of structure.</li><li>• Give listing presentations, interview buyers or present or negotiate offers.</li></ul> | <ul style="list-style-type: none"><li>• Contact or solicit prospective sellers or buyers, landlords or tenants, including scheduling appointments as a result of a telemarketing survey asking any of those parties if they would like to speak with a licensee about their real estate questions</li></ul> |
|--|--|---|



A white laptop is open on a wooden surface, with a cup of coffee on a saucer to its right. The background is a warm, textured wood grain.

## Brokerage Name and License Number Required on All Advertisements

**A**dvertising 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 requirements are inclusion of your brokerage name and license number on all advertising, with the brokerage name “prominent.” 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 in each post related to real estate. The license number can be displayed on the homepage.

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:

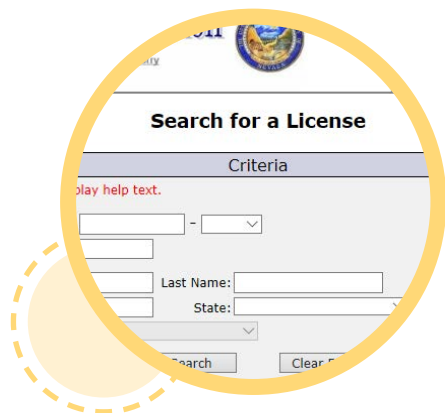
1. Save your brokerage name where it can be easily pulled in with each real estate or related post.
2. Name or rename your social media page or timeline to include your brokerage name, for example, Jack Beanstalk – Towers International. In the latter example, the single act of incorporating the brokerage 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.



# Things to Remember: Roster Uploads



1

## EDUCATORS:

Remember to use the [License Lookup](#) function on the Division website when completing class rosters. You are responsible for ensuring that students' names are spelled correctly and that license numbers are entered accurately and without leading zeros.



2

## EDUCATORS:

Per [NAC 645.455\(4\)\(b\)](#), you are **required** to submit rosters including the names of each licensee or permit holder who has successfully completed a course within **three business days** after the completion of the course. Rosters must be submitted via email to [education@red.nv.gov](mailto:education@red.nv.gov).



3

## EDUCATORS:

You may now renew continuing education courses online! A CE course is available to renew online within 45 days of its expiration. [Instructions for the CE Online Renewal Process](#) is on the NRED website under Provider Resources. Save paper, save time, renew online!

## NRED CLASSES 2020

### WHAT EVERY LICENSEE SHOULD KNOW [\[Agency\]](#)

<b>L</b> FEB 18 9 a.m. - Noon	<b>R</b> FEB 28 1 - 4 p.m.	<b>R</b> MAR 30 1 - 4 p.m.	<b>L</b> APR 21 9 a.m. - Noon	<b>L</b> MAY 12 9 a.m. - Noon
----------------------------------	-------------------------------	-------------------------------	----------------------------------	----------------------------------

### TRUST ACCOUNTING MANAGEMENT & COMPLIANCE [\[Broker/Property Management\]](#)

<b>R</b> FEB 28 1 - 4 p.m.	<b>L</b> MARCH 18 9 a.m. - Noon	<b>R</b> APR 15 1 - 4 p.m.	<b>L</b> MAY 6 9 a.m. - Noon
-------------------------------	------------------------------------	-------------------------------	---------------------------------

# 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.



Disciplines that are the subject of a judicial review are in *italics*. 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.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Cohen, Melanie <a href="#">2017-149 and 2017-2495</a> S.58844 (Active)	November 2019	Violated <a href="#">NRS 645.252(2)</a> by listing herself as a broker on a duties-owed and a residential purchase agreement; <a href="#">NRS 645.630(1)(d)</a> four times, by representing or attempting to represent Fidelity, without the express knowledge and consent of the broker with whom she is associated after her license was transferred to another brokerage; <a href="#">NRS 645.633(1)(h)</a> by failing to remove lockboxes on properties not listed under her current broker or listed under her previous broker and using such lockboxes to enable entry into such properties for inspections; <a href="#">NAC 645.650(2)</a> when she failed to provide paperwork to her broker within five calendar days after execution of the paperwork; <a href="#">NAC 645.650(2)</a> when she failed to provide the real property purchase agreement to her broker within five calendar days after execution of the paperwork; and <a href="#">NRS 645.252(2)(a)</a> by failing to include a duties-owed signed by her client in the transaction.	\$9,000 fine Agency: 3 hours Contracts: 3 hours
Crume, Mariah <a href="#">2017-1738</a> S.176351 (Active)	November 2019	Violated <a href="#">NRS 645.252(1)(a)</a> for failing to disclose the material and relevant fact to the seller's agent that her client's check for the earnest money deposit was returned unpaid; <a href="#">NRS 645.633(1)(h)</a> pursuant to <a href="#">NAC 645.605(11)(c)</a> for falsely stating to an investigator of the Division that she refunded the earnest money deposit to the sellers of the property in question; and <a href="#">NRS 645.630(1)(k)</a> for failing to deposit any check received as earnest money before the end of the next banking day as specified in the offer accepted by the sellers of the property.	\$1,000 fine Agency: 3 hours Contracts: 3 hours



NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Farrant, Jason <a href="#">2017-1167</a> Unlicensed	November 2019	Respondent did not commit a violation of <a href="#">NRS 645.230(1)(b)</a> and/or <a href="#">NRS 645.235(1)(a)</a> by engaging in property management without a permit.	Dismissed
Roark, Michael <a href="#">2017-650</a> S.176244 (Active)	November 2019	Respondent was not in violation of <a href="#">NAC 645.4442(1)(e)</a> by failing to provide the Division with proof of completion of post-licensing coursework within the time prescribed therein.	Dismissed
Withelder, William G. <a href="#">2017-1839</a> BS.59099 (Active)	November 2019	Violated <a href="#">NRS 645.633(1)(i)</a> by misrepresenting to his client that the lot line adjustment on the property had been effectuated prior to the sale of the property when it had not; and <a href="#">NRS 645.633(1)(i)</a> by telling his client to speak to his broker regarding the unresolved lot line adjustment in 2017 because he knew he handled the 2006 transaction on his own behalf and not through his broker.	Payment to the complainants in the amount of \$2,364.15 Payment to the Division for pre-hearing costs and attorneys' fees in the amount of \$1,535.85 Ethics: 3 hours
Alberti Jr., Andrew <a href="#">2017-776</a> B.32438 (Revoked)	December 2019	Violated <a href="#">NRS 645.633(1)(h)</a> by failing to honor the owner's instructions pursuant to the Agreement that he list the property with the local MLS.	\$500 fine License revoked
Baron, Rich <a href="#">2017-1770</a> B.1001166 (Revoked)	December 2019	Violated <a href="#">NRS 645.550(1)</a> or <a href="#">NAC 645.627</a> by failing to maintain a definite place of business within the state of Nevada; <a href="#">NRS 645.633(1)(h)</a> by failing to maintain a current address of record with the Division; and <a href="#">NRS 645.635</a> or <a href="#">NAC 645.605(1)(a)</a> by failing to produce to the Division the transaction file on request of the Division.	\$15,000 fine License revoked
Curtis, Carol A. <a href="#">2017-1322</a> B.3237 (Revoked) PM.162586 (Revoked)	December 2019	Violated <a href="#">NRS 645.633(1)(h)</a> pursuant to <a href="#">NAC 645.655(9)</a> by permitting her two trust accounts to fall into and remain in deficit for thirteen (13) monthly reconciliation reports; <a href="#">NRS 645.630(1)(h)</a> nine times, by commingling her own money with that of property owners in the course of managing her property together with other owners; and <a href="#">NRS 645.6056(1)</a> by failing to sign a property management agreement regarding one property.	\$15,000 fine Broker license and Property Management permit revoked
Gascon Caro, Clarissa <a href="#">2017-1962</a> S.73817 (Revoked)	December 2019	Violated <a href="#">NRS 645.633(1)(i)</a> or <a href="#">NAC 642.632</a> by dishonestly representing the loan or her intent to repay the same.	\$10,000 fine License revoked

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
Gonyea, Michael C. <a href="#">2017-1299</a> B.26907.LLC (Downgraded) B.27471.INDV (Downgraded) PM.162843 (Revoked) PM.164911.BKR (Revoked)	December 2019	Violated <a href="#">NAC 645.600(1)</a> by failing to supervise the Company's employees and their handling of the Company's money; <a href="#">NAC 645.655(5)</a> by failing to maintain a custodial or trust account to which he was a signatory until December 2018; <a href="#">NAC 645.655(6)</a> by permitting two non-licensees to be signatories on the Company's bank accounts; <a href="#">NAC 645.655(6)</a> by permitting a salesperson to be a signatory on a trust account and permitting him to sign checks on 17 separate occasions without the respondent's signature; <a href="#">NRS 645.310(4)</a> by failing to designate the Company's bank accounts as trust accounts; <a href="#">NRS 645.310(5)</a> by failing to maintain an accurate accounting of client trust rental accounts; and <a href="#">NAC 645.605(11)(c)</a> by providing the Division with a faulty Trust Account Reconciliation showing a balance when there was not.	\$10,000 fine Property Management permits revoked Broker licenses downgraded to salesperson licenses
Lord, Edward D. <a href="#">2018-1449</a> BS.36344 (Inactive)	December 2019	Violated <a href="#">NRS 645.252(2)</a> and/or <a href="#">NRS 645.254(6)</a> and/or <a href="#">NRS 645.633(1)(h)</a> for failing to exercise reasonable skill and care and/or for gross negligence or incompetence for advising his client to sell his ownership of a property without advising his client to seek expert advice regarding the requirements for a partition sale; <a href="#">NRS 645.3205</a> and/or <a href="#">NRS 645.630(1)(a)</a> and/or <a href="#">NRS 645.633(1)(i)</a> pursuant to <a href="#">NAC 645.605(1)</a> for dealing with a party to a real estate transaction in a manner which is deceitful, fraudulent or dishonest by identifying himself as a broker while he only holds a broker-salesperson license; <a href="#">NRS 645.630(1)(l)</a> and/or <a href="#">NRS 645.635(2)</a> for entering a brokerage agreement with his client while knowing that he had a signed brokerage agreement in place for the property in question with the Complainant's brokerage; and <a href="#">NRS 645.635(1)</a> by offering the property for sale without the consent of each owner.	\$3,000 fine Agency: 3 hours Ethics: 3 hours
Ross, Barry M. <a href="#">2017-2287</a> S.179946 (Expired)	December 2019	Violated <a href="#">NRS 645.235(1)(b)</a> by knowingly assisting or offering to assist another in knowingly engaging in or offering to engage in any activity for which a license, permit, certificate or registration or any type of authorization is required pursuant to NRS chapter 645, or any regulation adopted pursuant thereto; and <a href="#">NAC 645.640(1)(b)</a> in leasing or disposing of real property or an interest therein without first disclosing in writing that he was a licensed salesperson.	\$15,000 fine
Talavera, Cesar A. <a href="#">2018-1272</a> BS.45231 (Active)	December 2019	Violated <a href="#">NRS 645.633(1)(b)</a> and <a href="#">NRS 645.252(1)(a)</a> pursuant to <a href="#">NRS 645.285(1)</a> thirty-four times by failing to provide the seller with Form 610, the Used Manufactured Home/Mobile Home Disclosure, which contains material and relevant facts that the respondent should have known relating to the property and that were required to be produced to the Nevada Real Estate Division; and <a href="#">NRS 645.633(1)(h)</a> by failing to demonstrate an understanding of the rights and responsibilities of a real estate broker salesperson pursuant to the laws regulating the sale of used manufactured homes or mobile homes in the State of Nevada.	\$10,000 fine Agency: 3 hours Ethics: 3 hours





Since our last newsletter (September 2019), the following number of new real estate licenses have been added in the Division system:

BROKERS / **51**  
 BROKER-SALESPERSONS / **81**  
 SALESPERSONS / **985**

## Real Estate Statistics Through January 2020

	Brokers		Broker-Salespersons		Salespersons		Totals	
County	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	24	75	36	2	176	27	236	104
Carson City	41	29	42	11	184	33	267	73
Churchill	10	8	5	2	47	9	62	19
Clark	1,817	374	2,292	317	14,792	1,457	18,901	2,148
Douglas	66	12	63	13	256	29	385	54
Elko	18	3	20	6	95	15	133	24
Esmeralda	0	0	0	0	0	0	0	0
Eureka	0	1	0	0	1	0	1	1
Humboldt	4	4	4	4	27	2	35	10
Lander	1	1	2	0	4	0	7	1
Lincoln	2	0	0	0	5	1	7	1
Lyon	26	21	21	5	118	14	165	30
Mineral	1	0	0	0	1	1	2	1
Nye	32	10	15	4	143	19	190	33
Out Of State	358	75	244	102	804	254	1,406	431
Pershing	3	0	0	0	5	0	8	0
Storey	1	0	1	0	2	2	4	2
Washoe	395	174	442	99	2,567	249	3,404	522
White Pine	3	0	3	4	4	2	10	4
Total	2,802	703	3,190	567	19,231	2,114	25,223	3,384

**PROPERTY MANAGERS**      ACTIVE **3,251**      INACTIVE **413**

**BUSINESS BROKERS**      ACTIVE **347**      INACTIVE **63**

## 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 in northern and southern Nevada 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 two years; or
- b.** An active broker-salesperson for at least five years.

Appointment to the Advisory Committee is at the discretion of the Commission. [The application and additional details are available on the Division's website.](#)

## DIVISION UPDATES

### NEW HIRES

#### Ombudsman's Office

Nicole Michael  
Administrative Assistant III

Christopher Reed  
Compliance/Audit Investigator II

Christy Staffen  
Compliance/Audit Investigator II

### POSITION CHANGES

#### Administration

Kelly Valadez  
Commission Coordinator

Official publication of the

### STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

#### TERRY REYNOLDS

*Director*

#### NEVADA REAL ESTATE DIVISION

#### SHARATH CHANDRA

*Administrator*

#### ANNALYN CARRILLO

*Education & Information Officer*

#### ERICA ARNOLD

*Publications Writer*

#### LAS VEGAS OFFICE

3300 W. Sahara Avenue  
Suite 350  
Las Vegas, NV 89102-3200  
(702) 486-4033

#### CARSON CITY OFFICE

1818 E. College Parkway  
Suite 110  
Carson City, NV 89706-7986  
(775) 684-1900

Production of Open House  
is funded by the Real Estate  
Education and Research Fund.

#### NEVADA REAL ESTATE COMMISSION

#### DEVIN REISS

*President*  
Clark County

#### LEE R. GURR

*Secretary*  
Elko County

#### LEE K. BARRETT

*Commissioner*  
Clark County

#### DARRELL PLUMMER

*Commissioner*  
Washoe County

#### VACANT

*Commissioner*  
TBD