

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

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

7 Petitioner,)

8 vs.)

9 ROXANE M. ORTEGA)
10 (License No. A0000165-CR),)

11 Respondent.)

Case No. AP 17.024.S

COMPLAINT AND NOTICE OF
HEARING

FILED

AUG 25 2017

NEVADA COMMISSION OF APPRAISERS

12
13 The State of Nevada, Department of Business and Industry, Real Estate Division
14 (“the Division”), by and through its counsel Attorney General ADAM PAUL LAXALT, and
15 Deputy Attorney General PETER K. KEEGAN, hereby notifies Respondent ROXANE M.
16 ORTEGA (“Respondent”) of an administrative hearing which is to be held pursuant to
17 Chapter 233B and Chapter 645C of the Nevada Revised Statutes (“NRS”) and Chapter
18 645C of the Nevada Administrative Code (“NAC”). The purpose of the hearing is to
19 consider the allegations stated below and to determine if the Respondent should be
20 subject to a disciplinary penalty as set forth in NRS 645C.460 through NRS 645C.540, if
21 the stated allegations are proven at the hearing by the evidence presented.

22 **JURISDICTION**

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

27 **FACTUAL ALLEGATIONS**

28 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 appraisal 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-
12 KIPLING notified the Respondent that it had come to the attention of the Division that
13 the 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 STACEE SPOERL
20 ("Appraisal Officer Spoerl") sent the Respondent a letter via certified mail to 2590
21 Starlight, Valley Street, Henderson, Nevada 89044, the address on file with the Division,
22 requesting that a copy of the work file be provided no later than February 25, 2017. This
23 certified letter 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 work
26 file was not received by the Division.

27 8. On or about March 31, 2017, Compliance Officer JAYE LINDSAY sent the
28 Respondent a follow-up letter via certified mail requesting a copy of the work file for the

1 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 Appraisal Commission. This certified letter remains
5 unclaimed.

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

9 **VIOLATIONS OF LAW**

10 **First Violation**

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

19 **Second Violation**

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

26 **Third Violation**

27 The Respondent committed a violation of NRS 645C.470(2) & (6) by offering to do
28 a commercial appraisal when the Respondent only held a residential appraisal license.

1 The Respondent's Residential Appraisal certificate was renewed by the Nevada
2 Real Estate Division on June 1, 2017. The Respondent's certificate may not have
3 been renewed if the Division's Licensing section was aware of the outstanding complaint
4 and alleged violations being investigated. The Respondent's action is unprofessional
5 conduct pursuant to NRS 645C.470(2) and grounds for disciplinary action pursuant to
6 NRS 645C.460(1)(a) and/or (b).

7 **Fourth Violation**

8 By developing a real property appraisal in a careless or negligent manner, such as
9 by making a series of errors that, although individually might not have significantly
10 affected the results of the appraisal, in the aggregate did affect the credibility of the
11 appraisal, the Respondent violated USPAP Standards Rule 1-1(c), as codified in NAC
12 645C.405(1). This is professional incompetence pursuant to NRS 645C.470(3) and grounds
13 for disciplinary action pursuant to NRS 645C.460(1)(a) and/or (b).

14 **Fifth Violation**

15 The Respondent committed a violation of NRS 645C.400(2) by failing to give notice
16 to the Division and/or surrender his or her certificate within ten (10) days after any
17 change in the name of his or her business or the location of an office. Upon the surrender
18 of the certificate or license and the payment of the appropriate fee, the Division shall
19 issue a certificate or license for the remaining period of the original certificate or license.
20 The Respondent's action is unprofessional conduct pursuant to NRS 645C.470(2) and
21 grounds for disciplinary action pursuant to NRS 645C.460(1)(a) and/or (1)(b).

22 **DISCIPLINE AUTHORIZED**

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

27 2. Pursuant to NRS 645C.460(2), if grounds for disciplinary action against an
28 appraiser are found to exist for unprofessional conduct, the Commission may revoke or

1 suspend the certificate, place conditions upon the certificate, deny the renewal of his or
2 her certificate, and/or impose a fine up to \$10,000.00 per violation. NRS 645C.480(1)(a) is
3 identified as an additional act of unprofessional conduct.

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

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

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

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

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

26 **STACKED CALENDAR:** Your hearing is one of several hearings that may
27 be scheduled at the same time as part of a regular meeting of the Commission
28 that is expected to take place on September 26-28, 2017. Thus, your hearing may

1 be continued until later in the day or from day to day. It is your responsibility
2 to be present when your case is called. If you are not present when your case is
3 called, a default may be entered against you, and the Commission may decide
4 the case as if all allegations in the complaint were true. If you need to negotiate
5 a more specific time for your hearing in advance because of coordination with
6 out-of-state witnesses or the like, please call Claudia Rosolen, Commission
7 Coordinator, at (702) 486-4606.

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

14 As the Respondent, you are specifically informed that you have the right to appear
15 and be heard in your defense, either personally or through your counsel of choice. At the
16 hearing, the Division has the burden of proving the allegations in the complaint and will
17 call witnesses and present evidence against you. You have the right to respond and to
18 present relevant evidence and argument on all issues involved. You have the right to call
19 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
20 matter relevant to the issues involved.

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

DATED the 24 day of August, 2017.

DATED the 24th day of August, 2017.

NEVADA REAL ESTATE DIVISION

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