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BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE  
STATE OF NEVADA

SHARATH CHANDRA , Administrator, )  
REAL ESTATE DIVISION, )  
DEPARTMENT OF BUSINESS AND )  
INDUSTRY, STATE OF NEVADA, )  
Petitioner, )  
vs. )  
ROXANE M. ORTEGA )  
(License No. A.0000165-CR), )  
Respondent. )

Case No. AP 17.024.S

FINDINGS OF FACTS, CONCLUSIONS  
OF LAW, DECISION AND ORDER

**FILED**

FEB 13 2018

NEVADA COMMISSION OF APPRAISERS

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

This matter came on for hearing before the Nevada Commission of Appraisers of Real Estate ("Commission"), during a regular agenda on September 26, 2017, with Commission members Christopher Lauger, David Stefan, Debbie Huber, Cynthia Hoonhout, and Daniel Walsh Jr., present. Providing legal counsel for the Commission was Deputy Attorney General Asheesh Bhalla. The Nevada Real Estate Division ("Division") was represented by counsel, Deputy Attorney General Peter Keegan. At the time of the hearing, Respondent Roxane M. Ortega was not present. The matter having been submitted to the Commission, the Commission now enters the following Findings of Fact, Conclusions of Law, and Order.

JURISDICTION

The Respondent was at all times mentioned in the Complaint, a certified residential real estate appraiser licensed by the Division under license number A.0000165-CR, and therefore subject to the Jurisdiction of the Division and the provisions of NRS and NAC Chapter 645C.

FINDINGS OF FACT

1. On or about November 22, 2016, the Division received a complaint/statement

1 of fact asserting that the Respondent had agreed to complete a commercial appraisal for a  
2 commercial property located in Las Vegas, Nevada and was paid \$500.00 in advance.

3 2. The Respondent has never held a general appraiser license in the State of  
4 Nevada nor did she apply for a temporary practice permit to conduct the subject  
5 appraisal.

6 3. The Respondent contracted to perform an appraisal of the commercial  
7 property located at 2507 McCarran Street, Las Vegas Nevada 89030 (APN 139-13-410-  
8 058) ("Property") by analyzing the nature, quality, value, or use of the property, and  
9 offered her opinion as to the nature, quality, value, or use of the property for or with the  
10 expectation of compensation.

11 4. On or about December 8, 2016, Appraisal Officer Brenda Kindred-Kipling  
12 notified the Respondent that it had come to the attention of the Division that the  
13 Respondent contracted to perform a commercial real estate appraisal of the Property  
14 without first obtaining the proper license or permit.

15 5. On or about December 8, 2016, a letter was mailed via certified mail to the  
16 Respondent's address on file with the Division—2590 Starlight Valley Street, Henderson,  
17 Nevada 89044—requesting that the Respondent provide a copy of the entire work file by  
18 December 22, 2016. This certified letter was returned unclaimed.

19 6. On or about February 9, 2017, Appraisal Officer Stacey Spoerl ("Appraisal  
20 Officer Spoerl") sent to the Respondent a letter, via certified mail to 2590 Starlight Valley  
21 Street, Henderson, Nevada 89044—the address on file with the Division—requesting that  
22 a copy of the work file be provided no later than February 25, 2017. This certified letter  
23 remains unclaimed.

24 7. On or about March 16, 2017, the Respondent emailed Appraisal Officer  
25 Spoerl and requested permission to drop off the work file on March 20, 2017. The Division  
26 did not receive the work file.

27 8. On or about March 31, 2017, Compliance Audit Investigator II Jaye Lindsay  
28 sent to the Respondent a follow-up letter, via certified mail, requesting a copy of the work

1 file for the appraisal of the Property. This certified letter remains unclaimed.

2 9. On or about April 13, 2017, Compliance/Audit Investigator II sent the  
3 Respondent an NRS 233B letter, providing notice of intent to file a formal complaint and  
4 request for hearing with the Nevada Commission of Appraisers of Real Estate. This  
5 certified letter remains unclaimed.

6 10. On or about June 1, 2017, the Respondent applied to the Division for  
7 renewal of her Certified Residential Appraiser certificate and identified her address as  
8 2590 Starlight Valley Street, Henderson, Nevada 89044.

9 11. On or about August 25, 2017, a copy of the Complaint and Notice of Hearing,  
10 the Notice of Complaint and Obligation to Respond, and the Notice of Documents was  
11 mailed, via certified mail through the United States Mail, to the Respondent's address on  
12 file with the Division—2590 Starlight Valley Street, Henderson, Nevada 89044.

13 12. The Respondent did not sign for nor pick up the August 25, 2017, certified  
14 mailing despite the United States Post Office leaving a notice of attempted delivery for  
15 the Respondent at her address—2590 Starlight Valley Street, Henderson, Nevada 89044.

16 13. On September 26, 2017, the Respondent failed to appear at the hearing  
17 scheduled in this matter.

18 **CONCLUSIONS OF LAW**

19 **First Violation**

20 The Respondent committed a violation of NRS 645C.215 by knowingly performing  
21 an analysis, opinion, or conclusion, whether written or oral, relating to the nature,  
22 quality, value, or use of a specified interest in, or aspect of, identified real estate for or  
23 with the expectation of receiving compensation, which constituted an appraisal pursuant  
24 to NRS 645C.030. The Respondent engaged in this conduct without first obtaining the  
25 requisite certificate, license, registration, or registration card, or other type of  
26 authorization required pursuant to NRS Chapter 645C. This is grounds for discipline  
27 pursuant to NRS 645C.215(2).

28 **Second Violation**

1 The Respondent committed a violation of NRS 645C.480(1)(a) by failing to produce  
2 any document, book, or record in his or her possession or under his or her control after  
3 being requesting to do so by the Division as part of its investigation of a complaint. The  
4 Respondent failed to produce a copy of the requested work file for the appraisal performed  
5 on the subject Property. This is unprofessional conduct pursuant to NRS 645C.470(2)  
6 and grounds for disciplinary action pursuant to NRS 645C.460(1)(a) and/or (b).

7 **Third Violation**

8 The Respondent committed a violation of NRS 645C.470(2) & (6) by offering to do  
9 a commercial appraisal when the Respondent only held a certified residential appraiser  
10 certificate.

11 On June 1, 2017, the Nevada Real Estate Division renewed the Respondent's Certified  
12 Residential Appraiser certificate. The Respondent's certificate may not have been  
13 renewed had the Division's Licensing section been aware of the outstanding complaint  
14 and alleged violations being investigated. The Respondent's action is unprofessional  
15 conduct pursuant to NRS 645C.470(2) and grounds for disciplinary action pursuant to  
16 NRS 645C.460(1)(a) and/or (b).

17 **Fourth Violation**

18 By developing a real property appraisal in a careless or negligent manner, such as  
19 making a series of errors that, although individually might not have significantly affected  
20 the results of the appraisal, in the aggregate did affect the credibility of the appraisal, the  
21 Respondent violated USPAP Standards Rule 1-1(c), as codified in NAC 645C.405(1). This  
22 is professional incompetence pursuant to NRS 645C.470(3) and grounds for disciplinary  
23 action pursuant to NRS 645C.460(1)(a) and/or (b).

24 **Fifth Violation**

25 The Respondent committed a violation of NRS 645C.400(2) by failing to give notice  
26 to the Division and/or surrender his or her certificate within ten (10) days after any  
27 change in the name of his or her business or the location of an office. Upon the surrender  
28 of the certificate or license and the payment of the appropriate fee, the Division shall

1 issue a certificate or license for the remaining period of the original certificate or license.  
2 The Respondent's action is unprofessional conduct pursuant to NRS 645C.470(2) and  
3 grounds for disciplinary action pursuant to NRS 645C.460(1)(a) and/or (1)(b).

4 **DECISION AND ORDER**

5 **IT IS HEREBY ORDERED**, by a majority decision of the Commission, as follows:

6 1. Respondent was in default for failing to respond to the Division's Complaint  
7 and failing to appear at the hearing schedule for September 26, 2017.

8 2. Respondent's certificate is hereby revoked immediately.

9 3. Respondent shall pay a disciplinary fine in the amount of \$1,000.00 per  
10 violation, for a total fine of \$5,000.00, to be paid within six (6) months of the effective date  
11 of this Order.

12 4. Respondent shall pay the Division's costs in this matter, totaling One  
13 Thousand Seventy Hundred Ninety Three and 46/100 Dollars (\$1,793.46), within six (6)  
14 months from the effective date of this Order.

15 5. The Division may institute debt collection proceedings against for failure to  
16 timely pay the total fine. Further, if collection goes through the State of Nevada, then  
17 ORTEGA shall also pay the costs associated with collection.

18  
19 This Order shall become effective on March 14, 2018, 2018.

20 DATED this 29<sup>th</sup> day of January, 2018.

21  
22 NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE

23 By:   
24 PRESIDENT