

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

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5 SHARATH CHANDRA, Administrator,)
6 REAL ESTATE DIVISION,)
7 DEPARTMENT OF BUSINESS AND)
8 INDUSTRY, STATE OF NEVADA,)
9)
10 vs. Petitioner,)
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**STIPULATION FOR SETTLEMENT
OF DISCIPLINARY ACTION
PURSUANT TO NAC 645C.610(3)**

Case No.: 2017-821, AP17.019.S

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

15 **1. PARTIES.** This Stipulation is entered into by and between the Petitioner, the REAL
16 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),
17 by and through its Administrator, SHARATH CHANDRA (the "Administrator"), and the Respondent,
18 ROBERT T. STEFFAN (whether one or more hereinafter the "Respondent"), who at relevant times
19 was licensed by the State of Nevada, license number(s) A.0006198.CR. This Stipulation is entered
20 into upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the
21 "AARC"), which was reached at its informal conference held on August 25, 2017, in LAS VEGAS,
22 NEVADA. Members of the AARC present were Richard Scott Dugan, James Martin, and John
23 Wright, CHAIR.

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

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

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

19 Respondent is to complete not less than fifteen hours of instruction in Report
20 Writing.

21 Complete not less than seven hours of instruction in Sales Comparison/Sales
22 Adjustments.

23 Complete not less than fifteen hours of instruction in Residential Site Valuation.

24 Fifteen hours of the recommended courses must be in a classroom setting.

25 None of the above listed class credits will be applied to continued education.

26 Courses must be completed within eighteen months from the date this stipulation
27 is approved by the Appraisal Commission.

28 RESPONDENT

 09-21-2017

1 **b. Public Record.** RESPONDENT and the DIVISION agree that by entering into this
2 Stipulation, the DIVISION does not concede any defense or mitigation RESPONDENT may assert,
3 and the parties agree that the DIVISION will not publicize the instant disciplinary matter, except as
4 set forth below, and that once this Stipulation is approved and fully performed, the DIVISION will
5 close its file in this matter. RESPONDENT understands that the public records law may require the
6 DIVISION to make available for inspection this Stipulation and related documents. RESPONDENT
7 also understands that the DIVISION may share the content of this Stipulation and related
8 documents with any governmental or professional organization or member of the public;

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

17 **d. Failure to perform; hearing on complaint.**
18 RESPONDENT agrees that if the required education is not completed in the time allowed above,
19 RESPONDENT'S license will be automatically suspended until such time as the fine is paid and
20 continuing education requirement satisfied. The DIVISION may, at its option, rescind this
21 Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions
22 for the administrative fines may be instituted by the DIVISION;

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

26 **f. Waiver by Respondent.** RESPONDENT agrees and understands that by entering
27 into this Stipulation, RESPONDENT is waiving his/her right to a hearing at which RESPONDENT
28 may present evidence in his/her defense and to be represented by counsel, to judicial review of
any adverse decision by the Commission, and to present his/her defense to a Commission which
has had no prior familiarity with the instant matter. The Commission members who review this

1 matter for approval of this Stipulation may be the same members who ultimately hear the
2 DIVISION'S complaint if this Stipulation is either not approved by the Commission or is not timely
3 performed by RESPONDENT; and

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

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

15 7. **INDEMNIFICATION.** Respondent hereby indemnifies and holds harmless the State
16 of Nevada, the Department of Business and Industry of the State of Nevada, the Division, and
17 each of their members, agents, and employees in their individual and representative capacities
18 against any and all claims, suits, and actions brought against said persons and/or entities by
19 reason of the investigation of the allegations in the Complaint, this disciplinary action and all
20 other matters relating thereto, and against any and all expenses, damages, and costs, including
21 court costs and attorney fees, which may be sustained by the persons and/or entities named in
22 this section as a result of said claims, suits, and actions.

23 8. **COMMISSION APPROVAL OF STIPULATION NECESSARY.**
24 Once executed, this Stipulation will be filed with the Commission and will be put on the agenda
25 for approval at its meeting, which by Nevada law is a public meeting. At that time, the DIVISION
26 will recommend to the Commission approval of the Stipulation. RESPONDENT acknowledges and
27 agrees that the Commission may approve this Stipulation, reject it, or suggest different terms
28 which must be communicated to RESPONDENT and accepted or rejected by RESPONDENT before
any such amendment shall become effective.

9. **SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the

1 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any
2 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation
3 entered into with the Division, may be introduced at a hearing and used against the Respondent.

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

8

9
10 SO STIPULATED.

11 Dated: 09/22/17

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

14 By: 
15 SHARATH CHANDRA
16 Administrator

17 Dated: 09-21-2017

18 
19 Respondent

20 **ORDER**

21 The foregoing Stipulation was approved by a vote of the Nevada Commission of
22 Appraisers of Real Estate on _____.

23 DATED this _____ day of _____, 2018.

24 NEVADA COMMISSION OF APPRAISERS OF
25 REAL ESTATE

26 _____
27 Commissioner
28

EXHIBIT “A”

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

COMMITTEE REPORT

Date of AARC meeting: August 25, 2017
Case No. AP17.019.S
Respondent: Robert Stefan
License No. A.0006198-CR
Appraisal Officer: Stacey Spoerl
Committee members: John Wright, Scott Dugan, James Martin

Allegations: Respondent does not explain how the GLA used in the analysis was derived.
Respondent chose comparables which were similar to the subject property.
Respondent fails to support comparables.
Respondent fails to indicate how the comparables are weighted.
Respondent presents Comparable 3 and 6 as similar except in terms of quality, but the \$300,000 difference in adjusted value is left unexplained.

Possible Violations:

USPAP Standard Rule 1-1(a)
USPAP Standard Rule 1-1(b)
USPAP Standard Rule 1-1(c)

USPAP Standard Rule 1-2 (e)
USPAP Standard Rule 1-2 (iii)
USPAP Standard Rule 1-2 (v)
USPAP Standard Rule 1-2 (h)

USPAP Standard Rule 1-4(a)
USPAP Scope of Work Rule
USPAP Record Keeping Rule
USPAP Ethics Rule
USPAP Scope of Competency Rule
USPAP Standard Rule 1-6 (a)
USPAP Standard Rule 1-6 (b)
USPAP Standard Rule 2-1(a)
USPAP Standard Rule 2-1(b)
USPAP Standard Rule 2-1(a) (iv)

USPAP Standard Rule 2-2 (a) (vii)

Findings:

The Committee determined that in the case of the appraisal review of a single family residence located at 22 Highland Creek Drive, Henderson NV 89052 dated 08/DD/2016, RESPONDENT violated the Uniform Standards of Professional Appraisal Practice in that he

Violations:

USPAP Scope of Competency Rule
USPAP Scope of Work Rule

USPAP Standard Rule 1-1(a)
USPAP Standard Rule 1-1(b)
USPAP Standard Rule 1-1(c)
USPAP Standard Rule 1-2 (h)
USPAP Standard Rule 1-4(a)
USPAP Standard Rule 1-6 (a)
USPAP Standard Rule 1-6 (b)
USPAP Standard Rule 2-1(a)
USPAP Standard Rule 2-1(b)

COMPETENCY RULE

An appraiser must (1) be competent to perform the assignment; (2) acquire the necessary competency to perform the assignment; or (3) decline or withdraw from the assignment. In all cases, the appraiser must perform competently when completing the assignment.

USPAP Scope of Work Rule

For reach appraisal and appraisal review assignment, an appraiser must:

1. Identify the problem to be solved;
2. Determine and perform the scope of work necessary to develop credible assignment results;
3. Disclose the scope of work

An appraiser must properly identify the problem to be solved in order to determine the appropriate Scope of Work. The appraiser must be prepared to demonstrate that the scope of the work is sufficient to produce credible assignment results.

Standard Rule 1

In developing real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete the research and analyses necessary to produce a credible appraisal.

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 of omission or commission
- (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.

Standard Rule 1-2

In developing a real property appraisal, an appraiser must:

(h) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE

Standard 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 a 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.

Standard Rule 1-6

In developing a real property, an appraiser must:

- (a) reconcile the quality and quantity of data available and analyzed within the approaches used; and
- (b) reconcile the applicability and relevance of the approaches, methods and techniques used to arrive at the value conclusion(s).

Standard 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 user of the appraisal to understand the report properly.

Committee recommendation:

The Committee recommended:

The RESPONDENT complete not less than 15 hours of instruction in education relating to Residential Site Valuation.

The RESPONDENT complete not less than 15 hours of instruction in education relating to Report Writing.

The RESPONDENT complete not less than 7 hours of instruction in education relating to Residential Sales Comparison Adjustments.

The RESPONDENT must take at least 15 of the course material in a classroom setting.

The RESPONDENT has 18 months to complete all courses from the date the stipulation is approved by the Appraisal Commission.

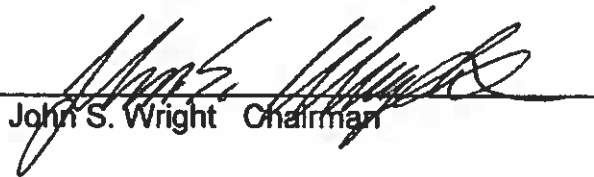
No course can be used for Continuing Education credit.

Respondent agreed.

This report is hereby submitted on this the 14 day of September, 2017.

Date of Signature: 29 Sept 2017

Appraisal Advisory Review Committee


John S. Wright Chairman