

LCB File No. R095-98

PROPOSED REGULATION OF THE REAL ESTATE DIVISION OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY

June 4, 1997

EXPLANATION—Matter in italics is new;
matter in brackets [] is material to be deleted.

AUTHORITY: NRS 38.360

NAC 38.350 is hereby amended to read as follows:

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 and statement* [with the division]; 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. *Of the person upon whom a copy of the written claim was served fails to file a written answer with the division as required by subsection 4 of NRS 38.320, then the non answering*

party shall be deemed to have waived his right to participate in the selection of a mediator or arbitrator and the division shall appoint an arbitrator from the division's list.

6. If a claim proceeds to arbitration pursuant to subsection 5 of this section, the arbitration shall be nonbinding.

7. The division will issue a certificate certifying that the [parties have] claim has been submitted [the claim] 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 appointing arbitrator, confirming that the arbitrator served notice of the arbitration hearing on both parties and the person upon whom a copy of the written claim was previously served, failed to appear at the hearing..