

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, )

8   Petitioner, )

9   vs. )

10 BRIAN OLIVER SPILLERS )  
11 (Unlicensed), )

12   Respondent. )

Case No. 2018-888, AP19.001.S

**COMPLAINT AND NOTICE OF HEARING**

**FILED**

DEC 27 2018

NEVADA COMMISSION OF APPRAISERS



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 BRIAN OLIVER SPILLERS  
16 (“Respondent”) of an administrative hearing which is to be held pursuant to Chapter  
17 233B and Chapter 645C of the Nevada Revised Statutes (“NRS”) and Chapter 645C of the  
18 Nevada Administrative Code (“NAC”). The purpose of the hearing is to consider the  
19 allegations stated below and to determine if the Respondent should be subject to a  
20 disciplinary penalty as set forth in NRS 645C and or NAC 645C, if the stated allegations  
21 are proven at 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 July 2, 2018, the Division received a complaint/statement of fact  
3 asserting that the Respondent had completed an unlicensed appraisal of commercial real  
4 estate located in Las Vegas, Nevada.

5 2. The Respondent has never held an appraisal license or certificate in the  
6 State of Nevada.

7 3. The Division received an Appraiser Temporary Practice Permit Application  
8 from Respondent on June 25, 2018, the application was signed and notarized on June 19,  
9 2018, in the County of Saint John, Florida.

10 4. The Division issued Respondent a Temporary Practice Permit, Permit No.  
11 ATMP.0013728.CG on June 28, 2018, with an effective date of June 26, 2018.

12 5. On or about April 12, 2018, the Respondent, operating under the business  
13 name Huron Consulting Group, signed an engagement letter to perform determine the  
14 fair market value rent rate of medical office space located at 2400 Tech Center Drive, Las  
15 Vegas, Nevada 89128 ("Property").

16 6. By analyzing the nature, quality, value, or use of the property, Respondent  
17 performed an appraisal when he offered his opinion as to the nature, quality, value or use  
18 of the property for or with the expectation of compensation.

19 7. The effective date of value on the Appraisal performed by the Respondent  
20 was April 20, 2018.

21 8. On or about July 3, 2018, the Division mailed an investigation opening letter  
22 containing a copy of the Complaint, via certified mail, to the Respondent.

23 9. The investigation opening letter requested Respondent provide his entire  
24 work file along with a response to the Complaint by July 15, 2018.

25 10. After receiving an extension, the Respondent submitted his response, which  
26 was received by the Division on July 25, 2018.

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1           11.    On December 18, 2018, the Division sent Respondent an NRS 233B Letter,  
2 providing notice of intent to file a formal complaint and request for hearing with the  
3 Nevada Appraisal Commission on the allegations of unlicensed activity.

4   **VIOLATIONS OF LAW**

5   **First Violation**

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

13   **DISCIPLINE AUTHORIZED**

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

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

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

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

28           **THE HEARING WILL TAKE PLACE at the Commission meeting scheduled**

1 for January 29-31, 2019, beginning at approximately 9:00 a.m. each day, or until  
2 such time as the Commission concludes its business. The Commission meeting  
3 will be held at the Nevada State Business Center, 3300 W. Sahara Avenue,  
4 Nevada Room, Suite 400, Las Vegas, Nevada 89102, with videoconferencing to  
5 the State of Nevada, Department of Business and Industry, 1830 East College  
6 Parkway, Suite 100, Carson City, Nevada 89706.

7 **STACKED CALENDAR:** Your hearing is one of several hearings that may  
8 be scheduled at the same time as part of a regular meeting of the Commission  
9 that is expected to take place on January 29-31, 2019. Thus, your hearing may  
10 be continued until later in the day or from day to day. It is your responsibility  
11 to be present when your case is called. If you are not present when your case is  
12 called, a default may be entered against you, and the Commission may decide  
13 the case as if all allegations in the complaint were true. If you have questions  
14 regarding the issuance of subpoenas and/or other accommodations, please call  
15 **Samuel Williams, Commission Coordinator, at (702) 486-4606.**

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

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

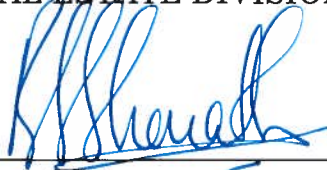
1  
2 You have the right to request that the Commission issue subpoenas to compel  
3 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
4 you may be required to demonstrate the relevance of the witnesses' testimony and/or  
5 evidence. Other important rights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

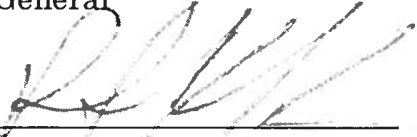
7 DATED the 27 day of December 2018.

DATED the 26th day of December 2018.

8 NEVADA REAL ESTATE DIVISION

ADAM PAUL LAXALT  
Attorney General

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