

1 REAL ESTATE DIVISION,  
2 DEPARTMENT OF BUSINESS AND INDUSTRY,  
3 STATE OF NEVADA

4 \* \* \*

5 GAIL J. ANDERSON, Administrator, )  
6 REAL ESTATE DIVISION, )  
7 DEPARTMENT OF BUSINESS AND )  
8 INDUSTRY, STATE OF NEVADA, )  
9 Petitioner, )  
10 vs. )  
11 DON LEONARD, )  
12 Respondent. )

STIPULATION FOR SETTLEMENT  
OF DISCIPLINARY ACTION  
PURSUANT TO NAC 645C.610(3)

Case No. AP10.004.S

13 STIPULATION FOR SETTLEMENT OF DISCIPLINARY  
14 ACTION PURSUANT TO NAC 645C.610(3)

15 1. PARTIES. This Stipulation is entered into by and between the Petitioner, the REAL  
16 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),  
17 by and through its Administrator, GAIL J. ANDERSON (the "Administrator"), and the Respondent,  
18 DON LEONARD (whether one or more hereinafter the "Respondent"), who at relevant times was  
19 licensed by the State of Nevada, license number A.0006739-CR. This Stipulation is entered into  
20 upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the  
21 "AARC"), which was reached at its informal conference held on January 10, 2011, in LAS VEGAS,  
22 NEVADA. Members of the AARC present were Glenn Anderson, Neil McDonal and Julie Burkart,  
23 CHAIR.

24 2. AUTHORITY OF THE APPRAISAL ADVISORY REVIEW COMMITTEE. The Appraisal  
25 Advisory Review Committee has authority to enter into this Stipulation with the Respondent  
26 pursuant to NAC 645C.610(3).

27 3. FINDINGS. The AARC has found that the Respondent, while licensed, certified or  
28 registered as a Nevada Appraiser, committed violations of chapter 645C of Nevada Revised  
Statutes and Nevada Administrative Code and/or USPAP. A description of the conduct in which

1 these violations were committed is set forth in specificity in the Summary of Facts which is  
2 attached hereto as EXHIBIT "A". The Administrator has the authority, pursuant to NAC  
3 645C.600(2), to establish an advisory committee in an attempt to review this matter informally  
4 and recommend a resolution.

5 **4. NO ADMISSION OF GUILT.** The Respondent does not admit or deny the findings of  
6 the AARC, choosing to remain silent, but does agree that the findings establish a prima facie case  
7 for the discipline set forth below and stipulates, subject to the limitations and conditions set forth  
8 below, that the Division shall not be required to provide further evidence of such allegations.

9 **5. SETTLEMENT FOR DISCIPLINARY ACTION.** As set forth above, the AARC is  
10 authorized under NAC 645C.610 to impose an administrative fine, upon final approval by the  
11 Commission. The Division also has the option to file a complaint with the Nevada Commission of  
12 Appraisers of Real Estate (the "Commission"). The Commission has the authority pursuant to NRS  
13 645C.460(2)(d) to impose a fine of up to \$10,000 for each violation alleged or to suspend or revoke  
14 the Respondent's certificate, license or registration card. The parties, however, desire to  
15 compromise and settle the instant controversy, without a hearing, upon the following terms and  
16 conditions:

17 **a. RESPONDENT** complete a fifteen (15) hour course in "Sales Comparison/Cost  
18 Approach" in a classroom setting, and pass the examination within 12 months. The course may be  
19 used towards the required continuing education. Further, the committee recommended  
20 RESPONDENT complete the fifteen (15) hour National USPAP course in a classroom setting and  
21 pass the examination within 12 months. This course may not be used for continuing education  
22 credit;

23 **b. Public Record.** RESPONDENT and the DIVISION agree that by entering into this  
24 Stipulation, the DIVISION does not concede any defense or mitigation RESPONDENT may assert,  
25 and the parties agree that the DIVISION will not publicize the instant disciplinary matter, except as  
26 set forth below, and that once this Stipulation is approved and fully performed, the DIVISION will  
27 close its file in this matter. RESPONDENT understands that the public records law may require the  
28 DIVISION to make available for inspection this Stipulation and related documents. RESPONDENT  
also understands that the DIVISION may share the content of this Stipulation and related

documents with any governmental or professional organization or member of the public;

1           c.       **Newsletter.** RESPONDENT and the DIVISION agree that the DIVISION, at its  
2 discretion, may publish in the newsletter an anonymous summary of the alleged offenses of  
3 RESPONDENT and the terms of this Stipulation, with the understanding of all parties that such  
4 publication will not specifically name RESPONDENT or make reference to any other party;  
5 RESPONDENT will be referred to only as a licensee in the State of Nevada. It is further  
6 understood by the parties that this publication is for educational purposes only and to advise  
7 other licensees of the alleged violation(s) and that disciplinary action has been taken by the  
8 DIVISION;

9           d.       **Failure to perform; hearing on complaint.**  
10 RESPONDENT agrees that if the required education is not completed in the time allowed above,  
11 RESPONDENT'S license will be automatically suspended until such time as the fine is paid and  
12 continuing education requirement satisfied. The DIVISION may, at its option, rescind this  
13 Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions  
14 for the administrative fines may be instituted by the DIVISION;

15           e.       **No other remedies.** Assuming Respondent complies with the terms of this  
16 stipulation, the Division agrees not to pursue any other or greater remedies or fines in connection  
17 with the conduct referenced in above unless stipulation is rescinded;

18           f.       **Waiver by Respondent.** RESPONDENT agrees and understands that by entering  
19 into this Stipulation, RESPONDENT is waiving his/her right to a hearing at which RESPONDENT  
20 may present evidence in his/her defense and to be represented by counsel, to judicial review of  
21 any adverse decision by the Commission, and to present his/her defense to a Commission which  
22 has had no prior familiarity with the instant matter. The Commission members who review this  
23 matter for approval of this Stipulation may be the same members who ultimately hear the  
24 DIVISION'S complaint if this Stipulation is either not approved by the Commission or is not timely  
25 performed by RESPONDENT; and

26           g.       **Attorney fees and other costs.** Each party shall bear its own attorney's fees and  
27 other costs not specifically set forth in this Stipulation.

28           6.       **RELEASE.** In consideration of execution of this Stipulation, the Respondent for  
himself/herself or his/her heirs, executors, administrators, successors, and assigns, hereby

1 release, remiss, and forever discharge the State of Nevada, the Department of Business and  
2 Industry of the State of Nevada, the Division, and each of their members, agents, and employees  
3 in their individual and representative capacities, from any and all manner of actions, causes of  
4 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and  
5 unknown, in law or equity, that the Respondents ever had, now has, may have, or claims to have  
6 against any or all of the persons or entities named in this section, arising out of or by reason of  
7 the Division's investigation, this disciplinary action, or any other matter relating thereto.

8 **7. INDEMNIFICATION.** Respondent hereby indemnifies and holds harmless the State  
9 of Nevada, the Department of Business and Industry of the State of Nevada, the Division, and  
10 each of their members, agents, and employees in their individual and representative capacities  
11 against any and all claims, suits, and actions brought against said persons and/or entities by  
12 reason of the investigation of the allegations in the Complaint, this disciplinary action and all  
13 other matters relating thereto, and against any and all expenses, damages, and costs, including  
14 court costs and attorney fees, which may be sustained by the persons and/or entities named in  
15 this section as a result of said claims, suits, and actions.

16 **8. COMMISSION APPROVAL OF STIPULATION NECESSARY.**  
17 Once executed, this Stipulation will be filed with the Commission and will be put on the agenda  
18 for approval at its meeting, which by Nevada law is a public meeting. At that time, the DIVISION  
19 will recommend to the Commission approval of the Stipulation. RESPONDENT acknowledges and  
20 agrees that the Commission may approve this Stipulation, reject it, or suggest different terms  
21 which must be communicated to RESPONDENT and accepted or rejected by RESPONDENT before  
22 any such amendment shall become effective.

23 **9. SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the  
24 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any  
25 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation  
26 entered into with the Division, may be introduced at a hearing and used against the Respondent.

27 **10. STIPULATION IS NOT A BAR TO FUTURE PROCEEDINGS.** This Stipulation shall not  
28 constitute an estoppel, merger or bar to any administrative or civil proceeding by the Division  
with respect to any future matters or other matters that were not consideration for this  
Stipulation.

SO STIPULATED.

Dated: 2-15-11

REAL ESTATE DIVISION, Department of  
Business and Industry, State of Nevada

By: Gail J. Anderson  
GAIL J. ANDERSON,  
Administrator

Dated: 2-2-2011

Don Leonard  
DON LEONARD  
Respondent

ORDER

The foregoing Stipulation was approved by a vote of the Nevada Commission of  
Appraisers of Real Estate on March 1, 2011

DATED this 1<sup>st</sup> day of March, 2011.

NEVADA COMMISSION OF APPRAISERS OF  
REAL ESTATE

Michael R. Christie  
Commissioner

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**EXHIBIT A**

State of Nevada  
Department of Business & Industry  
Real Estate Division  
Appraisal Advisory Review Committee  
2501 E. Sahara Avenue, Suite 102  
Las Vegas, Nevada 89104

RECEIVED  
BUSINESS & INDUSTRY  
REAL ESTATE DIVISION  
ADMINISTRATION OFFICE  
11 JAN 18 PM 3:25

## COMMITTEE REPORT

**Date of AARC meeting:** January 10, 2011  
**Case No.** AP10.004.S  
**Respondent:** Don Leonard  
**License No.** A.0006739-CR  
**Appraisal Officer:** Brenda Kindred-Kipling  
**Committee members:** Julie Burkart, Chair, Glenn Anderson, Neil  
Mc Donal

### Findings:

The Committee determined that in the case of the appraisal of a single family residence located at 4200 Via Vaquero Ave., Las Vegas, NV dated March 25, 2008, Respondent violated the Uniform Standards of Professional Appraisal Practice in that he failed to properly report the subject neighborhood boundaries, failed to analyze and report why one of the comparable sales sold for substantially more than it had been listed for, and made numerous errors in the report which caused the appraisal to be misleading.

The Committee found the following violations of USPAP:

#### **ETHICS RULE**

##### **Conduct:**

An appraiser must perform assignments ethically and competently, in accordance with USPAP and any supplemental standards agreed to by the appraiser in accepting the assignment. An appraiser must not engage in criminal conduct. An appraiser must perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.

##### **Standards Rule 1-1**

In developing a real property appraisal, an appraiser must:

- (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.
- (b) Not commit a substantial error of omission or commission that significantly affects an appraisal;  
and
- (c) Not render appraisal services in a careless or negligent manner, such as by making a series of

errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

**Standards Rule 1-4**

(a) When a sales comparison approach is applicable, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.

(b) When a cost approach is necessary for credible assignment results, an appraiser must:

(ii) analyze such comparable cost data as are available to estimate the cost new of the improvements (if any); and

(iii) analyze such comparable data as are available to estimate the difference between the cost new and the present worth of the improvements (accrued depreciation).

**Standards Rule 2-1**

Each written or oral real property appraisal report must:

(a) clearly and accurately set forth the appraisal in a manner which will not be misleading;

(b) Contain sufficient information to enable the intended users of the appraisal to understand the report properly;

**Committee recommendation:**

The Committee recommended that RESPONDENT complete a 15 hour course in a Sales Comparison/ Cost Approach in a classroom setting and pass the examination within 12 months. The course may be used towards the required continuing education. Further, the committee recommended RESPONDENT complete the 15 hour National USPAP course in a classroom setting and pass the examination within 12 months. This course may not be used for continuing education credit.

Respondents agreed.

This report is hereby submitted on this the 10<sup>th</sup> day of January, 2011.

Appraisal Advisory Review Committee

\_\_\_\_\_  
Julie Burkart, Chair

