

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

4 \* \* \*

5 JOSEPH (JD) DECKER, Administrator,  
6 REAL ESTATE DIVISION,  
7 DEPARTMENT OF BUSINESS AND  
8 INDUSTRY, STATE OF NEVADA,

9 Petitioner,

10 vs.

11 EDWARD CLARK

12 Respondent.

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

16 Case No. AP15.044.S

17 **FILED**

18 OCT 11 2016

19 NEVADA COMMISSION OF APPRAISERS

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

22 1. PARTIES. This Stipulation is entered into by and between the Petitioner, the REAL  
23 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),  
24 by and through its Administrator, JOSEPH (JD) DECKER (the "Administrator"), and the Respondent,  
25 MARK PERKES (whether one or more hereinafter the "Respondent"), who at relevant times was  
26 licensed by the State of Nevada, license number(s) A.0001269-CR. This Stipulation is entered into  
27 upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the  
28 "AARC"), which was reached at its informal conference held on June 28, 2016, in LAS VEGAS,  
NEVADA. Members of the AARC present were Dennis Baughman, Wendell Snow, and Timothy  
Morse, CHAIR.

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

3. FINDINGS. The AARC has found that the Respondent, while licensed, certified or  
registered as a Nevada Appraiser, committed violations of chapter 645C of Nevada Revised

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

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

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

18 **a. Committee Recommendations:** The Committee recommended that the  
19 RESPONDENT complete not less than 14 hours of instruction in Advanced Application & Case  
20 Studies and pass the examination and the 15 hour National USPAP Course and pass the  
21 examination. The courses must be completed within twelve months and may not be applied  
22 towards the required continuing education hours. Further, after approval of the Commission, for a  
23 six month period RESPONDENT will have two appraisals per month reviewed in the following  
24 manner:

- 25 1. RESPONDENT will select a reviewer approved by the Division;  
26 2. After approval, the RESPONDENT will electronically submit a log of each appraisal conducted  
27 by the RESPONDENT in the immediately preceding month to the reviewer on or before the 5<sup>th</sup>  
28

1 of each month;

2 3. The reviewer will select 2 appraisals from the log and conduct a USPAP Standard Rule 3  
3 review to ascertain if the appraisal complies with USPAP Standard Rule 1 and 2;

4 4. RESPONDENT will electronically submit the two appraisals selected within 24 hours of the  
5 reviewer's notification;

6  
7 5. The reviewer will submit the review to the Division within 30 days of receipt of the appraisal  
8 from the RESPONDENT.

9 Any costs associated with the reviews will be at RESPONDENTS sole expense.

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

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

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

26 **d. Failure to perform; hearing on complaint.**

27 RESPONDENT agrees that if the required education is not completed in the time allowed above,  
28 RESPONDENT'S license will be automatically suspended until such time as the fine is paid and

1 continuing education requirement satisfied. The DIVISION may, at its option, rescind this  
2 Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions  
3 for the administrative fines may be instituted by the DIVISION;

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

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

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

17 6. **RELEASE.** In consideration of execution of this Stipulation, the Respondent for  
18 himself/herself or his/her heirs, executors, administrators, successors, and assigns, hereby  
19 release, remiss, and forever discharge the State of Nevada, the Department of Business and  
20 Industry of the State of Nevada, the Division, and each of their members, agents, and employees  
21 in their individual and representative capacities, from any and all manner of actions, causes of  
22 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and  
23 unknown, in law or equity, that the Respondents ever had, now has, may have, or claims to have  
24 against any or all of the persons or entities named in this section, arising out of or by reason of  
25 the Division's investigation, this disciplinary action, or any other matter relating thereto.

26 7. **INDEMNIFICATION.** Respondent hereby indemnifies and holds harmless the State  
27 of Nevada, the Department of Business and Industry of the State of Nevada, the Division, and  
28 each of their members, agents, and employees in their individual and representative capacities  
against any and all claims, suits, and actions brought against said persons and/or entities by

1 reason of the investigation of the allegations in the Complaint, this disciplinary action and all  
2 other matters relating thereto, and against any and all expenses, damages, and costs, including  
3 court costs and attorney fees, which may be sustained by the persons and/or entities named in  
4 this section as a result of said claims, suits, and actions.

5 **8. COMMISSION APPROVAL OF STIPULATION NECESSARY.**

6 Once executed, this Stipulation will be filed with the Commission and will be put on the agenda  
7 for approval at its meeting, which by Nevada law is a public meeting. At that time, the DIVISION  
8 will recommend to the Commission approval of the Stipulation. RESPONDENT acknowledges and  
9 agrees that the Commission may approve this Stipulation, reject it, or suggest different terms  
10 which must be communicated to RESPONDENT and accepted or rejected by RESPONDENT before  
11 any such amendment shall become effective.

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

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

20 ....

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1 not constitute an estoppel, merger or bar to any administrative or civil proceeding by the  
2 Division with respect to any future matters or other matters that were not consideration for  
3 this Stipulation.

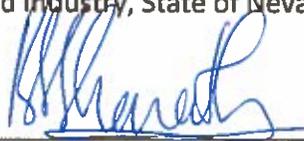
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14 SO STIPULATED.

15  
16 Dated: 10/10/16

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

17  
18  
19 By:

  
JOSEPH (JD) DECKER  
Administrator

SHARATH CHANDEA

20  
21 Dated: 6-30-2016

  
EDWARD CLARK  
Respondent

22  
23 **ORDER**

24 The foregoing Stipulation was approved by a vote of the Nevada Commission of  
25 Appraisers of Real Estate on \_\_\_\_\_.

26 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
27

not 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.

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....

SO STIPULATED.

Dated: \_\_\_\_\_

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

By: \_\_\_\_\_

~~JOSEPH (JD) DECKER~~ SAARATH CHANDIRA  
Administrator

Dated: \_\_\_\_\_

\_\_\_\_\_

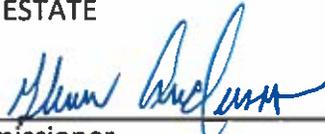
Respondent

**ORDER**

The foregoing Stipulation was approved by a vote of the Nevada Commission of Appraisers of Real Estate on OCTOBER 11, 2016.

DATED this 11 day of OCTOBER, 2016.

NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE

  
\_\_\_\_\_  
Commissioner

State of Nevada  
Department of Business & Industry  
Real Estate Division  
Appraisal Advisory Review Committee  
1818 E College Pkwy, Suite 110  
Carson City, Nevada 89706

## COMMITTEE REPORT

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**Date of AARC meeting:** June 28, 2016  
**Case No.** AP15.044.S  
**Respondent:** Edward Clark  
**License No.** A.0001269-CR  
**Appraisal Officer:** Brenda Kindred-Kipling  
**Committee members:** Timothy Morse, Chair, Dennis Baughman, Wendell Snow

**Findings:** The Committee determined that in the case of the appraisal of a single family residence located at 1336 Enchanted River Dr., Henderson, NV dated February 23, 2015, RESPONDENT violated the Uniform Standards of Professional Appraisal Practice in that he failed to keep a complete a complete workfile, failed to use the most similar comparable sales available a the time of the report, failed to make credible adjustments and failed to complete the cost approach correctly.

**Violations:**

**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 or omission or commission that significantly affects an appraisal;
- (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 1-2**

In developing a real property appraisal, an appraiser must:

- (e) Identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including:
  - (i) its location and physical, legal and economics attributes;

**Standards Rule 1-4**

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

- (a) When an sales comparison approach is necessary for credible assignment results 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:
  - (i) develop an opinion of site value by an appropriate

appraisal methods or technique.

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

**Standards Rule 2-1**

Each written or oral real property appraisal report must:

- (a) clearly and accurately set forth the appraisal in a manner that 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 the RESPONDENT complete not less than 14 hours of instruction in Advanced Application & Case Studies and pass the examination and the 15 hour National USPAP Course and pass the examination. The courses must be completed within twelve months and may not be applied towards the required continuing education hours. Further, after approval of the Commission, for a six month period RESPONDENT will have two appraisals per month reviewed in the following manner:

1. RESPONDENT will select a reviewer approved by the Division;
  2. After approval, the RESPONDENT will electronically submit a log of each appraisal conducted by the RESPONDENT in the immediately preceding month to the reviewer on or before the 5<sup>th</sup> of each month;
  3. The reviewer will select 2 appraisals from the log and conduct a USPAP Standard Rule 3 review to ascertain if the appraisal complies with USPAP Standard Rule 1 and 2;
  4. RESPONDENT will electronically submit the two appraisals selected within 24 hours of the reviewer's notification;
  5. The reviewer will submit the review to the Division within 30 days of receipt of the appraisal from the RESPONDENT.
- Any costs associated with the reviews will be at RESPONDENTS sole expense.

Respondent agreed.

This report is hereby submitted on this the 29 day of June 2016.

Appraisal Advisory Review Committee



Timothy Morse, Chair