

Maria Gallo

From: Thomas Witherby <twitherby@witherbyappraisal.com>
Sent: Thursday, December 21, 2023 11:26 AM
To: Maria Gallo
Subject: Appraisal Board Disciplinary Action

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NEVADA COMMISSION OF APPRAISERS

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I was told by Sonny Vinuya that you were the person I needed to contact about requesting a new hearing. If that information is not correct I do apologize. I had a hearing in October and I now live in Florida and did not go to the hearing so they applied the maximum punishment on me. I have been trying for the past two weeks or more to find an attorney to represent me and file an appeal but it seems it is too close to the holidays for any of them to commit to my case. This is why I am asking you for consideration on a new hearing or negotiations whichever you would be open to. I have no idea what is allowed or not because I have never been in this position before and I do not know the law like you do. Before making up your mind I would like to explain to you my situation and why I was not present at the hearing.

The appraisal in question was completed in March of 2020 and a complaint was filed in June of 2020 of which I responded to. I was contacted and asked if I would rather attend the Appraisal Review Committee meeting instead of a full Board Hearing. I said yes and the review committee was over the internet due to Covid-19. I later received a letter from the State relaying to me the committee dismissed the complaint. That was later toward the end of the year in 2020. I moved to Florida in early 2021 to help take care of my aging parents and in order to obtain my Florida appraisal license the State of Nevada had to send a letter of good standing that stated there were no current investigations or disciplinary actions for me. The State of Nevada sent the letter and I obtained my Florida License. I was then notified in May of 2023 that the case had been refiled and there was a hearing set for July of 2023. I notified my E&O company and the head lawyer for them told me he would get with me to discuss a strategy for the hearing. I think it was 2 days before the hearing I still had not heard from him so I called him and he told me he was so busy he forgot. He said that we would file for an extension and tell the state that we were working on a settlement agreement but in reality it would give us more time. This is why I did not attend the first hearing.

Second Hearing in October:

After he filed for the extension he told me he would have an attorney from Las Vegas assigned to me. I waited for someone to call me and a week before the hearing I had not heard from anyone so I called him again. He told me the same thing, that he was busy and forgot, then he had someone call me the next day. The attorney I spoke with said she would not have the time to prepare a proper case in less than a week and told me the only thing I could do was to go to Las Vegas for the hearing and beg for my license. I told her that I did not have the money to be able to do that due to expenses I was obligated to. I will explain that next. I told her that I was informed there was a phone call in I could do and she advised me strongly not to do that. She told me that it would not do any good to call in because the board members roll their eyes and act like anyone on the phone does not exist and said it will be like I was not there. This is why I did not call in.

I received the notice from the hearing and have not responded until now due to the attention my father has needed. My life since I moved to Florida has not been good as my father had dementia and several strokes over this period. I have been financially supporting my parents during this period and providing all the help that I could. My father passed on December 15, 2023. This is why I have not filed for an appeal yet. Financially supporting them was draining my accounts and now that this action has been filed against me I have not been very little work and I have been told that the State of Florida will probably take my license here due to this action.

I am asking if I could please have another hearing to possibly change the results since the appraisal in question is not an appraisal report that is worthy of revocation of my license. If I would have known how bad my attorneys were going to be I would have settled in the beginning (even though I felt I had done nothing wrong). I have since had a USPAP instructor review my report and he stated that while he did find a few minor errors it was his experience that most appraisal boards would have made me take some classes at the most. I also had a very well respected Appraiser in Las Vegas (Scott Dugan) review my report and he said the same thing that there were minor adim mistakes but that was it.

I am not asking you to overturn the action just grant me another hearing that I will attend and represent myself. I do not expect the board to go easy on me because I did miss the other hearings but if I can get the revocation lifted then I could continue to work so that I may pay the fines assessed. Without my license here in Florida I will not be able to pay the fine and I will lose everything I have. So please have a little compassion and grant me a Christmas wish so I might start the new year better than the last three have been. Thank you so much for your time and consideration.

Thank you,

Thomas L. Witherby
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