



# Open House

A newsletter from the Nevada Real Estate Division

Department of Business & Industry

Summer 2008

## Jason Wood Begins Role as New Deputy Administrator

In April 2008, Administrator Ann M. McDermott announced the appointment of Jason Wood as the new Deputy Administrator for the Nevada Real Estate Division. As the Deputy Administrator, Jason is responsible for the day-to-day operations and staff in the Carson City office while overseeing the fiscal and personnel sections of the Division.

Jason was born and raised in Reno, Nevada and is a graduate from the University of Nevada Reno. He holds a degree in General Studies with dual minors in Criminal Justice and Economics. While in college, he was elected to numerous executive positions in both his fraternity and other campus organizations. He served five years with the Nevada Air National Guard (NANG) achieving the rank of Staff Sergeant (E-5). As a member of the NANG, Jason served in several areas of the country and was also a member of the Honor Guard.

Jason is an active member of the community and serves on several boards. To date, he is the Chapter Advisor to the Sigma Nu Fraternity, UNRYAC (University of Nevada Young Alumni Club), and a founding member of RTYPN (Reno Tahoe Young Professionals Network).

Prior to joining the Real Estate Division, Jason served as the Director of Sales Administration for Real Estate Development at the Grand Sierra Resort. As Director he established control procedures and negotiated third party agreements which ultimately led to the successful closing of over 300 condominium hotels and generated proceeds in excess of \$100 million. Jason currently plans on furthering his education by beginning his Master's degree this fall.

In his spare time, Jason is a fitness enthusiast and enjoys a variety of outdoor activities, including snow skiing and golf. He is a private pilot and enjoys spur of the moment weekend flights to the California coast. ¼



Jason Wood, the new Deputy Administrator for the Nevada Real Estate Division, in his Carson City office.

### 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.

### Division Staff Update

**LISA FIGUEROA** has joined the Division as the new Administrative Services Officer based in Carson City.

**INGRID TRILLO** is the new Program Officer for Inspector of Structures and Time Shares.

**CRAIG REYNOLDSON** is the new Investigator for the Appraisal section in Carson City.

**SHERRI SHARP** is the new Investigator for Real Estate in Las Vegas.

**TIM BADEN** has joined the Division as the new Administrative Assistant II for the Licensing Section in Carson City.

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### WOULD YOU LIKE TO BECOME A MEMBER OF THE ADVISORY REVIEW COMMITTEE?

If you meet the qualifications as specified in NRS 645.090, download and complete an ARC application which can be found at [www.red.state.nv.us](http://www.red.state.nv.us).

## Open House

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STATE OF NEVADA  
DEPARTMENT OF BUSINESS  
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MENDY K. ELLIOTT  
Director

### REAL ESTATE DIVISION

ANN M. McDERMOTT  
Administrator

SAFIA ANWARI

Education & Information Officer

TERESA RICE  
Publications Writer

### LAS VEGAS OFFICE

2501 E. Sahara Avenue  
Suite 101

Las Vegas, NV 89104-4137  
(702) 486-4033

### CARSON CITY OFFICE

788 Fairview Drive, Suite 200  
Carson City, NV 89701-5453  
(775) 687-4280

Website: [www.red.state.nv.us](http://www.red.state.nv.us)  
E-mail: [realest@red.state.nv.us](mailto:realest@red.state.nv.us)

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Articles by outside experts express  
the authors' viewpoints and should  
not be mistaken for official policy of  
the Real Estate Division. They are  
included because they address  
relevant issues that may be of interest  
to Nevada licensees.

### REAL ESTATE COMMISSION

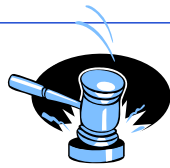
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# Disciplinary Actions/ Stipulations



**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. We do not publish names of persons whose license applications are denied.

**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.

## January 2008

Albert Arroyo  
License No. 39466—Broker

**Action:** Arroyo and his agent refused to turn over keys to the buyer even though escrow had closed. Arroyo stated that they were following the seller's instructions to hold keys until they were back in town and had collected their funds from the sale of the property.

**Decision:** Arroyo is required to pay \$2411.15 in fees and \$1,588.85 in fines within 6 months; and complete 6 hours of Broker Management and 6 hours of Contracts within one year.

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Elvis Nargi  
License No. 43453—Broker

**Action:** Nargi repeatedly failed to respond to the Division with information regarding complaints filed against him. The business address found was not the same as the address on file with the Division.

**Decision:** Nargi's broker's license was downgraded to salesperson and that license has been suspended for 15 years. He must pay fees of \$1,035.81 and fines of \$15,000 within 6 months; he is required to complete 30 hours of CE, including 6 hours of WELSK, 6 hours of Contract Law and the 18-hour Nevada Law course.

\*\*\*

Rodrigo Herrera  
License No. 58788—Salesperson

**Allegation:** Herrera entered a guilty plea with the Clark County District Court for a Category D Felony. He received a deferred adjudication and, at the time of his renewal, was under probation. If he successfully completes the terms of the probation, the felony will be downgraded to a misdemeanor by the Court.

**Stipulation:** Herrera has agreed to pay fines and fees totaling \$4,189.21 within 12 months and attend 12 hours of WELSK within 6

months. His license was suspended until all probation terms have been completed and the charge has been entered by the court as a misdemeanor.

\*\*\*

Victor Esquivel  
License No. 12441—Broker

**Allegation:** Esquivel failed to deliver the license of a terminated agent to the Division within 10 days and failed to respond to the Division's inquiry regarding this matter.

**Stipulation:** Esquivel agreed to pay fines and fees totaling \$3,000 within 6 months and attend 15 hours of CE within 12 months.

## April 2008

Deanna Dutton  
License No. 50033—Salesperson

**Allegation:** Dutton received compensation for a transaction from a person other than her broker.

**Stipulation:** Dutton has agreed to pay a fine of \$4,000 and attend 15 hours of Law and Ethics within 6 months.

\*\*\*

Donna Bailey  
Unlicensed

**Action:** Bailey advertised and negotiated properties for lease and performed property management services without a license or permit.

**Decision:** Bailey is required to pay a fine of \$15,000 within 18 months and has been ordered to immediately cease and desist all real estate activities.

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Hugh Humphrey  
License No. 55697—Broker

Humphrey has voluntarily surrendered his license in lieu of disciplinary action.

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Continued on next page...

# Short Sales

By Bruce Alitt, Chief Investigator

A short sale situation occurs when the owner of a property owes more than the market value of the property and has financial hardships that require the owner's lender or lenders to approve a sale in which the lender(s) will actually receive less than the amount that is owed.

The approval by the lender(s) is required because the loans are liens against the property that must be satisfied in order for clear title to pass from the seller to the buyer. That means that the lender(s) must accept getting less than the amount owed and agreeing that the lien(s) is satisfied and can be cleared.

Even though there must be lender approval in a short sale situation, the owner/seller still must be presented with and accept the offer. That is the critical first step in the short sale process. The owner must accept the offer contingent on approval by the lender. The contingency is critical because the owner cannot perform on the transaction without either the approval of the lender(s) or a cash out of pocket situation, which is usually not feasible. Once the owner has accepted the offer contingent on lender approval, the offer must be submitted to the lender with any other

documentation required by the lender. This documentation varies from lender to lender. At this point the transaction is out of the control of the licensees and owner, who must wait on lender approval, counter offer or rejection. Due to the current number of foreclosures and short sales, this can take several months. Both the seller and buyer should be made aware, in advance, of this unknown time factor.

During this "lender approval" time period, the house should stay on the market, however licensees should be made aware of its contingent status.

*"Even though there must be lender approval in a short sale situation, the owner/seller still must be presented with and accept the offer."*

The seller must be made aware that if the lender does agree to the short sale, there could be a deficiency judgment, credit consequences or the amount forgiven may be considered as income for tax purposes. Every seller should be advised to get professional advice from an attorney, certified public accountant and/or a tax consultant. ¼

## Disciplinary Actions

*Continued from previous page...*

### Jay Dana License No. 33669—Broker

**Action:** Dana failed to deliver the license of a terminated agent to the Division within 10 days and failed to respond to the Division's multiple inquiries regarding this matter.

**Decision:** Dana is required to pay a fine of \$9,000 and complete 20 hours of CE, including one course in Broker Management, within 6 months.

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### Joseph Slyman License No. 14292—Broker

**Allegation:** Slyman accepted a Residential Purchase Agreement for a commercial property transaction and also failed to provide the agency relationship disclosure and the Duties Owed form in a timely manner.

**Stipulation:** Slyman agreed to pay a fine of \$3,500 within 12 months and complete 12 hours of continuing education in Law and Ethics and Contracts within 6 months.

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### Kimberly Bolden License No. 41772—Salesperson

Bolden has voluntarily surrendered her license in lieu of disciplinary action.

### Oliver Cay Collado License No. 63417—Salesperson

Collado has voluntarily surrendered his license in lieu of disciplinary action.

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### Rodger Hetland License No. 57697—Salesperson

**Allegation:** Upon the request of another agent at his company (see Bolden), Hetland prepared a purchase agreement and signed documents stating that he represented the buyer although he had never met the buyer. He failed to ensure that the agreement was signed by all parties involved and falsely indicated that he had received earnest money.

**Stipulation:** Hetland agreed to pay a fine of \$10,000 and complete 18 hours of continuing education within one year.

\*\*\*

### Shoni Hetland License No. 3007—Broker

**Allegation:** Hetland failed to properly supervise her agents in the cases listed above (see Hetland and Bolden).

**Stipulation:** Hetland agreed to pay a fine of \$10,000 and complete 18 hours of continuing education within one year. ¼

**Want to check the status of a licensee?**

Go to [www.red.state.nv.us](http://www.red.state.nv.us) and click on the

**Lookup License** button.

## Real Estate Statistics as of JUNE 2008

COUNTY	BROKERS		BROKER-SALESPERSON		SALESPERSON		ACTIVE TOTAL	INACTIVE TOTAL
	ACTIVE	INACTIVE	ACTIVE	INACTIVE	ACTIVE	INACTIVE		
CARSON CITY	54	38	46	31	174	73	274	142
CHURCHILL	17	21	9	5	57	19	83	45
CLARK	1772	678	2199	749	14190	3077	18161	4504
DOUGLAS	90	27	80	34	359	102	529	163
ELKO	32	8	17	11	65	27	114	46
ESMERALDA	0	0	0	0	2	0	2	0
EUREKA	1	1	0	0	0	0	1	1
HUMBOLDT	4	4	6	2	17	3	27	9
LANDER	2	1	0	0	6	0	8	1
LINCOLN	1	0	1	0	3	1	5	1
LYON	27	14	29	17	180	51	236	82
MINERAL	1	0	1	0	4	1	6	1
NYE	52	15	29	19	187	56	268	90
OUT OF STATE	206	43	179	78	401	213	786	334
PERSHING	2	0	1	0	3	0	6	0
STOREY	3	0	3	2	7	6	13	8
WASHOE	440	280	403	224	2141	581	2984	1085
WHITE PINE	2	0	1	2	9	4	12	6
<b>TOTAL</b>	<b>2877</b>	<b>1314</b>	<b>3211</b>	<b>1333</b>	<b>19898</b>	<b>4871</b>		
							Active Total =	<b><u>25986</u></b>
							Inactive Total =	<b><u>7518</u></b>

3826  
 State of Nevada  
 Department of Business & Industry  
 Real Estate Division  
 2501 E. Sahara Avenue, Suite 101  
 Las Vegas, NV 89104-4137

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