

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

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5 JOSEPH (JD) DECKER, Administrator,
6 REAL ESTATE DIVISION,
7 DEPARTMENT OF BUSINESS AND
8 INDUSTRY, STATE OF NEVADA,

9 Petitioner,

10 vs.

11 Tom C. Rice

12 Respondent.

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

16 Case No. AP15.025.N

17 **FILED**

18 FEB 11 2016

19 NEVADA COMMISSION OF APPRAISERS

20 STIPULATION FOR SETTLEMENT OF DISCIPLINARY

21 ACTION PURSUANT TO NAC 645C.610(3)

22 1. PARTIES. This Stipulation is entered into by and between the Petitioner, the REAL
23 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),
24 by and through its Administrator, JOSEPH (JD) DECKER (the "Administrator"), and the Respondent,
25 TOM C. RICE (whether one or more hereinafter the "Respondent"), who at relevant times was
26 licensed by the State of Nevada, license number(s) A.0001937-CG. This Stipulation is entered into
27 upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the
28 "AARC"), which was reached at its informal conference held on January 13, 2016, in CARSON CITY,
NEVADA. Members of the AARC present were Wendell Snow, James Urmston, and John Wright,
CHAIR.

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

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

1 Statutes and Nevada Administrative Code and/or USPAP. A description of the conduct in which
2 these violations were committed is set forth in specificity in the Summary of Facts which is
3 attached hereto as EXHIBIT "A". The Administrator has the authority, pursuant to NAC
4 645C.600(2), to establish an advisory committee in an attempt to review this matter informally
5 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:** The Committee recommended that the
19 RESPONDENT complete the 15 hour National USPAP course and pass the final exam within six
20 months. The courses may not be applied to the required continuing education hours.

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

c. Newsletter. RESPONDENT and the DIVISION agree that the DIVISION, at its

1 discretion, may publish in the newsletter an anonymous summary of the alleged offenses of
2 RESPONDENT and the terms of this Stipulation, with the understanding of all parties that such
3 publication will not specifically name RESPONDENT or make reference to any other party;
4 RESPONDENT will be referred to only as a licensee in the State of Nevada. It is further
5 understood by the parties that this publication is for educational purposes only and to advise
6 other licensees of the alleged violation(s) and that disciplinary action has been taken by the
7 DIVISION;

8 **d. Failure to perform; hearing on complaint.**

9 RESPONDENT agrees that if the required education is not completed in the time allowed above,
10 RESPONDENT'S license will be automatically suspended until such time as the fine is paid and
11 continuing education requirement satisfied. The DIVISION may, at its option, rescind this
12 Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions
13 for the administrative fines may be instituted by the DIVISION;

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

17 **f. Waiver by Respondent.** RESPONDENT agrees and understands that by entering
18 into this Stipulation, RESPONDENT is waiving his/her right to a hearing at which RESPONDENT
19 may present evidence in his/her defense and to be represented by counsel, to judicial review of
20 any adverse decision by the Commission, and to present his/her defense to a Commission which
21 has had no prior familiarity with the instant matter. The Commission members who review this
22 matter for approval of this Stipulation may be the same members who ultimately hear the
23 DIVISION'S complaint if this Stipulation is either not approved by the Commission or is not timely
24 performed by RESPONDENT; and

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

27 **6. RELEASE.** In consideration of execution of this Stipulation, the Respondent for
28 himself/herself or his/her heirs, executors, administrators, successors, and assigns, hereby
release, remiss, and forever discharge the State of Nevada, the Department of Business and
Industry of the State of Nevada, the Division, and each of their members, agents, and employees

1 in their individual and representative capacities, from any and all manner of actions, causes of
2 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
3 unknown, in law or equity, that the Respondents ever had, now has, may have, or claims to have
4 against any or all of the persons or entities named in this section, arising out of or by reason of
the Division's investigation, this disciplinary action, or any other matter relating thereto.

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

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

19 **9. SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the
20 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any
21 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation
22 entered into with the Division, may be introduced at a hearing and used against the Respondent.

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

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27

1 SO STIPULATED.

2 Dated: 02/01/16

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

3
4
5 By: 
6 JOSEPH (JD) DECKER
Administrator

7 Dated: 01/14/2016

8 
9 TOM C. RICE
Respondent

10 **ORDER**

11 The foregoing Stipulation was approved by a vote of the Nevada Commission of
12 Appraisers of Real Estate on 2/9/2016.

13 DATED this 9 day of February, 2016.

14
15 NEVADA COMMISSION OF APPRAISERS OF
REAL ESTATE

16 
17 Commissioner

CERTIFICATE OF SERVICE

I, hereby certify that I am an employee of the Real Estate Division, Department of Business and Industry, State of Nevada and that on the 11th day of February 2016 I served a fully executed copy of the foregoing **STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTION PURSUANT TO NAC 645C.610(3)** by depositing a copy of the same in the State of Nevada mailroom, properly addressed, certified return receipt requested, addressed as follows:

TOM C RICE

CERTIFIED MAIL # 7013 1090 0000 19020207



Claudia Rosolen, Commission Coordinator

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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: January 12, 2016
Case No. AP15.025.N
Respondent: Tom Rice
License No. A.0001937-CG
Appraisal Officer: Brenda Kindred-Kipling
Committee members: John Wright, Chair, James Urmstom, Wendell Snow

Findings: The Committee determined that in the case of the appraisal of a single family residence located at 4285 Dayton Ave., Silver Springs, NV dated March 6, 2013, RESPONDENT violated the Uniform Standards of Professional Appraisal Practice by not appropriately modifying a report that he cloned, causing numerous errors and misleading information to be in the appraisal report. Further, RESPONDENT failed to consider all the land sales that were available at the time of the report. Additionally, RESPONDENT failed to disclose in the report the monies paid to the appraiser and the amount retained by the AMC for this assignment.

Violations: **NAC 645C.389 Disclosure of money paid to appraiser and retained by appraisal management company. (NRS 645C.210)**

2. An appraiser who has performed an appraisal assignment for an appraisal management company shall disclose in the body of the appraisal report prepared by the appraiser the total amount of money, expressed as a dollar amount:

- (a) Paid to the appraiser; and
- (b) Retained by the appraisal management company, in connection with the appraisal.

Standards Rule 1-1

In developing a real property appraisal, an appraiser must:

- (b) not commit a substantial error of omission or commission that significantly affects an appraisal; and
- (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.

Standards 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.

Standards Rule 1-6

In developing a real property appraisal, 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.

Standards Rule 2-1

Each written or oral real property appraisal report must:

- (a) clearly and accurately set forth the appraisal in a manner which will not be misleading;
- (b) contain sufficient information to enable the intended users of the appraisal to understand the report properly;

Committee recommendation:

The Committee recommended that the RESPONDENT complete the 15 hour National USPAP course and pass the final exam within six months. The courses may not be applied to the required continuing education hours.

Respondent agreed.

This report is hereby submitted on this the 20th day of January 2016.

Appraisal Advisory Review Committee



John Wright, Chair