



# Open House

A newsletter from the Nevada Real Estate Division

Department of Business & Industry

Winter 2008-2009

## Real Estate Commission Welcomes David Boyer



David Boyer is the new Commissioner out of Clark County for the Nevada Real Estate Commission.

The Nevada Real Estate Commission is proud to welcome David Boyer as its newest member. Commissioner Boyer is a “second-generation” real estate professional and has held a Nevada real estate license since 1977. He also holds a Sole Practitioner Broker License for the state of Oregon.

Currently a broker-salesperson with Americana Group, Commissioner Boyer is a Certified Residential Specialist and holds the Graduate Realtor Institute (GRI) designation. He has been a member of several GLVAR committees, including the MLS, Finance and Grievance Committees and also served on the Board of Directors. At the Nevada Association of Realtors (NAR), he was a member of the Finance Committee and served on the Board of Directors there as well.

Commissioner Boyer, a native Las Vegas, is filling the vacancy left by former Commissioner Beth Rossum and is scheduled to serve a three-year term. He attended his first meeting as a Nevada Real Estate Commissioner in November 2008. Along with four other Commissioners, Commissioner Boyer is responsible for conducting disciplinary hearings, acting in an advisory capacity to the Real Estate Division and adopting regulations which govern the activities of Nevada real estate licensees.

### 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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### Division Staff Update

RHONDA GALVIN (LV) has joined the Division as an Admin Assistant III for the Ombudsman's office.

TONYA HOLMES (LV) has joined the Division as an Admin Assistant II for the Licensing Section.

KATHY HAMILTON (LV) is the new Assistant to the Administrator.

KIP STEELE, an investigator in the Carson City office, recently received his designation as a Certified Real Estate Investigator from the nationally-recognized Association of Real Estate License Law Officials (ARELLO). He joins Chief Investigator Bruce Alitt (LV) and Compliance Investigator Linda Chavez (LV) as CREIs.

## New Regulations for Chapter 645

By Safia Anwari, Education & Information Officer

Effective April 2008, regulation R165-07 has amended NAC 645 to provide definitions of types of brokerage agreements and interpretations of terms relating to the minimum services brokerage provisions that came into effect in 2007. Though not yet codified, the regulation is in force and brings three major changes to NAC 645.

Firstly, R165-07 adds new provisions defining “exclusive agency listing agreement”, “exclusive right to sell or

lease listing agreement”, and “exclusive buyer’s brokerage agreement.”

The second change wrought by the new regulation allows a broker who has exclusive authority to represent a client under any of the above-referenced brokerage agreements to authorize another licensee to negotiate directly with the broker’s client after obtaining written authorization from the broker. It goes on to define the term “negotiate” as it is described in the Division’s form 367, “Authorization to Negotiate Directly with

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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.

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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.

JULY 2008

**Isidro Alejandre**  
License No. 47036—Salesperson

**Action:** Pled guilty to a federal felony and marked "No" on Application for Reinstatement when asked if he'd ever been a defendant in a legal proceeding.

**Decision:** License was revoked and he was ordered to pay a \$20,000 fine within 1 year.

**Steven Charpentier**  
License No. 27552—Broker

Charpentier has voluntarily surrendered his license in lieu of other disciplinary action.

**Joel Korotkin**  
Unlicensed

**Allegation:** Engaged in property management activities without a license or permit.

**Stipulation:** Ordered to Cease and Desist activities and agreed to pay a \$5,000 within 6 months.

**Tammy Rae Noble**  
License No. 58564—Salesperson

**Allegation:** Pled guilty to the District Court and agreed to pay a restitution of \$19,046 for claiming unemployment benefits as a teacher while working as a real estate agent.

**Stipulation:** The Commission issued a public warning with no disciplinary action.

**Bruce Woodward**  
License No. 52615—Broker  
License No. 152615—Property Manager

**Allegation:** Signed an "Acknowledgement of Intent to Employ" to hire a salesperson and was involved in property management activities after his license and permit had expired.

**Stipulation:** Agreed to pay a \$2,500 fine and attend 6 hours of Law within 3 months.

SEPTEMBER 2008

**Stormie Andrews**  
License No. 56395—Salesperson

**Allegation:** Received compensation for real estate activity from someone other than the broker with whom she is employed.

**Stipulation:** Agreed to pay a \$750 fine within 30 days.

**Diane Bongirno**  
License No. 32111—Salesperson

**Allegation:** Received compensation for real estate activity from someone other than the broker with whom she is employed.

**Stipulation:** Agreed to pay a \$750 fine within 30 days.

**Sonnja Jon Correa**  
License No. 45915—Salesperson

**Allegation:** Used a residential form for commercial property; failed to timely disclose his agency relationship and failed to timely provide the Duties Owed form to his client.

**Stipulation:** Agreed to pay a fine of \$3,500 within one year and attend 15 hours of Law or Contracts education within 6 months.

**Lynda Esposito**  
License No. 36970—Salesperson

**Allegation:** Received compensation for real estate activity from someone other than the broker with whom she is employed.

**Stipulation:** Agreed to pay a \$750 fine within 30 days.

**John Fisher**  
License No. 21350—Broker

**Allegation:** Failed to properly supervise his broker-salesperson (see Lincoln) who placed an ad for real estate services without listing his own name or the name of his affiliated broker.

**Stipulation:** Agreed to pay a \$500 fine within 60 days.

**Stephen Lincoln**  
License No. 21001—Broker-Salesperson

**Allegation:** Placed an ad for real estate services without listing his name or the name of his affiliated broker.

**Stipulation:** Agreed to pay a \$500 fine within 60 days.

**Diana Liu**  
License No. 49188—Salesperson

**Action:** Found guilty of several violations, including gross negligence, inflating the sales price of a property to include payments to other entities, and engaging in deceitful and dishonest dealings.

**Decision:** Ordered to pay a \$75,000 fine in quarterly payments of \$9,375; attend a 90-hour pre-licensing course within 6 months and a 30-hour post-licensing course within 1 year.

Continued on next page...

# Chapter 645...

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Seller” and validates that such negotiation, when done in compliance with the regulatory requirements, does not create an express or implied agency relationship between the licensee and the client of the authorizing broker.

Thirdly, the term “present all offers” as used in NRS 645.254 (and the Division’s Waiver Form) is interpreted to include, without limitation: accepting delivery of or conveying, answering a client’s questions regarding, and assisting a client in preparing, communicating or negotiating an offer or counteroffer.

The regulation has also added a new subsection to NAC 645.610 prohibiting a licensee who has an exclusive listing agreement from advertising any property that is subject to the agreement as “for sale by owner” or misleading a person into believing that the licensee does not represent the seller or lessor.

R165-07 began as a temporary regulation in 2007 when the Waiver Form and the Authorization to Negotiate Directly with Seller form were created and approved by

the Real Estate Commission. It did not require any amendments in its transition from temporary to permanent regulation.

The regulation establishes guidelines in how a licensee can deal with a seller whose property is listed with a minimum service brokerage to achieve a successful transaction for both parties without creating an unintended agency relationship with the client of another broker. It also encourages informed consumer choice and protects consumers from licensees engaging in misleading advertising or other conduct.

R165-07 is available on the Division’s website at [www.red.state.nv.us](http://www.red.state.nv.us) by clicking on “Regulation Changes” under “Legislative/Legal.”

## 3 Major Changes to NAC 645

- 1) *New provisions defining listing agreements*
- 2) *“Authorization to Negotiate Directly with Seller”*
- 3) *Interpretation of “Present all offers”*

## Disciplinary Actions

Continued from previous page...

### Elvie Quiray-Madriaga License No. 46109—Salesperson

**Action:** Failed to respond to numerous requests from the Division regarding a pending investigation.

**Decision:** Ordered to pay a \$5,000 fine, fees of \$1,012.50 and attend the “What Every Licensee Should Know” course, plus 9 hours of Law and Ethics, all within 6 months.

### Elvis Nargi License No. 78407—Salesperson

**Action:** License had previously been suspended for 15 years. He was found guilty of an additional 25 violations after failing to respond to hearing notices.

**Decision:** License suspended for an additional 10 years for a total suspension of 25 years. He was ordered to pay a \$250,000 fine and fees of \$1,834 within 6 months.

### Gregory Raymond Unlicensed

**Action:** Engaged in real estate and/or property management activities without a license or permit.

**Decision:** Ordered to pay a \$5,000 fine and fees of \$997.50 within 6 months.

### Veronica Plank License No. 36669—Broker

**Action:** Failed to properly supervise her licensee (see Correa) and failed to respond to and/or fully cooperate with the Division during the investigation.

**Decision:** Ordered to pay fines totaling \$10,500 and attend 18 hours of Law and/or Contract courses.

### Giovanni Santiago Unlicensed

**Action:** Engaged in real estate and/or property management activities without a license or permit.

**Decision:** Ordered to pay a \$5,000 fine and fees of \$1,125 within 6 months.

### Terry Rightmyer License No. 56134—Salesperson

**Allegation:** Violated duty to exercise reasonable skill and care when she failed to obtain an extension of escrow in writing upon the request of the party she was representing.

**Stipulation:** Agreed to pay a \$750 fine and attend 6 hours of Contracts courses within 6 months.

### Arnold Stalk License No. 47012—Salesperson

**Allegation:** Failed to provide transaction documents to his broker in a timely manner and misrepresented business address on written communications concerning transactions.

**Stipulation:** Agreed to pay a \$10,000 fine within 1 year and attend 24 hours of contracts & agency courses within 6 months.

### Robert Sweeney License No. 47562

**Allegation:** Received compensation for real estate activity from someone other than the broker with whom he is employed.

**Stipulation:** Agreed to pay a \$750 fine within 30 days.

## Real Estate Statistics as of DECEMBER 2008

	BROKER		BROKER-SALESPERSON		SALESPERSON		TOTALS	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	133	71	159	136	1590	678	1882	885
Carson City	52	39	48	27	159	69	259	135
Churchill	16	19	8	4	57	14	81	37
Clark	1748	643	2163	740	13383	3236	17294	4619
Douglas	88	29	77	34	332	105	497	168
Elko	32	8	19	11	66	21	117	40
Esmeralda	0	0	0	0	2	0	2	0
Eureka	1	1	0	0	0	0	1	1
Humboldt	4	4	5	4	18	3	27	11
Lander	2	1	0	0	6	0	8	1
Lincoln	1	0	1	0	2	2	4	2
Lyon	29	15	26	18	151	61	206	94
Mineral	1	0	1	0	4	1	6	1
Nye	49	15	31	19	162	68	242	102
Out Of State	221	43	175	79	385	225	781	347
Pershing	2	0	1	0	3	0	6	0
Storey	3	0	3	2	9	3	15	5
Washoe	425	277	410	206	2053	518	2888	1001
White Pine	2	0	1	2	8	6	11	8
<b>Total</b>	<b>2809</b>	<b>1165</b>	<b>3128</b>	<b>1282</b>	<b>18390</b>	<b>5010</b>	<b>24327</b>	<b>7457</b>

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State of Nevada

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