

1 **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**  
2 **STATE OF NEVADA**

3 SHARATH CHANDRA , Administrator, )  
4 REAL ESTATE DIVISION, DEPARTMENT )  
5 OF BUSINESS AND INDUSTRY, )  
6 STATE OF NEVADA, )

Case No. AP 16.026.S

6 Petitioner, )

**COMPLAINT AND NOTICE OF HEARING**

7 vs. )

**FILED**

AUG 25 2017

8 TODD B. KIEFFER )  
9 (License No. A.0205943-CR), )

NEVADA COMMISSION OF APPRAISERS

10 Respondent. )

11  
12 State of Nevada, Department of Business and Industry, Real Estate Division (“the Division”), by  
13 and through counsel, ADAM PAUL LAXALT, Attorney General of the State of Nevada, and PETER K.  
14 KEEGAN, Deputy Attorney General, hereby notifies the Respondent, TODD B. KIEFFER  
15 (“Respondent”) of an administrative hearing which is to be held pursuant to Chapter 233B and Chapter  
16 645C of the Nevada Revised Statutes (“NRS”) and Chapter 645C of the Nevada Administrative Code  
17 (“NAC”). The purpose of the hearing is to consider the allegations stated below and to determine if the  
18 Respondent should be subject to a disciplinary penalty as set forth in NRS 645C and or NAC 645C, if  
19 the stated allegations are proven at the hearing by the evidence presented.

20 **JURISDICTION**

21 The Respondent is a residential real estate appraiser licensed by the Division and therefore  
22 subject to the Jurisdiction of the Division and the provisions of NRS and NAC Chapter 645C. By  
23 availing himself of the benefits and protections of the laws of the State of Nevada, the Respondent has  
24 submitted to the jurisdiction of the Division.

25 **FACTUAL ALLEGATIONS**

26 1. On or about May 9, 2016 the Division received a complaint/statement of fact asserting  
27 that the Respondent had completed a “very very suspicious appraisal” in Las Vegas, Nevada.

28 ///



1 other type of authorization required pursuant to NRS Chapter 645C. Respondent's actions constitute  
2 grounds for discipline pursuant to NRS 645C.215(2).

3 **Second Violation**

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

10 **Third Violation**

11 The Respondent committed a violation of NRS 645C.470(2) and/or (4) as well as NRS  
12 645C.470(6) by offering to do a commercial appraisal when Respondent only held a residential  
13 appraisal license. Respondent's actions constitute unprofessional conduct pursuant to NRS  
14 645C.470(2) and grounds for disciplinary action pursuant to NRS 645C.460(1)(a) and/or (b).

15 **Fourth Violation**

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

21 **Fifth Violation**

22 By failing to set forth the written appraisal report in a clear and accurate manner that was not  
23 misleading, the Respondent violated USPAP Standards Rule 2-1(a), as codified in NAC 645C.405(1).  
24 Respondent's actions constitute unprofessional conduct pursuant to NRS 645C.470(2) and grounds for  
25 disciplinary action pursuant to NRS 645C.460(1)(a) and/or (b).

26 **Sixth Violation**

27 By failing to include, within the written appraisal report, sufficient information to enable the  
28 intended users of the appraisal to understand the report properly, the Respondent violated USPAP

1 Standards Rule 2-1(b), as codified in NAC 645C.405(1). Respondent's actions constitute  
2 unprofessional conduct pursuant to NRS 645C.470(2) and grounds for disciplinary action pursuant to  
3 NRS 645C.460(1)(a) and/or (b).

4 **DISCIPLINE AUTHORIZED**

5 1. Pursuant to NRS 645C.215, the Commission is empowered to impose an administrative  
6 fine against the Respondent in an amount not to exceed the amount of gain or economic benefit that the  
7 person derived from the violation, or \$5,000.00, whichever amount is greater, pursuant to NRS  
8 645C.215(2).

9 2. Pursuant to NRS 645C.460(2), if grounds for disciplinary action against an appraiser are  
10 found to exist for unprofessional conduct, the Commission may revoke or suspend the certificate, place  
11 conditions upon the certificate, deny the renewal of his or her certificate, and/or impose a fine up to  
12 \$10,000.00 per violation. NRS 645C.480(1)(a) is identified as an additional act of unprofessional  
13 conduct.

14 3. Pursuant to NRS 645C.420(1)(b), the Division may place a certificate or license on  
15 inactive status for failure of the appraiser to notify the Division pursuant to NRS 645C.400 of any  
16 change in the name or location of his or her business, or the location or any change in the location  
17 where his or her records are stored.

18 4. Additionally, under NRS Chapter 622.400, the Commission is authorized to impose the  
19 costs of the proceeding upon the Respondent, including investigative costs and attorney's fees, if the  
20 Commission otherwise imposes discipline on the Respondent.

21 5. Therefore, the Division requests the Commission to impose such discipline as it  
22 determines is appropriate under the circumstances and to award the Division its costs and attorney's  
23 fees for this proceeding.

24 ///

25 ///

26 ///

27 ///

28 ///

1           **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider this  
2 Administrative Complaint against the above-named Respondent in accordance with Chapter 233B and  
3 Chapter 645C of the Nevada Revised Statutes and Chapter 645C of the Nevada Administrative Code.

4           **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled for  
5 September 26, 27, and 28, 2017, beginning at approximately 9:00 a.m. each day, or until such time  
6 as the Commission concludes its business. The Commission meeting will be held at the Nevada  
7 State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada  
8 89102, with videoconferencing to the State of Nevada, Department of Business and Industry,  
9 Division of Insurance, 1818 East College Parkway, 1st floor Hearing Room, Carson City, Nevada  
10 89706.

11           **STACKED CALENDAR:** Your hearing is one of several hearings that may be scheduled  
12 at the same time as part of a regular meeting of the Commission that is expected to take place on  
13 September 26-28, 2017. Thus, your hearing may be continued until later in the day or from day  
14 to day. It is your responsibility to be present when your case is called. If you are not present  
15 when your case is called, a default may be entered against you and the Commission may decide  
16 the case as if all allegations in the complaint were true. If you need to negotiate a more specific  
17 time for your hearing in advance because of coordination with out of state witnesses or the like,  
18 please call Claudia Rosolen, Commission Coordinator, at (702) 486-4606.

19           **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is an open  
20 meeting under Nevada's open meeting law and may be attended by the public. After the evidence and  
21 arguments, the Commission may conduct a closed meeting to discuss your alleged misconduct or  
22 professional competence. A verbatim record will be made by a certified court reporter. You are entitled  
23 to a copy of the transcript of the open and closed portions of the meeting, although you must pay for the  
24 transcription.

25           As the Respondent, you are specifically informed that you have the right to appear and be heard  
26 in your defense, either personally or through your counsel of choice. At the hearing, the Division has  
27 the burden of proving the allegations in the complaint and will call witnesses and present evidence  
28 against you. You have the right to respond and to present relevant evidence and argument on all issues

1 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine  
2 opposing witnesses on any matter relevant to the issues involved.

3 You have the right to request that the Commission issue subpoenas to compel witnesses to  
4 testify and/or evidence to be offered on your behalf. In making this request, you may be required to  
5 demonstrate the relevance of the witnesses' testimony and/or evidence. Other important rights you  
6 have are listed in NRS Chapter 645C, NRS Chapter 233B, and NAC Chapter 645C.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED the 24 day of August, 2017.

DATED the 23<sup>rd</sup> day of August, 2017.

NEVADA REAL ESTATE DIVISION

ADAM PAUL LAXALT  
Attorney General

By: Sharon Jackson on  
behalf of Sharath Chandra  
SHARATH CHANDRA, Administrator  
3300 W. Sahara Avenue, Suite 350  
Las Vegas, Nevada 89102  
(702) 486-4033

By: \_\_\_\_\_  
PETER K. KEEGAN, ESQ.  
Deputy Attorney General  
Nevada Bar No. 12237  
100 North Carson Street  
Carson City, Nevada 89701-4717  
Telephone: (775) 684-1153  
*Attorneys for Real Estate Division*