

# BOYACK & BECK

Attorneys at Law  
401 N. Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145

Edward D. Boyack  
Colby D. Beck

Tel: 702-562-3415  
Fax: 702-562-3570

April 1, 2011

Gordon Milden  
Nevada Real Estate Division  
2501 E. Sahara Avenue, Suite 202  
Las Vegas, NV 89104-4137

Re: ADR Evaluation Survey  
Alvin I. Apfelberg, JD, Arbitrator

Dear Gordon:

This correspondence will be attached to our response to the Alternate Dispute Resolution Evaluation Survey for Mr. Apfelberg. However, I wanted to take a quick moment to provide you information with regard to this particular case, and the actions of the arbitrator. While I unfortunately recognize the Real Estate Division has limited jurisdiction and ability to monitor and limit the fees charged by the arbitrators, it is important that a record be made of Mr. Apfelberg's actions in this case.

The total arbitrator fees and costs billed in this dispute were over \$10,000. My clients were appalled. As an attorney practicing over seventeen years, and an arbitrator myself, I was also appalled. Mr. Apfelberg's billing practices are atrocious. Additionally, Mr. Apfelberg would bill the clients after only several weeks of work. Thereafter, he would claim that a default would be entered against the party if the bill was not paid by a particular date. Furthermore, the amount of time he spent on tasks was absolutely unreasonable. The arbitration hearing went on for over eight hours, primarily due to Mr. Apfelberg's approach to the arbitration process.

Obviously, I will never use Mr. Apfelberg again. However, it is my clients' position, and my experience that billing over \$10,000 for this particular arbitration is completely unreasonable and inappropriate. Obviously, it flies in the face of the total concept of "ADR" resolution. The supposedly cost effective and efficient means of resolution, has been anything but that under Mr. Apfelberg's care as an arbitrator.

Furthermore, I can assure you that I have never written a letter such as this in my entire career. However, I do believe that it is appropriate to make these comments and have a record for the Real Estate Division regarding the over billing of Mr. Apfelberg, and his actions during the course of the arbitration.

Thank you for your courtesy. Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

**EDWARD D. BOYACK**

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Dictated but not read to expedite delivery