

August 13, 2026

Sharath Chandra
Administrator, Nevada Real Estate Division
Department of Business and Industry
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

Re: NRS 233B.100 Petitions — Request for Correction and Clarification of the Division's March 18, 2026 Response

Dear Administrator Chandra:

I write regarding the Division's March 18, 2026 response to my March 13 letter alleging violations of NRS 233B.100 in the processing of twelve rulemaking petitions submitted between July 28 and September 29, 2025.

The Division stated that my assertion that the petitions had not been timely processed was "false" and that the record demonstrated the Division had "acted lawfully." After reviewing the agendas, supporting materials, and the Division's own description of the process, I believe that conclusion rests on a materially misleading characterization of what actually occurred.

The issue is straightforward. The twelve petitions were included in supporting materials for the December 9, 2025 regulation workshop. **They were not identified on the Commission agenda as NRS 233B.100 petitions for review, consideration, or determination.** Those are not equivalent events. Inclusion in a packet is Not Commission Consideration

In its March 18 response, the Division stated: "In typical course, the Division did not deny the submissions and advanced the 12 to the first scheduled Regulation Workshop for Proposed Changes to NAC 116 and NAC 116A on December 9, 2025."

The Division then asserted: "The workshop is the first step of the rulemaking process, and therefore the December 9, 2025 workshop initiated the process for proposed changes to NAC 116 and 116A."

That description obscures the central procedural issue raised in my March 13 letter. My objection was not that the documents were absent from the workshop materials. My objection was that the **petitions themselves were never placed on the Commission agenda for consideration.**

The Division's response does not dispute that fact. Instead, it substitutes the fact that the petitions were physically included among workshop materials for the very different proposition that they were "advanced" to the Commission for review and determination. If the petitions were not identified on the agenda, Commission members were not placed on notice that they were being asked to consider twelve pending statutory petitions. Nor was the public given notice that those petitions were before the Commission for action or determination.

Nevada's Open Meeting Law requires public-body agendas to contain a clear and complete statement of the topics scheduled to be considered. Simply placing twelve petitions in a supporting-material packet for a broadly noticed regulation workshop does not, by itself, demonstrate that the Commission was asked to review or determine those petitions. The Division's Own Response Confirms No Commission Action Occurred

The March 18 response further states: "The Commission did not take any action on your submissions at the December 9, 2025 Regulation Workshop."

That statement is important. The Division simultaneously maintains that the petitions were properly "advanced" to the Commission while acknowledging that the Commission took no action on them. This raises the obvious question: **What, exactly, did "advanced" mean?**

If the petitions were neither identified on the agenda nor acted upon by the Commission, their inclusion in supporting materials cannot fairly be characterized as Commission consideration or determination of the petitions. At most, the documents became part of the background administrative record for a broader rulemaking workshop. That is not the same thing as processing twelve statutory petitions under NRS 233B.100. Explaining the Petition Process Is Not Processing the Petitions

The March 18 response also states that, during the December workshop, the Division explained its process for NRS 233B petitions and indicated that such requests are provided to the Commission for review and determination. That statement actually sharpens the problem. Explaining how NRS 233B.100 petitions are supposed to be processed does not establish that these twelve petitions were actually processed in that manner. If the Division's procedure is that petitions are provided to the Commission "for review and determination," please identify where that occurred.

Specifically, please identify:

1. The agenda item under which the twelve petitions were presented to the Commission for review and determination;
2. Where the agenda informed the public that twelve pending NRS 233B.100 petitions would be considered;
3. The portion of the meeting record showing that the Commission considered any of the twelve petitions as petitions;
4. Any motion, deliberation, direction, determination, or other Commission action concerning any individual petition;
5. The statutory or regulatory authority for the Division's apparent position that inclusion of a petition in general workshop supporting materials constitutes formal presentation of that petition to the Commission; and
6. The present status and disposition of each of the twelve petitions.

The 30-Day Requirement Remains Unanswered

NRS 233B.100 requires the agency, within 30 days after submission of a petition, either to deny the petition in writing with reasons or to initiate regulation-making proceedings. The Division did not deny these petitions within 30 days. The Division now contends that the December 9 workshop—held months after many of the petitions were filed—constituted initiation of the required regulation-making proceedings. That position itself warrants clarification. Please identify the date on which the Division contends regulation-making proceedings were initiated for each petition and explain how a workshop held substantially more than 30 days after submission satisfies the statute's 30-day requirement.

The statute does not say that an agency may leave a petition unresolved until its next preferred biennial regulatory cycle. It requires action within 30 days. The fact that NRED generally coordinates rulemaking with legislative cycles may explain the Division's administrative preference. It does not answer whether that practice satisfies a statutory deadline.

The March 18 response characterized my allegation of noncompliance as “false” and “not supported by the facts.” **I respectfully disagree.** The public record appears to establish the following:

- the petitions were submitted under NRS 233B.100;
- they were not denied in writing within 30 days;
- they were later included in workshop supporting materials;
- they were not separately identified on the Commission agenda as petitions for review or determination; and
- the Division acknowledges that the Commission took no action on them.

If the Division believes that record nevertheless constitutes full compliance with NRS 233B.100, it should identify the legal basis for that conclusion rather than rely on the characterization that the petitions were “advanced.” The issue is not whether NRED eventually placed copies of the petitions in a workshop packet. The issue is whether the Division complied with the statutory process for petitions submitted under NRS 233B.100. Those are different questions, and the March 18 response did not resolve that distinction.

Need for a Definitive Response

I am attempting to resolve this matter directly with the Division before pursuing review outside the agency. The question presented is narrow and should be capable of a direct answer: where were the twelve NRS 233B.100 petitions actually placed before the Commission for the “review and determination” that the Division says its process requires?

If the Division can identify the agenda authority and public record demonstrating that consideration, please do so. If it cannot, then please acknowledge that the petitions have not yet been presented to the Commission for that purpose and advise when they will be properly placed before the Commission. If the Division instead continues to maintain that inclusion of the petitions in supporting materials for a general regulation workshop constituted compliance with NRS 233B.100, please provide the legal authority supporting that position.

I would prefer to resolve this administratively. However, if the Division is unwilling to provide a substantive response addressing these questions, I will need to evaluate further remedies available to obtain a determination of the Division’s statutory obligations, including appropriate judicial relief to compel performance of any nondiscretionary duty imposed by NRS 233B.100.

My objective is not to obtain a particular substantive outcome on the petitions. It is to obtain the process and disposition Nevada law requires. I therefore request a substantive written response within 15 business days.

Respectfully,

Michael Kosor

cc. Kristopher Sanchez, Director, Department of Business & Industry

cc: Office of the Nevada Attorney General — Open Meeting Law / Government Affairs