

**ADOPTED REGULATION OF THE  
REAL ESTATE COMMISSION**

**LCB File No. R050-04**

Effective August 25, 2004

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

AUTHORITY: §1, NRS 645.6052 and 645.830.

A REGULATION relating to real estate; establishing a fee to be charged and collected by the Real Estate Division of the Department of Business and Industry to pay the costs of investigations of the background of applicants, licensees, certificate holders, registrants and permit holders; and providing other matters properly relating thereto.

**Section 1.** Chapter 645 of NAC is hereby amended by adding thereto a new section to read as follows:

*The fee for the investigation of the background of an applicant, licensee, certificate holder, registrant or permit holder will not exceed the actual cost to conduct the investigation.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R050-04**

The DEPARTMENT OF BUSINESS & INDUSTRY, REAL ESTATE DIVISION, REAL ESTATE COMMISSION adopted regulations assigned LCB File No. R050-04, which pertain to Chapter 645 of the Nevada Administrative Code on April 20, 2004.

**Notice date:** 3/18/2004  
**Hearing date:** 4/20/2004

**Date of adoption by agency:** 4/20/2004  
**Filing date:** 8/25/2004

**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.**

Notice of the proposed regulations were posted on the Real Estate Division website, all of the county public libraries in the State of Nevada and in various other public locations where both the public and other interested persons would have access to that information. Additionally, a mass e-mail with the notice was sent to all of the pre-licensing education and continuing education providers that have provided their e-mail addresses to the Division. The Division conducted a public workshop on April 20, 2004, which was video-linked between our Carson City office and our Las Vegas office. Public comment was also solicited at the public hearing on April 20, 2004.

- 2. The number of persons who:**

Attended workshops:	40
Attended hearing:	42
Submitted written comments:	1

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

Affected businesses were able to comment in the public workshop and hearing or in writing, a summary of the oral comments are attached hereto. One written comment was received and is attached hereto.

- 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.**

There were no changes made to this regulation and there were no opposing comments made by the public at either the workshop or the hearing.

5. **The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**Business which it is to regulate:**

- (1) **Both adverse and beneficial effects: and**  
**Adverse effects:** A person seeking to obtain a license under this chapter will have some additional fees to pay for background investigation.  
**Beneficial effects:** None known at this time.
- (2) **Both immediate and long-term effects.**  
**Immediate effects:** The immediate effect will be that the applicants will have an additional fee to pay.  
**Long-term effects:** The long-term effect of the background investigation fee will mean that the Division will be able to process a background check on every applicant and therefore will not license individuals that do not qualify due to prior criminal records.

**Public:**

- (1) **Both adverse and beneficial effects: and**  
**Adverse effects:** There are no known adverse effects to the public by the adoption of this regulation.  
**Beneficial effects:** Due to the fact that persons with criminal records are less likely to become licensed, the public should be better protected by these regulations.
- (2) **Both immediate and long-term effects:**  
**Immediate effects:** There are no known immediate effects to the public.  
**Long-term effects:** There will be a lesser likelihood that an individual with a criminal history would be licensed and this should result in better protection for the public.

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

Cost of handbook production. Cost of educating the public and regulated licensees regarding the new regulation. Cost of regulation review.

7. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There is no other state, federal or other governmental agency's regulations, which the proposed regulations duplicate or overlap.

- 8. If the regulation includes provisions, which are more stringent than a federal regulation which 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.**

Section 1 proposes that the Division may charge the fee for the investigation of the background of an applicant or licensee in the amount of the actual cost. This fee will be collected from the applicant or licensee and will be payable directly to the agency conducting the investigation. Currently the Division receives a general fund appropriation to conduct random investigations on applicants or licensees. By allowing the Division the ability to collect a fee for this investigation from each applicant or licensee the Division will be able to conduct an investigation on every applicant or licensee and will not longer need the general fund appropriation.