

1 had completed an appraisal for a property located in the State of Nevada.

2 2. On or about May 17, 2016, the RESPONDENT performed an appraisal of the
3 property of located at 2587 Business Parkway, Minden, Nevada 89423 ("Property"), by
4 analyzing the nature, quality, value, or use of the property, and offered his opinion as to the
5 nature, quality, value or use of the property for or with the expectation of compensation.

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

9 4. On or about August 1, 2016, Appraisal Officer Brenda Kindred-Kipling notified
10 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 2587 Business Parkway, Minden,
12 Nevada 89423 on or around May 17, 2016, without first obtaining the proper license or permit.

13 5. On or about August 2, 2016, the RESPONDENT forwarded an email response
14 to Ms. Kindred-Kipling.

15 6. The investigation by the Division has revealed that RESPONDENT performed
16 an appraisal as per 645C.030 without first receiving from the Division the proper certification,
17 license, or permit as required per NRS 645C.260.

18 7. The investigation by the Division further revealed that RESPONDENT had
19 included a copy of an altered temporary permit, which was not issued by the Division and was,
20 in fact, invalid, with his appraisal of the Property.

21 **VIOLATIONS OF LAW**

22 **First Claim for Relief**

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

1 Pursuant to NRS 645C.260(2), the Division may request its attorney to pursue criminal
2 sanctions in a court of competent jurisdiction for a violation of NRS 645C.260.

3 **Second Claim for Relief**

4 The RESPONDENT committed a violation of NRS 645C.215 by knowingly performing
5 an analysis, opinion, or conclusion, whether written or oral, relating to the nature, quality,
6 value, or use of a specified interest in, or aspect of, identified real estate for or with the
7 expectation of receiving compensation, which constituted an appraisal pursuant to NRS
8 645C.030. RESPONDENT engaged in this conduct without first obtaining the requisite
9 certificate, license, registration, or registration card, or other type of authorization required
10 pursuant to NRS Chapter 645C.

11 **DISCIPLINE AUTHORIZED**

12 1. Pursuant to NRS 645C.215(2)(a), the Commission is empowered to impose an
13 administrative fine against the RESPONDENT in an amount not to exceed the amount of gain
14 or economic benefit that the person derived from the violation, or \$5,000.00, whichever
15 amount is greater.

16 2. Additionally, under NRS Chapter 622.400, the Commission is authorized to
17 impose the costs of the proceeding upon the RESPONDENT, including investigative costs and
18 attorney's fees, if the Commission otherwise imposes discipline on the RESPONDENT.

19 3. Therefore, the Division requests the Commission to impose such discipline as it
20 determines is appropriate under the circumstances and to award the Division its costs and
21 attorney's fees for this proceeding.

22 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider this
23 Administrative Complaint against the above-named RESPONDENT in accordance with
24 Chapter 233B and Chapter 645C of the Nevada Revised Statutes and Chapter 645C of the
25 Nevada Administrative Code.

26 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for
27 **October 11-13, 2016, beginning at approximately 9:00 a.m. each day, or until such time**
28 **as the Commission concludes its business. The Commission meeting will be held at**

1 Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas Nevada
2 89101, with videoconferencing at Legislative Building, 401 South Carson Street, Room
3 3137, Carson City, Nevada 89701.

4 **STACKED CALENDAR:** Your hearing is one of several hearings that may be
5 scheduled at the same time as part of a regular meeting of the Commission that is
6 expected to take place on October 11-13, 2016. Thus, your hearing may be continued
7 until later in the day or from day-to-day. It is your responsibility to be present when
8 your case is called. If you are not present when your hearing is called, a default may be
9 entered against you and the Commission may decide the case as if all allegations in the
10 complaint were true. If you need to negotiate a more specific time for your hearing in
11 advance because of coordination with out of state witnesses or the like, please call
12 Claudia Rosolen, Commission Coordinator, at (702) 486-4606.

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

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

26 You have the right to request that the Commission issue subpoenas to compel
27 witnesses to testify and/or evidence to be offered on your behalf. In making this request, you
28 may be required to demonstrate the relevance of the witnesses' testimony and/or evidence.

1 Other important rights you have are listed in NRS Chapter 645C, NRS Chapter 233B, and
2 NAC Chapter 645C.

3 The purpose of the hearing is to determine if the RESPONDENT has violated
4 NRS 645C.215(1)(a) and, if the allegations contained herein are substantially proven by the
5 evidence presented, to further determine what administrative penalty is to be assessed
6 against the RESPONDENT, if any, pursuant to NRS 645C.215(1)(a) and/or NRS 645C.460(2)
7 and/or NRS 622.400.

8 DATED this ____ day of September, 2016.

9 NEVADA REAL ESTATE DIVISION

10
11 By: 

SHARATH CHANDRA, Administrator
2501 East Sahara Avenue
Las Vegas, Nevada 89104-4137
(702) 486-4033

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14
15 DATED this 1st day of September, 2016.

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17 ADAM PAUL LAXALT
Attorney General

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19 By: 

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