

BRIAN SANDOVAL
Governor

STATE OF NEVADA



C.J. MANTHE
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
www.red.nv.gov

February 14, 2018

Kevin Lee
1513 Waterford Falls Ave.
Las Vegas, Nevada 89123

Certified No. 7016 3010 0000 5781 0384

Re: NRED v. KEVIN J. LEE
Case No.: 2016-3294, AP 17.013.S

Dear Mr. Lee:

Enclosed herewith you will find the Stipulation for Settlement of Disciplinary Action entered by the Nevada Commission for Appraisers of Real Estate at the meeting held January 23, 2018 in Las Vegas, Nevada. The Commission has ordered the following:

1. The Respondent complete not less than seven (7) hours of instruction in Report Writing;
2. The Respondent complete not less than seven (7) hours of instruction in Sales Comparison;
3. Courses can be taken in class or online;
4. Courses are to be completed within one (1) year of the stipulation being approved by the Commission; and,
5. No continuing education credits will be given for the courses taken in the stipulation.

EFFECTIVE DATE OF THIS ORDER: JANUARY 23, 2018
EDUCATION DUE DATE: JANUARY 23, 2019

Please note that Division staff does not have the authority to extend the due date for your fine or education requirements that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,


Terilyn Thompson
Administration Section Manager

cc: Sharath Chandra, Administrator

3300 W. Sahara Avenue, Suite 350, Las Vegas, Nevada 89102
1818 E. College Parkway, Suite 110, Carson City, Nevada 89706

Telephone: (702) 486-4033 Fax: (702) 486-4275
Telephone: (775) 684-1900 Fax: (775) 687-4868

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

4 * * *

5 SHARATH CHANDRA, Administrator,
6 REAL ESTATE DIVISION,
7 DEPARTMENT OF BUSINESS AND
8 INDUSTRY, STATE OF NEVADA,
9
10 Petitioner,
11 vs.
12
13 KEVIN J. LEE
14 A.0001849.CG
15
16 Respondent.

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

Case No. 2016-3294, AP17.013.S

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

15 **1. PARTIES.** This Stipulation is entered into by and between the Petitioner, the REAL
16 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),
17 by and through its Administrator, SHARATH CHANDRA (the "Administrator"), and the Respondent,
18 KEVIN J. LEE (whether one or more hereinafter the "Respondent"), who at relevant times was
19 licensed by the State of Nevada, license number(s) A.0001849.CG. This Stipulation is entered into
20 upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the
21 "AARC"), which was reached at its informal conference held on September 25, 2017, in LAS VEGAS,
22 NEVADA. Members of the AARC present were Richard Scott Dugan, James Martin and John
23 Wright, CHAIR.

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

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

Statutes and Nevada Administrative Code and/or USPAP. A description of the conduct in which these violations were committed is set forth in specificity in the Summary of Facts which is attached hereto as EXHIBIT "A". The Administrator has the authority, pursuant to NAC 645C.600(2), to establish an advisory committee in an attempt to review this matter informally and recommend a resolution.

4. **NO ADMISSION OF GUILT.** The Respondent does not admit or deny the findings of the AARC, choosing to remain silent, but does agree that the findings establish a prima facie case for the discipline set forth below and stipulates, subject to the limitations and conditions set forth below, that the Division shall not be required to provide further evidence of such allegations.

5. **SETTLEMENT FOR DISCIPLINARY ACTION.** As set forth above, the AARC is authorized under NAC 645C.610 to impose an administrative fine, upon final approval by the Commission. The Division also has the option to file a complaint with the Nevada Commission of Appraisers of Real Estate (the "Commission"). The Commission has the authority pursuant to NRS 645C.460(2)(d) to impose a fine of up to \$10,000 for each violation alleged or to suspend or revoke the Respondent's certificate, license or registration card. The parties, however, desire to compromise and settle the instant controversy, without a hearing, upon the following terms and conditions:

a. **Committee Recommendations:**

Respondent to attend not less than seven hours of instruction in Report Writing

Complete not less than seven hours of instruction in Sales Comparison

Courses can be taken in class or online.

Courses are to be completed within one year of this Stipulation being approved by the Appraisal Commission.

No Continued Education credit will be given for the courses taken in this Stipulation.

RESPONDENT _____.

b. **Public Record.** RESPONDENT and the DIVISION agree that by entering into this Stipulation, the DIVISION does not concede any defense or mitigation RESPONDENT may assert,

1 and the parties agree that the DIVISION will not publicize the instant disciplinary matter, except as
2 set forth below, and that once this Stipulation is approved and fully performed, the DIVISION will
3 close its file in this matter. RESPONDENT understands that the public records law may require the
4 DIVISION to make available for inspection this Stipulation and related documents. RESPONDENT
5 also understands that the DIVISION may share the content of this Stipulation and related
6 documents with any governmental or professional organization or member of the public;

7 **c. Newsletter.** RESPONDENT and the DIVISION agree that the DIVISION, at its
8 discretion, may publish in the newsletter an anonymous summary of the alleged offenses of
9 RESPONDENT and the terms of this Stipulation, with the understanding of all parties that such
10 publication will not specifically name RESPONDENT or make reference to any other party;
11 RESPONDENT will be referred to only as a licensee in the State of Nevada. It is further
12 understood by the parties that this publication is for educational purposes only and to advise
13 other licensees of the alleged violation(s) and that disciplinary action has been taken by the
14 DIVISION;

15 **d. Failure to perform; hearing on complaint.**
16 RESPONDENT agrees that if the required education is not completed in the time allowed above,
17 RESPONDENT'S license will be automatically suspended until such time as the fine is paid and
18 continuing education requirement satisfied. The DIVISION may, at its option, rescind this
19 Stipulation and proceed with filing a Complaint before the Commission. Further, recovery actions
20 for the administrative fines may be instituted by the DIVISION;

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

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

performed by RESPONDENT; and

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

3 **6. RELEASE.** In consideration of execution of this Stipulation, the Respondent for
4 himself/herself or his/her heirs, executors, administrators, successors, and assigns, hereby
5 release, remiss, and forever discharge the State of Nevada, the Department of Business and
6 Industry of the State of Nevada, the Division, and each of their members, agents, and employees
7 in their individual and representative capacities, from any and all manner of actions, causes of
8 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
9 unknown, in law or equity, that the Respondents ever had, now has, may have, or claims to have
10 against any or all of the persons or entities named in this section, arising out of or by reason of
11 the Division's investigation, this disciplinary action, or any other matter relating thereto.

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

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

27 **9. SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the
28 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any
hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation

entered into with the Division, may be introduced at a hearing and used against the Respondent.

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

....
....
....

SO STIPULATED.

Dated: 01/08/18

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

By: [Signature]
Sharath Chandra
Administrator

Dated: 9/25/2017

[Signature]
Respondent

ORDER

The foregoing Stipulation was approved by a vote of the Nevada Commission of Appraisers of Real Estate on January 23, 2018.

DATED this 6 day of February, 2018.

NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE

[Signature]
Commissioner



EXHIBIT “A”

Exhibit A

Violation found:

SCOPE OF WORK RULE¹⁴

For each appraisal and appraisal review assignment, an appraiser must:

- 1. identify the problem to be solved;
- 2. determine and perform the scope of work necessary to develop credible assignment results;
- 3. disclose the scope of work in the report.

An appraiser must properly identify the problem to be solved in order to determine the appropriate Scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results.

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.

Standards Rule 2-2

Each written real property appraisal report must be prepared under one of the following options and prominently state which option is used: Appraisal Report or Restricted Appraisal Report.

- (a) The content of an Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum:

- (viii) summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained

Facts and Rationale for Finding: The Appraisal Advisory Review Committee has found that Kevin J. Lee, while licensed, certified or registered as a Nevada Appraiser, committed violations of chapter 645C of the Nevada Revised Statutes and Nevada Administrative Code and/or Uniform Standards of Professional Appraisal Practice.