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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,

12 *Petitioner,*

13 v.

14 ANTHONY R. CERA, Jr., License No.  
A.0206390-CR,

15 *Respondent.*

CASE NO. AP 14.033.S

RESPONDENT ANTHONY R. CERA, JR.'S  
ANSWER TO COMPLAINT AND  
REQUEST FOR DISMISSAL (OR JOINDER  
OF MR. MIKE BAZ)

16 Respondent, Anthony R. Cera, Jr., ("Cera Jr.") 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") and each of the six claims for relief. Cera Jr. denies each and every  
20 allegation unless otherwise admitted or qualified. Cera Jr. requests that this case be dismissed in its  
21 entirety or that Mr. Mike Baz, individually, (and PCV Murcor) be joined as respondents as explained  
22 below.

23 **I. INTRODUCTION TO ANSWER**

24 **A. The First Five Claims For Relief Arise Out Of A Single, Verifiably False,**  
25 **Statement Submitted To RED By Mr. Mike Baz of PCV Murcor**

26 This action arises out of an erroneous and substantially misleading complaint prepared and  
27 submitted by Mr. Mike Baz, a representative of the appraisal management company ("AMC") PCV  
28 Murcor, for the appraisal at issue. Mr. Baz made verifiably false statements, which became premises

1 of RED's allegations and the first five of its six claims for relief. Mr. Baz misstated, under penalty  
2 of perjury, "The signing appraiser never entered the interior of the home," which is verifiably false  
3 (and fails to state a claim because USPAP does not require an inspection, much less an  
4 exclusive/solo in-person inspection). In fact, the homeowner and the appraiser's son (two eye-  
5 witnesses) were present when the appraiser, Cera Jr., entered and inspected the interior of the home  
6 in-person. The homeowner and Mr. Baz must be subpoenaed as witnesses if this case proceeds.

7 Notably, Cera Jr. alone prepared every entry in the subject appraisal; Cera Jr. alone analyzed  
8 the pool of potential comparable properties; Cera Jr. alone selected every comparable property used  
9 in the appraisal; Cera Jr. alone performed the requisite market analysis; Cera Jr. alone performed the  
10 requisite comparison of the subject property to the comparables and the market conditions; Cera Jr.  
11 alone prepared the opinion of value; Cera Jr. alone selected and rejected photographs; and Cera Jr.  
12 alone signed the appraisal. Cera Jr.'s son merely accompanied Cera Jr. because Cera Jr. was ill. His  
13 son pushed a camera button to take *some* pictures as directed by Cera Jr. in his presence and took  
14 minimal dictation from Cera Jr. Such ministerial tasks—pushing a camera button and writing notes  
15 during an inspection that USPAP does not even require—are insufficient for an appraiser to  
16 represent in good faith that the appraiser received significant assistance in the preparation of an  
17 appraisal. By USPAP standards and by Nevada law, Cera Jr. received no significant appraisal  
18 assistance.

19 Notably, Cera Jr.'s opinions as to the characteristics and descriptions of the subject property  
20 (interior and exterior), the comparables, and the proper market value/analysis are not at issue.

21 **B. The Sixth Claim For Relief Is Attributable To Mr. Mike Baz And PCV Murcor,**  
22 **Who Must Be Joined As Respondents For Their Concealment Of This Information**

23 Finally, RED's sixth claim represents a potential miscarriage of justice by accusing Cera Jr.  
24 of failing to make two fee disclosures, both of which are dictated by Mr. Baz and PCV Murcor, who  
25 routinely concealed from Cera Jr. (and did conceal from Cera Jr. here) the fee paid to PCV Murcor  
26 as the AMC. Ironically, Mr. Baz did not accuse Cera Jr. of failing to disclose the fee paid to and by  
27 Mr. Baz's appraisal management company because Mr. Baz's company is the only entity that knows  
28 both sides of that information. Even so, to the extent that failure to disclose such fees remains at

1 issue, Mr. Baz and PCV Murcor must be joined in this action for their repeated failures to disclose  
2 information on which RED's sixth claim for relief is based.

3 **II. ANSWERS TO FACTUAL ALLEGATIONS**

4 1. Cera Jr. admits ¶ 1 that Cera Jr. completed the appraisal of the subject property per  
5 the order from an AMC, PCV Murcor (and Mr. Mike Baz, who wrote the erroneous and  
6 substantially misleading statements preceding the administrative complaint).

7 2. Cera Jr. admits ¶ 2.

8 3. Cera Jr. denies ¶ 3 except to the extent that, while Cera Jr. physically inspected the  
9 interior (and the exterior) of the home, Cera Jr. directed his son Anthony Cera, III (in Cera Jr.'s  
10 physical presence) to: (1) take some dictation for Cera Jr.; and (2) push the button on his camera to  
11 take pictures as directed by Cera Jr.—all in Cera Jr.'s presence in the interior of the home.

12 4. Cera Jr. admits ¶ 4. No one has alleged any inaccuracies in the descriptions of the  
13 interior or exterior areas of the property as stated in the appraisal.

14 5. Cera Jr. denies ¶ 5 to the extent that RED accuses Cera Jr. of performing anything  
15 less than the requisite appraiser duties at issue.

16 6. Cera Jr. admits ¶ 6 because Cera Jr. in fact received no "significant real property  
17 appraisal assistance from" anyone.

18 7. Cera Jr. admits that he did not name his son, Anthony Cera, III, in the appraisal  
19 because his minimal ministerial tasks did not amount to "significant real property appraisal  
20 assistance" required for Cera Jr. to proclaim such assistance in good faith; Cera Jr. denies the  
21 remaining allegations of ¶ 7.

22 8. Cera Jr. denies ¶ 8 to the extent that "specific tasks" means "significant real property  
23 appraisal assistance."

24 9. Cera Jr. denies ¶ 9 because Cera Jr. unequivocally disclosed the dollar amount paid to  
25 Cera Jr. to the appraisal management company, Mr. Mike Baz, PCV Murcor (the recipient of the  
26 subject report).

1           10.     Cera Jr. denies ¶ 10 because the appraisal management company unequivocally  
2     concealed this information from Cera Jr., but, nonetheless, the AMC unequivocally disclosed this  
3     information to itself as the recipient of the subject report.

4     **III.    ALLEGED VIOLATIONS OF LAW**

5           The first five claims for relief are not cognizable because they do not allege or demonstrate  
6     factual grounds to support “significant real property appraisal assistance.” USPAP Rule 2-2(b)(vii).

7           **A.    First Claim for Relief Is Not Supported**

8           Cera Jr. prepared the appraisal in compliance with the standards of Nevada Law and USPAP.  
9     There is no basis to support NRS 645C.460(1)(a) regarding “disciplinary action” for  
10    “[u]nprofessional conduct.” There is no basis to support NAC 645(C).405(1) for “unprofessional  
11    conduct or professional incompetence” based on failure “to prepare an appraisal in compliance with  
12    the USPAP” (as adopted by NAC 645C.400). There are no factual grounds to demonstrate  
13    “significant real property appraisal assistance.” USPAP Rule 2-2(b)(vii).

14          **B.    Second Claim for Relief Is Mistaken & Unsupported**

15          The second claim for relief mistakenly omits the requisite legal words “significant” and “real  
16    property appraisal assistance” while it states (and incorrectly presumes) that Cera Jr. relied on  
17    another to perform the visual inspection of the interior of the subject property—which is factually  
18    unsupportable and not a cognizable cause of action. Notably, an inspection is not required by  
19    USPAP. Indeed, the appraiser determines the appropriate scope of work, including the degree of  
20    inspection necessary to produce credible assignment results given the intended use. There is no  
21    basis to support an alleged violation of USPAP Standards Rule 2-2(a)(vii), which states:

22                   When any portion of the work involves significant real property appraisal assistance, the appraiser  
23                   must describe the extent of that assistance. The signing appraiser must also state the name(s) of those  
24                   providing the significant real property appraisal assistance in the certification, in accordance with SR  
25                   2-3.

26    (emphasis added). Next, SR 2-3 (which references Advisory Opinion No. 5) states in relevant part:

27                   The names of individuals providing significant real property appraisal assistance who do not sign a  
28                   certification must be stated in the certification. It is not required that the description of their assistance  
                    be contained in the certification, but disclosure of their assistance is required in accordance with SR 2-  
                    2(a), (b), or (c)(vii), as applicable.

1 There are no examples of *significant* assistance that are analogous to this case, where the appraiser's  
2 son accompanied the appraiser due to illness and merely performs a couple of the most minor  
3 ministerial tasks in his presence. There is no dispute that Cera Jr. visually inspected in-person, and  
4 through photographs, at a minimum, that Cera Jr. selected or rejected by his own choice. Advisory  
5 Opinion No. 2 states:

6 An appraiser may use any combination of property inspection, plans and specifications, asset records,  
7 photographs, property sketches, recorded media, etc., to gather information about the relevant  
characteristics of the subject property.

8 (AO-2 – Inspection at § “Minimum Level of Inspection”). Mere partial use of some photographs  
9 does not elevate every photographer to the level of substantial assister for appraisals. The bare fact  
10 that Cera Jr.'s son accompanied Cera Jr. because of Cera Jr.'s illness—and helped with ministerial  
11 tasks—does not constitute “significant real property appraisal assistance.” USPAP Rule 2-2(b)(vii).

12 ***C. Third Claim for Relief Is Not Cognizable***

13 The third claim for relief—citing the exact same three legal references as above: USPAP  
14 Rule 2-2(a)(vii); NRS 645C.460(1)(a); and NAC 645C.405(1)—asserts that the name of Cera Jr.'s  
15 son should have been added to the report for performing so-called “specific tasks.” However, as  
16 above, the laws require “*substantial*” appraisal assistance, not merely physical assistance carrying  
17 around the camera and taking photos or writing notes dictated by and in the presence of the ailing  
18 appraiser. While it might have been permissible to identify the photographer, such a disclosure  
19 would be superfluous at best—it would be unprofessional, at worst.

20 ***D. Fourth Claim for Relief Mentions Significant Appraisal Assistance***

21 The fourth claim for relief cites USPAP Rule 2-3, quoted in part above, which also includes  
22 the standard, “significant real property appraisal assistance,” to trigger a disclosure of names.  
23 However, there is no independent basis to trigger this claim, which is not supportable.

24 ***E. Fifth Claim for Relief Must Be Withdrawn***

25 The fifth claim for relief for “fraud” must be withdrawn. Accusing Cera Jr. of fraud or  
26 dishonesty—even if the worst parts of the allegations were true, which they are not—is improper, to  
27 say the least. At worst, Cera Jr. used certain photographs and his own in-person inspection to  
28 believe that he met the USPAP definition of an interior inspection and that his son's so-called

1 assistance was not “significant real property appraisal assistance,” as required by both of the USPAP  
2 standards alleged by RED. However, a mere accusation of fraud places a stigma on the accused  
3 and—even when unsupported—provides an unfair advantage to the accuser. This claim must be  
4 withdrawn.

5 ***F. Sixth Claim for Relief Implicates Mr. Baz and PCV Murcor***

6 The sixth claim for relief is, ironically, not the subject of Mr. Baz’s complaint because Mr.  
7 Baz himself fails to disclose the amounts paid to PCV Murcor, the appraisal management company.  
8 Mr. Baz and PCV Murcor conceal their fees from Cera Jr., which precludes Cera Jr. from inserting  
9 this data. All that remains is disclosure of Mr. Cera’s fee amount, \$340, which is utterly insufficient  
10 to give rise to this action.

11 DATED this 2 day of December, 2014

12 **WILSON ELSER MOSKOWITZ EDELMAN &**  
13 **DICKER LLP**

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