

KENNY C. GUINN
Governor

STATE OF NEVADA

GAIL J. ANDERSON
Administrator

SYDNEY H. WICKLIFFE, C.P.A.
Director



**DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
www.red.state.nv.us**

March 1, 2004

Lorne Malkiewich
Director of Legislative Council Bureau
Legislative Building
401 S. Carson Street
Carson City, Nevada 89701

Re: Quarterly Report of Disciplinary Action

Dear Mr. Malkiewich:

Enclosed you will find the quarterly reports of the disciplinary actions that were assessed by the Nevada Real Estate Commission, Nevada Commission of Appraisers of Real Estate and the Administrator of the Real Estate Division for the period covering October 1, 2003 through December 31, 2003.

Tami DeVries, Legal Administrative Officer for the Real Estate Division has compiled this report, and should you need additional information, you may contact her directly. Ms. DeVries can be contacted at (702) 486-4033 ext. 222 or by e-mail at tdevries@red.state.nv.us.

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gail J. Anderson".

Gail J. Anderson
Administrator

GJA/td

enclosures as indicated

Cc: Sydney Wickliffe, Director of Department of Business & Industry
Senator Maggie Carlton, Nevada State Senate

State of Nevada, Department of Business & Industry
REAL ESTATE DIVISION

Quarterly Summary of Disciplinary Actions

Report Date: FEBRUARY 24, 2004 Reporting for 4th Quarter of calendar year 2003

NAME	CASE NO.	License, Certificate, Permit or Registration #	Type of license, cert. Or registration	Entity Imposing discipline	Summary of Discipline Imposed:
Alazate, Ernest	S03-01-05-150	26211	real estate individual broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 fine for violation of NRS 645.633(1)(h) and NRS 645.252(2)
Ballard, Sondra	02.084.S, 02.013.S & 03.069.S	1942	certified residential appraiser	Nevada Commission of Appraisers	After a public hearing, Ms. Ballard's license was revoked and she was required to pay the cost of the proceeding in the amount of \$7,173.78. Violations: Twelve counts of NRS 645C.460(1)(a), including the acts found in NAC 645C.405(1)(2) and NAC 645C.410; NRS 645C.470(4) and NRS 645C.480(1)(c). USPAP violations: Conduct section of the Ethics Rule; Confidentiality Section of the Ethics Rule; Standards Rule 1-1(b) and (c); Standards Rule 1-5; Standards Rule 2 and/or Rule 2-1(a) and (b).
Barnhart, Jill	S04-07-10-010	41344	real estate corporate broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 fine and additional education for violation of NRS 645.660(3)
Batton, Lynne	N02-06-07-114	25970	real estate salesperson	Real Estate Commission	In a stipulated settlement, Ms. Batton agreed to pay a fine in the amount of \$2,500, complete 6 hours of additional education in the area of contracts and 6 hours in the area of law/ethics. Violations: NRS 645.633(1)(f) for writing an offer without a clear expiration date and three counts of NRS 645.633(1)(i) [NAC 645.605(1) and/or (6)] conduct which constitutes deceitful, fraudulent or dishonest dealing
Bell, Richard J.	N02-06-07-114	2888	real estate individual broker	Real Estate Commission	In a stipulated settlement, Mr. Bell agreed to downgrade his license from broker to broker-salesman for a period of one year, pay a fine in the amount of \$10,000 and complete a 45 hour broker-management course. Mr. Bell is required to complete the 45 hour broker-management course prior to reinstating his license to broker status or before supervising any other licensees, and he may not take the course by way of distance education. Violations: Three counts of NRS 645.633(1)(b) including the acts found at NAC 645.600(1) and/or (2) failure to supervise. One count of NRS 645.633(1)(i) including the acts found at NAC 645.605(1) and (6) Doing utmost to protect the public against fraud, misrepresentation or unethical practices and breach of obligation of absolute fidelity to his principal or his obligation to deal fairly with all parties
Bodenstein, J. Kirk	N03-08-05-019	809	real estate individual broker	Real Estate Commission	In a stipulated settlement, Mr. Bodenstein agreed to pay a fine in the amount of \$1,000 and complete 6 hours of broker education by live instruction, which education will not count toward 1 - renewal requirements. Violations: NRS 645.660(3) Failure to supervise
Britt, John	N04-11-04-050	70	real estate individual broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	
Broadhead, Randy	S04-09-13-069	17048	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 fine for violation of NRS 645.630(1)
Fleckenstein, John	S03-06-13-285	39739	real estate limited liability broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 fine for violation of NRS 645.633(1)(h)
Gargano, Frank	S04-08-04-032	25237	real estate broker-salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of additional education for violation of NAC 645.610
Johnson, Sharon	N03-06-02-117	52108	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 fine for violation of NRS 645.633(1)(h) and NRS 645.252(2)
Killebrew, Anthony	S04-09-26-082	30414	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 and additional education for violation of NRS 645.633(1)(h) and NRS 645.252
Kohlma, Billie	S03-05-19-258	30698 & 11491	dually licensed as an individual broker and a corporate broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 fine for violation of NRS 645.252(2)
Lauteren, Herb	S03-05-19-258	17641	real estate broker-salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 fine for violation of NRS 645.252(2)
Merriwether, Sherri	N03-08-05-019	31073	real estate salesperson	Real Estate Commission	In a stipulated settlement, Ms. Merriwether agreed to pay a fine in the amount of \$2,500 and complete 18 hours of Nevada Law courses by way of live instruction. Violations: NRS 645.633(1)(h) including the act found at NAC 645.605(6) by failing to notify seller of the offer on his property. NRS 645.633(1)(b) including the act found at NRS 645.252(1)(a) and/or (2) by failing to exercise reasonable care with respect to all parties to the real estate transaction

NAME	CASE NO.	License, Certificate, Permit or Registration #	Type of license, cert. Or registration	Entity imposing discipline	Summary of Discipline Imposed:
Persinger, Lawrence	04-003-S	3996	certified general appraiser	Nevada Commission of Appraisers	After a public hearing, Mr. Persinger's license was revoked and he was assessed the cost of the proceeding in the amount of \$898.31. Violations: NRS 645C.470(2) including the act found at NAC 645C.440; NRS 645C.470(2) including the act found at NAC 645C.400(2) and/or (4).
Rohlfis, Mark A.	N02-06-07-114	41532	real estate corporate broker	Real Estate Commission	In a stipulated settlement, Mr. Rohlfis agreed to pay a fine in the amount of \$1,000 and he agreed not to supervise any licensees for a one year period. Violations: Four counts of NRS 645.633(1)(b) including the act found at NAC 645.600(1) and/or (2) Failure to supervise.
Rothenberg, Edward	02-048-S	1641	certified general appraiser	Nevada Commission of Appraisers	After a public hearing, Mr. Rothenberg was fined \$2,000 and assessed the cost of the proceeding in the amount of \$1,300.88. Additionally he is required to appear before the Commission should he ever attempt to reinstate his license. Violations: NRS 645C.460(1)(a) including the act found at NAC 645C.405(1) and NRS 645C.460(1)(a), including the act found at NRS 645C.480(1)(a). USPAP violations: Ethics Rule.
Runion, Bret	S04-09-07-063	19112	real estate corporate broker	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 and additional education for violation of NRS 645.633(1).
Vogt, Esther	S03-10-21-093, S03-02-09-164 & N02-06-07-114	37204	real estate salesperson	Real Estate Commission	the cost of the proceeding in the amount of \$2,612.40. Violations: NRS 645.635(1) and/or NRS 645.633(1)(i) including the act found at NAC 645.605(1) and/or (2) by taking listing from a party that was not the actual owner. NRS 645.633(1)(f) by accepting an offer without a clear expiration.
Wernhoff, Heinz	S04-11-01-120	36523	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$1,000 for violation of NRS 645.630(1)(f) and NRS 645.633(1)(h).
Woolhouse, Adrian	S03-06-11-283	50332	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 fine for violation of NRS 645.633(1)(h).
Wright, Constance	S04-10-05-103	50434	real estate salesperson	Administrator on behalf of the Real Estate Commission pursuant to NAC 645.695	Stipulated settlement of \$500 for violation of NRS 645.252(2).