

**ADOPTED REGULATION OF THE
REAL ESTATE DIVISION OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R095-98

Effective August 10, 1998

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

AUTHORITY: NRS 38.360.

Section 1. NAC 38.350 is hereby amended to read as follows:

38.350 1. A person required to submit a civil action to mediation or arbitration pursuant to NRS 38.310 must serve a copy of the written claim and the statement explaining the procedures for mediation and arbitration on the opposing party within [15] *45* days after filing the claim with the real estate division of the department of business and industry.

2. Proof of service of the documents required pursuant to subsection 1 must be filed:

(a) With the division within [30] *10* days after [filing] *service of* the claim [~~with the division] and statement~~; and

(b) On a form provided by the division.

3. A copy of an agreement reached through mediation must be filed with the division within 30 days after the completion of mediation.

4. A copy of an award reached through binding or nonbinding arbitration must be filed with the division within 90 days after the completion of arbitration.

5. *If the person upon whom a copy of the written claim was served fails to file a written answer with the division within 30 days after the date of service as required by subsection 4 of NRS 38.320, that person shall be deemed to have waived his right to participate in the selection of a mediator or arbitrator, and the division will appoint an arbitrator from the list maintained by the division.*

6. *If a claim proceeds to arbitration pursuant to subsection 5, the arbitration is nonbinding.*

7. The division will issue a certificate certifying that [the parties have submitted] the claim *has been submitted* to arbitration or mediation as required by NRS 38.310 within 30 days after receiving a copy of:

(a) The agreement reached through mediation; [or]

(b) The award reached through binding or nonbinding arbitration [.]; or

(c) *Written verification from the arbitrator which confirms that the arbitrator served notice of the arbitration hearing on both parties and that the person upon whom a copy of the written claim was previously served failed to appear at the hearing.*