

**NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE
MEETING
SEPTEMBER 26, 2017 MINUTES**

**NEVADA STATE BUSINESS CENTER
3300 WEST SAHARA AVENUE
TAHOE ROOM, SUITE 400
LAS VEGAS, NV 89102**

**VIDEO CONFERENCE:
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE
1818 E. COLLEGE PARKWAY
1ST FLOOR HEARING ROOM
CARSON CITY, NV 89706**

SEPTEMBER 26, 2017

9:00 A.M.

1-A) Swearing in of new Commissioners

Christopher Lauger was sworn in by President Walsh.

1-B) Introduction of Commissioners in attendance

In Las Vegas: Christopher Lauger; Debbie Huber; David Stefan; Cynthia Hoonhout; Daniel Walsh and Deputy Attorney General Asheesh Bhalla acting as Commission Counsel.

1-C) Introduction of Division Staff in attendance

In Carson City: Sharon Jackson, Deputy Administrator; Stacey Spoerl, Program Officer; Jaye Lindsay, Appraisal Investigator.

In Las Vegas: Susan Clark, Licensing Manager; Teralyn Thompson, Administration Section Manager; Claudia Rosolen, Commission Coordinator, and Deputy Attorney General Peter K. Keegan acting as Division Counsel.

2) Public Comment

None.

3) ADVISORY REVIEW COMMITTEE INFORMAL CONFERENCE:

3-1) NRED v. KENT T. SOULE Case No. AP16.003.S

Stacey Spoerl read the Committee Report into the record.

Ms. Spoerl stated that the Respondent agreed with the committee's recommendations.

Commissioner Huber moved to accept the Stipulation for Settlement of Disciplinary Action.
Commissioner Lauger seconded.

Motion carried unanimously.

3-2) NRED v. STEVEN M. ORTEGA Case Nos. AP16.016.S and AP16.017.S

Stacey Spoerl read the Committee Report into the record.

Ms. Spoerl stated that the Respondent agreed with the committee's recommendations.

Commissioner Stefan moved to accept the Stipulation for Settlement of Disciplinary Action.
Commissioner Hoonhout seconded.

Motion carried unanimously.

3-3) NRED v. KRISTINA A. BIENEK Case No. AP15.051.S

Stacey Spoerl read the Committee Report into the record.

Ms. Spoerl stated that the Respondent agreed with the committee's recommendations.

Commissioner Huber moved to accept the Stipulation for Settlement of Disciplinary Action.
Commissioner Lauger seconded.

Motion carried unanimously.

4-1) Disciplinary action: Hearing and possible action by the Commission

NRED v. CHERYLANN BRYANT

Case No. AP15.049.S

License No. A.0006810-CG (Active)

Parties Present:

Deputy Attorney General Peter K. Keegan was present representing the Division.

Mr. Keegan stated that this matter received a continuance to the next Commission meeting in 2018.

4-2) Disciplinary action: Hearing and possible action by the Commission

NRED v. TODD B. KIEFFER

Case No. AP16.026.S

License No. A.0205943-CR (Active)

Parties Present:

Deputy Attorney General Peter K. Keegan was present representing the Division.

Todd Kieffer was present.

Preliminary Matters:

Mr. Keegan summarized the matter for the Commission. Mr. Keegan stated that an agreement has been reached and the terms for a stipulation are as follows:

- The Respondent agrees to take not less than seven (7) hours of Continuing Education Credits ("CEC") in the area of Comparable Sales and not less than seven (7) hours of CEC in the area of Report Writing within one (1) year of the effective date of the order approving this Stipulation. The cumulative fourteen (14) hours of CEC will not count towards the required continuing education requirement.

Commissioner Hoonhout move to accept the stipulation for settlement as presented by the State.
Commissioner Lauger seconded.

Motion carried unanimously.

4-3) Disciplinary action: Hearing and possible action by the Commission

NRED v. ROXANE M. ORTEGA

Case No. AP17.024.S

License No. A.0000165-CR (Active)

Parties Present:

Deputy Attorney General Peter K. Keegan was present representing the Division.

Roxane Ortega was not present.

Preliminary Matters:

Mr. Keegan provided State Exhibits A to the Commission requesting to have those documents entered into the record.

State's Witness:

Claudia Rosolen testified regarding proof of service.

Mr. Keegan requested a default against the respondent for failure to appear.

Commissioner Huber moved to find Roxane Ortega in default for case AP17.024.S for failure to appear for the hearing. Commissioner Lauger seconded.

Motion carried.

Mr. Keegan read the factual allegation into the record.

Commissioner Huber move to find that the factual allegations have been proven. Commissioner Lauger seconded.

Motion carried.

Mr. Keegan read the violations of law into the record.

Commissioner Stefan move to find that the violations of law have been proven. Commissioner Lauger seconded.

Motion carried.

Commissioner Stefan moved to approve the following:

- Respondent's certificate is hereby revoked immediately.
- Respondent shall pay a disciplinary fine in the amount of \$1,000 per violation, for a total fine of \$5,000, to be paid within 6 months of the effective date of the Order.
- Respondent shall pay the Division's costs in this matter, totaling \$1,793.46, within 6 months from the effective date of this Order.

Commissioner Huber seconded.

Motion carried.

5-A) Disciplinary Report

Teralyn Thompson presented this report. Ms. Thompson stated that the highlighted parts on the report are changes since the last Commission meeting.

5-B) Discussion regarding Appraisal Officer's report on compliance case load

Stacey Spoerl presented this report. Ms. Spoerl stated that since September 2017 there are 26 open cases, 1 of those cases is new and 15 cases are in process. Ms. Spoerl stated that 4 cases are pending for the Appraiser Advisory Review Committee.

5-C) Discussion Customary and Reasonable Fees in regard to the Dodd-Frank act, and discussion regarding Louisiana Real Estate Appraisers Board FTC Action.

President Walsh stated that he would like an update on how the legislature has to enact the Commission's desire to impose the Customary and Reasonable Fees.

Ms. Spoerl stated that the Division had a meeting with the subcommittee and they narrowed their focus on definitions and the appraiser management companies registry. Ms. Spoerl stated that the subcommittee will make a vote on November 17, 2017 and they are hoping to open their registry by 2018. Ms. Spoerl stated that the enforcement part for the Customary and Reasonable Fees will still be under Federal jurisdiction.

President Walsh asked to keep this item on the next agenda meeting.

5-F) Discussion regarding the attendance requirement of pre-licensees of three hours of the Appraisal Commission meetings, with possible changes to the continuous block of time requirement

Susan Clark presented this report. Ms. Clark stated that the continuing education requirement was reduced in 2015 from 3 hours to 2 hours in order to receive credits for attending a Commission meeting. Ms. Clark stated that for registered interns that wants to upgrade, the requirements in NAC 645C.068 is 6 hours. Ms. Clark stated that the 6 hours requirement was put in place by the Commission in 2006. Ms. Clark stated that ever since this requirement was implemented it has been a struggle to meet and it has become practice to issue the license or certificates with the understanding that the licensee would attend the next meetings in order to fulfill the 6 hours requirements.

President Walsh asked if meetings can be streamed online and if the State would have the capability to put verifications in place for those interns that would chose the option to view the meeting online.

Teralyn Thompson stated that the State only recently set up some meeting rooms with online streaming for the 2018 meeting calendar. Ms. Thompson stated that the State doesn't have a verification option for those viewing meetings online.

Commissioner Huber stated that she feels it is very important for interns to attend Commission meetings however now that meetings are shorter, Commissioner Huber asked to change the requirement to have credits for the actual time attended and wave the 2 hours minimum requirement.

Stacey Spoerl read that NAC 645C.355: *"The Commission will grant credit for continuing education, not to exceed 6 hours, to a licensee or holder of a certificate once during each period of licensing or certification if the following conditions are met:*

- 1. The licensee or holder of a certificate attends a meeting of the Commission and the licensee or holder was not participating in or otherwise affiliated with a disciplinary hearing conducted by the Commission;*

2. *The Commission's meeting lasted at least 2 hours; and*
3. *The Commission certifies to the attendance of the licensee or holder of a certificate."*

Ms. Thompson stated that NAC 645C.355 refers to requirements for a licensee not an intern. Ms. Thompson stated that NAC 645C.068 "A registered intern must attend at least 6 hours of meetings of the Commission before he or she may apply for a license or certificate. The Commission will certify to the attendance of the registered intern" is the statute that applies to interns. Ms. Thompson stated that this statute doesn't have the 2 hours meeting duration as a minimum requirement.

Commissioner Huber asked if the Division would be able to verify the cumulative hours when meetings don't last at least 2 hours.

Sharon Jackson stated that the Division is already tracking the time with a sign in sheet that is placed by the door in the meeting room.

Ms. Thompson stated that in the past the Program Officer was keeping track and counting the hours to reach the cumulative 6 hours for interns in order for them to reach their qualification.

Commissioner Huber asked if the procedure can be implemented immediately.

5-D-1) Administrator's Report: Personnel

Sharon Jackson presented this report. Ms. Jackson stated that Ms. Spoerl is moving to another agency. Ms. Jackson stated that the Division has put out a new recruitment for her position.

5-E) For possible action: Discussion and possible action to approve the minutes of the June 6, 2017 meeting.

Commissioner Huber moved to approve the minutes of June 6, 2017 Commission meeting. Commissioner Hoonhout seconded.

Motion carried with Commissioner Lauger abstained.

5-E) For possible action: Discussion and possible action regarding applications for Appraisal Advisory Committee members pursuant to NAC 645C.600:

1. **Harry Schmalz – License No. A.0001745-CR**
2. **Tio S. DiFederico – License No. A.0000150-CG**
3. **Thomas O. Boice – License No. A.0006418-CR**
4. **Kristin M. Morris –License No. A.0003853-CR**

Commissioner Lauger moved to approve all four applications for the advisory committee.

Commissioner Huber disclosed that Kristin M. Morris is the vice-president of her homeowners association. Commissioner Huber stated that this will not affect his ability to be fair and impartial.

Commissioner Hoonhout seconded.

Motion carried.

5-H) For possible action: Discussion and decision regarding election of officers for FY 18.

Commissioner Huber moved to appoint Commissioner Walsh as President. Commissioner Stefan seconded.

Motion carried with President Walsh abstained.

Commissioner Hoonhout moved to appoint Commissioner Stefan as Vice-President. Commissioner Lauger seconded.

Motion carried with Commissioner Stefan abstained.

Commissioner Stefan moved to appoint Commissioner Hoonhout as Secretary. President Walsh seconded.

Motion carried Commissioner Hoonhout abstained.

6) For possible action: Discussion and possible action on date, time, place and agenda items for upcoming meeting(s); including setting meeting dates for 2018

Teralyn Thompson presented the dates for the 2018 Commission meetings:

- January 23-25, 2018 in the South.
- May 15-17, 2018 in the North.
- October 9-11, 2018 in the South.

The Commission accepted the proposed meeting dates for 2018.

President Walsh asked to receive the education report prior the agenda meeting so that the Commission can decide if they need an agenda item on the matter or not.

7) Public Comment

In Las Vegas: Irena Taillac, appraiser intern, commented. Ms. Taillac commented on the difficulties of getting the required meeting hours when Commission meetings don't last too long. Ms. Taillac stated that she was pleased that the Commission addressed the issue.

In Las Vegas: Patrick Groghan, appraiser intern, commented. Mr. Groghan asked about the timeframe on submitting education.

In Las Vegas: Maya Bowers, appraiser intern, commented. Ms. Bowers asked about translation services for transferring credits from foreigner schools.

Ms. Clark stated that Ms. Bowers should go to UNLV since they do accreditation and if they can't assist her with her specific credits they might be able to give her a referral.

5-I) Commissioner Comment

Commissioner Hoonhout complimented Ms. Spoerl on her knowledge and thanked her for her service.

The rest of the Commission agreed with Commissioner Hoonhout's comment.

8) Adjournment

The meeting adjourned at 11:20 a.m. on September 26, 2017.

Respectfully Yours,

Claudia Rosolen
Commission Coordinator