

Open House

A newsletter for Nevada Real Estate Licensees

Department of Business & Industry

March 2016

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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Administrator*

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Publications Writer*

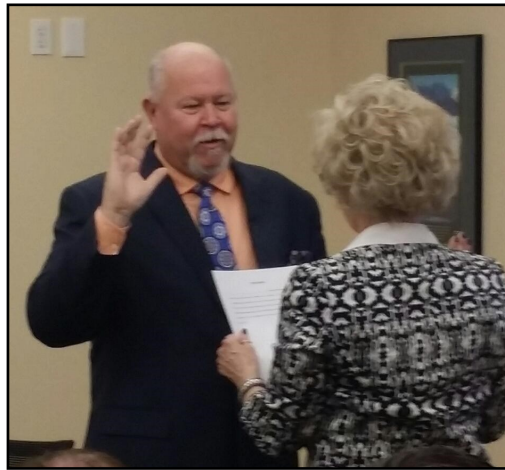
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Publications Writer*

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BARRETT JOINS COMMISSION



Lee Barrett is sworn in by President Norma Jean Opatik at the December 2015 commission meeting.

Lee K. Barrett was sworn in at the December 2015 meeting of the Real Estate Commission to begin his first 3-year term as one of three Commissioners from Clark County.

Barrett is a second generation real estate broker and president/owner of his family owned practice Barrett & Co., Inc. that was established more than 55 years ago. With over 38 years of real estate experience and as a practicing broker in the Las Vegas valley, he keeps his finger on the pulse of the market.

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FROM THE ADMINISTRATOR'S DESK

The Division's efforts over the past year to overhaul our internal processes, improve efficiencies, and create quicker and more positive outcomes for constituents have resulted in NRED being named the "**2015 Agency of the Year**" by the Department of Business & Industry.

This was accomplished consecutively with an almost doubling of our volume from 2014 numbers of licensees, developer permitting, and investigative case files. We have all worked hard here at NRED to make the most of the

resources available to us in order to make a difference for our Licensees, and we hope you have noticed. We are happy to report that you are utilizing our Customer Feedback forms and we can tell that the word is out. We are very happy to share the news of this award with our Licensees and the real estate marketplace. ◀



Joseph (JD) Decker
Administrator

Official publication of
STATE OF NEVADA
DEPARTMENT OF
BUSINESS
AND INDUSTRY

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**NEVADA REAL ESTATE
COMMISSION**

**NORMA JEAN
OPATIK**
President
Nye County

NEIL SCHWARTZ
Vice President
Clark County

SHERRIE CARTINELLA
Secretary
Washoe County

DEVIN REISS
Commissioner
Clark County

LEE BARRETT
Commissioner
Clark County

Nevada Real Estate Division

Department of Business & Industry

Agency of the the Year

2015

The Real Estate Division was proclaimed the 2015 Department of Business and Industry Agency of the Year by B&I Director Bruce Breslow.

2015 AGENCY OF THE YEAR

The Nevada Real Estate Division was proclaimed the Department of Business and Industry (B&I) “**2015 Agency of the Year**” by B&I Director Bruce Breslow in December.

“The Division has undertaken an extensive year-long, agency-wide effort to increase operational efficiencies and improve customer service,” the proclamation reads. “Process improvements have allowed the Division to address licensing and registration backlogs and streamline fee collection resulting in an increase in revenues for the State and reduce operating expense.”

Customer service levels being dramatically improved and a customer service improvement plan were noted, as well as the Division working during the 2015 Legislative session with industry associations and legislators to re-establish a preferred two year subsequent licensing renewal cycle for real estate licensees.

“Administrator Joe Decker and his

“Administrator Joe Decker and his team have elevated the agency’s operations to provide a higher level of service to the industry and their constituents.”

- Bruce Breslow,

*Director of the Department of
Business and Industry*

team have elevated the agency’s operations to provide a higher level of service to the industry and their constituents,” Breslow proclaimed.

The Department of Business and Industry encompasses 13 diverse state agencies which impact every employer and employee in the State of Nevada. B&I’s objective is to encourage and

(Continued on page 3)

... BARRETT JOINS COMMISSION

(Continued from page 1)

Barrett is also committed to giving back to his community whether through his real estate or charitable endeavors. His past community involvements have seen him as the 2004 president of the Greater Las Vegas Association of REALTORS, dean of the Nevada Association of REALTORS Leadership Program, president of the Nevada Easter Seals as well as president and co-founder of the Ronald McDonald House Charities of Greater Las Vegas.

As a long-time instructor with the Greater Las Vegas Association of REALTORS, Barrett teaches with humor and insight into today's complex real estate market. In a national instructor capacity with the Council of Residential Specialists (CRS), Council of Residential Brokers (CRB) and Real Estate Buyer's Agent Council (REBAC) he teaches all around the country.

Barrett has received GLVAR's Instructor of the Year award several times. He focuses on practical applications that teach the skills which students can put to use in their real estate practice, including behaviors and attitudes that promote client protection and ensure business success in today's market. He motivates and challenges his students to dream big and achieve their goals.

In the current undertaking, Barrett looks forward to participating in the work of the Commission and assisting his fellow commissioners in regulating the real estate industry in a fair and responsible manner.

He joins Commissioners Norma Jean Opatik from Nye County (President), Neil Schwartz from Clark (Vice-President), Sherrie Cartinella from Washoe (Secretary) and Devin Reiss also from Clark County. ◀

DID YOU KNOW ...?

Brokers who maintain client funds for their property management or other real estate activities are required, by statute, to annually submit a reconciliation of their trust accounting to NRED. The reconciliation must be filed on NRED's prescribed form (546) and in the prescribed format by the renewal anniversary date of the broker license – Corporate or Individual - under which client monies are managed. If trust accounts are maintained under both broker licenses then the relevant reconciliations must be filed by the renewal anniversary dates of both licenses.

.....

An unlicensed assistant who provides information about a listing to a consumer or who solicits a person as a prospective seller or buyer performs licensee activities without the required license in violation of the law. To find out what other activities an assistant may not perform without a license go to NRED's [Informational Bulletin # 010](#).

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Licensees who have established My Account do not have to wait until their license renewal to update their contact information. They can keep their primary and mailing addresses, email addresses and phone numbers current with NRED as the changes occur by logging into My Account and personally editing that information. ◀

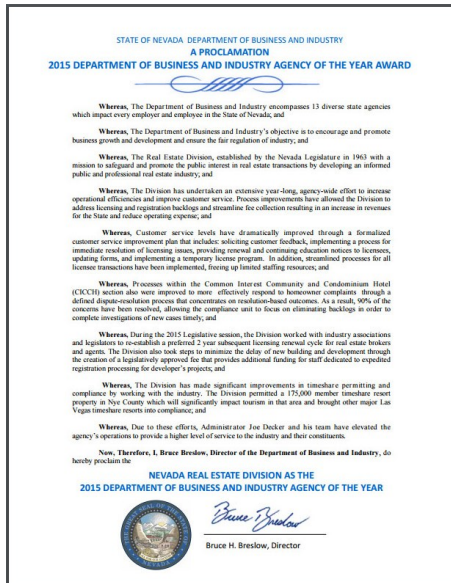
... 2015 AGENCY OF THE YEAR

(Continued from page 2)

promote business growth and development and ensure the fair regulation of industry.

The Real Estate Division was established by the Nevada Legislature in 1963. Its mission is to safeguard and promote the public interest in real estate transactions by developing an informed public and professional real estate industry.

To read the proclamation in full visit our website at <http://red.nv.gov>. ◀



The proclamation by B&I Director Bruce Breslow.

Disciplinary Actions / Stipulations

ACTIONS/DECISIONS

Real Estate Commission actions are not published in this newsletter until the 30-day period allowed for filing for Judicial Review has passed.

A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection proceedings to recover fines and costs. Names of persons whose license



applications have been denied are not published.

ALLEGATIONS/STIPULATIONS

Stipulations occur when both the Respondent and Division have agreed to conditions reviewed and accepted by both sides. A stipulation may or may not be an admission of guilt. Stipulations are presented to the Commission for review and acceptance.

NAME	EFFECTIVE DATE / HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
ALISON CARDWELL S.56822 (Revoked)	December 2015 Action	Engaged in the business of and acted in the capacity of a property manager without a permit issued by the Division. She also concealed her property management activities from her broker, failed to provide paperwork to her broker, failed within a reasonable time to remit rent money, conducted business in a name other than the name under which she is licensed to engage in business, and commingled or converted the money of others to her own use.	Salesperson license revoked. \$70,000 fine
JOHN M. BROWN JR. B.44011.LLC (Revoked) BUSB.404.BKR (Revoked) PM.163002 (Revoked)	November 2015 Action	Failed to do his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate by inadequately supervising a salesperson and depositing money belonging to others in a checking account that was not designated as a trust account.	Licenses and property manager permit revoked. May not apply for a license from the Division for a period of 10 years. Must appear before the Commission if he applies for a license in the future.
KAMYAR ZARGARI B.1000830 (Active) PM.163796 (Active)	February 2016 Stipulated Settlement	Respondent violated NRS 645.630(1)(f) pursuant to NRS 118A.242 by failing to account for and remit a security deposit within a reasonable time.	\$2,000 fine Ethics: 3 hours Property Management: 6 hours
BRIAN THOMAS WARREN S.78381 (Active) PM.164174 (Active)	February 2016 Stipulated Settlement	Accepted compensation from someone other than his broker and failed to provide transaction documents and paperwork to his broker.	\$3,000 fine WELSK: 3 hours Property Management: 3 hours Trust Account: 3 hours

Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
ROBERT LUJAN S.51018 (Active)	December 2015 Stipulated Settlement	Respondent allegedly negotiated a sale, exchange or lease of real estate directly with a client he knew had a brokerage agreement in force in connection with the property, granting an exclusive agency without permission in writing from the broker. Additionally, allegedly included a party to a brokerage agreement to break it in order to substitute a new agreement, in order to secure personal gain.	\$5,000 fine Agency: 3 hours Ethics: 3 hours
RONALD C. FILIPOVIC S.166878 (Revoked)	February 2016 Action	Violated NRS 645.633(1)(d)(1) by being convicted of two felonies relating to the practice of real estate. Violated NRS 645.633(1)(d)(2) by being convicted of two crimes involving fraud, deceit, misrepresentation or moral turpitude.	Salesperson license revoked. \$20,000 fine
SUSANNE BAEHR S.168549 (Revoked)	December 2015 Action	Forged continuing education certificates and a brokers signature on an application for reinstatement. Failed to supply a written response to the Division.	Salesperson license revoked. \$30,000 fine
PAULA D. SHORT B.48270.LLC (Revoked) PM.164035 (Revoked)	December 2015 Action	Converted funds from a rent trust account and a security deposit trust account for her own personal use, breaching her obligation of absolute fidelity to her principal's interest.	Brokers license and property manager permit revoked. \$30,000 fine
MARK R. BOWMAN BS.41558 (Active) PM.0163498 (Voluntarily Surrendered)	December 2015 Stipulated Settlement	Failed to maintain adequate supervision of a salesperson that did not deposit a number of payments into the management trust account. Also, violated NRS 645.633(1)(h) pursuant to NAC 645.605(1) by failing to do his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate.	Voluntarily surrendered property management permit. Agreed to not apply for a property management permit for a period of five years. Agreed to not act as an office manager for a principal or branch office for a period of five years.
STEVEN ABOULAFIA S.40153 (Active)	February 2016 Action	Violated NRS 645.995 by failing to notify the Division of a felony conviction and violated 645.633(1)(d)(1) and/or NRS 645.633(1)(d)(2) by being convicted of a felony relating to the practice of the licensee and/or a crime involving fraud, deceit, misrepresentation or moral turpitude.	\$20,000 fine WELSK: 3 hours Ethics: 3 hours Agency: 3 hours Contracts: 3 hours

**2,297
EXPIRED**

As of February 2016, the following number of real estate licenses in the Division system are expired:

- Broker: 278
- Broker-Salespersons: 463
- Salespersons: 1,556
- Total: 2,297

A real estate license must be renewed within one year of its expiration date or it will be permanently closed. To check the status of a license, go to [License Lookup](http://red.nv.gov) at <http://red.nv.gov>.

Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
KAREN GREATHOUSE B.1000788 (Active)	December 2015 Stipulated Settlement	Respondent failed to disclose her affiliation and relationship with the company she used for repairs to a property, and failed to keep or maintain a copy of all correspondences in regards to a management agreement.	\$20,000 fine WELSK: 3 hours Ethics: 3 hours Agency: 3 hours
DEBRA A. WARNER S.32135 (Active) PM.132135 (Active)	December 2015 Stipulated Settlement	Without authorization, opened three different charge accounts using the name and taxpayer ID number of a company she had under a management agreement contract. In addition, the charge accounts were used to purchase items for properties not owned by that company.	\$8,000 fine WELSK: 3 hours Ethics: 3 hours Property Management: 3 hours
JUDITH A. FENNER B.2168 (Voluntarily Surrendered) PM.162605 (Voluntarily Surrendered)	March 2014 Voluntary Surrender	Engaged in deceitful behavior, including signing the names of others on association checks, as found by the Commission of Common Interest Communities. Failed to submit a trust account reconciliation to the Division and failed to notify the Division of the names of the banks and/or credit unions where she maintains her trust accounts.	Voluntary revocation of broker license and property manager permit in lieu of other disciplinary action.
ELSIE P. BROWN S.69366 (Revoked)	November 2015 Action	Failed to do her utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate, converting money to her own use from a general account once and a security deposit account 14 times.	Salesperson license revoked. \$160,000 fine
ELANA K. N. WILLIAMS S.170937 (Revoked) PM.165228 (Revoked)	February 2016 Action	Failed to deposit client money into the trust account on 29 occasions. On two occasions comingled client money with her own or converted the money of others to her own use. Additionally, failed to do her utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate, and failed to supply a written response to the Division.	Salesperson license and property management permit revoked. \$340,000 fine

Disciplinary Actions / Stipulations (Continued)

NAME	EFFECTIVE DATE/ HEARING TYPE	VIOLATION OR STIPULATION	FINES / EDUCATION / OTHER ACTION
SONIA RODIS S.50542 (Revoked)	February 2016 Action	Respondent was convicted of a felony involving fraud, deceit, misrepresentation or moral turpitude. Additionally, violated NRS 645.633 (1) on 21 occasions by not properly applying federal and state statutes relating to the protection of consumers, and violated NRS 645.630(1) on three occasions by making false or fraudulent representation to the Division in order to obtain a license.	Salesperson license revoked. \$10,000 fine
WENDY RUDDER BS.39156 (Voluntarily Surrendered)	September 2015 Voluntary Surrender	Pleaded guilty to a crime involving fraud, deceit, misrepresentation or moral turpitude, and failed to report the plea to the Division within 10 days.	Voluntarily surrendered broker salesperson license. Agreed to not apply for any real estate license in Nevada for a period of seven years.
DAUNSHARI WONG-CULOTTA B.15620 (Voluntary Surrender) S.15620 (Voluntary Surrender)	February 2016 Stipulated Settlement	Allegedly purchased HOA lien foreclosure properties at auction for others on four occasions and conducted property management on one occasion without the appropriate licenses in violation of NRS 645.230 (1)(a) & (b) . Respondent does not admit the alleged facts and denies that her conduct violated law. (The previous reported decision in this case, which had an effective date of June 2015, was vacated and the charges were subsequently amended.)	\$16,000 fine
CARMEN THOMAS S.65745 (Revoked)	February 2016 Action	Arranged and charged for a home inspection by an unlicensed inspector; accepted and cashed money orders and comingled the money with her own that were to be used to open escrow; submitted false, forged or altered documentation to the Division; failed to place a deposit or other money entrusted to her in her broker's custody; and failed to provide paperwork to her broker.	Salesperson license revoked. \$60,000 fine
JASON SIMON S.45593 (Active)	December 2015 Stipulated Settlement	Allegedly negotiated a sale, exchange or lease of real estate with a client he knew had a brokerage agreement in force in connection with the property, granting an exclusive agency without permission in writing from the broker.	\$5,000 fine Agency: 3 hours Ethics: 3 hours



State of Nevada Real Estate Division

LAS VEGAS

Grant Sawyer Building
Room 1100
555 E Washington Ave.
Las Vegas, NV 89101

March 22
9 a.m. – Noon

April 26
9 a.m. – Noon

RENO

Reno/Sparks
Association of Realtors
5650 Riggins Court,
Ste. #200
Reno, NV 89502

April 13
1 p.m. – 4 p.m.

WHAT EVERY LICENSEE SHOULD KNOW 2016/2017

A CE PROGRAM OF THE REAL ESTATE EDUCATION AND RESEARCH FUND

NO COURSE FEE!

PRE-REGISTRATION REQUIRED!

OPEN TO

ALL REAL ESTATE LICENSEES

CE.4232000-RE : 3 Ethics Credits

Register at <http://red.nv.gov/welsk/>

Real Estate Statistics through January 2016

County	BROKER		BROKER SALESPERSON		SALESPERSON		TOTALS	
	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	40	4	34	6	98	24	172	10
Carson City	41	27	36	16	151	34	228	78
Churchill	10	10	5	3	44	13	59	25
Clark	1,800	433	2,210	517	12,036	2,470	16,046	3,495
Douglas	64	15	77	17	248	47	389	77
Elko	21	5	20	6	60	15	101	25
Esmeralda	0	0	0	0	1	0	1	0
Eureka	1	1	0	0	1	0	2	2
Humboldt	5	4	4	3	24	3	33	11
Lander	0	1	3	0	3	0	6	1
Lincoln	3	1	0	0	6	1	9	2
Lyon	27	15	19	9	107	20	153	47
Mineral	1	0	0	0	3	0	4	1
Nye	36	7	19	12	99	32	154	56
Out Of State	365	109	221	137	524	292	1,110	553
Pershing	1	1	1	0	1	1	3	3
Storey	1	0	2	0	4	2	7	1
Washoe	385	190	406	129	1,995	350	2,786	671
White Pine	3	0	3	1	6	2	12	4
Total	2,804	823	3,060	856	15,411	3,306	21,225	5,062