

Open House

A newsletter for Nevada Real Estate Licensees

Department of Business & Industry

December 2013

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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Deputy Administrator

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Nevada Department of Agriculture

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FAQs For Education Submittal For Mid-Term (2-Year Period) Implementation of LCB File #R093-10

Answers to the frequently asked questions the Division gets about the implementation of the education requirements for the 4-year license renewal terms are addressed below.

Q: When may I submit my certificates (proof of completion) of education to the Division?

A: At any time during the 2-year period that all education requirements have been completed.

Q: May I submit certificates as I complete my education?

A: No. The licensee must submit the entire package of certificates all together as proof of completion of all required hours and designations for required education.

Q: When must the education have been completed?

A: The education must have been com-

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Tracking Completed Education

In order to better track completed continuing education, education sponsors are now providing class roster information to the Division. The information is loaded into the Division's database and provides the course details necessary to determine if the midterm or renewal education requirements for licensees have been met.

When the information is loaded into the Division's system, the course number and date of completion, as well as the license number (without the leading zeros or suf-

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Education Enforcement Underway

The Real Estate Division is enforcing the mandatory mid-term education reporting required by all real estate licensees and permit holders. The regulation setting forth the mid-term reporting requirement and penalty for failure to comply, LCB File #R093-10, was effective May 30, 2012.

Any time a licensee submits a transaction to the Division, the Licensing Section will review the licensee's file to determine whether the licensee

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WHOSE MONEY IS IT ANYWAY? **— OR —** **REVELATIONS OF SCHEDULE D**

By Steve Aldinger
Deputy Administrator

Property managers know that broker trust accounts must be established to manage funds held in trust by the broker. So, if the funds in a trust account do not belong to the brokerage, whose money is it anyway?

For the Real Estate Division, the purpose of the Schedule D on Form 546 is to answer that question.

When filing their annual trust account reconciliations (Form 546 and supporting documents), brokers will have a Schedule D for each trust account. For owner/operating accounts, the Schedule D is a list of the owners/properties managed and the amount of funds held for each owner. For the security accounts, the Schedule D is a list of the tenant names

and the deposits held for each tenant. The grand total of the Schedule D should always agree with the amount entered on Form 546, Part III (Ledger Card Total). Any discrepancy must be explained.

Even if the brokerage maintains a separate trust account for each owner, there should be a Schedule D. At the bottom of page 2, Form 546, enter the owner's name, amount held and the note "One owner" to make it clear to the Division reviewer.

The Schedule D is one of the most error prone aspects when filing annual trust account reconciliations (TARS). For those preparing TARS, simply keep in mind that this is how you tell the Division whose money you are holding. And, that the Schedule D total must always balance with the Part III amount on Form 546. Doing so will help you avoid those annoying TAR deficiency notices! ◀

DIVISION STAFF UPDATES

New hires and position changes **Real Estate Administration**

Lourdes Finoña, Licensing Administrative Assistant II
Corin Gadsby, Program Officer II (Legal Administrative Officer)
Zachary Gertsch, Timeshare Program Officer I
Joanne Gierer, Compliance/Audit Investigator II
Michelle Hellebrand, Licensing Administrative Assistant II
Rosaura Lopez, Projects Administrative Assistant II
Maria Martin, Compliance Administrative Assistant III
Daryl McCloskey, Compliance/Audit Investigator II
Jessica Ramos, Licensing Administrative Assistant II
Sandra Saenz, Licensing Administrative Assistant III
Debbie Stratton, Licensing Administrative Assistant I

Common-Interest Communities Program

Marisu Abellar, Legal Secretary II
Cheryl Fleming, Compliance/Audit Investigator II
Ashley Foster, Compliance Administrative Assistant II
Sharon Jackson, Ombudsman
Jennifer Oerding, Education/Information Officer
Christina Pitch, Compliance/Audit Investigator II
Bonnie Schmidt, Administrative Assistant I

Real Estate Education

VaNessa Finoña, Administrative Assistant I

NEW "PEST REPORT" CHANGES COMING SOON

By Lee Lawrence
Nevada Department of Agriculture
Pest Control Licensing
& Enforcement Section

YES, there are termites in Nevada! It has been a long held misbelief that Nevada's climate is too hot, cold, dry or whatever for termites to live here. In fact most of Nevada is classified as a "moderate" to "high" region for termite activity. There are four species of subterranean, or ground-dwelling, termites in Nevada known to cause economically significant damage. Some are more of a pest than others, but the good news is they all require about the same methods of prevention and control. Drywood termites do not live in the soil and are not as prevalent in most of Nevada as their subterranean cousins.

There are other wood-destroying pests that also exist throughout the state. For homes built on raised foundations that contain a crawlspace, the most common pest belongs to the wood-destroying fungi group. Wood-destroying fungi often develop on wood in poorly ventilated crawlspaces, or in areas where plumbing or other leaks occur. Once the relative humidity and moisture content of

wood exceeds 20%, these destructive fungi can cause serious damage. In fact, in Northern Nevada, some believe these fungi cause more damage in the crawlspace area than all the other wood-destroying pests combined. In some cases extensive damage can occur in a relatively short period of time. Wood-destroying fungi are not to be confused with mold. Molds are different organisms.

Other wood-destroying pests commonly found throughout Nevada include carpenter ants and powderpost beetles. Damage from these pests is usually associated with a moisture problem. Damaged areas are sometimes difficult to find, but a seasoned inspector should know what to look for.

When a "pest inspection" is done, the inspector's findings are reported on a state supplied Wood-Destroying Pest Inspection Report form. This one page report contains a great deal of information. Beginning in early 2014, the reports, which have always been printed as a three part color carbon copy, will no longer be produced. Nor will they have to be distributed by mail, or have to be scanned or faxed to real estate agents, buyers, sellers, etc. Instead, the Nevada Department of Agriculture, in cooperation with a private com-

pany, is in the process of developing a new electronic reporting system. Reports will be filled out electronically and distributed via a pdf file that will be email to interested parties. The new system will eventually alleviate the use of paper reports altogether and will decrease the time required to write and distribute reports as well as the time and space needed to file and store them. The electronic reports can contain photographs of problem findings that can be easily understood by interested parties. These changes are intended to improve reporting practices and to provide a more complete and consumer friendly report.

Several pest inspection companies in southern Nevada have been chosen for the initial development phase of this project.

Do not be surprised if the next pest inspection report you request is electronically produced and distributed. Full roll out of the electronic reporting of wood-destroying pest inspection reports is expected to take place within the next six to eight months. For more information about these changes, contact Lee Lawrence of Nevada Department of Agriculture at (775) 353-3671. ◀

... Tracking Completed Education

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fix) and licensee's last name are all key to the appropriate credits being added to the correct credential record. Since the data fields must be exact matches, it is imperative for licensees enrolling in post-licensing and continuing education to provide education sponsors with their correct license numbers and to make sure that their last name is exactly as it appears on their real estate license. If a license number or last name is off as little as an extra space or misspelled (eg: BS. 1234 vs. BS.1234, MacDonald vs. McDonald), the system will error out and not add the credits to the credential. As the Division moves more of its transactions online in the future, these identifiers will become even more relevant.

Licensees will continue to receive paper certificates from approved education sponsors for submission to the Division and should

save a copy for their own records. Certificates must be sent by United States Postal Service mail, common carrier with tracking (Fed Ex, UPS), or in person at the Las Vegas office at 2501 East Sahara Avenue, Las Vegas to the Real Estate Education Section. Data from the paper certificates is entered manually into the database which allows Division personnel to see the course information as part of a licensee's credential record.

Even with sponsor electronic submission of rosters to the Division, there is still delay before education credit for a course is attached to a licensee's record. Sponsors are being requested by the Division to submit class rosters as soon as possible, but no later than three days after completion of a course. Licensees need to be aware that the Division can only process submitted electronic rosters during regular work hours, and not after regular work hours, during week-

ends, and holidays. Do not wait to take education to the last days of the month in which your license is due to renew.

Licensees cannot - and do not - "upload" their own education credits into the Division's data system. The Division will be uploading rosters submitted by approved sponsors. This is different than the current on-line renewal process which allows a licensee to attach copies of education certificates to the renewal. The on-line renewal process does not upload certificates into the Division's data system. Only the sponsor can provide rosters of completion to the Division.

The Division is currently working with its software vendor to enable licensee access to their own records of completed courses for monitoring, verification and correction purposes. A future newsletter article will discuss this My Account enhancement feature. ◀

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	HEARING DATE / TYPE	VIOLATION OR STIPULATION	FINES /EDUCATION / OTHER ACTION
PATRICK R. BERGSRUD BS.0047760 (Revoked)	November 2012 Action	Failed to exercise reasonable skill and care by allowing client trust accounts to become overdrawn; failed to account for client funds within a reasonable time; and committed ten violations of NRS 645.630 (1)(h) by commingling and converting client funds.	Broker Salesperson license revoked. \$75,000 fine
CURTIS BRILEY S.0038617 (Revoked)	November 2012 Action	Pled guilty in a US District Court to felony of Conspiracy to Commit Wire Fraud. Respondent's conspiracy involved fraudulent double escrows and straw buyers in order to divert loan proceeds to himself and co-conspirators.	Salesperson license revoked. \$40,000 fine
LISA W. KIM B.0023091.INDV (Revoked)	November 2012 Action	Pled guilty in a US District Court to felony of Conspiracy to Commit Wire and Mail Fraud after knowingly participating in a scheme to control various Homeowners' Association Boards of Directors, so construction defect lawsuits and remedial construction contracts would be awarded to her co-conspirators.	Broker license revoked. \$60,000 fine
CHANNING JACKSON S.0170707 (Revoked)	November 2012 Action	Respondent failed to do his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate. Personal property from a listing he showed was allegedly taken by his roommate and listed to be sold on Craigslist.	Salesperson license revoked. \$5,000 fine
CARALEE KECMAN S.0074048 (Active)	February 2013 Stipulated Settlement	Acted as a property manager without a permit, accepted money directly from a client and commingled client's money.	\$7,000 fine WELSK: 6 hours Ethics: 6 hours Agreed to not apply for a property manager permit for five years.
MICHELLE DELUCA S.0061460 (Revoked)	November 2012 Action	Pled guilty in a US District Court to felony of Conspiracy to Commit Mail Fraud and Wire Fraud after knowingly participating in a scheme to control various Homeowners' Association Boards of Directors, so construction defect lawsuits and remedial construction contracts would be awarded to her co-conspirators.	Salesperson license revoked. \$50,000 fine

Disciplinary Actions / Stipulations (Continued)

NAME	HEARING DATE / TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
MICHAEL ROBERT CAPODICI S.0068979 (Revoked)	November 2012 Action	Participated in a scheme to submit false and fraudulent mortgage loan applications to lenders and financial institutions. Pled guilty in a US District Court to felony of Conspiracy to Commit Wire Fraud, Mail Fraud and Bank Fraud.	Salesperson license revoked. \$80,000 fine
CHRISTOPHER LLOYD BROWN S.0073258 (Revoked)	November 2012 Action	After obtaining \$115,000 from his client to purchase a property, respondent placed the funds in his own personal account and forged a Trustee's Deed Upon Sale. Pled guilty in a US District Court to felony of Theft.	Salesperson license revoked. \$100,000 fine
JENNIFER LORENZEN S.0037195 (Revoked)	November 2012 Action	Respondent took part in a scheme that obtained more than \$16 million in fraudulent mortgage loan proceeds. Pled guilty in a US District Court to felony of Wire Fraud, Bank Fraud and Mail Fraud.	Salesperson license revoked. \$30,000 fine
PAUL A. WAGNER IV B.0009475.INDV (Revoked)	November 2012 Action	As a home builder, respondent inflated the prices of homes, then kicked back large portions of the profits to buyers and their associates as mortgage payments, sales commissions and reimbursements for loan payments. Was found guilty in a US District Court of the felonies Conspiracy to Commit Bank Fraud and Wire Fraud; eight counts of Bank Fraud; and three counts of Wire Fraud.	Broker license revoked. \$30,000 fine
JIMMY M. RODRIGUEZ BS.0004163 (Revoked)	April 2012 Action	Respondent violated NRS 645.633(1)(d)(2) by pleading guilty to the felony of Assault with a Deadly Weapon and the gross misdemeanor Conspiracy to Commit Assault with a Deadly Weapon.	Broker Salesperson license revoked.
JAMES F. RODRIGUEZ S.0055989 (Revoked)	June 2012 Action	Respondent violated NRS 645.230(1)(b) and NRS 645.633(1)(h) by engaging in property management without first obtaining a permit to do so and violated NRS 645.280(2) by receiving compensation from a person other than his broker.	Salesperson license revoked. \$35,000 fine
LINDA MARIE KOT S.0057685 (Revoked)	June 2012 Action	Violated NRS 645.633(1)(d)(1) and (2) by being convicted of felonies of Conspiracy to Commit Wire Fraud, Mail Fraud and Bank Fraud, and three counts of Bank Fraud.	Salesperson license revoked. \$10,000 fine
KAREN CHAPON AKA KAREN HANNAFIOUS (Unlicensed)	November 2012 Action	Engaged and offered to engage in property management activity without first obtaining a license and a permit to do so.	\$10,000 fine
RUBY CHANG (Unlicensed)	February 2012 Action	Engaged in real estate broker activities without a license and engaged in property management activities without a permit.	\$10,000 fine
BRETT DEPUE S.00610045.PC (Revoked)	November 2012 Action	Respondent violated NRS 645.633(1)(d)(1) and (2) by being convicted of a felony relating to the practice of the licensee that involved fraud, deceit, misrepresentation or moral turpitude.	Salesperson licenses revoked.

**1,981
EXPIRED**

As of November 2013, the following number of real estate licenses in the Division system had expired since December 2012:

- Broker: 184
- Broker-Salespersons: 334
- Salespersons: 1,463
- Total: 1,981

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.

... FAQs For Mid-Term Education Submittal

(Continued from page 1)

pleted and the certificates must have been issued by the approved education sponsor during the 2-year education period.

Q: Do I pay any fee when I submit my mid-term education certificates?

A: No.

Q: Is there a form to submit with the mid-term education certificates?

A: No. Every certificate issued by an approved sponsor must have the licensee's name and license number on it. That is how the Division knows for whom to record the certificate credit.

Q: Will I get a receipt when I submit my certificates?

A: No; the Division will not be issuing a receipt.

Q: How can I verify that my education has been received?

A: As soon as it is available, the Division will inform licensees how they can set up their "My Account" to have access to view their electronic licensing file. Licensees will be able to verify what education has been recorded to their licensing file.

Q: Am I required to submit the original certificates to the Division, or may I submit a copy?

A: The Division prefers the original certificates, but will accept a clear readable copy. The Division strongly recommends that the licensee keep a copy of every certificate submitted for your records. The Division is unable to make copies or to return what has been submitted.

Q: Will I need to submit my first 2-year period certificates again when I renew my license after four years?

A: No. The first 2-year period certificates will be recorded in the Division's data system. The Division does not need to see those certificates again. The Division, however, strongly recommends that the licensee keep a copy of each certificate submitted for your records until you have successfully renewed your license after the four-year license term.

Q: I have a four-year license. I have "heard" that the mandatory designated hours must be taken by live classroom education. Is that correct?

A: No. The requirement in the regulation is that at least half (50 percent) of the *total hours* of required continuing education *during the 2-year period* must be taken through live instruction.

Q: If I hold a permit (Property Management or Business Broker), does the 3 hours of mandatory education for the permit count as part of my required hours?

A: Yes. If you are a subsequent renewing licensee with a 4-year renewal period,

then the 3 hours of required permit education does count as part of the required 24 hours every two years.

Q: How do I provide my certificates to the Division to satisfy the mid-term education requirement?

A: Certificates must be sent by United States Postal Service mail – or – common carrier with tracking (Fed Ex, UPS) – or – delivered in person at the Las Vegas office at 2501 East Sahara Avenue, Las Vegas to the Real Estate **Education Section**. Using certified or receipt required mail is your option.

Q: Why can't I fax or e-mail my certificates to the Division?

A: At this time, the Division does not have the capability to handle that. The on-line application system and electronic capabilities will continue to be developed and expanded in the future.

Q: What happens if I do not submit to the Division proof of completion of the required education by the end of the 2-year period?

A: A licensee who fails to comply with the requirements for continuing education is subject to inactivation of the license by the Division and an administrative fine in the amount of \$100.

Q: If my license is inactivated for failure to comply, how do I reactivate it?

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... FAQs For Mid-Term Education Submittal

(Continued from page 6)

A: In order to reactivate the license, proof of the education that was due must be submitted and the administrative fine paid. Should an inactivation be necessary, the licensee – with copy to the broker – will receive notification from the Division. More serious consequences occur if it is a broker whose license is inactivated, as all licensees who work under the supervision of that broker are also inactivated. A licensee who conducts licensed activity after the inactivation of the license is subject to further penalty for unlicensed activity before the Commission.

Q: What if I mail my certificates on the last day of the month they are due?

A: Just as with a license renewal with a fee, the Division uses the post-marked date by the delivery service (United States Postal Service, Fed Ex, UPS) to determine when an item was sent and whether it was timely. The Division date-stamps all documents submitted in person at the Las Vegas office of the Real Estate Division. Those are the dates that are used to determine whether documentation was received timely. Be warned: If there is any deficiency in the certificates submitted, the

license will be inactivated and a fine imposed.

Q: What happens if my certificates are lost in the mail?

A: It is the licensee's responsibility to ensure that documents are submitted timely to the Real Estate Division. You may use a tracked method of sending certificates, such as USPS certified mail/return receipt or Fed Ex or UPS to verify delivery. The Division strongly recommends that the licensee keep a copy of each certificate submitted for your records. ◀

... Education Enforcement Underway

(Continued from page 1)

has complied with the requirement for mid-term education reporting.

If the licensee has not complied with mid-term reporting, the licensee will be advised that the requested transaction cannot be completed because of the education mid-

term reporting deficiency. The license will be involuntarily inactivated and referred to the Compliance Section.

The broker will be notified of the deficiency and requested to return the license to the Division. If the deficiency is that of a broker, all licensees under that broker

will be notified and inactivated and all licenses returned to the Division.

Information on the mid-term education requirements and how to submit mid-term reporting is on the Division's web site at www.red.state.nv.us in Informational Bulletins #28 and #29. ◀

TRUST ACCOUNTING MANAGEMENT AND COMPLIANCE

JAN-MAR 2014 SCHEDULE

CE.5369000-RE: 3 hours of
Broker Management credits

CE.5369001-RE: 3 hours of
Property Management credits

LAS VEGAS

At Grant Sawyer Building
January 17, 9 a.m. to Noon
February 12, 9 a.m. to Noon
March 18, 9 a.m. to Noon

RENO

At NVAR
February 19, 9 a.m. to Noon
April 16, 9 a.m. to Noon

Register at <http://red.state.nv.us>

WHAT EVERY LICENSEE SHOULD KNOW

Class Date	Hours	Sponsor	Designation/CE#	Location
01/09/14	3	Steven Kitnick Seminars	Law & Leg/CE.5594003-RE	Henderson
01/16/14	3	GLVAR	Law & Leg/CE.5594001-RE	Las Vegas
02/04/14	3	RSAR	Law & Leg/CE.5594002-RE	Reno
02/07/14	3	GLVAR	Law & Leg/CE.5594001-RE	Las Vegas
02/20/14	3	Steven Kitnick Seminars	Law & Leg/CE.5594003-RE	Las Vegas
03/13/14	3	Steven Kitnick Seminars	Law & Leg/CE.5594003-RE	Pahrump
03/31/14	3	GLVAR	Law & Leg/CE.5594001-RE	Las Vegas
04/17/14	3	Steven Kitnick Seminars	Law & Leg/CE.5594003-RE	Mesquite
04/21/14	3	GLVAR	Law & Leg/CE.5594001-RE	Las Vegas

3826
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PAID
 Carson City, NV 89701
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Real Estate Statistics as of November 2013

County	BROKER		BROKER SALESPERSON		SALESPERSON		TOTALS	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	52	48	42	50	268	95	362	193
Carson City	46	26	34	11	134	28	214	65
Churchill	14	9	8	1	44	9	66	19
Clark	1757	403	2155	418	10654	1856	14566	2677
Douglas	68	13	79	12	231	33	378	58
Elko	21	4	20	7	51	6	92	17
Esmeralda	0	0	0	0	0	1	0	1
Eureka	1	1	0	0	1	0	2	1
Humboldt	6	4	4	4	19	0	29	8
Lander	1	1	2	0	4	0	7	1
Lincoln	1	0	1	0	2	0	4	0
Lyon	30	10	24	6	88	14	142	30
Mineral	1	0	0	0	2	1	3	1
Nye	36	7	22	9	90	26	148	42
Out Of State	328	32	214	50	447	230	989	282
Pershing	2	0	0	0	1	0	3	0
Storey	1	0	3	0	5	1	9	1
Washoe	387	192	397	120	1676	226	2460	538
White Pine	3	0	2	1	5	2	10	3
Total	2,755	750	3007	689	13,722	2528	19,484	3,937