

**ADOPTED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R081-08**

Effective December 17, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-13, NRS 225.084.

A REGULATION relating to documents offered for filing in the Office of the Secretary of State; establishing procedures for the filing of complaints regarding documents offered in violation of the provisions of NRS 225.084; and providing other matters properly relating thereto.

**Section 1.** Chapter 225 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Aggrieved person” means a person who is named in or otherwise affected by a filing made in violation of the provisions of NRS 225.084.*

**Sec. 4.** *“Person” means a natural person, any form of business or social organization, a corporation, partnership, association, trust, unincorporated organization, government, governmental agency or political subdivision of a government.*

**Sec. 5.** *“Record” has the meaning ascribed to it in NRS 225.084.*

**Sec. 6.** *Actions subject to complaint and possible administrative action pursuant to sections 2 to 13, inclusive, of this regulation, include, without limitation:*

*1. The listing, without consent, of the name or signature of a person as officer, director, registered agent, incorporator or other formal affiliate of an entity on any record filed with the Secretary of State;*

*2. The listing, without consent, of the address of a person as the address of an officer, director, registered agent, incorporator or other formal affiliate of an entity on any record filed with the Secretary of State;*

*3. The filing of any record on an entity existing on file with the Secretary of State without the statutory authority as provided by title 7 of NRS;*

*4. The forgery or fraudulent alteration of records;*

*5. The filing of records in bad faith or for the purpose of harassing or defrauding a person; and*

*6. The filing of records that contain a false statement of material fact.*

**Sec. 7. 1.** *An aggrieved person may apply to the Secretary of State for relief by submitting a complaint to:*

*Secretary of State*

*Commercial Recordings Division*

*Attn: Fraudulent Filings*

*202 North Carson Street*

*Carson City, Nevada 89701*

*2. A complaint submitted pursuant to subsection 1 must be on a form prescribed by the Secretary of State and must contain, at a minimum, the following information:*

- (a) The name, street address, telephone number and, if applicable, the electronic mail address and any additional contact information of the aggrieved person.*
- (b) The name, street address, telephone number and, if applicable, the electronic mail address and any additional contact information of the person, if any, authorized by the aggrieved person to submit the complaint on behalf of the aggrieved person.*
- (c) The name, as reported on the record of the Secretary of State, of the entity referenced in the filing alleged to be in violation of NRS 225.084.*
- (d) The file number, if available, of the entity referenced in the filing alleged to be in violation of NRS 225.084.*
- (e) The date of filing and name of the record alleged to be in violation of NRS 225.084 and the reasons the record is alleged to be in violation of NRS 225.084.*
- (f) Information, if known, identifying all persons involved in the alleged violation of NRS 225.084, including, without limitation, names, street addresses, telephone numbers, and website and electronic mail addresses.*
- (g) Information identifying the nature of any business or personal relationship between the aggrieved person and all persons involved in the alleged violation of NRS 225.084.*
- (h) Information identifying other regulatory entities or agencies, and courts, arbitrators or other tribunals, with which the aggrieved person has filed other complaints or reports regarding the same filing, including, without limitation, the names and addresses of such other regulatory entities, agencies, courts, arbitrators and tribunals, the dates upon which those other complaints or reports were submitted, and the case numbers assigned to those complaints or reports, if any.*

*(i) Any additional information which the aggrieved person believes may assist in investigating the allegations in the complaint.*

*(j) Photocopies of any documents which the aggrieved person believes may be useful in investigating the allegations in the complaint.*

*(k) A statement indicating whether the aggrieved person is willing to testify regarding the complaint in a court of law or administrative proceeding.*

*(l) A declaration under penalty of perjury under the laws of the State of Nevada that the information provided in the complaint is true and correct to the best of the signatory's knowledge and a statement that the information in the complaint may be used by the Secretary of State and other entities to investigate the complaint. The declaration and statement must be followed by the printed name and signature of the aggrieved person and the date on which the complaint was signed.*

**Sec. 8. 1.** *Upon receipt of a complaint submitted pursuant to section 7 of this regulation, the Secretary of State will review the complaint and determine whether the complaint may be resolved through the administrative process and if the complaint should be referred to another regulatory or enforcement agency for further investigation.*

*2. The Secretary of State may apply the provisions of sections 9 to 12, inclusive, of this regulation when, as a result of an investigation of another matter, he is notified of a filing that may be in violation of NRS 225.084.*

**Sec. 9.** *The Secretary of State may refer the information obtained in a complaint or through the associated investigation to other entities for further investigation.*

**Sec. 10.** *If the information provided in a complaint is insufficient for further process or investigation, the Secretary of State will communicate in writing the deficiencies to the aggrieved person at the address provided on the complaint form.*

**Sec. 11.** *The Secretary of State may require of an aggrieved person or of parties who submitted a record alleged to be in violation of NRS 225.084 any additional information necessary to determine the validity of the allegations.*

**Sec. 12. 1.** *If the information provided in a complaint or received as a result of an investigation of another matter is sufficient for further process or investigation, the Secretary of State may demand information substantiating the accuracy of a filing alleged to be in violation of NRS 225.084. The demand must be made in writing to the entity referenced in the record, through the registered agent of the entity, and to the person who submitted the record alleged to be in violation of NRS 225.084.*

**2.** *A response to a demand for information by the Secretary of State must include, at a minimum, the following information:*

*(a) The name, street address, telephone number and, if applicable, the electronic mail address and any additional contact information of the person responding to the demand for information;*

*(b) The name of the entity from which the Secretary of State is demanding a response;*

*(c) Information, if known, identifying all persons involved in the alleged violation of NRS 225.084, including, without limitation, names, street addresses, telephone numbers, and website and electronic mail addresses;*

*(d) Information identifying the nature of any business or personal relationship between the aggrieved person and all persons involved in the alleged violation of NRS 225.084;*

*(e) Any additional information that the person responding to the demand believes may be useful in an investigation of the complaint or alleged violation of NRS 225.084; and*

*(f) A declaration under penalty of perjury under the laws of the State of Nevada that the information provided in the response is true and correct to the best of the signatory's knowledge and a statement that the information in the response may be used by the Secretary of State and other entities to investigate further the complaint or alleged violation of NRS 225.084. The declaration and statement must be followed by the printed name and signature of the person responding to the demand and the date on which the response was signed.*

*3. The person responding to the demand may include in his response photocopies of any documents which he believes may be useful in an investigation of the complaint or alleged violation of NRS 225.084.*

*4. If, within 30 days after mailing the demand pursuant to subsection 1, the Secretary of State receives information in response to his demand, he will evaluate the information received in response to the demand. If the Secretary of State deems the information received in response to his demand to be valid, he may consider the filing as valid. If the Secretary of State deems the information received in response to his demand to be invalid, he may consider the information in the complaint as valid and, through the filing of a filing officer statement, may correct the record and the information at issue in the database and on the website of the Secretary of State.*

*5. If, within 30 days after mailing the demand pursuant to subsection 1, the Secretary of State does not receive information in response to his demand, he may deem the information in the complaint to be valid and, through the filing of a filing officer statement, may correct the*

*record and the information at issue in the database and on the website of the Secretary of State.*

*6. The Secretary of State will communicate his finding:*

*(a) To the aggrieved person at the address provided on the complaint form; and*

*(b) To the entity referenced in the record at the address on file for the entity with the Secretary of State.*

**Sec. 13.** *1. A filing officer statement prepared by the Secretary of State pursuant to section 12 of this regulation must include, at a minimum:*

*(a) The name, as reported on the record of the Secretary of State, of the entity referenced in the record;*

*(b) The file number, if available, of the entity referenced in the record;*

*(c) A description of the finding and resulting administrative action;*

*(d) A description and the filing date of the record; and*

*(e) A statement that the filing officer statement has the effect of correcting the record.*

*2. A filing officer statement must be signed by:*

*(a) The Secretary of State;*

*(b) A deputy of the Secretary of State; or*

*(c) A member of the Secretary of State's staff who has been authorized by the Secretary of State to sign the filing officer statement.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R081-08**

The Secretary of State adopted regulations assigned LCB File No. R081-08 which pertain to chapter 225 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of forged and fraudulent documents as any persons who had specifically requested such notice. These documents were also made available on the Secretary of State's website at [www.nvsos.gov](http://www.nvsos.gov), mailed to all county libraries in Nevada and posted at the following locations:

The Capitol Building  
101 North Carson Street  
Carson City, Nevada 89701

The State Library  
1000 North Stewart Street  
Carson City, NV 89701

Secretary of State's Office  
1755 East Plumb Ln, Suite 231  
Reno, Nevada 89502

Nevada State Legislative Building  
401 South Carson Street  
Carson City, NV 89701

The Grant Sawyer Building  
555 East Washington Ave  
Las Vegas, Nevada 89101

Secretary of State Website  
[www.nvsos.gov](http://www.nvsos.gov)

A workshop was held on May 13, 2008, and the minutes of that meeting, attached hereto, contain a summary of the discussion held. On April 25, issued a Notice of Intent to Act upon a Regulation and the adoption hearing held on May 28, 2008 to act upon the regulations.

Due to significant change to the form of the adopted regulations, an additional public hearing was held on September 22, 2008. At that hearing no public testimony was offered as no one from the public attended.

A copy of the summary of the public response to the proposed regulation may be obtained from the Secretary of State's Commercial Recordings Division, 202 N. Carson Street, Carson City, Nevada 89701, 775-684-5708, or email to [scotta@sos.nv.gov](mailto:scotta@sos.nv.gov)

**2. The number of persons who:**

- (a) **Attended each hearing:** May 13, 2008: 7; May 28, 2008: 4; September 22, 2008: 0
- (b) **Testified at each hearing:** May 13, 2008: 1; May 28, 2008: 0; September 22, 2008: 0
- (c) **Submitted written comments:** 3



- 3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on September 22, 2008 and included changes suggested at the workshop on May 13, 2008.

- 5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**  
**(a) Both adverse and beneficial effects; and**  
**(b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects.

There is no expected adverse or beneficial effect on the businesses the adopted regulation is to regulate.

(b) Both immediate and long-term effects.

See Item #5(a)

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

There is no additional cost to agency for enforcement of this regulation.

- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Deputy Secretary of State for Commercial Recordings has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.