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DEC 05 2014

NEVADA COMMISSION OF APPRAISERS
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8 **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**
9 **FOR THE STATE OF NEVADA**

10 JOSEPH (JD) DECKER, Administrator, REAL
ESTATE DIVISION, DEPARTMENT OF
11 BUSINESS AND INDUSTRY, STATE OF
NEVADA,

CASE NO. AP 15.011.S

**RESPONDENT ANTHONY CERA, III'S
ANSWER TO COMPLAINT**

Petitioner,

v.

13 ANTHONY R. CERA, III,

Respondent.

16 Respondent, Anthony R. Cera, III, ("Cera III") by and through his attorneys of record
17 Michael M. Edwards and J. Scott Burris, of Wilson Elser Moskowitz Edelman & Dicker LLP,
18 answers the complaint filed by the Real Estate Division of the Department of Business and Industry
19 of the State of Nevada ("RED"). Cera III denies each and every allegation unless otherwise
20 admitted or qualified. Cera III requests that this case be dismissed in its entirety because the law
21 expressly excludes from the practice of appraisal "anyone who merely provides information
22 concerning real estate to an appraiser or records, transcribes or copies information concerning real
23 estate for an appraiser." NRS 645C.070.

24 **I. FACTUAL ALLEGATIONS**

- 25 1. Cera, III denies ¶ 1.
- 26 2. Cera III admits ¶ 2.
- 27 3. Cera III admits ¶ 3.

1 **II. ALLEGED VIOLATIONS**

2 Cera III did not even purport to perform an appraisal, or an appraisal inspection, or any
3 significant part of it. The RED's allegations derive solely from the fact that Cera III, who is not an
4 appraiser, merely offered to drive and accompany his father ("Appraiser Cera Jr.") to the subject
5 residence; and offered to perform ministerial tasks while attending to his father that day. Cera III did
6 not violate NRS 645C-260, which makes it unlawful for any unlicensed person who "engages in the
7 business of, acts in the capacity of, advertises or assumes to act as: (a) An appraiser ...; or (b) An
8 intern[.]"¹ An "'Appraiser' means a person who prepares or communicates an appraisal[.]" NRS
9 645C.040. Even if Cera III did everything alleged in the RED's complaint, Cera III did not "prepare
10 or communicate an appraisal." *Id.* Next,

11 "Intern" means a person who actively assists in the preparation or communication of an appraisal, but
12 does not include anyone who merely provides information concerning real estate to an appraiser or
13 records, transcribes or copies information concerning real estate for an appraiser, or relays an appraisal
on behalf of an appraiser.

14 NRS 645C.070. The definition of "intern" expressly excludes "anyone who merely provides
15 information concerning real estate to an appraiser or records, transcribes or copies information
16 concerning real estate." *Id.* At most, Cera III performed some ministerial tasks that are even further
17 removed than "provid[ing] information concerning real estate," which is expressly permissible
18 without a license.

19 Even if an entire appraisal inspection constitutes "significant real property appraisal
20 service"—which is unclear because USPAP does not require an inspection—Cera III did not
21 perform the inspection and did not select which photographs should be analyzed, ignored, included,
22 or rejected. Cera III did not even perform a "significant" portion of the appraisal inspection. Cera
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¹ To the extent that RED declines to dismiss or withdraw this complaint, RED should identify which
28 provision—intern or appraiser—it alleges to be violated.

1 III did not perform any services that might be construed as “significant real property appraisal
2 assistance.” USPAP Rule 2-2(b)(vii). Therefore, there is no cognizable claim against Cera III even
3 if the allegations were entirely true.

4 DATED this 2 day of December, 2014

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6 **WILSON ELSER MOSKOWITZ EDELMAN &
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