

STATE OF NEVADA



BRIAN
SANDOVAL
Governor

DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

BRUCE BRESLOW
Director

GEORGE E. BURNS
Commissioner

DATE: December 2, 2015
TO: Whom It May Concern:
FROM: Leonard J. Esterly Jr.
Deputy Commissioner

SUBJECT: Notice of Workshop to Solicit Comments on Proposed Regulations
Pertaining to Assembly Bill 325 (AB-325) – Business of Private Professional Guardians

The regulation included in this memorandum is being proposed for permanent adoption. In order to review the proposed regulation and solicit comments from interested persons, a workshop will be held at 10:00 a.m. on December 18, 2015, at the Grant Sawyer Office Building in Hearing Room 2450, 555 Washington Avenue, Las Vegas, Nevada and by video conference at the Gaming Control Board Offices in Suite 100, 1919 College Parkway, Carson City, Nevada.

NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS PERTAINING TO
ASSEMBLY BILL 325 (AB-325)
THE BUSINESS OF PRIVATE PROFESSIONAL GUARDIANS

The State of Nevada, Financial Institutions Division ("Division"), 2785 E. Desert Inn Road, Suite 180, Las Vegas, Nevada 89121, (702) 486-4120 is proposing the adoption of regulations to Chapter XXX of the Nevada Administrative Code (NAC). The proposed regulations are required as a result of the passage of Assembly Bill 325 (AB-325) during the 78th Session of the Nevada Legislature adjourned sine die on June 1, 2015. This workshop will be conducted subject to the Open Meeting Law (NRS 241.020) and the purpose is to solicit comments from interested persons on the proposed regulations to be held at the following locations through simultaneous videoconference:

Date: Friday, December 18, 2015

Time: 10:00 am.

In Las Vegas: Grant Sawyer Building
555 E. Washington Avenue
Hearing Room 2450
Las Vegas, NV 89101

In Carson City: Gaming Control Board Offices
1919 College Parkway
Suite 100
Carson City, NV 89701

ACCOMMODATIONS FOR PHYSICALLY HANDICAPPED: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Members of the public who are disabled and require special accommodations or assistance at the workshop must notify Leonard Esterly, Deputy Commissioner, at the Division in writing at 2785 E. Desert Inn Road, Suite 180, Las Vegas, Nevada 89121, no later than 5 working days prior to the workshop. Any questions should be directed to Leonard Esterly, Deputy Commissioner, at (702) 486-4120.

AGENDA: Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Financial Institutions Division Commissioner. Items may also be combined for consideration or pulled or removed from the agenda at any time. Persons who may be subject to the provisions of the new law regarding Private Professional Guardians should attend. Public Comment may be limited to five minutes per person at

the discretion of the Commissioner. The Commissioner may only take action on those items denoted as potential action items.

1. PUBLIC COMMENTS: Members of the public are encouraged to address the commissioner regarding any matter. Persons who desire to submit written testimony should submit ten (10) copies to the Deputy Commissioner. Public comment may be limited to five minutes at the workshop per person at the discretion of the Commissioner.

2. PROPOSED REGULATIONS :
 - A. POSSIBLE ACTION regarding whether to add regulatory language on the Division's interpretation of the term "**Private Professional Guardian Company**" in AB-325, Section 10.
 - (i) Attached Proposed Regulation – Section 10 contains proposed regulatory language to definitely define the term "Private Professional Guardian Company" for the purpose of licensure. Submitted by the Division for comment and consideration.

 - B. POSSIBLE ACTION regarding whether to add regulatory language addressing the "**Translation of documents written in a language other than English**" in AB-325, Section 14.
 - (i) Attached Proposed Regulation – Section 14 contains proposed regulatory language regarding "forms or standard documents written in a language other than English shall have the document translated into English and maintain together a copy of the document and its English translation". Submitted by the Division for comment and consideration.

 - C. POSSIBLE ACTION regarding whether to add regulatory language regarding a party or person's "**Failure to appear at a hearing for unlicensed activity**" in AB-325, Section 17.
 - (i) Attached Proposed Regulation – Section 17 contains proposed regulatory language regarding "failure to appear at a hearing for unlicensed activity" scheduled by the Commissioner or the Commissioner's designee. Submitted by the Division for comment and consideration.

 - D. POSSIBLE ACTION regarding whether to add regulatory language regarding "**Proof of certain qualifications of applicant required**" in AB-325, Section 18.

- (i) Attached Proposed Regulation – Section 18 contains proposed regulatory language regarding “natural persons and entity required registration documentation” and definitions of “certified guardian, entity, and individual”. Submitted by the Division for comment and consideration.

- E. POSSIBLE ACTION regarding whether to add regulatory language to definitely define the actual “**Fees and Assessments**” in AB-325, Section 18.
 - (i) Attached Proposed Regulation – Section 18 contains proposed regulatory language defining the actual “application fees for licensure, original license fee, license renewal fee, license reinstatement fees, authorized hourly fees, and late fees”. Submitted by the Division for comment and consideration.

- F. POSSIBLE ACTION regarding whether to add regulatory language to define the requirement for “**Duty to report changes in information**” in AB-325, Section 18.
 - (i) Attached Proposed Regulation – Section 18 contains proposed regulatory language defining the requirement “to notify the Commissioner within 10 days after a change in the information”. Submitted by the Division for comment and consideration.

- G. POSSIBLE ACTION regarding whether to add regulatory language to explain the process on how a guardian can “**Change of location of business**” as stated in the license and the process for approval by the Commissioner”. AB-325, Section 18.
 - (i) Attached Proposed Regulation – Section 18 contains proposed regulatory language defining the requirement “to submit to the Commissioner in writing on a form prescribed by the Commissioner change of location of business information”. Submitted by the Division for comment and consideration.

- H. POSSIBLE ACTION regarding whether to add regulatory language to define “**Restrictions on service for multiple private professional guardian companies**” specified in AB-325, Section 18.
 - (i) Attached Proposed Regulation – Section 18 contains proposed regulatory language defining the requirement “that a guardian may not serve as the Certified Private Professional Guardian of more than one entity at the same time” unless approved by the Commissioner. Submitted by the Division for comment and consideration.

- I. POSSIBLE ACTION regarding whether to add regulatory language to define the **“Prerequisites to conduct business under license”** per AB-325, Section 19.
- (i) Attached Proposed Regulation – Section 19 contains proposed regulatory language defining the requirement “to conduct any business under a license pursuant to this chapter the business must possess a license and permit required by the state or local government” and “the business location comply with the provisions of all applicable planning and zoning ordinances”. Submitted by the Division for comment and consideration.
- J. POSSIBLE ACTION regarding whether to add regulatory language to define the requirement on proper **“Display of license”** per AB-325, Section 27.
- (i) Attached Proposed Regulation – Section 27 contains proposed regulatory language defining how “the license must be conspicuously displayed at the place of business and on any website”. Submitted by the Division for comment and consideration.
- K. POSSIBLE ACTION regarding whether to add regulatory language to define **“Place of business. Place of Business or Office interpreted”** per AB-325, Section 27
- (i) Attached Proposed Regulation – Section 27 contains proposed regulatory language defining the interpretation of “Place of Business or Office”. Submitted by the Division for comment and consideration.
- L. POSSIBLE ACTION regarding whether to add regulatory language to define the requirements for **“Renewals and reinstatement of expired or revoked licenses”** per AB-325, Section 29.
- (i) Attached Proposed Regulation – Section 29 contains proposed regulatory language defining the requirements for “renewals and reinstatement of expired or revoked licenses”. Submitted by the Division for comment and consideration.
- M. POSSIBLE ACTION regarding whether to add regulatory language to further define **“Branch Offices: Outside this State” and “Arrangements required for maintenance of records and guardianship account”** per AB-325, Section 32.
- (i) Attached Proposed Regulation – Section 32 contains proposed regulatory language defining the requirements “on the application for a license to operate a branch office that must be filed with the Commissioner of the Financial Institutions Division on a form prescribed by the Commissioner”. Also addresses the requirement that “the applicant has made all appropriate arrangements for

storage, maintenance and retention in this State of all records regarding the collection of claims” and “the applicant has properly maintained all guardianship accounts to reflect all money received for the benefit of each ward”. Submitted by the Division for comment and consideration.

- N. POSSIBLE ACTION regarding whether to add regulatory language to further define the proper method for “**Retention and examinations of records and accounts**” per AB-325, Section 37.

(i) Attached Proposed Regulation – Section 37 contains proposed regulatory language defining the requirements “that every guardian licensed pursuant to this chapter shall keep all records concerning each of its wards and all documentation concerning its license for at least 6 years following the completion of the last transaction”. Submitted by the Division for comment and consideration.

- O. POSSIBLE ACTION regarding whether to add regulatory language to further define what is meant by “**Certain fees not to be assessed to wards**” per AB-325, Section 37.

(i) Attached Proposed Regulation – Section 37 contains proposed regulatory language stating that “fees required by this chapter shall not be directly or indirectly added to the estate of the ward”. Submitted by the Division for comment and consideration.

- P. POSSIBLE ACTION regarding whether to add regulatory language to further define what is meant by “**Confidentiality of records**” per AB-325, Section 37.

(i) Attached Proposed Regulation – Section 37 contains proposed regulatory language stating “financial records or other documents submitted by a licensee pursuant to an audit or examination conducted by the Division and any report of examination made by the Division are confidential and may be disclosed only to the Division” and “any person if the Commissioner determines, in the Commissioner’s sole discretion, that the public interest in disclosure of the information outweighs the interest of the applicant or licensee”. Submitted by the Division for comment and consideration.

- Q. POSSIBLE ACTION regarding whether to add regulatory language to further define “**Revocation or suspension of license**” per AB-325, Section 44.

(i) Attached Proposed Regulation – Section 44 contains proposed regulatory language stating “the Division may revoke or suspend the license of a private professional guardian, an entity, or person if any provision of this chapter or NRS XXX is violated”. Submitted by the Division for comment and consideration.

R. POSSIBLE ACTION regarding whether to add regulatory language to further define the requirements for display of “**Notice of toll-free telephone number for concerns and complaints**” per AB-325, Section 47.

(i) Attached Proposed Regulation – Section 47 contains proposed regulatory language stating “a licensee shall post the toll-free telephone number in a conspicuous place in every location at which the licensee conducts business under his or her license”. Submitted by the Division for comment and consideration.

3. PUBLIC COMMENTS: Members of the public are encouraged to address the commissioner regarding any matter. Persons who desire to submit written testimony should submit ten (10) copies to the Deputy Commissioner. Public comment may be limited to five minutes at the workshop per person at the discretion of the Commissioner.

4. ADJOURNMENT

A copy of the proposed regulations to be considered for adoption is attached to this Notice and will also be available prior to the hearing on the Internet at: <http://www.fid.state.nv.us>. Copies of this Notice and/or the proposed regulations will be e-mailed and/or US mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This Notice has been e-mailed to all persons on the Division’s mailing list for notice of proposed rulemaking, posted on the Division’s web site at <http://www.fid.state.nv.us>, posted on the State’s Official Website, and posted at the following public locations for inspection by members of the public:

Attn: Public Posting
Churchill County Library
553 S. Maine Street
Fallon, NV 89406

Attn: Public Posting
Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049
(167 Central Street)

Attn: Public Posting
Las Vegas – Clark County Library
833 Las Vegas Blvd. N.
Las Vegas, NV 89101

Attn: Public Posting
Pershing County Library
P.O. Box 781; (1125 Central Avenue)
Lovelock, NV 89419

Attn: Public Posting
Elko County Library
720 Court Street
Elko, NV 89801

Attn: Public Posting
Storey County Library
P.O. Box 14; (95 South R Street)
Virginia City, NV 89440

Attn: Public Posting
Goldfield Public Library
P.O. Box 430; (Fourth & Crook Sts.)
Goldfield, NV 89013

Attn: Public Posting
Washoe County Library
P.O. Box 2151; (301 S. Center)
Reno, NV 89501

Attn: Public Posting
Eureka Branch Library
P.O. Box 293 (80 South Monroe)
Eureka, NV 89316

Attn: Public Posting
White Pine County Library
950 Campton St.
Ely, NV 89301

Attn: Public Posting
Humboldt County Library
85 East 5th St.
Winnemucca, NV 89445

Attn: Public Posting
Battle Mountain Branch Library (Lander
County)
625 South Broad Street
P.O. Box 141
Battle Mountain, NV 89820

Attn: Public Posting
Lincoln County Library
63 Main St. / P.O. Box 330
Pioche, NV 89043

Attn: Public Posting
Carson City Library
900 N. Roop Street
Carson City, NV 89701

Department of Business & Industry
Las Vegas Director's Office
555 E. Washington Avenue
Suite 4900
Las Vegas, NV 89101

Department of Business & Industry
Carson City Director's Office
1830 College Parkway,
Suite 100
Carson City, NV 89706

Office of the Commissioner
2785 E. Desert Inn Rd.
Suite 180
Las Vegas, Nevada 89121

Northern Nevada Examination Office
1755 East Plumb Lane
Suite 243
Reno, Nevada 89502

**SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATIONS BY THE FINANCIAL
INSTITUTIONS DIVISION TO AB-325 (Title 54, Chapter XXX)
THE BUSINESS OF PRIVATE PROFESSIONAL GUARDIANS (PPG)**

3 December 2015

1. Small Business Impact (SBI) Statement pursuant to NRS 233B.0609:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(I) Solicitation of affected small businesses.

The proposed regulations to implement AB-325 impacts private professional guardians that must be licensed by the Nevada Financial Institutions Division (NFID) pursuant to Title 54, Chapter XXX of the Nevada Revised Statutes (NRS). The intent of AB-325 (Title 54, Chapter XXX) is to have a licensure process for private professional guardians with the licensing function overseen by the Nevada Financial Institutions Division. The proposed regulations include provisions for the clarification of costs related to fees and assessments, certain definitions, report of changes in information and locations, retention and examinations of records and accounts, confidentiality of records, restrictions, procedures for reinstatement of expired licenses, and provide for other matters properly relating thereto.

NFID sought comments in accordance with NRS 233B.0608 for the purpose of considering whether as a result of the proposed regulations, there may be a direct and significant economic burden upon small business (defined as fewer than 150 employees) or if the regulations will directly restrict the formation, operation or expansion of a small business seeking to those engaged in or who desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

NFID composed the solicitation list from contact with all ten (10) District Courts, NAIC membership list, and the Division's regulatory action contact list. In turn, NFID solicited comments on the proposed regulations for AB-325 (Title 54, Chapter XXX) from all of the above lists by e-mailing a notice and questionnaire. Additionally a copy of the full text of the proposed regulations was also posted to the Division website. The combination of solicited comments, PPG Small Business testimony to the Nevada Legislature regarding AB-325, documents from the Commission to Study the Administration of Guardianships in Nevada's Courts were all used to formulate this Small Business Impact Statement.

(II) Summary of responses.

See attached spreadsheets.

(III) Obtain a copy of the summary.

This Small Business Impact Statement (SBI) was posted on the NFID website dated December 3, 2015 along with a Notice of Workshop for December 18, 2015. Interested persons may also obtain a copy of the Small Business Impact Statement by contacting the:

**Office of the Commissioner
Financial Institutions Division
2785 E. Desert Inn Road, Suite 180
Las Vegas, NV 89121
Email: FIDMaster@fid.state.nv.us
Voice: (702) 486-4120
Fax: (702) 486-4563
Website: <http://fid.state.nv.us>**

(b) The manner in which the analysis was conducted.

NFID sent a copy of the draft regulations and a SBI Questionnaire to all known PPG small businesses and individual PPGs for review and invited written comment regarding the impact to the private professional guardian community and took all comments submitted into consideration.

As a result, NFID has learned from PPG small businesses and legislative testimony that this type of occupation is quite difficult and retaining the current labor pool and recruiting future private professional guardians can be quite difficult. According to testimony to the Nevada Legislature earlier this year it was stated that in 2008, there were approximately fourteen (14) individual PPGs in Nevada and recent gains in the individual PPG community only number six (6) in the last 7 to 8 years for a approximate total of twenty (20) individual PPGs as of May 2015. There are approximately 14 PPG Companies, 12 of which have only one (1) individual PPG. As part of the process to garner the most current information from the PPG Community NFID sent a Small Business Impact Questionnaire to the community and based on the feedback received by NFID there are (As of November 2015) 40 individuals (20 caseworkers/small business staff and 20 PPGs) currently employed by PPG small businesses in Nevada.

Although it is noted that there are very few if any PPG small businesses in the rural counties (not within close proximity to Reno, Carson City, or Las Vegas metros), NFID has done everything possible to address the economic impact to prevent the loss of and reduce undue hardship upon PPG small businesses in these more rural counties to continue their necessary duties for wards they serve.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including, without limitation:

(1) Both Adverse and Beneficial effects:

(I) ADVERSE EFFECTS:

A plurality of PPG small businesses have stated that any new or additional fees that did not exist previously will have a large direct impact on PPG small business and there will be some impact to the client (ward) in some financial manner or form. The PPG small business community also stated that regardless of any NFID efforts to directly lessen the impact on small business by establishing a equitable fee schedule to moderate the costs to regulate the industry, PPG small businesses consider the new application and licensing fees excessive and PPG Service Fees will

increase to cover the additional cost of doing business. It appears to be conclusive that the clients (wards) will see an increase in costs which PPG small businesses state "is beyond the control of PPG small business entities and directly attributable to the passage of the PPG legislation". Based on the feedback received the new "unknown financial burdens" (costs and fees) may also cause loss of some individually owned PPG small businesses due to increased regulatory costs, thus giving the public less choices. The NFID average initial non-depository company application/licensing fee is approximately \$1360.00 and the proposed initial individual PPG application/licensing fee (natural person) is \$1600.00.

(II) BENEFICIAL EFFECTS:

Upon consideration of all the comments, the NFID has concluded that the proposed regulations will result in some economic impact upon small business and the proposed regulations could affect the formation, operation or expansion of a small business seeking to provide these services. However, this is not a direct result of the proposed regulations, nor to the NFID efforts to regulate this industry, but because of the passage of this new legislation that will require small businesses to pay state mandated yearly application fees, licensing fees, hourly examination fees, along with pre-existing required Center for Guardianship Certification fees per NRS 159. It must also be noted that the legislation only lists the maximum amount that can be charged. Only through well thought out and coordinated administrative language (NAC) with the PPG small businesses can NFID directly lessen the impact by establishing a cost based equitable fee schedule to moderate the costs to regulate the industry per this new law.

The main premise from the Legislative testimony and the data collected from all interested parties is that the NFID realizes the industry is not very large and will do everything possible not to cause any ill affect on the PPG small businesses. The proposed administrative language will allow, at the discretion of the Commissioner, a private professional guardian entity that is: 1) Owned solely by the same individual, a natural person, who is the only certified private professional guardian of such entity; 2) A certified private professional guardian licensed by the Division; and 3) Does not employ more than one natural person as a certified and Division licensed private professional guardian will not be required to obtain both an "Entity and an Individual PPG license" in order to prevent double-licensing and lessen the financial burden on small business. NFID anticipates this reduced financial burden on small business may lessen the concerns regarding adding new employees and lower the current perception of an inevitable reduction in profitability which could lead to the decision to close businesses. Also by maintaining accurate records and cooperation with NFID during the required examinations will lessen the number of hours required to complete the examinations thus reducing costs.

Three small businesses indicated that the "cost of surety bonds on all employees" was a major concern. According to AB-325, Section 33, subsection 4, "a private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065 as applicable. NFID has not proposed any regulatory language to expand what is contained in AB-325 with regards to "surety bonds" other than reporting any changes to the Commissioner within 10 days.

(2) Both Direct and Indirect effects:

(I) DIRECT EFFECTS:

NFID has made every effort to reach out early and to the entire PPG community in order to facilitate a joint effort to develop regulations that do not exacerbate any additional financial and regulatory burden upon the existing PPG small business community while not deterring those who would like to serve in this profession. NFID understands PPG small businesses have many financial burdens such as professional liability insurance, business insurance, medical insurance, and payroll (supporting staff and caseworkers) with a controlled income. The legislation passed only specifies the maximum fee amounts and gives NFID discretion to set the fee amounts. Through internal analysis NFID has determined the minimum fee amounts to cover the basic costs for the Division to implement and carry out the legislation. NFID is also aware that some wards/cases with smaller asset levels may not be accepted due to the required increase in PPG application and renewal fees and as stated above is doing everything possible to minimize the fee amounts.

NFID has determined the most prominent positive direct effects from the passage of AB-325 will be the ability to ensure consistency in the PPG business community as well as reduce any potential financial abuse of wards. This in turn will also establish a general public perception of PPG small businesses as ethical, honest, and credible. With each individual PPG averaging approximately 20 clients, this bill in combination with the proposed regulations provides the necessary oversight to reduce financial fraud/abuse, and enhance checks/balances of how the ward's assets are being handled through regular examination. The examination fee (\$75/Hr) is a cost based amount to cover the time to conduct the examination and prepare the report. Private Professional Guardians will be required to maintain separate accounts for each ward and account for all transactions which could be an additional expense; however this added task/expense protects both the licensee and the ward by providing segregated detailed accounting. Another positive attribute is any concerned party will be able to call NFID and verify the license is current and all the required examining has been accomplished and documented which could reduce attorney fees and expedite problem/complaint resolution.

NFID's primary role deals with monitoring the fiduciary responsibilities of private professional guardians through licensing and examinations (see above paragraph). In the past when a problem was identified and family members realized there was a need to act because something is being done inappropriately, the process to address the problem had to go back to the courts which is time consuming, costly, and very burdensome on the courts and PPGs. NFID's role is designed to alleviate most of that burden (financial and regulatory) through a more streamline avenue for complaints to be registered, reviewed, and resolved and not just another layer of government oversight. It is believed that this streamlined process could reduce attorney fees which are identified from the PPG industry to be the root cause of most expenses to the wards.

(II) INDIRECT EFFECTS:

It is noted that a common concern from the PPG Community regarding the proposed regulations is that the draft regulations will generate unlimited extra hours of work to support the NFID requirements to enforce the new law which may cause more time away from wards and could cause some harm to the ward's physical/mental well being.

It was also noted from PPG small businesses the concern that frivolous and unsubstantiated complaints will take away time with clients (wards) and especially in a solely owned PPG Small Business. This possible situation may be reduced with the increased role of the NFID to resolve complaints at the lowest level possible rather than be resolved through the court system. All complaints made to the NFID must be in writing and verified by signature under the penalty of perjury.

(d) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

NFID has received a total of nine (9) responses to the solicitation sent to all interested parties. NFID has considered and analyzed all submitted comments as detailed above as well as additional research to concerns addressed from testimony during the 2015 legislative session as detailed above. See attached spreadsheets.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

The estimated cost to the Financial Institutions Division for enforcement of the proposed regulation should be covered by the proposed fees to be collected by NFID. It is estimated NFID will not need any additional funding or a budget increase.

(f) If the proposed 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.

The proposed regulation provides new fees established by the passage of the legislation and the total amount NFID expects to collect based on the recent data from Nevada Legislative testimony (indicating there are approximately 20 Individual PPGs in Nevada) is approximately:

- 1) **The 1st Year → \$32,000** (Based on the application fee of \$600 and initial licensing fee of \$1000 for 20 Individual PPGs). It should also be noted that previously stated in this PPG SBI Study that PPG Small Businesses that do not employ more than one natural person as a certified and division licensed Private Professional Guardian will not be required to obtain both an "Entity and an Individual PPG license" in order to prevent double-licensing and lessen the financial burden on small business.
- 2) **The 2nd Year → \$32,500** (Based on Yearly Renewal Fee of \$1000 and Hourly examination Fee of \$75 with the average exam projected to take approximately 12 hours to complete). It is also expected that the following yearly exams will not take 12 hours to complete thus lowering this cost in future years.

The fees collected will be used by NFID to regulate the industry at the most economical method possible with the Division's established objective to maintain all fees at the lowest level possible to cover only agency costs to implement/operate/enforce and not to over burden small business with high and unnecessary fees. To further facilitate the goal of maintaining fees at the lowest level possible, NFID volunteered to take the regulatory responsibility without any additional state funding or staff.

(g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

To our knowledge the proposed regulations do not duplicate any existing federal, state, or local standards regulating the same activity, with the possible exception of reporting under NRS 159.

(h) The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

This is a result of the passage of new legislation that will require small businesses to pay state mandated yearly application fees, licensing fees, and hourly examination fees. NFID can only indirectly lessen the impact on small business by establishing an equitable fee schedule to moderate the costs to implement this new law and to be proactive in dealing with problems through efficient processes.

To the best of my knowledge, the information contained in this Small Business Impact Statement was prepared properly and accurate.


for George E. Burns
Commissioner

PPG Community Economic Impact Item	Number & %	Effect (Adverse or Beneficial)	NFID Response/Mitigation
<p>New Application and Licensing Fees/Requirements seem excessive and increase Small Business Costs. Explain how the fees were determined? This will cause increased cost to the wards/clients.</p>	<p>9 (100%)</p>	<p>Adverse</p>	<p>It must also be noted that the legislation only lists the maximum amount NFID can charge. Only through well thought out and coordinated administrative language (MAC) with the PPG small businesses can NFID directly lessen the impact by establishing a equitable fee schedule to moderate the costs to regulate the industry per this new law. The proposed fees are comparable to what NFID uses for other licences.</p> <p>The main premise from the Legislative testimony and the data collected from all interested parties is that the Division realizes the community is not very large and will do everything possible not to cause any ill affect on the PPG small businesses. The proposed administrative language will allow, at the discretion of the Commissioner, a private professional guardian entity that is: 1) Owned solely by the same individual, a natural person, who is the only certified private professional guardian of such entity; 2) A certified private professional guardian licensed by the Division; and 3) Does not employ more than one natural person as a certified and Division licensed private professional guardian will not be required to obtain both an "Entity and an individual PPG license" in order to prevent double-licensing and lessen the financial burden on small business. NFID anticipates this reduced financial burden on small business may lessen the concerns regarding adding new employees and lower the current perception of an inevitable reduction in profitability which could lead to the decision to close businesses.</p>
<p>Unable to determine the fees charged for supervision, audit, examination, investigation or hearings as authorized in Section 37, Para 9.</p> <p>Requirement to submit an audited financial statement yearly could become a financial burden that is unsustainable if these costs are not allowed to be passed on to the ward.</p>	<p>3 (33%)</p>	<p>Adverse</p>	<p>The examination fee (\$75/Hr) is a cost based amount to cover the time to conduct the examination and prepare the report (per NRS 658.101).</p> <p>It appears to be an absolute that the clients (wards) will see an increase in costs which PPG small businesses state "is beyond the control of PPG small business entities and directly attributable to the passage of the PPG legislation". NFID proposed regulation states that "Fees required by this chapter shall not be assessed directly to the estate of any ward".</p> <p>AB-325 states: the Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.</p>

<p>Unable to determine the amount of time that will be expended by FID and the amount of time that will be spent by PPG Small Business Staff to comply with the examinations. It is clear that their will be examinations, but what are the minimum/maximum charges? Possible loss of employee billable hours for time to comply and respond to examinations.</p>	<p>3 (33%)</p>	<p>Adverse</p>	<p>The hourly examination fee is \$75 with the average first year exam projected to take approximately 12 hours to complete (12 x \$75 = \$900). It is also expected that the following yearly exams will not take 12 hours to complete thus lowering this cost in future years. Maintaining accurate records and cooperation with NFID during the required examinations will lessen the number of hours required to complete the examinations thus reducing costs.</p>
<p>What is the cost of surety bonds on all employees</p>	<p>3 (33%)</p>	<p>Adverse</p>	<p>Three small businesses indicated that the "cost of surety bonds on all employees" was a major concern. According to AB-325, Section 33, subsection 4, "a private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065 as applicable. NFID has not proposed any regulatory language to expand what is contained in AB-325 with regards to "surety bonds" other than reporting any changes to the Commissioner within 10 days.</p> <p>It was also noted from the PPG Community that protects the ward and/or their estate. Though Bonds have a cost, a safe and accountable environment will be achieved.</p>
<p>Unable to accept cases with smaller asset levels due to required increase in PPG Company fees to cover licensing costs</p>	<p>1 (11%)</p>	<p>Adverse</p>	<p>This is not a direct result of the proposed regulations nor to the NFID analysis to regulate this new program, but because of the passage of this new legislation that will require small businesses to pay state mandated yearly application fees, licensing fees, hourly examination fees, along with pre-existing required Center for Guardianship Certification fees per NRS 159. It must also be noted that the legislation only lists the maximum amount NFID can charge. Only through well thought out and coordinated administrative language (MAC) with the PPG small businesses can NFID directly lessen the impact by establishing an equitable fee schedule to moderate the costs to regulate the industry per this new law.</p> <p>Through internal analysis NFID has determined the minimum fee amounts to cover the basic costs for the Division to implement and carry out the legislation. NFID is also aware that some Wards/cases with smaller asset levels may not be accepted due to the required increase in PPG application and renewal fees and as stated above is doing everything possible to minimize the fee amounts.</p>

Possible loss of benefit of being a corporation because the statute is vague whether both company and owners will be required to be licensed. Will licensing fees apply just to the Entity (Business) or any Certified PPG. Unclear in the proposed regulations.	2 (22%)	Adverse	The proposed administrative language will allow, at the discretion of the Commissioner, a private professional guardian entity that is: 1) Owned solely by the same individual; a natural person, who is the only certified private professional guardian of such entity; 2) A certified private professional guardian licensed by the Division; and 3) Does not employ more than one natural person as a certified and Division licensed private professional guardian will not be required to obtain both an "Entity and an individual PPG license" in order to prevent double-licensing and lessen the financial burden on small business.
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Real concern that the financial impact, concern about adding new employees, loss of business, and possible closure of businesses due to profitability	6 (67%)	Adverse	<p>NFID has made every effort to reach out early and to the entire PPG community in order to facilitate a joint effort to develop regulations that do not exacerbate any additional financial and regulatory burden upon the existing PPG small business community while not deterring those who would like to serve in this profession. NFID understands PPG small businesses have many financial burdens such as professional liability insurance, business insurance, medical insurance, and payroll (supporting staff and caseworkers) with a controlled income. The legislation passed only specifies the maximum fee amounts and gives NFID discretion to set the fee amounts. Through internal analysis NFID has determined the minimum fee amounts to cover the basic costs for the Division to implement and carry out the legislation.</p> <p>An additional measure to be implemented by NFID in order not exacerbate any additional financial and regulatory burden upon the existing PPG small business community is the accepted portability of the individual PPG license. If some reason an individual would like to move to a different PPG company or leave a company and start an individually owned PPG small business they will not have to re-apply for a new individual PPG license. The existing license will be valid until the expiration date.</p>
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PPG SBI Response Summary
 Total Solicited: 45
 Total Responded: 9
 % Responded: 20 %
 % = (# Comments / Total Responses)

PPG Community Direct or Indirect Business Impact Item	Number and %	Direct or Indirect	Adverse or Beneficial	NFID Response/Mitigation
Time that it will take to comply with all regulatory mandates will be time spent away from Wards	2 (22%)	Indirect	Adverse	It is noted that a common concern from the PPG Community regarding the proposed regulations is that the draft regulations will generate unlimited extra hours of work to support the Division requirements to enforce the new law which may cause more time away from Wards and could cause some harm to the Wards physical/mental well being. It is not NFIDs intent on creating extra and unnecessary work or an additional layer of government oversight. NFID has made every effort to reach out early and to the entire PPG community in order to facilitate a joint effort to develop regulations that do not exacerbate any additional financial and regulatory burden upon the existing PPG small business community while not deterring those who would like to serve in this profession.
Unsubstantiated complaints can hurt a company and the time to resolve complaints takes away time with Wards.	3 (33%)	Indirect	Adverse	NFIDs role is designed to alleviate most of that burden (financial and regulatory) through a more streamline avenue for complaints to be registered, reviewed, and resolved and not just another layer of government oversight. It is believed that this streamlined process could reduce attorney fees which are identified from the PPG Community to be the root cause of most expenses to the Wards. It was also noted from PPG small businesses the concern that frivolous and unsubstantiated complaints will take away time with clients (wards) and especially in a solely owned PPG Small Business. This possible situation may be reduced by the fact that all complaints must be in writing and verified by signature under penalty of perjury with the increased role of the NFID to resolve complaints at the lowest level possible rather than be resolved through the court system.
Uncertainties from unknown additional financial burdens	2 (22%)	Indirect	Adverse	Based on recent testimony to the Nevada legislature, NFID is aware that private professional guardians do not make a great deal of money and cannot afford hefty fees known and unknown. It is a correct that the fees will be set at the discretion of the Commissioner and NFID realizes the PPG Community is quite concerned. NFID is also aware that most PPG Small Businesses work with a small profit margin and cannot afford to stay in business if the fees become too burdensome. NFID is aware that PPG Small Businesses have many other financial burdens such as the high cost of professional liability insurance that must be carried due to the uncertainty of the parties dealt with on a constant basis in guardianship cases. Include that with all the other normal expenses such as business insurance, medical insurance, and payroll with a controlled income (all fees must be approved by the Court before private professional guardians are paid). With respect to determining the amounts for licenses and applications NFID has made every effort to ensure the amount is comparable to what we use for other licenses. The amounts for the fees do not exceed the maximum amount contained in AB-325. Through workshops, NFID will be establishing the final fees with the industry. Normally, NFID fees are in the range of 1/2 to 2/3 of the authorized amount by statute in order to give NFID flexibility to increase through regulatory workshop on the future, should it be necessary. The NFID average initial non-depository company application/licensing fee is approximately \$1360.00 and the initial individual PPG application/licensing fee (natural person) is \$1600.00. NFID has also released a draft copy of the proposed regulations prior to the first workshop to the PPG Community to attempt to alleviate most of the uncertainty.
These additional fees and regulations will cause some small business to close and thus giving the general public less choice	3 (33%)	Indirect	Adverse	The constant regulation and enforcement of the new law may create an environment where other PPGs decide not to stay in business. If this happens, there would potentially be more business for the remaining PPGs and less choice for the clients (wards).

<p>PPG Community does not understand why NFD was commissioned to oversee PPGs. Uncertainty of the relationship between NFD and PPG Community.</p>	<p>1 (11%)</p>	<p>Indirect</p>	<p>Adverse</p>	<p>NFD did not have any vested interest in AB-325 other than being of assistance in determining if there were means and methods to regulate such an industry. NFD was contacted by the Aging and Disability Services Division in early 2014. NFD has the knowledge and experience to license, examine, and supervise a cadre of financial enterprises.</p> <p>NFD assistance consisted of taking standards for licensing, examination, and supervision from existing applicable statutes and tailored them for PPGs. The supervision provisions for handling complaints and taking administrative action against licensed private professional guardians are similar to those that we use for other NFD regulated entities and could be implemented in accordance with the Administrative Procedures Act. It was also determined that NFD has sufficient resources available to license, examine, and supervise the relatively small number of PPGs.</p>
<p>Concern over the new fees and how this will affect the amount of staff to distribute casework.</p>	<p>1 (11%)</p>	<p>Indirect</p>	<p>Adverse</p>	<p>The fact of the matter is AB-325 has been passed and is law. The law requires small businesses to pay state mandated yearly application fees, licensing fees, hourly examination fees, along with pre-existing required Center for Guardianship Certification fees per NRS 159. NFD has done everything possible to be transparent on the new application and licensing fees and believes that by introducing these fees prior to the first workshop will allow PPG Small Business to evaluate the impact, plan accordingly, and update their business model. The fees collected will be used by NFD to regulate the industry at the most economical method possible with the Division's established objective to maintain all fees at the lowest level possible to cover only agency costs to implement/enforce and not to over burden small business with high and unnecessary fees. To further facilitate the goal of maintaining fees at the lowest level possible, NFD volunteered to take the regulatory responsibility without any additional state funding or staff.</p> <p>As stated earlier, NFD wants to prevent double-licensing and thus lessen the financial burden on small business. Through internal analysis NFD has determined the minimum fee amounts to cover the basic costs for the Division to implement and carry out the legislation.</p>
<p>More could have been accomplished with the revision of NRS 159 and not by adding another layer of oversight</p>	<p>1 (11%)</p>	<p>Indirect</p>	<p>Adverse</p>	<p>Currently, private professional guardians are not licensed in the state of Nevada. Private professional guardians are certified pursuant to Nevada Revised Statutes (NRS) 159.059 and 159.0595 through the Center for Guardianship Certification, and in no way, shape, or form does AB-325 remove that requirement for certification. Oversight was through the courts at their discretion, and it is extremely difficult for complainants to be formally raised and processed against a guardian within the current system.</p> <p>What AB-325 does is provide for licensure of private professional guardians in Nevada based on models of other industries already licensed. It creates infrastructure for licensure within the Department of Business and Industry, allows for yearly auditing of private professional guardians and the businesses they are associated with, provides for background investigations to confirm their ethical and moral qualifications, and provides national certification requirements of the person or business applying for licensure as a guardian. AB-325 does direct regulatory oversight by a state agency as to the business model and interactions that private professional guardians have with those they are charged with serving, but does not affect any of the services provided. With regards to another layer of oversight it is NFDs intention to work with the PPG Community to prevent over-regulation, additional confusion, and conflicts between NRS159 and AB-325. AB-325 also provides for due process if a guardian or business providing private professional guardianship disagrees with the findings of the Department, and it helps legitimize an extremely important and necessary industry while protecting those who are dependent on guardians from companies or individuals who may choose to exploit people not capable of looking out for themselves.</p> <p>Another main concern from the PPG Community during legislative testimony was how AB-325 will change the services that are provided. What AB-325 does is provide an infrastructure for the licensure from the business aspect of what they are doing and the responsibilities they have toward their wards. In no way does AB-325 change the services that are being provided as previously stated above.</p>
<p>AB-325 does nothing to limit attorney fees which is the main cause of high costs to wards</p>	<p>1 (11%)</p>	<p>Indirect</p>	<p>Adverse</p>	<p>NFD will have the records and the ability to do the auditing, rather than having a person go back to court. That is one of the big points about this bill. -- It will give people a place to go when they are concerned. Right now, all a person can do is hire an attorney and file a petition.</p>

<p>Unable to accept cases with smaller asset levels due to required increase in PPG Company fees to cover licensing costs</p>	<p>1 (11%)</p>	<p>Indirect</p>	<p>Adverse</p>	<p>The fact of the matter is AB-325 has been passed and is law. The law requires small businesses to pay state mandated yearly application fees, licensing fees, hourly examination fees, along with pre-existing required Center for Guardianship Certification fees per NRS 159. The fees collected will be used by NFID to regulate the industry at the most economical method possible with the Division's established objective to maintain all fees at the lowest level possible to cover only agency costs to implement/operate/enforce and not to over burden small business with high and unnecessary fees.</p> <p>At the 16 September meeting of the Nevada Supreme Court Commission to Study the Administration of Guardianships in Nevada's Courts it was noted that the Northern Nevada PPG business community intends to raise the rate to \$140 per hour--basically passing the new licensing costs onto the client. There was apparently no increase in the Southern Nevada business community. Per law, NFID is not capable of setting a standardized hourly charge amount state wide, but can execute the program efficiently as possible to help Northern Nevada PPGs with this disparity. This is noted as a possible indirect impact to only Northern Nevada PPGs that is not caused by any NFID action.</p>
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<p>With regards to certified audits, one small business believes these should only in circumstances where negligence or wrong doing exists. If no wrong doing exist, but the Commissioner believes the size and or complexity of the ward's estate warrants an audit, the ward's estate should bear the costs of any required audit.</p>	<p>1 (11%)</p>	<p>Direct</p>	<p>Adverse</p>	<p>AB-325 states -- In rendering a decision on an application for a license, the Commissioner shall consider, without limitation whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.</p> <p>AB-325 states -- The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.</p> <p>NFID proposed regulation states: -- Fees required by this chapter shall not be assessed directly to the estate of any ward.</p>
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<p>PPG Small Business will be perceived by the general public as honest, ethical, and credible</p>	<p>5 (56%)</p>	<p>Direct</p>	<p>Beneficial</p>	<p>NFID has determined the most prominent positive direct effects from the passage of AB-325 will be the ability to ensure consistency in the PPG business community as well as reduce any potential financial abuse of wards. This in turn will also establish a general public perception of PPG small businesses as ethical, honest, and credible.</p>
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PPG SBI Response Summary
 Total Solicited: 45
 Total Responded: 9
 % Responded: 20 %
 % = (# Comments / Total Responses)

SECTION 10

Private Professional Guardian Company.

Upon approval of the Commissioner, a private professional guardian business entity may not be required to obtain a separate license if:

1. The business entity is owned solely by the same natural person who is the only certified private professional guardian of such business entity; and
2. The certified private professional guardian is licensed by the Division; and
3. The business entity does not employ more than one natural person as a certified private professional guardian and Division licensed private professional guardian.

SECTION 14

Translation of documents written in language other than English.

1. A licensee who uses a form or standard document written in a language other than English shall have the document translated into English and maintain together a copy of the document and its English translation.
2. A document translated pursuant to this section must be:
 - (a) Translated by an interpreter who is:
 - (1) Certified by the Court Administrator in accordance with the provisions of NRS 1.510 and regulations adopted pursuant thereto; or
 - (2) Approved in writing by the Division.
 - (b) Accompanied by a certificate issued by the interpreter. The certificate must:
 - (1) Declare that the translated document is a true and complete translation of the document written in the language other than English;
 - (2) Identify the document written in a language other than English and its English translation;
 - (3) Include the date of translation; and
 - (4) Include the name, address, telephone number and electronic mail address, if any, of the interpreter.
3. The Commissioner may require a licensee to provide a translation of any nonstandard document that is written in a language other than English.
4. The Commissioner may assess a licensee for all costs incurred by the Commissioner to verify the licensee's compliance with this section.

SECTION 17

Failure to appear at a hearing for unlicensed activity.

1. If a respondent fails to appear personally at a hearing scheduled by the Commissioner or the Commissioner's designee on the merits without having obtained a waiver of appearance or a continuance has not been requested or granted then such failure shall be deemed to be:
 - (a) An admission of all matters and facts contained in the complaint with respect to such respondent; and
 - (b) A waiver of the right to an evidentiary hearing.

The Commissioner or the Commissioner's designee may proceed to consider the case without the participation of the absent party and may dispose of the case and order any remedies allowed by law on the basis of the evidence before it.

2. If a respondent fails to appear personally at a hearing scheduled by the Commissioner or the Commissioner's designee may, upon good cause shown, recess the hearing for a further period to be set by the Commissioner or the Commissioner's designee to enable the respondent to attend.

SECTION 18

Proof of certain qualifications of applicant required.

1. Every applicant for licensure as a private professional guardian must submit proof satisfactory to the Commissioner that the natural person:
 - (a) is a citizen of the United States or lawfully entitled to remain and work in the United States, and
 - (b) is a resident of this State, unless prior approval has been granted from the Commissioner.
2. A private professional guardian, if an individual, must be qualified to serve as a guardian pursuant to NRS 159.059 and must be a certified guardian.
3. A private professional guardian, if an entity, must be qualified to serve as a guardian pursuant to NRS 159.059 and must have a certified guardian involved in the day-to-day operation or management of the entity.
4. As used in this section:
 - (a) "Certified guardian" means an individual who is certified by the Center for Guardianship Certification or any successor organization.
 - (b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company, sole proprietorship, and a partnership.
 - (c) "Individual" means a natural person.

Fees and assessments.

1. An application for licensure as a private professional guardian must be accompanied by a nonrefundable application fee of \$600.
2. A private professional guardian shall pay a fee of \$1,000 for the initial license issued pursuant to Section 25 and \$250 for each additional license for a branch location at which the applicant proposes to operate under its license.
3. A private professional guardian shall pay a fee of \$1,000 to renew a license for the principal office, plus \$250 for each branch location which the licensee is authorized to operate under the license.
4. If the Commissioner reinstates an expired license, the licensee shall pay a reinstatement fee of \$600 in addition to the renewal fee prescribed in paragraph 3.
5. The hourly fee authorized in Section 37, Para 9 for supervision, audit, examination, investigation or hearing is \$75.
6. The late fee for each day a licensee fails to submit a report required pursuant to the provisions of Section 40, Para 4, is \$10.
7. The Commissioner shall bill each licensee for any fee or assessment imposed pursuant to the provisions of this chapter and chapter XXX of NRS. The licensee shall pay the fee within 30 days after the date the licensee receives the bill. Except as otherwise provided in this subsection, any payment received after the date due must include a penalty of 10 percent of the fee, plus an additional 1 percent of the fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.

Duty to report changes in information.

An applicant or registered provider shall notify the Commissioner within 10 days after a change in the information specified in Section 18, paragraphs 3 through 6.

1. An applicant or licensed guardian shall report after any changes in the information specified in paragraph 3, subsection (a), (e) or (f) and paragraph 6, subsection (a) of Section 18, and paragraph 1, subsection (2) of Section 22.
2. An applicant or licensed guardian shall report any changes to the financial condition including any new filings for bankruptcy, changes in the solvency of the business, or new liens taken on any real property in the applicant's or licensee's name to the Commissioner within 10 days of the change.
3. An applicant or licensed guardian shall notify the Commissioner within 10 days of a change in the fidelity and surety bonds required in this chapter pursuant to paragraph 1, subsection d of Section 22 and paragraph 2 of Section 33.
4. An applicant or licensed private profession guardian company shall notify the Commissioner within 5 days after obtaining knowledge of any change in control, officer or director. Prior approval shall be obtained by the Commissioner on a form prescribed by the Commissioner.
5. A Private Professional Guardian shall notify the Commissioner, in writing, within 10 days of change in employment.

Change of location of business.

1. A guardian licensed pursuant to this chapter shall not remove the business location from the place of business as stated in the license except upon prior approval by the Commissioner in writing on a form prescribed by the Commissioner.
2. If the removal is approved, the Commissioner shall note the change upon the face of the license and enter in his or her records a notation of that change

Restrictions on service for multiple Private Professional Guardian companies.

1. A guardian may not serve as the Certified Private Guardian of more than one entity at the same time.
2. At the discretion of the Commissioner, upon written request from the private professional guardian, the Commissioner may approve a certified private guardian to serve for more than one entity at the same time.
3. The approval may be revoked by the Commissioner at any time if he or she finds that:
 - (a) Confusion may exist in the mind of the public in dealing with the private professional companies having common management.
 - (b) The various business functions of the private professional companies operating under common management are likely to be or are being merged or commingled, or are otherwise being conducted, in the Commissioner's opinion, in a manner which may be deleterious or damaging to the best interests of the public or the private professional guardian industry.
 - (c) Improper or abusive methods are being used by either or both of the private professional guardian companies operating under common management.
 - (d) Either or both of the private professional guardian companies operating under common management are not conducting their affairs in compliance with this chapter and chapter xxx of NRS or any of the regulations of the Commissioner adopted under that chapter.

SECTION 19

Prerequisites to conduct business under license.

A licensee shall not conduct any business under a license pursuant to this chapter unless:

1. The business possesses each license and permit required by this State or a local government as a condition to conducting business; and
2. The business location complies with the provisions of all applicable planning and zoning ordinances.

SECTION 27

Display of license.

"License" interpreted. For the purposes of this chapter the Commissioner interprets:

1. "License" to mean an original license.
2. The license must be conspicuously displayed at the place of business and a copy thereof on any website used by the licensee for the purposes of soliciting new business or providing general information about the services of the business.

Place of Business. "Place of Business or Office" interpreted.

For the purposes of this chapter the Commissioner interprets:

1. The physical location that is used in the conduct of the business of a private professional guardian as listed on the license issued pursuant to this chapter.
2. The location must be non-residential unless an exemption is granted by the Commissioner.
3. If an exemption is granted, all meetings that may be required during the licensing or examination process will be conducted at the closest office of the Financial Institutions Division in the state of Nevada.
4. A licensee may not conduct the business of a private professional guardian under this chapter or chapter xxx of NRS within any office, suite, room or place of business in which any other private professional guardian business is solicited or engaged in, or in association or conjunction with any other business, unless prior written approval has been granted from the Commissioner.

SECTION 29

Renewals and reinstatement of expired or revoked license.

1. A private professional guardian company wishing to renew a license shall file in the Office of the Commissioner, on or before June 1 of the year after the year of the original issuance of the license.
2. The application for renewal must be accompanied by a renewal fee of \$1000 and all information required to complete the application.
3. The license must not be reinstated after the expiration date of July 1 or has been revoked by the Commissioner.
4. All requirements of this chapter and chapter xxx of NRS with respect to original licensing and bonds apply to all renewal licenses and bonds.
5. Suspension and reinstatement of license from court order regarding child support
 - (a) If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the business of a private professional guardian, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
 - (b) The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

SECTION 32

Branch Offices: Outside this State.

An application for a license to operate a branch office outside the State of Nevada must be filed with the Commissioner of the Financial Institutions Division on a form prescribed by the Commissioner. The application must contain:

1. The information required by Section 18 and Section 32 for an application for a license and must comply with the provisions of this chapter and chapter xxx of NRS;
2. Proof that the location has a certified private professional guardian to oversee the day-to-day operations of the licensed location; and
3. A non-refundable application fee of \$500 must accompany each request for a branch outside the state, and \$200 for the original license if granted.

Branch Offices: Arrangements required for maintenance of records and guardianship account.

The Commissioner of Financial Institutions will not issue a license to operate a branch office in a state other than Nevada until the Commissioner is satisfied that the applicant has made appropriate arrangements for:

1. The storage, maintenance and retention in this State of all records regarding the collection of claims for or from residents of this State; and
2. The maintenance of a guardianship account pursuant to chapter xxx of NRS of all money received for the benefit of each ward.

SECTION 37

Retention and examinations of records and accounts.

Every guardian licensed pursuant to this chapter shall keep all records concerning each of its wards and all documentation concerning its license for at least 6 years following the completion of the last transaction concerning the account or the completion of its service as a guardian, whichever is later, and the prescriptions of NRS 159.

Certain fees not to be assessed to wards.

Fees required by this chapter shall not be assessed directly to the estate of any ward.

Confidentiality of records.

An application for a license and financial records, if any, submitted by an applicant pursuant to the provisions of this chapter and chapter xxx of NRS, financial records or other documents submitted by a licensee pursuant to an audit or examination conducted by the Division and any report of examination made by the Division are confidential and may be disclosed only to:

1. The Division, an authorized employee of the Division or an agency of this State, any other state or the Federal Government that is investigating the activities of an applicant or a licensee; or
2. Any person if the Commissioner determines, in the Commissioner's sole discretion, that the public interest in disclosure of the information outweighs the interest of the applicant or licensee.

SECTION 44

Revocation or Suspension of License.

The Commissioner of the Financial Institutions Division may revoke or suspend the license of a private professional guardian, an entity, or person as defined in Section 18, if any provision of this chapter or chapter xxx of NRS is violated, including without limitation a provision that imposes a fee or assessment. A revocation or suspension of a license must be made in accordance with the procedures set forth in chapter xxx of NRS, to include an administrative fine of \$10,000 for each violation by the licensee of any provision of this chapter or chapter xxx of NRS.

SECTION 47

Notice of toll-free telephone number for concerns and complaints.

1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

- (a) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers and be in substantially the following form:

NOTICE OF RIGHT TO CONTACT THE OFFICE OF THE COMMISSIONER OF FINANCIAL INSTITUTIONS REGARDING CONCERNS OR COMPLAINTS

You may contact the Office of the Commissioner of Financial Institutions regarding concerns or complaints about the service provider with whom you are dealing by calling the following toll-free telephone number in Nevada: 1 (866) 858-8951.

2. If printed, be in boldface type. Information that must be printed in all upper case letters, and the telephone number, must be printed in at least 18-point type. All other information must be printed in at least 16-point type.
3. If handwritten or displayed digitally or by other electronic means, be in characters that are equivalent in intensity, legibility and size to the characters required for printed matter.
4. The notice must also be displayed on any website which is used in the business of the private professional guardian.