

BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE  
STATE OF NEVADA

JOSEPH DECKER , Administrator, )  
REAL ESTATE DIVISION, DEPARTMENT )  
OF BUSINESS AND INDUSTRY, )  
STATE OF NEVADA, )

Case No. AP 16.004.N

Petitioner, )

COMPLAINT AND NOTICE OF HEARING

vs. )

GREGORY HARTMANN, )  
(Unlicensed in Nevada), )

**FILED**

JAN 06 2016

NEVADA COMMISSION OF APPRAISERS

Respondent. )

State of Nevada, Department of Business and Industry, Real Estate Division ("the Division"), by and through counsel, ADAM PAUL LAXALT, Attorney General of the State of Nevada, and PETER K. KEEGAN, Deputy Attorney General, hereby notifies the Respondent, GREGORY HARTMANN ("Respondent") of an administrative hearing which is to be held pursuant to Chapter 233B and Chapter 645C of the Nevada Revised Statutes ("NRS") and Chapter 645C of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 645C.215, if the stated allegations are proven at the hearing by the evidence presented.

JURISDICTION

The Respondent engaged in activities which require a license as an appraiser issued by the Division and therefore is subject to the jurisdiction of the Division and the provisions of NRS and NAC 645C. By availing himself of the benefits and protections of the laws of the State of Nevada, the Respondent has submitted to the jurisdiction of the Division.

FACTUAL ALLEGATIONS

1. On or about September 3, 2015, the Division received a complaint/statement of fact asserting that the Respondent had completed an appraisal for a property located in the

1 State of Nevada.

2 2. The Respondent has never held an active license in the State of Nevada, nor did  
3 he apply for a temporary practice permit to conduct the subject appraisal, which he has done  
4 in prior instances.

5 3. The Respondent performed an appraisal of the property of Ramada Reno Hotel,  
6 located at E. 6th St., Reno, Nevada 89512 (APN 008-511-02), by analyzing the nature,  
7 quality, value, or use of the property, and offered his opinion as to the nature, quality, value or  
8 use of the property for or with the expectation of compensation.

9 4. On or about September 15, 2015, Appraisal Officer Brenda Kindred-Kipling  
10 notified the Respondent that it had come to the attention of the Division that the Respondent  
11 performed a real estate appraisal of the property located at 1000 E. 6th Street, Reno, NV  
12 89512 on or around February 23, 2015, without first obtaining the proper license or permit.

13 5. On or about October 5, 2015, the Respondent forwarded a response to Ms.  
14 Kindred-Kipling.

15 6. The Respondent performed an appraisal as per 645C.030 without first receiving  
16 from the Division the proper certification, license, or permit as required per NRS 645C.260.

17 **VIOLATIONS OF LAW**

18 **First Claim for Relief**

19 The Respondent committed a violation of NRS 645C.260, by performing an analysis,  
20 opinion, or conclusion, whether written or oral, relating to the nature, quality, value, or use of a  
21 specified interest in, or aspect of, identified real estate for or with the expectation of receiving  
22 compensation, which constituted an appraisal pursuant to NRS 645C.030. Respondent  
23 engaged in this conduct without first obtaining the requisite certificate, license, registration, or  
24 registration card, or other type of authorization required pursuant to NRS Chapter 645C.

25 **Second Claim for Relief**

26 The Respondent committed a violation of NRS 645C.215, by knowingly performing an  
27 analysis, opinion, or conclusion, whether written or oral, relating to the nature, quality, value,  
28 or use of a specified interest in, or aspect of, identified real estate for or with the expectation of

1 receiving compensation, which constituted an appraisal pursuant to NRS 645C.030.  
2 Respondent engaged in this conduct without first obtaining the requisite certificate, license,  
3 registration, or registration card, or other type of authorization required pursuant to NRS  
4 Chapter 645C.

5 **DISCIPLINE AUTHORIZED**

6 1. Pursuant to NRS 645C.215, the Commission is empowered to impose an  
7 administrative fine against the Respondent in an amount not to exceed the amount of gain or  
8 economic benefit that the person derived from the violation, or \$5,000.00, whichever amount  
9 is greater, pursuant to NRS 645C.215(2)

10 3. Additionally, under NRS Chapter 622.400, the Commission is authorized to  
11 impose the costs of the proceeding upon the Respondent, including investigative costs and  
12 attorney's fees, if the Commission otherwise imposes discipline on the Respondent.

13 4. Therefore, the Division requests the Commission to impose such discipline as it  
14 determines is appropriate under the circumstances and to award the Division its costs and  
15 attorney's fees for this proceeding.

16 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this  
17 Administrative Complaint against the above-named Respondent in accordance with Chapter  
18 233B and Chapter 645C of the Nevada Revised Statutes and Chapter 645C of the Nevada  
19 Administrative Code.

20 **THE HEARING WILL TAKE PLACE** at the Commission Meeting on February 9-11,  
21 2016, commencing each day at 9:00 a.m., or earlier if the business of the Commission  
22 is concluded. The Commission Meeting will be located at the Grant Sawyer Building,  
23 555 E. Washington Ave., Room 2450, Las Vegas, Nevada 89101, with videoconferencing  
24 to the Gaming Control Meeting Room, 1919 College Parkway, Carson City, Nevada  
25 89706.

26 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
27 same time as part of a regular meeting of the Commission that is expected to last from  
28 February 9, 2016, through February 11, 2016, beginning each day at 9:00 a.m., or earlier

1 **if the business of the Commission is concluded.** Thus, your hearing may be continued  
2 until later in the day or from day to day. It is your responsibility to be present when your case  
3 is called. If you are not present when your hearing is called, a default may be entered against  
4 you, and the Commission may decide the case as if all allegations in the complaint were true.  
5 If you need to negotiate a more specific time for your hearing, in advance, because of  
6 coordination with out-of-state witnesses or the like, please call Claudia Rosolen, Commission  
7 Coordinator, at (702) 486-4606.

8 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is an  
9 open meeting under Nevada's open meeting law and may be attended by the public. After the  
10 evidence and arguments, the Commission may conduct a closed meeting to discuss your  
11 alleged misconduct or professional competence. A verbatim record will be made by a certified  
12 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
13 the meeting, although you must pay for the transcription.

14 As the Respondent, you are specifically informed that you have the right to appear and  
15 be heard in your defense, either personally or through your counsel of choice. At the hearing,  
16 the Division has the burden of proving the allegations in the complaint and will call witnesses  
17 and present evidence against you. You have the right to respond and to present relevant  
18 evidence and argument on all issues involved. You have the right to call and examine  
19 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant  
20 to the issues involved.

21 You have the right to request that the Commission issue subpoenas to compel  
22 witnesses to testify and/or evidence to be offered on your behalf. In making this request, you  
23 may be required to demonstrate the relevance of the witnesses' testimony and/or evidence.  
24 Other important rights you have are listed in NRS Chapter 645C, NRS Chapter 233B, and  
25 NAC Chapter 645C.

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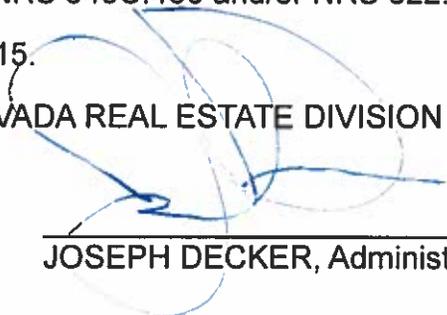
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The purpose of the hearing is to determine if the Respondent has violated NRS 645C.460(1) and, if the allegations contained herein are substantially proven by the evidence presented, to further determine what administrative penalty is to be assessed against the Respondent, if any, pursuant to NRS 645C.460 and/or NRS 622.400.

DATED this 30<sup>th</sup> day of December 2015.

NEVADA REAL ESTATE DIVISION

By:   
JOSEPH DECKER, Administrator

ADAM PAUL LAXALT  
Attorney General

By:   
PETER K. KEEGAN  
Deputy Attorney General  
Nevada Bar No. 12237  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1153  
*Attorneys for Real Estate Division*