

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,)
7 STATE OF NEVADA,)

8 Petitioner,)

9 vs.)

10 BRIAN OLIVER SPILLERS)
11 (Unlicensed),)

12 Respondent.)

Case No. 2018-888, AP19.001.S

STIPULATION FOR SETTLEMENT OF
DISCIPLINARY ACTION AND
DISMISSAL OF COMPLAINT

FILED

FEB 27 2019

NEVADA COMMISSION OF APPRAISERS

13 This Stipulation (“Stipulation”) is entered into by and between the Petitioner, REAL
14 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF
15 NEVADA (“Division”), by and through its Administrator, SHARATH CHANDRA, and the
16 Respondent, BRIAN OLIVER SPILLERS (“Respondent”).

17 **JURISDICTION**

18 The Respondent is not licensed by the Division, but has engaged in appraisal
19 activity in the State of Nevada. By availing himself of the benefits and protections of the
20 laws of the State of Nevada, the Respondent has submitted to the jurisdiction of the
21 Division.

22 **FACTUAL ALLEGATIONS**

23 1. On or about July 2, 2018, the Division received a complaint/statement of fact
24 asserting that the Respondent had completed an unlicensed appraisal of commercial real
25 estate located in Las Vegas, Nevada.

26 2. The Respondent has never held an appraisal license or certificate in the
27 State of Nevada.

28 3. The Division received an Appraiser Temporary Practice Permit Application

1 from Respondent on June 25, 2018, the application was signed and notarized on June 19,
2 2018, in the County of Saint John, Florida.

3 4. The Division issued Respondent a Temporary Practice Permit, Permit No.
4 ATMP.0013728.CG on June 28, 2018, with an effective date of June 26, 2018.

5 5. On or about April 12, 2018, the Respondent, operating under the business
6 name Huron Consulting Group, signed an engagement letter to determine the fair market
7 value rent rate of medical office space located at 2400 Tech Center Drive, Las Vegas,
8 Nevada 89128 ("Property").

9 6. By analyzing the nature, quality, value, or use of the property, Respondent
10 performed an appraisal when he offered his opinion as to the nature, quality, value or use
11 of the property for or with the expectation of compensation.

12 7. The effective date of value on the Appraisal performed by the Respondent
13 was April 20, 2018.

14 8. On or about July 3, 2018, the Division mailed an investigation opening letter
15 containing a copy of the Complaint, via certified mail, to the Respondent.

16 9. The investigation opening letter requested Respondent provide his entire
17 work file along with a response to the Complaint by July 15, 2018.

18 10. After receiving an extension, the Respondent submitted his response, which
19 was received by the Division on July 25, 2018.

20 11. On December 18, 2018, the Division sent Respondent an NRS 233B Letter,
21 providing notice of intent to file a formal complaint and request for hearing with the
22 Nevada Appraisal Commission on the allegations of unlicensed activity.

23 **ALLEGED VIOLATIONS OF LAW**

24 **First Violation**

25 The Respondent committed a violation of NRS 645C.215, by knowingly performing
26 an analysis, opinion, or conclusion, whether written or oral, relating to the nature,
27 quality, value, or use of a specified interest in, or aspect of, the identified real estate for or
28 with the expectation of receiving compensation, which constituted an appraisal pursuant

1 to NRS 645C.030. Respondent engaged in this conduct without first obtaining the
2 requisite certificate, license, registration, or registration card, or other type of
3 authorization required pursuant to NRS Chapter 645C.

4 **DISCIPLINE AUTHORIZED**

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

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

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

15 **PROPOSED STIPULATION**

16 The Division is prepared to put on a case based on the Complaint filed with the
17 Commission of Appraisers of Real Estate ("Commission") alleging the above offenses, and
18 pursuant to NRS 645C.215, the Commission is empowered to impose an administrative
19 fine against the Respondent in an amount not to exceed the amount of gain or economic
20 benefit that the person derived from the violation, or \$5,000.00, whichever amount is
21 greater, pursuant to NRS 645C.215(2). The Respondent is prepared to vigorously defend
22 any such Complaint; however, the parties desire to compromise and settle the instant
23 controversy upon the following terms and conditions:

24 1. The Respondent agrees to pay the Division a FIVE THOUSAND DOLLARS
25 AND 00/100 CENTS (\$5,000.00) within thirty (30) days of the effective date of the
26 Commission's acceptance of this agreement. If payment is not received by the Division on or
27 before the expiration of thirty (30) days, it shall be construed as an event of default by the
28 Respondent;

1 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102, with
2 videoconferencing to the State of Nevada, Department of Business and
3 Industry, Division of Insurance, 1818 East College Parkway, 1st floor Hearing
4 Room, Carson City, Nevada 89706.

5 At that time, the Division will recommend to the Commission approval of the
6 Stipulation. The Respondent is required by this Stipulation to attend said hearing or be
7 present via telephone. The Respondent acknowledges and agrees that the Commission may
8 approve this Stipulation, reject it, or suggest different terms that must be communicated to
9 the Respondent and accepted or rejected by the Respondent before any such amendment
10 shall become effective.

11 WITHDRAWAL OF STIPULATION

12 If the Commission rejects this Stipulation or suggests terms unacceptable to the
13 Respondent, the Respondent may withdraw from this Stipulation, and the Division may
14 pursue a complaint before the Commission.

15 RELEASES

16 In consideration of execution of this Stipulation, the Respondent, or his heirs,
17 executors, administrators, successors, and assigns, hereby release, remise, and forever
18 discharge the State of Nevada, the Department of Business and Industry of the State of
19 Nevada, the Division, and each of their members, agents, and employees in their
20 individual and representative capacities, from any and all manner of actions, causes of
21 action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
22 unknown, in law or equity, that the Respondent ever had, now has, may have, or claim to
23 have against any or all of the persons or entities named in this section, arising out of or
24 by reason of the Division's investigation, disciplinary action, and all other matters
25 relating thereto.

26 In consideration of execution of this Stipulation, the State of Nevada, the
27 Department of Business and Industry of the State of Nevada, the Division, and each of
28 their members, agents, and employees in their individual and representative capacities

1 hereby release, remise, and forever discharge the Respondent, or his heirs, executors,
2 administrators, successors, and assigns, and Huron Consulting Group Inc. and its
3 subsidiaries, from any and all manner of actions, causes of action, suits, debts, judgments,
4 executions, claims, and demands whatsoever, known and unknown, in law or equity, that
5 the State of Nevada, the Department of Business and Industry of the State of Nevada,
6 and the Division ever had, now has, may have, or claim to have against Respondent,
7 arising out of or by reason of the allegations described in this complaint and all other
8 matters relating thereto.

9
10 **INDEMNIFICATION**

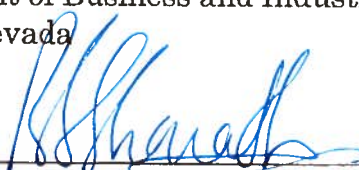
11 The Respondent hereby indemnifies and holds harmless the State of Nevada, the
12 Department of Business and Industry of the State of Nevada, the Division, and each of
13 their members, agents, and employees in their individual and representative capacities
14 against any and all claims, suits, and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

19 IT IS SO STIPULATED.

20 Dated: ~~January~~ 27, 2019.

21 February

22 NEVADA REAL ESTATE DIVISION
23 Department of Business and Industry
24 State of Nevada

25 By: 
26 SHARATH CHANDRA, Administrator
27 3300 W Sahara Avenue
28 Las Vegas, Nevada 89102

Approved as to form:

AARON D. FORD
Attorney General

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ORDER APPROVING STIPULATION

Petitioner,)

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NEVADA COMMISSION OF APPRAISERS

12 The parties' Stipulation for Settlement of Disciplinary Action and Dismissal of
13 Complaint ("Stipulation") was heard by the Nevada Commission of Appraisers of Real
14 Estate ("Commission") on January 29, 2019. The Commission being fully apprised of the
15 matter finds good cause appearing to approve the Stipulation.

16 Therefore, IT IS HEREBY ORDERED that the Stipulation attached hereto as
17 Exhibit "1" and incorporated herein by reference is hereby approved.

18 If the Respondent fails to timely fulfill, or violates the terms of the Stipulation,
19 then the Real Estate Division, Department of Business and Industry, State of Nevada
20 ("Division"), may automatically rescind the Stipulation and the Order Approving
21 Stipulation for Settlement of Disciplinary Action, and thereafter, may proceed in filing a
22 complaint before the Commission.

23 This Order shall become effective on March 21, 2019.

24 Dated this 27 day of February, 2019.

25 COMMISSION OF APPRAISERS OF REAL ESTATE

26
27 By:

Chris C. Langley
COMMISSIONER