

1                   **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**  
2   **STATE OF NEVADA**

3 SHARATH CHANDRA , Administrator, )  
4 REAL ESTATE DIVISION, )  
5 DEPARTMENT OF BUSINESS AND )  
6 INDUSTRY, )  
7 STATE OF NEVADA, )

Case No. 2017-1117, AP 17.034.S

Petitioner, )

**COMPLAINT AND NOTICE OF**  
**HEARING**

8 vs. )

9 MICHAEL LACH )  
10 (Unlicensed), )

11 Respondent. )

**FILED**

SEP - 6 2018

NEVADA COMMISSION OF APPRAISERS

12  
13           State of Nevada, Department of Business and Industry, Real Estate Division (“the  
14 Division”), by and through counsel, Attorney General ADAM PAUL LAXALT and Deputy  
15 Attorney General PETER K. KEEGAN, hereby notifies MICHAEL LACH (“Respondent”)  
16 of an administrative hearing which is to be held pursuant to Chapter 233B and Chapter  
17 645C of the Nevada Revised Statutes (“NRS”) and Chapter 645C of the Nevada  
18 Administrative Code (“NAC”). The purpose of the hearing is to consider the allegations  
19 stated below and to determine if the Respondent should be subject to a disciplinary  
20 penalty as set forth in NRS 645C and or NAC 645C, if the stated allegations are proven at  
21 the hearing by the evidence presented.

22   **JURISDICTION**

23           The Respondent is a not licensed by the Division, but has engaged in appraisal  
24 activity in the State of Nevada. By availing himself of the benefits and protections of the  
25 laws of the State of Nevada, the Respondent has submitted to the jurisdiction of the  
26 Division.

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1 FACTUAL ALLEGATIONS

2 1. On or about May 4, 2017, the Division received a complaint/statement of fact  
3 asserting that the Respondent had completed an unlicensed appraisal for vacant land  
4 located in Pahrump, Nevada.

5 2. The Respondent has never held an appraisal license or certificate in the  
6 State of Nevada, nor did he apply for a temporary practice permit to conduct the subject  
7 appraisal.

8 3. On or about December 14, 2016, the Respondent, operating under the  
9 Business name Pahrump Land Specialist, performed an appraisal of approximately 30.67  
10 acres of vacant land, and the appurtenant 80 acre-feet of water rights, located on 2800 W.  
11 Highway 372, Pahrump, Nevada 89048 and identified by APN 36-461-02 ("Property"), by  
12 analyzing the nature, quality, value, or use of the property, and offered his opinion as to  
13 the nature, quality, value or use of the property for or with the expectation of  
14 compensation.

15 4. On or about April 15, 2017, the Division mailed and investigation opening  
16 letter containing a copy of the Complaint, via certified mail, to the Respondent.

17 5. The investigation opening letter requested Respondent provide his entire  
18 work file along with a response to the Complaint by April 30, 2017.

19 6. On October 24, 2017, the Division sent a follow-up letter, via certified mail,  
20 to the Respondent because no response had been received to the investigation opening  
21 letter.

22 7. On November 14, 2017, the Division sent another follow-up letter, via  
23 certified mail, to the Respondent requesting he provide a response to the Complaint  
24 because no response had been provided.

25 8. On May 23, 2018, the Division sent Respondent an NRS 233B Letter,  
26 providing notice of intent to file a formal complaint and request for hearing with the  
27 Nevada Appraisal Commission on the allegations of unlicensed activity.

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1 VIOLATIONS OF LAW

2 First Violation

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

10 DISCIPLINE AUTHORIZED

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

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

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

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

25 **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled  
26 for October 9, 10, and 11, 2018, beginning at approximately 9:00 a.m. each day, or  
27 until such time as the Commission concludes its business. The Commission  
28 meeting will be held at the Nevada State Business Center, 3300 W. Sahara

1 Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102, with  
2 videoconferencing to the State of Nevada, Department of Business and  
3 Industry, Division of Insurance, 1818 East College Parkway, 1st floor Hearing  
4 Room, Carson City, Nevada 89706.

5 **STACKED CALENDAR:** Your hearing is one of several hearings that may  
6 be scheduled at the same time as part of a regular meeting of the Commission  
7 that is expected to take place on October 9-11, 2018. Thus, your hearing may be  
8 continued until later in the day or from day to day. It is your responsibility to  
9 be present when your case is called. If you are not present when your case is  
10 called, a default may be entered against you, and the Commission may decide  
11 the case as if all allegations in the complaint were true. If you need to negotiate  
12 a more specific time for your hearing in advance, because of coordination with  
13 out of state witnesses or the like, please call Samiel Williams, Commission  
14 Coordinator, at (702) 486-4606.

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

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

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

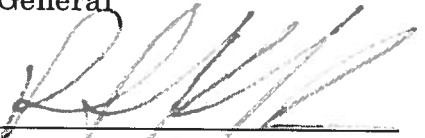
6 DATED the 6 day of September 2018.

DATED the 6th day of September 2018.

7 NEVADA REAL ESTATE DIVISION

ADAM PAUL LAXALT  
Attorney General

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