

**NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE
MEETING
JANUARY 31, 2023, MINUTES**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
JANUARY 31, 2023**

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor, Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:02 A.M.

1-A) Introduction of Commissioners in Attendance

Timothy O'Brien, John Wright, John Ivey, Larry Michael Gandy Jr., Scott Krueger and Senior Deputy Attorney General Rosalie Bordelove sitting as Commission Counsel.

1-B) Introduction of Division Staff in Attendance

Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Christy Staffen, Appraisal Program Manager; James Silva, Investigator; Christal Keegan, Deputy Attorney General; and Maria Gallo, Commission Coordinator.

Phil Su, Senior Deputy Attorney General; Louis Csoka, Deputy Attorney General was present representing the Division.

2) Public Comment

Dallin Morris an appraiser in Elko, Nevada. Properties that are residential in nature but are zoned for commercial, do they require a commercial appraiser even if the highest and best use is residential? Is there a rule against it or for it?

Scott DiBiasio with the Appraisal Institute in Washington D.C. Has the Commission met and discussed Practical Applications of Real Estate Appraisal (PAREA)? Mr. DiBiasio stated he has a 15-minute presentation about PAREA to share with the Commission at a future meeting.

3-A-D) NRED v. RICHARD LACE, for possible action

Case Nos. 2020-18 AP20.023.N, 2020-19 AP20.024.N, 2020-21 AP20.025.N. and 2020-22 AP20.026.N

License No. A.0002907-CR (Active)

Parties Present

Phil Su Senior Deputy Attorney General was present representing the Division.
Richard Lace was present online.

President O'Brien stated there was a global settlement agreement in the meeting packet.

Settlement

Mr. Su read the global settlement into the record as follows:

In an effort to avoid the time and expense of litigating these issues before the Commission, as well as any possible further legal appeals from such decision, the parties desire to compromise and settle the instant controversy *in Case Nos.: 2020-18 AP20.023.N, 2020-19 AP20.024.N, 2020-21 AP20.025.N, 2020-22 AP20.26.N* upon the following terms and conditions:

- RESPONDENT agrees to pay the Division a total amount of SIXTEEN THOUSAND DOLLARS (\$16,000.00) (“AMOUNT DUE”), consisting of FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) in administrative fines imposed by the Division for all violations as pled in the above-summarized Complaints, and the Divisions pre-hearing investigative costs in the amount of ONE THOUSAND DOLLARS (\$1000.00).
- The Amount Due shall be payable to the Division as follows: RESPONDENT shall pay the entirety of the Amount Due over an 18-month period in equal monthly installments. The first payment of \$888.88 shall be due beginning thirty (30) days from date of the order approving the Stipulation, and each subsequent payment of \$888.88 shall be due by the same date each month thereafter, until the Amount Due is paid in full.
- RESPONDENT further agrees to take the following Division approved education courses:
 - Not less than a 15 hours of Residential Market Analysis and Highest and Best Use,
 - Not less than 7 hours Sales Comparison,
 - Not less than 7 hours Cost Approach, and
 - Not less than 3 hours Report Writing.

The 32 hours of continued education set forth herein shall be completed within 18 months of the date of the effective date of the Commission’s order accepting this Agreement and may be taken live, online, or remotely. These courses will not count toward the Respondent’s continuing education requirements. Proof of completion must be submitted to the Division upon completion of all the required education.

President O’Brien asked if Respondent agreed with the settlement.

Mr. Lace stated he agreed with the settlement.

President O’ Brien asked the Commissioners if they had any questions about the settlement.

Commissioner Wright stated there is an error in the settlement with the wording on page 25 line 14.

President O’Brien stated the correct wording should be inserted into the settlement.

Commissioner Kruger questioned if the Division staff must give testimony to the fees and costs in the settlement.

Mr. Su stated because it is not a contested matter Division staff does not need to give testimony about the fees and costs.

Commissioner Gandy questioned Mr. Lace.

Mr. Lace answered Commissioner Gandy’s questions.

President O’Brien questioned Mr. Lace.

Mr. Lace answered President O’Brien’s questions.

Ms. Bordelove stated for the record Mr. Lace should agree with the wording change on page 25 line 14.

Mr. Lace stated he agreed with the wording change.

Commissioner Wright moved to approve the global stipulation for settlement of disciplinary action for Case Nos.: 2020-18 AP20.023.N, 2020-19 AP20.024.N, 2020-21 AP20.025.N, 2020-22 AP20.26.N. Changing the wording on page 25 line 14. Seconded by President O'Brien. Motion carried.

3-E-G) NRED v. Nathan S. Slaman, for possible action

Case Nos.: 2017-2137 AP18.003.S, 2020-787 AP 21.012.S and 2021-299 AP21.034.S

License No. A.0006908-CR (Active)

Parties Present

Deputy Attorney General Louis Csoka was present representing the Division.

Janeen Isaacson, Esq. was present online representing the Respondent.

Nathan Slaman was present online.

President O'Brien stated there was a global settlement agreement in the meeting packet.

Settlement

Mr. Csoka read the global settlement into the record as follows:

In an effort to avoid the time and expense of litigating these issues before the Commission, as well as any possible further legal appeals from such decision, the parties desire to compromise and settle the instant controversy *in Case Nos.: 2017-2137 AP18.003.S, 2020-787 AP 21.012.S and 2021-299 AP21.034.S* upon the following terms and conditions:

- RESPONDENT agrees to pay the Division a total amount of TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00) (“Amount Due”), consisting of FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$15,500.00) in fines imposed by the Division, for all violations as pled in the above-summarized Complaint, and the Division’s pre-hearing costs and attorneys’ fees in the amount of (FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$4,500.00).
- The Amount Due shall be payable to the Division as follows: RESPONDENT shall make payment, starting, ninety (90) days after approval of this Stipulation by the Commission, to be paid as follows:

a. 1 st Year: \$400/month:	Total \$4,800.00
b. 2 nd Year: \$550/month:	Total \$6,600.00
c. 3 rd Year: \$700/month:	Total \$8,400.00
TOTAL:	\$19,800.00

RESPONDENT would then make one additional payment of \$200.00 in the last month of repayment for a total payment of \$20,000.00 as being the total Amount Due hereunder. Lump sums can be made in pre-payment with no penalties.

- RESPONDENT further agrees to take the following Division approved education courses:
 - Not less than a 30-hour course in USPAP.
 - Not less than a 7-hour course in How to Support & Prove Your Adjustments.
 - Not less than a 4-hour course in Appraiser Self Protection and Record Keeping.
 - Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use.

- Not less than a 4-hour course in Approach Reconciliation.

The 60 hours of continued education set forth herein above shall be completed within 18 months of the Appraisal Commissioner signing the Stipulation. None of the above listed education will count towards license renewal. Upon completing the required education, the RESPONDENT will submit one (1) month of appraisal logs. The Division will select from those logs random appraisals to be reviewed for USPAP compliance, unless the Division finds additional issues with the appraisals reviewed, in which event the Division shall be permitted to pursue additional investigation.

President O'Brien asked if Respondent and Counsel agreed with the settlement.

Ms. Isaacson and Mr. Slaman both stated they agreed with the settlement.

President O'Brien asked if there are any other files pending for Mr. Slaman.

Ms. Staffen stated there are no pending files for Mr. Slaman.

President O'Brien moved to approve the Global Stipulation for Settlement of Disciplinary Action for Nathan Slaman, Case Nos.: 2017-2137 AP18.003.S, 2020-787 AP 21.012.S and 2021-299 AP21.034.S Seconded by Commissioner Gandy. Motion carried.

4-A) Discussion and Possible Action Regarding Advisory Review Committee Informal Conference Recommendations:

A. NRED v. Michael H. Hatch for possible action

Case No. 2020-599 AP20.048.S

License No. A111317-CR (Active)

Parties Present

No Parties present

Ms. Staffen read the Committee report into the record.

President O'Brien asked if Ms. Staffen had any other files pending for Mr. Hatch.

Ms. Staffen stated there are no pending files for Mr. Hatch

Commissioner Kruger asked about the amount of random appraisal the Division selects.

Ms. Staffen stated it would be one or two.

Commissioner Wright moved to approve the settlement of disciplinary action for Michael H. Hatch, case number 2020-599 AP20.048.S. Seconded by President O'Brien. Motion carried.

5-A) Administrator's Report.

5-E) Discussion regarding Governor Lombardo's Executive Order 2023-003 & 2023-0004.

Mr. Foger stated the Governor's Executive Order may not pertain to the Appraisal Program because of federal requirements and oversight. Mr. Foger stated Nevada already offers reciprocity with appraisers in other states. Mr. Foger stated if the Commission had any licensing questions Susan Clark the Licensing Manager was present.

Commissioner Wright questioned Ms. Clark; thru this Executive Order could it create a situation where mandatory licensing is no longer required in Nevada?

Commissioner Wright stated that some other states do not require state licensing except for federally regulated transactions.

Ms. Clark stated an appraisal license is required for all appraisal transactions in Nevada.

Mr. Foger stated that any changes to the laws governing Appraisers would have to go thru the Legislature first.

5-B) Disciplinary Report

Shareece Bates presented this report. The Commission was provided with the report in the meeting packet.

5-C) Appraisal Program Officer's Report on the compliance case load.

Christy Staffen presented this report. The Commission was provided with the report in the meeting packet.

5-D) Approve the minutes for the October 18, 2022, meeting.

President O'Brien moved to approve the minutes for the October 18, 2022, meeting. Seconded by Commissioner Wright. Motion carried.

6) FOR POSSIBLE ACTION: DISCUSSION AND DECISION ON DATE, TIME, PLACE AND AGENDS ITMES FOR UPCOMING MEETING(S).

Next meeting date is April 4-6, 2023.

7) PUBLIC COMMENT:

No public comment.

8) ADJOURNMENT

The meeting adjourned at 10:25 A.M.

Minutes Prepared by: *M Gallo*
Maria Gallo, Commission Coordinator