

**Real Estate Commission  
April 18-20, 2006  
Grant Sawyer Building  
Las Vegas, NV**

**MINUTES**

**04/18/06**

**8:30 A.M.**

President Rossum called the meeting to order at 8:35 a.m.

**(1 \*) Commission/Division Business**

INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

President Beth Rossum, Ben Green, Lee Gurr, Curry Jameson, Charlie Mack.

INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Gail Anderson, Administrator, Joanne Gierer, Linda Pierson, Nancy Smith, Denice Kelley, Bruce Alit, Linda Hunt, Teresa Rice, Christine Guerci, Sr. Deputy Attorney General, and Aikaterine Vervilos, Deputy Attorney General.

**(2\*) Regulation Adoption Hearing**

**Hearing to adopt proposed regulations known as LCB File No. R019-06.**

See attached summary for Adoption Hearing comments and votes.

**(3 \*) DISCIPLINARY ACTION:**

1. **NRED v. Fitzpatrick, William (11:45 a.m. – 12:25 p.m. – all 3 cases heard together)**  
**Case No. S05-02-13-313**  
**License No. B.0036459.INDV**
2. **NRED v. Fitzpatrick, William**  
**Case No. S05-10-41-141**  
**License No. B.0036459.INDV**
3. **NRED v. Fitzpatrick, William**  
**Case No. S06-01-45-300**  
**License No. B.0036459.INDV**

President Rossum recused herself from any involvement with this case. The hearing was conducted by Vice-President Green.

The court reporter was sworn in.

The Respondent was present and was represented by Brian Boschee, Esq.

Christine Guerci, Sr. Deputy Attorney General, was present on behalf of the Division.

**Preliminary matters:**

Ms. Guerci stated that the parties have reached a stipulation for settlement of disciplinary action Vice-President Green swore in the respondent.

The Respondent stated that he had read and signed settlement.

Ms Guerci read the settlement into the record. The settlement applies to all cases against the Respondent.

Respondent's attorney requested permission to read Respondent's answer into the record. Ms. Gierer distributed copies of the Respondent's answer. Vice-President Green stated that the answer will become part of the record and need not be read into the record.

Commissioner Mack stated that he was comfortable with the settlement with the exception of allowing the Respondent two years to complete the 45 hour online broker management class, and would like that reduced to one year.

Ms. Guerci explained the reason for the two year time frame, which corresponds to the length of time his license will be downgraded.

Commissioner Gurr moved to approve as the stipulation as submitted. Seconded by Commissioner Mack. Motion carried.

**(3-6) NRED v. Alarcon, Sergio (12:25-12:35)**  
**Case No. S04-09-17-073**  
**License No. S.0027497**

Respondent was present and was represented by Darrel Lincoln Clark, Esq.

Christine Guerci, Sr. Deputy Attorney General, was present on behalf of the Division.

**Preliminary matters:**

Ms. Guerci stated that the parties have reached a stipulation for settlement of disciplinary action.

President Rossum swore in the Respondent.

The Respondent stated that he has read, understood, and signed the stipulation.

Ms. Guerci read the stipulation for settlement into the record.

Commissioner Gurr questioned why the particular course was selected as part of the settlement. Ms. Guerci stated that it was because of the lack of signature on the disclosure form.

Commissioner Gurr moved to accept the stipulation for settlement. Seconded by Commissioner Green. Motion carried.

Recess for lunch at 12:35 p.m.

President Rossum called the meeting back into order at 2:00 p.m.

**(4\*) LICENSE DENIAL APPEAL:**

**(4-1) Lopez, Salvador (2:00 – 2:05)  
File No. N-LDA-06-014**

Mr. Lopez was present and was not represented by an attorney.

Susan Clark, Licensing Manager, presented the case for the Division.

Christine Guerci represented the Division as counsel.

Ms. Clark explained the reason for the license denial.

Mr. Lopez presented his case.

The Appellant was questioned by Commissioners Green and Jameson.

Commissioner Gurr moved to approve the appeal. Seconded by Commissioner Mack.

Commissioners Jameson and Mack spoke in favor of the motion.

Motion carried.

**(3\*) Disciplinary Action**

**(3-7) NRED v. Britton, Harry (2:05-2:15)  
Case No. S04-06-34-338  
License No. B.0013655.CORP**

Respondent was present and was represented by Christine Wildeveld, Esq.

Christine Guerci, Sr. Deputy Attorney General, was present on behalf of the Division.

**Preliminary matters:**

Ms. Guerci stated that a settlement had been reached and proceeded to read the Stipulation for Settlement into the record.

President Rossum swore in the Respondent.

Respondent stated that he had read, understood, and signed the settlement agreement.

The Respondent was questioned by Commissioner Gurr.

Commissioner Gurr moved to accept the stipulation. Seconded by Commissioner Green. Motion carried.

**(3-9) NRED v. Smith, Albert ( 2:18p.m.-2:35p.m.)**  
**Case No. S05-04-24-359**  
**License No. B.0000607.INDV**

The Respondent was present and was represented by Edward S. Coleman, Esq.

The Division was represented by Aikaterine Vervilos, Deputy Attorney General.

**Preliminary matters:**

Ms. Vervilos stated that the parties have reached a stipulation for settlement.

President Rossum swore in the respondent.

Ms. Vervilos read the stipulation for settlement.

Respondent stated that he had read, understood, and signed the settlement agreement.

Commissioner Jameson moved to accept the stipulation for settlement. Seconded by Commissioner Gurr. Motion carried.

**(4\*) License Denial Appeal**

**(4-2) Van Tran, Pete**  
**File No. S-LDA-06-016**  
**Tabled until his attorney could arrive.**

**(4-3) Caoile Jr., Herman V. (2:35 – 2:50)**  
**File No. S-LDA-06-023**

Susan Clark, Licensing Manager, represented the Division.

Appellant was present and was represented by John Aldrich, Esq.

Ms. Clark explained the reason for the license denial.

Appellant's counsel spoke briefly on Appellant's behalf. Copies of Appellant's answer were distributed to the Commissioners and the Division attorney and Licensing Manager. Appellant spoke on his own behalf. Mr. Aldrich spoke again on Appellant's behalf.

Appellant was questioned by Commissioners Green, Jameson, Rossum, and Gurr.

Commissioner Mack spoke in support of overturning the license denial.

The Appellant was questioned by Commissioners Green, Jameson, Rossum and Gurr.

Commissioner Mack moved to overturn the license denial. Seconded by Commissioner Jameson. Motion carried with Commissioner Green voting against.

**(4-2) Van Tran, Pete (2:50 – 3:10)**  
**File No. S-LDA-06-016**

Appellant was present and was represented by Joe Bunin, Esq.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Mr. Bunin provided documents which were distributed to the Commission.

Mr. Van Tran spoke on his own behalf, explaining the details of the charges and conviction. Mr. Bunin spoke on behalf of the Appellant.

Appellant was questioned by Commissioners Jameson, Green, and Mack.

Commissioner Green questioned Ms. Clark regarding an entry on the Appellant's application.

Commissioner Gurr moved to approve the appeal. Seconded by Commissioner Jameson.

Motion carried with Commissioners Green and Mack voting against.

**(4-4) Palazzolo, Joseph (3:10 – 3:25)**  
**File No. S-LDA-06-025**

Mr. Palazzolo was present and was represented by Joseph Benson, Esq.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Mr. Palazzolo spoke on his own behalf. Mr. Benson spoke on Mr. Palazzolo's behalf.

Appellant was questioned by Commissioners Jameson, Mack, and Gurr.

Commissioners Gurr and Mack suggested a stay of hearing until court documents could be obtained.

Motion by Commissioner Mack to continue the hearing, with the consent of the appellant, until the next hearing in the south. Seconded by Commissioner Gurr.

Commissioner Jameson spoke in reluctant support of the motion.

Commissioner Green spoke against the motion and in favor of granting the appeal.

Motion carried with Commissioners Jameson and Green voting against.

**(4-5) Alter, Annette D. (3:34-3:35)**  
**File No. S-LDA-06-029**

Appellant was not present and was not represented by counsel. Ms. Guerci moved for dismissal for failure to appear.

Commissioner Mack moved to dismiss. Seconded by Commissioner Jameson. Motion carried.

**(4-6) Allen-Olayo, Chantal (3:35 – 3:46)**  
**File No. S-LDA-06-030**

Ms. Allen-Olayo was present and was not represented by an attorney.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

The Appellant spoke on her own behalf.

The Appellant was questioned by Commissioners Gurr and Green. Commissioner Mack spoke in favor of granting the appeal.

Commissioner Mack moved to grant the appeal. Seconded by Commissioner Jameson. Motion carried.

**(4-7) Halsey, Kimberly (3:46 – 3:59)**  
**File No. S-LDA-06-031**

Appellant was present and was not represented by an attorney.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained why the license was denied.

Ms. Halsey spoke on her own behalf.

Appellant was questioned by Commissioners Jameson, Green, and Mack.

Commissioner Green moved to grant the appeal. Seconded by Commissioner Gurr. Motion granted with Commissioner Mack voting against.

**(4-8) Varela, Luz E. (3:59-4:07)**  
**File No. S-LDA-06-032**

Ms. Varela was present and was not represented by an attorney.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained why the license was denied.

Ms. Varela presented an exhibit for the commissioners to review then spoke on her own behalf.

Commissioner Gurr moved to grant appeal. Seconded by Commissioner Mack. Motion carried.

**(4-9) Jackson, Robert (4:08-4:21)**  
**File No. S-LDA-06-033**

Mr. Jackson was present and was not represented by counsel.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Mr. Jackson spoke on his own behalf.

Mr. Jackson was questioned by Commissioners Gurr, Jameson, and Green.

Commissioner Mack moved to grant the appeal. Seconded by Commissioner Green. Motion carried with Commissioners Gurr and Rossum voting against.

**(4-10) Millsop, Jeff (4:22-4:35)**  
**File No. S-LDA-06-034**

Mr. Millsop was present and was not represented by an attorney.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Mr. Millsop spoke on his own behalf and presented documents which were distributed to the Commissioners.

Mr. Millsop was questioned by Commissioners Jameson, Mack, and Green.

Commissioner Mack pointed out that a letter of reference included in the documents distributed was from a person whose name was misspelled in the document, which was not signed. Commissioner Mack further pointed out that Mr. Millsop cannot be considered for a license until probation has been completed for 3 years. Ms. Guerci questioned Mr. Millsop regarding his probation, and read from a court record indicating that probation has ended.

Commissioner Mack stated that he still needed to be convinced about the letter purported to be from Mr. Hamrick.

President Rossum offered the Appellant a chance to get another letter from Mr. Hamrick and return to the Commission tomorrow. Commissioner Mack moved to continue to Wednesday. Seconded by Commissioner Green. Motion carried.

**(4-11) Ballentine, Theresa (4:35 – 4:50)**  
**File No. S-LDA-06-036**

Ms. Ballentine was present and was not represented by counsel.

Ms. Guerci requested 5 minutes to review documents.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Ms. Ballentine spoke on her own behalf.

The Appellant was questioned by Commissioners Jameson, Rossum, and Gurr.

Commissioner Gurr moved to approve the appeal. Seconded by Commissioner Jameson. Commissioners Gurr, Jameson, and Green spoke in support of the motion. Motion carried.

**(4-12) Tril, George O. (4:50 – 5:05)**  
**File No. S-LDA-06-035**

Mr. Tril was present and was represented by Susan Bush, Esq.

Susan Clark, Licensing Manager, represented the Division.

Ms. Clark explained the reason for the license denial.

Mr. Tril spoke on his own behalf.

Mr. Tril was questioned by Commissioners Jameson and Gurr.

Commissioner Jameson moved to approve the appeal. Seconded by Commissioner Mack. Motion carried with Commissioners Gurr and Rossum voting against.

**Public Comment**

**Ellen Gomez** asked if there is any type of advocacy program for appellants to help them during the appeal process.

Recessed at 5:08 p.m.

**Wednesday, April 19, 2006**

**8:30 a.m.**

Vice-President Green opened the meeting at 8:30 a.m.

President Rossum was not present due to illness.

**Introduction of Commissioners in attendance.**

Ben Green, Curry Jameson, Charlie Mack, Lee Gurr, and Kateri Cavin, Sr. Deputy Attorney General, acting as Commission Counsel.

**Introduction of the Division staff in attendance.**

Theresa Rice, Joanne Gierer, Linda Pierson, Christine Guerci, Sr. Deputy Attorney General, Bruce Alitt, and Gail Anderson

**(5\*) Commission/Division Business**

**13. Discussion on the status of the Lied Institute's Nevada Law and Reference Guide.**

Melody Leutkahans gave a presentation, stating that two chapters are at the editor and graphics designer.

Commissioner Mack pointed out that the table of contents doesn't match the content.

Commissioner Gurr suggested that the disclosure table be provided to the Commissioners for input.

Commissioner Jameson commented on limited service.

**(3\*) Disciplinary Action**

**(3-4) NRED v. Unruh, Janice (8:40 a.m.-8:50 a.m.)**

**Case No. S06-02-14-314**

**License No. S.0041214**

**(3-5) NRED v. Unruh, Janice**

**Case No. S06-01-39-294**

**License No. S.0041214**

Both cases were heard together.

The respondent was present and was represented by Michael Stoberski, Esq.

Vice-President Green swore in the respondent.

The Division was represented by Christine Guerci, Sr. Deputy Attorney General.

**Preliminary matters:**

Ms. Guerci stated that the parties have entered into a Stipulation for Settlement of disciplinary matters. Ms. Guerci read the stipulation into the record.

The Respondent stated that she understood the settlement.

The Respondent was questioned by Commissioner Jameson.

The respondent stated that she had signed the settlement.

Commissioner Mack moved to accept the settlement agreement. Seconded by Commissioner Gurr. Motion carried by 3-1 vote, with Commissioner Jameson voting against.

**(5\*) Commission/Division Business**

**(5-1) Discussion and possible action to approve minutes for February 6- 8, 2006  
Commission meeting.**

Commissioner Jameson moved to approve. Seconded by Commissioner Gurr. Motion carried.

**(5-2) Discussion and possible action to approve minutes for February 28, 2006  
Commission meeting.**

Corrections noted: Correct spellings for Mr. Kidneigh, Cherie Williams, and Len Krick. Commissioner Jameson moved to approve the minutes as corrected. Commissioner Mack seconded.

**(5-7) Discussion regarding Administrator's Report on:**

**(a) Personnel update:**

**(b) Status of Authorized Fingerprinting Vendors; and**

**(c) Report on Mid-Year ARELLO Conference and District  
4 (Western District) meeting of April 6-8, 2006.**

At the July meeting, Ms. Anderson will bring the dates for ARELLO's San Antonio fall conference for commissioners to decide if they want to attend.

**(4\*) License Denial Appeal**

**(4-10) Millsop, Jeff (9:55a.m. - 10:00a.m.)  
File No. S-LDA-06-034**

(Continued from previous day.)

Mr. Millsop presented an exhibit to the commission.

Mr. Millsop was questioned by Commissioners Gurr, Jameson, and Mack.

Commissioner Mack asked Ms. Clark if an applicant who is denied by the Division, and denied on appeal by the Commission, can reapply. Christine Guerci explained the law in this regard.

Commissioner Mack moved to deny the appeal and uphold the Division's decision. Seconded by Commissioner Gurr. Motion carried.

**(4-5) Alter, Annette D. (10:05a.m. - 10:15a.m.)**  
**File No. S-LDA-06-029**

(Continued from previous day.)

Mr. Green asked for a motion to reconsider the appeal for Annette Alter. Commissioner Mack moved to reconsider the appeal. Seconded by Commissioner Jameson. Motion carried.

The Appellant was present and was not represented by counsel.

Susan Clark spoke on behalf of the Division and explained the reason for the license denial.

Ms. Alter presented her case.

The Appellant was questioned by Commissioners Jameson, Gurr, and Mack.

Commissioner Mack suggested that the Appellant be given time to obtain documents proving that her record was expunged.

Commissioner Jameson questioned the appellant regarding her California license.

Ms. Clark stated that prior to January 31, 2006, California did only local checks, which did not pull FBI records.

Commissioner Mack moved to postpone the appeal to a future hearing. Seconded by Commissioner Gurr. Motion passed 3-1 with Commissioner Green voting against.

**(5\*) Commission/Division Business**

**(5-3) Discussion regarding Attorney General Case Status Report.**

Kateri Cavin, Christine Guerci, and Gina Session presented the details of this report.

**(3\*) Disciplinary Action**

**(3-12) NRED v. Lucero, Stephanie (10:20: - 10:44)**  
**Case No. S05-01-14-244**  
**License No. S.0059898**

Respondent was not present and was not represented by counsel.  
Gina Session, Sr. Deputy Attorney General, was present for the Division.

Ms. Session explained the background of the case and the Motion to Default.

Commissioner Gurr requested that the complaint be read aloud for education purposes for licensees in attendance.

State's Exhibit 1 was presented and admitted at this time.

Ms. Session read the complaint.

**Preliminary matters:**

Ms. Session called Ms. Gierer as a witness. Vice-President Green swore in Ms. Gierer. Ms. Gierer testified as to the address of the Respondent and that the package was opened and returned. This packet was presented and admitted as State's Exhibit 2.

Ms. Session requested the Commission to accept a default judgment.

Commissioner James moved to accept the default judgment. Seconded by Commissioner Gurr. Motion carried.

Ms. Anderson recommended that Ms. Lucero's license be revoked, and that she be assessed fines in the amount of \$21,000, plus the cost of the hearing, \$986.50.

Commissioner Gurr moved that Respondent's license be revoked, that she be fined \$3,000 per violation for a total of \$21,000, and pay the cost of the hearing, \$986.50, if the fine or cost are not paid within 6 months of effective date of the order, the Division may institute debt collection proceeding, and that any reapplication of Respondent's license must come before the Commission for approval. Seconded by Commissioner Jameson. No discussion. Motion carried.

**(6\*) EDUCATION:**

**CONSENT AGENDA EDUCATION COURSES**

**NEW REAL ESTATE POST LICENSING EDUCATION COURSES**

1. Ticor Title of Nevada, Inc.  
"Module A"  
**Request:** 3 Hours

- Module:** (a) Real Estate Contracts, including the Writing and Presenting of a Purchase Agreement and Qualifying Prospects.
2. Ticor Title of Nevada, Inc.  
 “Module B”  
**Request:** 4 Hours  
**Module:** (b) The listing process, Marketing Analysis and Inspections
3. Ticor Title of Nevada, Inc.  
 “Module C & F”  
**Request:** 3 Hours  
**Module:** (c) Communication, Technology and Records Management, Including Time Management, Goals Setting and Devising a Plan of Action  
 (f) Including Regulation Z of the Truth in Lending Act of the Federal Trade Commission Issued by the Board of Governors of the Federal Reserve System, 12 C.F.R. Part 226, Fair Housing, the Multiple-Listing Service, Internet Websites and Electronic Mail
4. Ticor Title of Nevada, Inc.  
 “Module D”  
**Request:** 3 Hours  
**Module:** (d) Buyer Representation, Including the Buyer’s Brokerage Contract, Statutory Duties, Disclosures, Cooperation Between Agents and New-Home Tracts
5. Ticor Title of Nevada, Inc.  
 “Module E”  
**Request:** 3 Hours  
**Module:** (e) Professional Conduct, Etiquette and Ethics
6. Ticor Title of Nevada, Inc.  
 “Module G”  
**Request:** 3 Hours  
**Module:** (g) Proceeds of Sale, Costs of Sale and Cost Sheets
7. Ticor Title of Nevada, Inc.  
 “Module H”  
**Request:** 3 Hours  
**Module:** (h) Agency Relationships
8. Ticor Title of Nevada, Inc.  
 “Module I & L”  
**Request:** 3 Hours  
**Module:** (i) Land  
 (l) Escrow, Title and Closing Process
9. Ticor Title of Nevada, Inc.  
 “Module J”

- Request:** 4 Hours  
**Module:** (j) Regulatory Disclosures, Including Disclosures Required by Federal, State and Local Government
10. Ticor Title of Nevada, Inc.  
 “Module K & N”  
**Request:** 3 Hours  
**Module:** (k) Property Management and The Management of Common-Interest Communities  
 (n) Negotiation
11. Ticor Title of Nevada, Inc.  
 “Module M & O”  
**Request:** 3 Hours  
**Module:** (m) Financing  
 (o) Tax Opportunities and Liabilities Related to the Client
12. Pioneer School of Real Estate  
 “Post-Licensing Contracts & Negotiations”  
**Request:** 5 Hours  
**Module:** (a) Real Estate Contracts, including the Writing and Presenting of a Purchase Agreement and Qualifying Prospects.  
 (n) Negotiation
13. Pioneer School of Real Estate  
 “Post-Licensing Listing Process, Market Analysis & Inspections / Proceeds of Sale, Costs of Sale & Cost Sheets”  
**Request:** 5 Hours  
**Module:** (b) The listing process, Marketing Analysis and Inspections  
 (g) Proceeds of Sale, Costs of Sale and Cost Sheets
14. Pioneer School of Real Estate  
 “Post-Licensing Communications, Technology & Records Management / Advertising”  
**Request:** 3 Hours  
**Module:** (c) Communication, Technology and Records Management, Including Time Management, Goals Setting and Devising a Plan of Action  
 (f) Including Regulation Z of the Truth in Lending Act of the Federal Trade Commission Issued by the Board of Governors of the Federal Reserve System, 12 C.F.R. Part 226, Fair Housing, the Multiple-Listing Service, Internet Websites and Electronic Mail
15. Pioneer School of Real Estate  
 “Post-Licensing Buyer Representation / Escrow, Title & Closing Process”  
**Request:** 4 Hours  
**Module:** (c) Communication, Technology and Records Management, Including Time Management, Goals Setting and Devising a Plan of Action  
 (l) Escrow, Title and Closing Process

16. Pioneer School of Real Estate  
 “Post-Licensing Professional Conduct, Etiquette & Ethics / Agency Relationships”  
**Request:** 5 Hours  
**Module:** (e) Professional Conduct, Etiquette and Ethics  
 (h) Agency Relationships
  
17. Pioneer School of Real Estate  
 “Post-Licensing Regulatory Disclosures / Property Management & The Management of  
 Common Interest Communities”  
**Request:** 4 Hours  
**Module:** (j) Regulatory Disclosures, Including Disclosures Required by  
 Federal, State and Local Governments.  
 (k) Property Management and the management of common-interest  
 communities

Commissioner Jameson pulled courses 1, 2, 3, 4, 7, and 9. Commissioner Green pulled courses 14, 16, and 17.

Commissioner Mack moved to approve courses 5, 6, 8, 10, 11, 12, 13, and 15. Seconded by Commissioner Jameson. Motion carried.

Commissioner Jameson explained his concerns with courses 1, 2, 3, 4, 7, 9, which were based on the sponsor, Ticor Title, possibly working beyond their scope. Commissioner Gurr expressed concerns about the instructor for these courses. Lengthy discussion ensued.

Commissioner Gurr moved to withdraw approval of Ticor Title courses 5, 10, 11. Seconded by Commissioner Mack. Motion carried.

Commissioner Gurr moved that courses 1-11, excepting 6 and 8, be moved off the consent agenda and continued to a subsequent meeting with provider. Seconded by Commissioner Mack. Motion carried.

Commissioner Green asked for a motion to approve courses 14, 16, and 17 which he had previously requested to be pulled from the Consent Agenda. Commissioner Mack moved for approval of courses 14, 16, and 17. Seconded by Commissioner Jameson. Motion carried.

### **NEW REAL ESTATE PRE- LICENSING EDUCATION COURSES**

1. Academy for Real Estate Professionals  
 “Broker Management”  
**Request:** 45 Hours  
 Correspondence
  
2. Academy for Real Estate Professionals  
 “Real Estate Practices, Principles & the Law”  
**Request:** 90 Hours  
 Computer Based Training

3. Academy for Real Estate Professionals  
 “Nevada Real Estate Ethics & Law”  
**Request:** 45 Hours  
 Computer Based Training
4. Academy for Real Estate Professionals  
 “Nevada Real Estate Law”  
**Request:** 18 Hours  
 Computer Based Training

Commissioner Gurr moved to approve courses 1-4 per staff recommendation. Seconded by Commissioner Mack. Motion carried.

### **NEW REAL ESTATE CONTINUING EDUCATION COURSES**

#### **LAW AND LEGISLATION**

1. Greater Las Vegas Association of REALTORS®  
 “Nevada Legislative Update: Bills, Laws, Regulations, Forms”  
**Request:** 3 Hours Law and Legislation
2. OnlineEd.com  
 “Legislation and Regulation Update 2005”  
**Request:** 4 Hours Law and Legislation Internet
3. Ticor Title of Nevada, Inc.  
 “Legislative & Law Impact”  
**Request:** 3 Hours Law and Legislation
4. Realty Success Systems, LTD.  
 “Keeping Informed: NV Real Estate Law & Regulation Update”  
**Request:** 3 Hours Law and Legislation

#### **AGENCY**

5. Greater Las Vegas Association of REALTORS®  
 “Agency A-Z”  
**Request:** 3 Hours Agency

#### **BROKER MANAGEMENT**

6. JC Melvin Seminars, Inc.  
 “The Broker Class: (Stuff Brokers Gotta Know)”  
**Request:** 3 Hours Broker Management
7. UNLV Division of Educational Outreach  
 “Application of Digital Law & Technology to Brokerage Administration & Transactions”  
**Request:** 3 Hours Broker Management

## **ETHICS**

8. JC Melvin Seminars, Inc.  
“Ethics, It’s The Law”  
**Request:** 3 Hours Ethics
9. Bill Wilkis Seminars, Inc.  
“Negotiating with Principles: Not an Oxymoron”  
**Request:** 3 Hours Ethics

## **CONTRACTS**

10. JC Melvin Seminars, Inc.  
“Contracts and Responsibilities for the Licensee”  
**Request:** 3 Hours Contracts
11. Greater Las Vegas Association of REALTORS®  
“The World of Contracts”  
**Request:** 3 Hours Contracts
12. Greater Las Vegas Association of REALTORS®  
“Risk Management Update 2006”  
**Request:** 3 Hours Contracts
13. ERA Brokers Consolidated  
“Contracts Scare Me”  
**Request:** 3 Hours Contracts

## **GENERAL**

14. Lorman Business Center, Inc.  
“The Fundamentals of Construction Contracts: Understanding the Issues in Nevada”  
**Request:** 7 Hours General
15. Academy of Financial Investments, LLC  
“How to Sell Real Estate Using The Tax Laws”  
**Request:** 3 Hours General
16. Lied Institute for Real Estate Studies, UNLV  
“Time, Place and Manner: Standards for Sign Regulation and Federal Compensation Requirements”  
**Request:** 4 Hours General
17. Lied Institute for Real Estate Studies, UNLV  
“Protections and Compensation for the Value of Signage Under Federal Law”  
**Request:** 4 Hours General
18. Lied Institute for Real Estate Studies, UNLV  
“Designing Effective Signage and Protecting the Right to Use It”  
**Request:** 4 Hours General

19. Lied Institute for Real Estate Studies, UNLV  
“The Sign Valuation Process and Damage Calculations”  
**Request:** 4 Hours General
20. Equity Title  
“Understanding Residential Title Policies”  
**Request:** 3 Hours General
21. Financial Title Company  
“Title 101”  
**Request:** 3 Hours General
22. Financial Title Company  
“Escrow 101”  
**Request:** 3 Hours General
23. Financial Title Company  
“Foreclosures 101”  
**Request:** 3 Hours General
24. Financial Title Company  
“Settlement Costs”  
**Request:** 3 Hours General
25. Dax Tobin  
“The Mortgage Manual – A Guide to Loan Literacy”  
**Request:** 3 Hours General
26. Summit Accommodators  
“1031 Exchange Basics”  
**Request:** 3 Hours General
27. Summit Accommodators  
“1031 Exchange: Intermediate Combined Course”  
**Request:** 3 Hours General
28. Summit Accommodators  
“1031 Exchange Advanced Issues”  
**Request:** 3 Hours General
29. Lorman Business Center  
“Law of Easements: Legal Issues and Practical Consideration in Nevada”  
**Request:** 7 Hours General
30. Las Vegas High Rise Association  
“High Rise 101: Becoming an Expert”  
**Request:** 3 Hours General

31. MoldSniffers, Inc.  
 “Mold Inspections: What You Need to Know to Protect You and Your Client”  
**Request:** 3 Hours    General
  
32. U.S. Department of Housing & Urban Development  
 “FHA Update 2006”  
**Request:** 6 Hours    General
  
33. Remcor Real Estate Services  
 “The Marketing and Mechanics of Real Estate Exchange”  
**Request:** 4 Hours    General
  
34. Remcor Real Estate Services  
 “Profitable Formulas for the Real Estate Investor”  
**Request:** 4 Hours    General
  
35. Starker Services, Inc.  
 “Real Estate Exchange”  
**Request:** 3 Hours    General

**PERSONAL DEVELOPMENT**

36. Tigor Title of Nevada, Inc.  
 “Practicing Safe Real Estate”  
**Request:** 3 Hours    Personal Development

Commissioner Green pulled courses 14, 16, 17, 18, 19, and 31.

Commissioner Jameson pulled courses 1, 3, 20, 25, 30, 36.

Commissioner Gurr moved to approve 2, 4-13, 15, 21, 22, 23, 24, 26, 27, 28, 29, 32, 33, 34, and 35 per staff recommendation. Seconded by Commissioner Jameson. Motion carried.

Discussion on course 1

Commissioner Jameson expressed his concerns regarding the instructors. Ms. Smith and Deanne Rymarowicz, Legal Counsel for GLVAR, addressed some of the concerns of Commissioners. Discussion ensued.

Commissioner Jameson moved to approve course 1. Seconded by Commissioner Gurr. Motion carried.

Discussion on course 3

Commissioner Jameson moved to continue course 3 due to concerns about the instructor. Seconded by Commissioner Mack. Motion carried.

Discussion of course 14

Commissioner Gurr moved to approve course 14. Seconded by Commissioner Mack. Motion carried.

Discussion of courses 16-19

Commissioner Green explained his reasons for pulling course 16. Lengthy discussion ensued, centering on the relevancy of signage courses for a real estate licensee. Commissioner Mack moved to deny courses 16-19. Seconded by Commissioner Jameson. Motion carried.

Discussion of course 20

Commissioner Jameson explained his concerns with this course, which were based on the number of hours requested and whether the instructors were title officers or real estate agents. Discussion ensued. Commissioner Mack moved to approve course 20. Seconded by Commissioner Gurr. Motion carried.

Discussion of course 25

Commissioner Jameson explained his concerns with this course. Commissioner Gurr moved to approve course 25. Seconded by Commissioner Mack. Motion carried 3-1 with Commissioner Jameson voting against.

Discussion of course 30

Commissioner Jameson explained his concerns with this course. Commissioner Gurr requested providers use the term “real estate licensees” instead of “realtor.” Commissioner Mack moved to approve course 30. Seconded by Commissioner Jameson. Motion carried.

Discussion of course 31

Commissioner Green explained his concerns with this course. Discussion ensued. Commissioner Jameson moved to deny. Seconded by Commissioners Mack and Gurr. Motion carried. Commissioner Green asked Ms. Smith to convey to the provider the concerns of the Commission so that they might bring a revised course description in the future.

Discussion of course 36

Commissioner Jameson explained his concerns with this course, which centered on the instructor. Commissioner Jameson moved to continue this course so that the instructor could be noticed for a future meeting. Seconded by Commissioner Mack. Motion carried.

Commissioner Mack stated that if staff has concerns about a class on the Consent Agenda, perhaps it shouldn't be on the consent agenda.

**CHANGE OF COURSE HOURS**

1. Coldwell Banker Commercial ETN  
"Negotiations for Real Estate Professionals"  
**Request:** 3 Hours Personal Development

Commissioner Mack pulled this course from the Consent Agenda.

After discussion, Commissioner Mack moved to continue this course until the next meeting. Seconded by Commissioner Gurr. Motion carried.

### CHANGE OF COURSE OUTLINE

1. FOR 1031 LLC  
"Understanding Tenant-In-Common (TIC) Properties"  
**Request:** 3 Hours

### CHANGE OF COURSE DESIGNATION

1. Greater Las Vegas Association of REALTORS®  
"Avoid Fair Housing Roadkill 2005"  
**Request:** 3 Hours Ethics

### APPEALED REAL ESTATE CONTINUING EDUCATION COURSES

1. American Career Institute  
"Nevada Law Update 2005"  
**Request:** 3 Hours Law and Legislation Correspondence

Commissioner Jameson moved to approve the above three courses. Seconded by Commissioner Mack. Motion carried. Discussion ensued. Commissioner Gurr expressed concerns about the GLVAR "Fair Housing" course. Commissioner Jameson amended his motion to pull this course. Seconded by Commissioner Mack. Motion carried.

Discussion on course 1 under "Change Of Course Hours." Commissioner Mack moved to continue this course based on the instructors listed. Seconded by Commissioner Gurr. Motion carried.

Discussion on course 1 under "Change Of Course Designation."  
Commissioner Mack explained his concerns. Discussion ensued. Commissioner Jameson moved to approve this course. Seconded by Commissioner Gurr. Motion carried.

### DISCUSSION AGENDA EDUCATION COURSES

### NEW REAL ESTATE CONTINUING EDUCATION COURSES

#### LAW AND LEGISLATION

1. Community Association Solutions  
"The Specialty of Hi-Rise Condominium  
Community Management"  
**Request:** 16 Hours Law and Legislation

Commissioner Jameson moved to approve for eight hours Property Management. Seconded by Commissioner Mack. Motion Carried.

## AGENCY

2. Bill Wilkis Seminars  
“Nevada Duties: More Than a Form”  
**Request:** 4 Hours Agency

Ms. Smith explained that the staff recommendation is for retro approval to January 2006 as the course sponsor failed to reapply for approval on time and students had taken the class since then. Discussion ensued. Commissioner Jameson moved to approve. Seconded by Commissioner Gurr. Motion carried with Commissioner voting against.

3. RealNet Learning  
“Certified Buyer Representative”  
**Request:** 24 Hours Agency

Commissioner Mack moved to approve this course for 21 hours. Seconded by Commissioner Jameson. Commissioner Gurr suggested an amendment contingent upon submission of Nevada specific material. Commissioners Mack and Jameson agreed to the amendment. Vote on amendment: motion carried. Vote on main motion: motion carried.

**Break for lunch 11:50 a.m.**

Meeting called to order at 1:00 p.m.

### **(4\*) Disciplinary Action**

**(4\*-10) NRED v. Gumm, Gary V. (1:00 p.m. – 1:07 p.m.)**  
**Case No. S05-12-38-220**  
**License No. Unlicensed**

Mr. Gumm was present and was not represented by counsel.

Gina Session, Sr. Deputy Attorney General, was present for the Division.

### **Preliminary matters:**

Ms. Session stated that a settlement was reached.

Ms. Session read the settlement into the record.

Ms. Session amended paragraph 10 to read “235.”

Respondent stated he understood and had signed the settlement.

No questions from the Commissioners.

Commissioner Jameson moved to accept the Stipulation for Settlement. Seconded by Commissioner Gurr. Motion carried.

**(4\*-11) NRED v. Lippon, Richard L. (1:08 p.m. – 1:12 p.m.)**  
**Case No. N05-05-02-120**  
**License No. Unlicensed**

Mr. Lippon was present and was not represented by counsel.

Gina Session, Sr. Deputy Attorney General, was present on behalf of the Division.

**Preliminary matters:**

Ms. Session stated there was a Stipulation for Settlement and read the stipulation into the record.

Vice-President Green swore in the Respondent.

Mr. Lippon stated that he understood the stipulation.

No questions from the Commissioners.

Commissioner Mack moved to accept the Stipulation for Settlement. Seconded by Commissioner Jameson. Motion carried.

**(4\*-13) NRED v. Maheu, Michiline (1:18-2:20)**  
**Case No. S05-12-20-201**  
**License No. Unlicensed**

Respondent was not present nor represented by counsel.

Gina Session was present on behalf of the Division.

Jan Weintraub and Linda Pierson were sworn in as witnesses.

Ms. Pierson testified as to the delivery of the complaint.

Exhibit 1 was offered and admitted into evidence during the testimony of this witness.

Mr. Weintraub was called by Ms. Session.

Exhibits 2, 3, 4, 5, 6, and 7 were offered and accepted into evidence during the testimony of this witness.

The witness was questioned by Commissioners Mack, Jameson, Gurr, and Green.

Ms. Session asked a follow-up question of the witness.

Commissioners Mack and Green asked follow-up questions.

Ms. Session offered closing remarks and concluded her case.

Ms. Session asked the commission find the Factual Allegations to be true.

Hearing terminated at 1:55 p.m.

Discussion ensued among the commissioners.

Commissioner Gurr moved that Factual Allegations 1-8 have been proven. Seconded by Commissioner Jameson. Motion carried.

Commissioner Mack moved that the Violations of Law 1-11 be accepted as proven. Seconded by Commissioner Jameson. Motion carried.

Ms. Anderson stated that the Division's recommendation was to charge the Respondent \$5,000 per violation for a total of \$55,000, no assessment of hearing costs, and the fine to be paid within one year. Commissioner Jameson stated that two years would be more adequate than one year. Commissioner Gurr stated she would be in support of 12 months as the Division has been receptive to payment plans if requested in the past. Commissioner Mack stated he felt \$55,000 was too high. Commissioner Jameson spoke in favor of \$55,000. Commissioner Gurr moved that respondent be fined \$5,000 per claim for relief, for a total of \$55,000, to be paid in 12 months of the effective date of the order, if the fine is not paid within the stated time, the Division is authorized to institute debt collection proceedings. Seconded by Commissioner Jameson. Discussion ensued. Commissioner Jameson restated that 24 months is more realistic. Vote on motion tied with Commissioner Gurr and Jameson voting Aye, and Commissioners Mack and Green voting Nay.

Commissioner Jameson moved that Respondent be fined \$5,000 for a total of \$55,000, to be paid within 24 months, if the fine is not paid within 24 months the Division may institute debt collection proceedings. Seconded by Commissioner Gurr. Vote on second motion tied, with Commissioners Gurr and Jameson voting Aye, and Commissioners Mack and Green voting Nay.

Commissioner Green stated that he feels \$55,000 is too steep and that he would consider \$30,000 over 12 months. Commissioner Mack stated that he would also favor \$30,000 over 12 months. Commissioner Mack moved to fine Respondent \$30,000 lump sum, to be paid within 12 months, if the fine is not paid within 12 months the Division may institute debt collection proceedings. Seconded by Commissioner Gurr for discussion. Vote on third motion tied with Commissioners Mack and Green voting Aye, and Commissioners Gurr and Jameson voting Nay.

Vice-President Green polled the Commissioners:

Commissioner Gurr stated that \$30,000 is too little and proposed \$3,500 per violation for a total of \$38,500.

Commissioner Jameson asked for additional input from the Division. Ms. Anderson recommended that the Commission review NRS 645.235 regarding unlicensed activity authority given to the Commission.

Commissioner Mack stated that he prefers a lump sum and would be comfortable with \$40,000.

Commissioner Green stated he would support the Division's recommendation

Commissioner Gurr moved respondent be fined \$5,000 for total \$55,000 to be paid in 18 months from the effective date of the order, if not paid in the time prescribed the Division may institute debt collection proceedings. Seconded by Commissioner Jameson. Discussion ensued. Motion carried unanimously.

**(5\*) Commission/Division Business**

**(5-4) Discussion regarding Disciplinary report.**

Ms. Gierer gave a summary of this report. Discussion ensued. Commissioners asked to have the report show who has not paid. Commissioners agreed that they would like the interim report to show who is not complying with the order of the Commission. Commissioner Jameson stated that he liked the format of the report.

**(5-5) Discussion regarding Administrative Sanction report.**

Ms. Anderson presented a summary of this report. Ms. Gierer stated that the report is being sent to the ARELLO database.

**(5-6) Discussion regarding the Compliance Section's current caseload report.**

Ms. Anderson presented a summary of this report.

**(5-8) Discussion and possible action regarding the revised Seller's Real Property Disclosure Form.**

Commissioner Gurr discussed this issue, stating that some suggestions had been received, possibly from realtor organizations, to change or modify some things on the form. Commissioner Gurr further stated that some things on pages 3-4 need to be changed, and that the form needs to be reprinted and reissued with a new revision date. There was general agreement among the Commissioners on the need to reissue the form.

**(5-9) Discussion and possible action regarding proposed legislative changes for 2007 Session.**

- Ms. Anderson discussed changes the Division would like to see:
  - Remove "telegram" from the Timeshare law segment.
  - NRS 645.630(1) - increase maximum disciplinary fine to \$10,000; this would keep the Division concurrent with at least two other Department of Business and Industry agencies.
  - NRS 645-440(2) – regarding the appeal an individual may file for license denial; the Division is requesting changing the 90-day hearing requirement to be at the next scheduled meeting of the commission.
  - NRS 645.685 (3)(b) - regarding the revocation/suspension/denial of renewal of a license, a change in (b) regarding the running of the time period for instituting proceedings from three years to five years. The consensus among the Commissioners was that five years is fine.
  - Changes to 645C – regarding the fine amount.
  - Does not have language yet for:
    - permission for investigative information be shared with other law enforcement and other state regulatory agencies;

- requiring a licensee, permit holder, etc. to notify the Division of any criminal conviction within 10 days of the conviction and to make that same disclosure when renewing a license.

Commissioner Mack stated that the Commission had talked about removing “classroom” from SB 315, Section 3.2.a. Ms. Cavin stated the change would be in 645.863.2(a). Commissioner Mack further questioned if in section 4.a. midway down in the third line, should the term remain “license” or be changed to “permit.” Ms. Anderson stated that Section 575 was removed to regulation in this session, and that the reference shouldn’t exist in codified version, but is still in there. Ms. Anderson stated one of the things that needs clarification in the education section is whether the three hours for a property management permit is in addition to or inclusive with 24 hours; Ms. Anderson stated that it is inclusive, and technically the reference is to renewing a license rather than a permit.

**(5-12) Discussion and possible action regarding the booklet that provides relevant information concerning the disclosures that are required by federal, state and local laws and regulations by a buyer and a seller in a transaction involving the sale of residential pursuant to NRS 645.194.**

Ms. Anderson distributed booklets put together by Ms. Rice. Commissioner Green stated the Commissioners will review them and discuss tomorrow.

**(5-10) Discussion and possible action regarding report on the Continuing Education Audit program.**

Nancy Smith presented a summary of this report, stating that there were 985 classes, two unannounced audits, review of evaluations, 160 Letters of Direction to sponsors, and one Letter of Instruction.

Commissioner Green stated that he would like to see another report at the July meeting.

Ms. Smith stated that the evaluations are helping the instructor’s to improve.

Commissioner Mack suggested tracking positive remarks as well as negative. Ms. Smith stated that they do keep a summary sheet.

**(5-14) Discussion and possible action regarding the duties owed law and alternate business models and how it affects the requirements of NRS 645.252 and NRS 645.254.**

This issue was discussed by Ms. Anderson and Jack Woodcock, speaking on behalf of the Nevada Association of Realtors. Mr. Woodcock reviewed examples of remarks found in listings relating to “owner only” issues. Mr. Woodcock suggested the following possible solution for the Commission’s consideration: 1) adopt regulation that defines what “permission in writing” means, and how the permission is to be obtained, for purposes of communicating directly with another broker’s client; 2) revising the duties owed form to clarify what a licensee is required to provide in a transaction; 3) adopt a disclosure form to inform the consumers what services they will and will not receive in their broker relationship, while protecting the other broker from an unintended dual agency situation.

Teresa McKee, legal counsel for the Nevada Association of Realtors, spoke to the issues.

Commissioner Jameson asked if the Commission could get copies of the cases and laws to review. Mr. Woodcock stated that Ms. McKee would get the information.

Commissioner Gurr suggested publishing in Open House and/or online items regarding this issue, along with a statement indicating that an agent cannot modify the duties owed form.

Commissioner Gurr stated that she would like to see the NVAR take a stronger stand in letting members know that 1) they have an obligation to present offers, and 2) if they are representing a buyer in a transaction that the listing agent refuses to, they need to file a complaint.

Commissioner Green suggested a task force to address the issue. Commissioner Mack spoke to the suggestion, recommending that the Association form its own task force, perhaps with former commissioners, Division staff, and counsel, to bring a recommendation back to the Commission.

Commissioner Gurr suggested the task force should have a deadline, perhaps for a one day meeting, to get the job done.

Commissioner Green suggested the task force should consist of three attorneys and two industry practitioners, with no Commissioners, the meeting should be scheduled before the July Commission meeting, with a report to the Commission at that meeting.

Commissioner Mack recommended scheduling two meetings, with the second being one-half day.

Consensus among the Commissioners was that the task force is a good idea.

### **Public Comment**

None.

Meeting recessed at 4:45 p.m.

**Thursday, April 20, 2006**

**8:30 a.m.**

President Rossum called the meeting to order at 8:31 a.m.

### **Introduction of commissioners in attendance.**

President Beth Rossum, Charlie Mack, Curry Jameson, Ben Green, Lee Gurr, and Kateri Cavin, Sr. Deputy Attorney General, Commission Counsel.

### **Introduction of Division staff in attendance**

Nancy Smith, Teresa Rice, Denice Kelly, Joanne Gierer, Linda Pierson, Gail Anderson, Aikaterine Vervilos, Deputy Attorney General, Gina Session, Sr. Deputy Attorney General.

**(3\*) Disciplinary Action**

**NRED v. Mack, Bruce (8:32-8:45)**  
**Case No. S05-02-29-279**  
**License No. Unlicensed**

The Respondent was not present and not represented by counsel.  
Aikaterine Vervilos, Deputy Attorney General, was present for the Division.

**Preliminary matters**

Ms. Vervilos explained that she and the respondent's counsel had been discussing a settlement but one has not yet been reached. Ms. Vervilos requested a continuance in this matter.

Commissioner Mack asked if the unlicensed activity alleged in the complaint is still occurring. Ms. Vervilos stated that as far as her information goes, the allegations are not continuing.

Commissioner Green moved to continue the case to the September 18-2, 2006 meeting in Las Vegas. Seconded by Commissioner Jameson for discussion.

Mr. Green spoke to the motion.

Commissioner Mack stated that he was concerned about the allegations of unlicensed activity and that there was no respondent or attorney present.

Commissioner Jameson stated that he would like to see them at the next meeting in Reno.

Commissioner Gurr stated that it doesn't make a difference whether there is a hearing or not, the respondent will do unlicensed activity or not either way, and that she is in support of the motion to continue.

Ms. Vervilos stated that a Cease and Desist order will be issued.

Commission Gurr asked if the web site disappears with the Cease and Desist order. Ms. Guerci explained that the Cease & Desist order includes all business, and that the investigator will follow up on the web site.

Motion carried 3-2, with Commissioners Mack and Jameson voting against.

**(6\*) Education (continued)**

**Discussion Agenda**  
**ETHICS**

4. Americas Best  
"Community Ethics"  
**Request:** 3.5 Hours Ethics  
Computer Based Training

Commissioner Gurr moved to deny approval of this course. Seconded by Commissioner Mack. Motion carried.

**GENERAL**

5. Americas Best  
“Energy Resources”  
**Request:** 3 Hours General Computer Based Training

Commissioner Green moved to deny approval of this course. Seconded by Commissioner Jameson. Motion carried.

6. Americas Best  
“Water Resources”  
**Request:** 3 Hours General  
Computer Based Training

Commissioner Mack moved to deny per staff recommendation. Seconded by Commissioner Gurr. Motion carried.

7. Americas Best  
“Ethics of Sustainability”  
**Request:** 4 Hours General Computer Based Training

Commissioner Gurr moved to deny approval of this course. Seconded by Commissioner Green. Motions carried.

8. Americas Best  
“Human Land Use”  
**Request:** 4 Hours General Computer Based Training

Commissioner Green moved to approve this course per staff recommendation. Seconded by Commissioner Gurr for discussion. President Rossum and Commissioners Jameson and Mack spoke against the motion. Motion failed with all voting against.

Commissioner Gurr moved to deny approval for this course. Seconded by Commissioner Jameson. Motion carried.

9. Americas Best  
“Tax Strategies for the Independent Contractor”  
**Request:** 6 Hours General Computer Based Training

Commissioner Gurr moved to deny approval for this course. Seconded by Commissioner Jameson. President Rossum stated that she would like to see the course reworked. Motion carried.

10. Americas Best  
“Work Smarter, Not Harder”  
**Request:** 6 Hours General Computer Based Training

Commissioner Gurr moved to approve for 3 hours personal development. Seconded by Commissioner Mack. Motion carried with Commissioner Jameson voting against.

11. Barker and Barker  
“Modern Mortgage”  
**Request:** 6 Hours      General

Commissioner Jameson moved to deny approval for this course. Seconded by President Rossum. Discussion ensued. Motion defeated, with Commissioners Mack, Green and Rossum voting against. Commissioner Mack moved to approve this course for 3 hours General per staff recommendation. Seconded by Commissioner Green. Motion passes 3-2, with Commissioners Jameson and Rossum voting against.

12. Center for Creative Land Recycling  
“Creating Vibrant Communities: Redeveloping Nevada’s Brownfield’s”  
**Request:** 7 Hours      General

Commissioner Green moved to deny approval for this course. Seconded by Commissioner Mack. Discussion ensued. Motion failed with Commissioners Jameson, Mack, and Gurr voting against. Commissioner Mack moved to approve for 3 hours retroactively of General. Seconded by Commissioner Gurr. Motion passed with Commissioner Rossum voting against.

13. Asset Preservation, Inc.  
“Power of Exchange: Discover the Value of 1031 Tax Deferred Exchanges”  
**Request:** 3 Hours      General

Commissioner Mack moved to approve. Seconded by Commissioner Gurr. Motion carried.

14. Staged Homes.com  
“Accredited Staging Professional (ASP) Course”  
**Request:** 13 Hours      General

Commissioner Mack moved to approve for 3 hours personal development. Seconded by Commissioner Green. Motion carried with Commissioners Jameson and Gurr voting against.

15. Southern Nevada Home Builders Association  
“Essential Closing Strategies”  
**Request:** 8 Hours      General

State recommended 3 hours personal development. Beverly Williams, representing Southern Nevada Home Builders Association, was present to address Commissioner questions and concerns. Commissioner Mack moved to approve this course per staff recommendation. Seconded by Commissioner Gurr. Commissioner Green spoke in support of the motion. Motion carried.

16. Southern Nevada Home Builders Association  
“Increased Profits Through Effective Builder-Broker Cooperation”  
**Request:** 4 Hours      General

State recommended 3 hours Personal Development. Commissioner Mack moved to deny approval for this course. Seconded by Commissioner Green. Motion carried.

17. Southern Nevada Home Builders Association  
“Effective Marketing on a Shoestring Budget”  
**Request:** 8 Hours General

State recommended 3 hours General. Commissioner Mack moved to deny approval for this course. Seconded by Commissioner Jameson. Motion carried with Commissioner Green voting against.

18. CLE International  
“Eminent Domain National Conference”  
**Request:** 13 Hours Law and Legislation /  
Ethics

State recommended 4 hours General and to change the title to add “2006.” Commissioner Mack moved to approve this course for 3 hours General. Seconded by Commissioner Gurr.

19. Lorman Business Center  
“7 Major Concerns For High Rise Developments”  
**Request:** 7 Hours General

Commissioner Mack moved to deny approval for this course. Seconded by Commissioner Jameson. Motion carried.

20. Lorman Business Center  
“Land Development”  
**Request:** 7 Hours General

State recommended 3 hours General for one time conference. Commissioner Gurr moved to approve this course. Seconded by Commissioner Mack. Motion carried with Commissioners Jameson and Rossum voting against.

21. Lorman Business Center  
“Construction Defect Claims in Nevada”  
**Request:** 7 Hours General

State recommended 3 hours General. Commissioner Gurr moved to approve this course per staff recommendation. Seconded by Commissioner Mack. Motion carried.

22. Lorman Business Center  
“Construction Defect Claims: From the Condo Conversion to High-Rise Luxury Market”  
**Request:** 7 Hours General

State recommended denial of this course. Commissioner James moved to deny approval of this course. Seconded by Commissioner Gurr. Motion carried.

23. CAMEO, Inc.  
“Community Maintenance Inspections, Liability Inspections and Planning”  
**Request:** 6 Hours General

State recommended approval for 6 hours General Property Management. Commissioner Gurr moved to approve this course per staff recommendation. Seconded by Commissioner Mack. Motion carried with Commissioner Jameson voting against.

24. Real Estate Finance Educational Services, Inc.  
“Credit Reports, Fico Scoring and ID Theft”  
**Request:** 6 Hours General

State recommended denial of this course. Brad Jones, representing the sponsor, was present to address Commission questions and concerns. Commissioner Jameson moved to approve this course. Seconded by Commissioner Green. Commissioner Gurr spoke to the motion, stating that she would like to see the course broken down into two separate courses, but cannot support it as it stands. Commissioner Mack concurred. Ms. Smith recommended approving the first 160 minutes of the course. President Rossum stated that cutting the course in half would be a mistake. Discussion ensued. Commissioner Gurr moved to amend the motion to grant 6 hours general property management credit for this course. Seconded by Commissioner Mack. Motion carried. Vote on main motion: carried.

25. Society of Industrial and Office Realtors  
“2006 SIOR Spring Convention”  
**Request:** 9 Hours General

Staff recommended approving for 6 hours General. Commissioner Gurr moved to approve this course per staff recommendation. Seconded by Commissioner Jameson. Motion carried.

26. National Association of Industrial and Office Properties  
“Advanced Real Estate Finance”  
**Request:** 11 Hours General

27. National Association of Industrial and Office Properties  
“Fundamentals of Commercial Real Estate Development”  
**Request:** 14 Hours General

Ms. Smith stated that courses 26 and 27 are part of a two day convention to be held in Chicago. Commissioner Jameson moved to approve courses 26 and 27. Seconded by Commissioner Gurr. Motion carried.

28. Council of Residential Specialists an affiliate of NAR  
“Continuing Education Coordinator”  
**Request:** 16 Hours General

Staff recommended 3 hours Personal Development. Ms. Smith stated that the title should be “Effective Buyer Sales Strategies,” CRS 202. Commissioner Green moved to approve this course per staff recommendation. Seconded by Commissioner Jameson. Motion carried.

29. TRI Seminars, Inc.  
“Wealth Building Tax Secrets for Real Estate”  
**Request:** 7.5 Hours      General

Staff recommended approval for 5 hours of General. Commissioner Green moved to deny approval of this course. Seconded by Commissioner Gurr. Discussion ensued. Motion carried.

### **CHANGE OF COURSE HOURS**

1. Southern Nevada Home Builders Association  
"House Construction as a Selling Tool"  
**Request:** 16 Hours

Ms. Smith stated that this course is replacing a current 6 hour course, and that the Commission would be voting on changing the hours to 16 to match a Northern Nevada class. Commissioner Jameson moved to approve this course. Seconded by Commissioner Mack. Commissioner Gurr spoke against the motion. Motion failed with Commissioners Rossum, Mack, Green, and Gurr voting against. Commissioner Mack moved to deny approval of this course. Seconded by Commissioner Gurr. Motion carried 4-1 with Commissioner Jameson voting against. Ms. Smith will bring the Northern Nevada class to the next Commission meeting.

### **AUDIT REPORT**

- 1a. The Real Estate Academy  
“Dearborn Understanding 1031 Tax-Free Exchanges”  
**Request:** 6 Hours      General                      Correspondence
- 1b. Dearborn Financial Publishing, Inc.  
“Dearborn Understanding 1031 Tax-Free Exchanges”
- 1c. American Career Institute  
“Dearborn Understanding 1031 Tax-Free Exchanges”

Ms. Smith stated that course 1b is computer based and course 1c is via correspondence/paper. Ms. Smith explained the details of these three courses and distributed a handout from the provider. Commissioner Mack suggested that the audit form shouldn't have the number of credit hours so as not to prejudice the auditor. Commissioner Jameson moved to approve these courses for three hours General subject to further audit. Seconded by Commissioner Green. Motion carried.

2. Financial Solutions, Inc.  
“Investing in Real Estate with IRA Funds”  
**Approved:** 3 Hours      General                      Classroom / CE.3400000-RE

Lengthy discussion ensued. Commissioner Mack moved to approve this course. Seconded by Commissioner Gurr. Further discussion ensued. Motion failed with Commissioners Green, Gurr, Rossum, and Jameson voting against. Commissioner Jameson moved to deny approval for this course. Seconded by Commissioner Green. Motion carried with Commissioner Mack voting against.

**COURSE INSTRUCTOR  
APPLICATION APPEAL**

1. Carmine DiFulvio  
Old Republic Exchange

President Rossum recused herself from discussing and voting on this issue. Vice-President Green presided over this portion of the meeting.

Mr. DiFulvio explained why he should be approved as an instructor.

Mr. DiFulvio was questioned by Commissioners Jameson and Gurr.

Commissioner Gurr moved to approve the application for this instructor. Seconded by Commissioner Jameson. Mr. DiFulvio was questioned by Commissioner Mack. Motion carried.

**(5\*) Commission/ Division Business**

**(5-11) Discussion and possible action regarding distance education criteria.**

Ms. Anderson clarified that at the last meeting the Commission asked the Division by policy not to require and interpret NAC 645.443 to require delivery standard certification. Commissioner Green briefly discussed his thoughts on the issue.

**(5-12) Discussion and possible action regarding the booklet that provides relevant information concerning the disclosures that are required by federal, state and local laws and regulations by a buyer and a seller in a transaction involving the sale of residential pursuant to NRS 645.194.**

**Discussion continued on this issue from the previous day.**

Ms. Anderson, Ms. Rice, and Rocky Finseth, representing the Nevada Association of Realtors, spoke to this issue.

Ms. Anderson stated that the booklet is intended to assist consumers in understanding documents they are requested to sign.

Ms. Anderson stated that the issues of how to get the booklet into the hands of licensees and how it will be provided to consumers are decisions that must be made prior to implementation on July 1, 2006. Ms. Anderson stated further that the Commission must decide if they want more specific requirements by city, region, etc. or just generic information.

The Commission went through the booklet page by page to make any needed corrections and changes. Lengthy discussion ensued and corrections were made.

President Rossum called a lunch break at 12 p.m. for 45 minutes.

President Rossum called the meeting back to order at 12:55 p.m.

Discussion of item 5-12, resumed.

President Rossum asked how the Division will pay for the booklet. Ms. Anderson stated that the booklet will be on the website in PDF format and that the Division can't be in the business of printing books.

Commissioner Gurr stated that the next issue might need to be published in Spanish as well.

Commissioner Gurr asked if counsel for the Division could provide pleadings via e-mail rather than fax. Joanne stated that the Division will use a scanner on documents that cannot e-mailed.

Ms. Anderson stated that there needs to be a motion to approve the form as amended. Commissioner Mack moved to approve the form as amended. Seconded by Commissioner Jameson. Motion carried.

#### **(5-15) Commissioner Comments.**

Commissioner Jameson stated that on the agenda for the next meeting, he would like to discuss having the applicant's potential broker attend license denial appeals. Discussion ensued. Commissioner Mack also requested that this issue be added to the agenda.

Commissioner Gurr stated she would like to discuss on the next agenda the issue of unintended deactivation due to reasons beyond an applicant's control.

Commissioner Gurr asked if Mr. Finseth had information with regard to the make-up of the task force on minimum services. Mr. Finseth stated that he had heard from the Las Vegas parties, and was awaiting word from the Reno parties, but should have the information later today. Commissioner Gurr suggested that the attorneys be Christine Guerci, Teresa McKee, and Deanne Rymarowicz, and that the industry representative be Jack Woodcock, and another industry member should represent the northern part of the state. Commissioner Mack suggested that the remaining member should be someone from a limited services brokerage. Mr. Finseth stated that Ms. Rymarowicz has confirmed that she will serve, and Mr. Woodcock has declined.

#### **(7) Public Comment**

##### **Rocky Finseth-Carrera Nevada**

Mr. Finseth stated that he was appearing at the request of the Executive Vice-President of the Nevada Association of Realtors to request that the Commission delay implementation of Commissioner Jameson's amendment to LCB file R019-006 for a period of one year. Mr. Finseth discussed the issue of background checks of renewal licensees and stated that the Association does not yet have a formal position on the new policy.

**5\* Commission/Division Business**

**(5-16) DISCUSSION AND POSSIBLE ACTION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS.**

President Rossum stated that the next meeting will be in July in Reno, possibly at the RTC building. Commissioner Green offered to contact the RTC regarding availability.

The next meeting in the South will be September 18-21, with those dates being subject to adjustment depending on cases to be heard.

Ms. Gierer stated that she has received seven license denial appeals which require a special meeting before the July meeting in order to meet the 90-day hearing requirement. The Commissioners discussed having the appeal hearings via video conference. Ms. Guerci stated license denial appeals should be held in person rather than by video conference.

After discussion, June 26, 10:00 a.m. was agreed upon for the License Denial Appeal hearings. Ms. Anderson confirmed that all the Commission wants on the agenda is the License Denial Appeals unless there are only seven and there are other items of business to discuss.

**(8\*) Adjournment**

President Rossum adjourned the meeting at 3:20 p.m.