

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



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5 SHARATH CHANDRA, Administrator,
6 REAL ESTATE DIVISION,
7 DEPARTMENT OF BUSINESS AND
8 INDUSTRY, STATE OF NEVADA,

9 Petitioner,

10 vs.

11 MICHELLE E. LAPADU
12 A.0006848-CR

13 Respondent.

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

17 Case No. 2018-461, AP18.011.S

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

20 1. PARTIES. This Stipulation is entered into by and between the Petitioner, the REAL
21 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),
22 by and through its Administrator, SHARATH CHANDRA (the "Administrator"), and the Respondent,
23 Michelle E. Lapadu (whether one or more hereinafter the "Respondent"), who at relevant times
24 was licensed by the State of Nevada, license number(s) A.0006848-CR . This Stipulation is entered
25 into upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the
26 "AARC"), which was reached at its informal conference held on August 6, 2019, in LAS VEGAS,
27 NEVADA. Members of the AARC present were Derek G. Stoddard, Timothy J. O'Brien and John S.
28 Wright, CHAIR.

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

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

1 Statutes and Nevada Administrative Code and/or USPAP. A description of the conduct in which
2 these violations were committed is set forth in specificity in the Summary of Facts which is
3 attached hereto as EXHIBIT "A". The Administrator has the authority, pursuant to NAC
4 645C.600(2), to establish an advisory committee in an attempt to review this matter informally and
5 recommend a resolution.

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

10 **5. SETTLEMENT FOR DISCIPLINARY ACTION.** As set forth above, the AARC is
11 authorized under NAC 645C.610 to impose an administrative fine, upon final approval by the
12 Commission. The Division also has the option to file a complaint with the Nevada Commission of
13 Appraisers of Real Estate (the "Commission"). The Commission has the authority pursuant to NRS
14 645C.460(2)(d) to impose a fine of up to \$10,000 for each violation alleged or to suspend or revoke
15 the Respondent's certificate, license or registration card. The parties, however, desire to
16 compromise and settle the instant controversy, without a hearing, upon the following terms and
17 conditions:

18 **Committee Recommendations:** The Committee recommends that the RESPONDENT take
19 the following education:

20 Not less than 14 hours continued education in Cost Approach

21 Not less than 7 hours continued education in Sales Adjustments

22 Not less than 14 hours continued education in Report Writing

23 For a total of 35 hours of continued education to be completed within twelve (12) months of the
24 Appraisal Commission President signing the Stipulated Agreement. Courses can be taken in the
25 classroom or on-line and will not be counted towards continued education credit.

26
27 _____RESPONDENT AGREED_____

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

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

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

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

26 **f. Waiver by Respondent.** RESPONDENT agrees and understands that by entering
27 into this Stipulation, RESPONDENT is waiving his/her right to a hearing at which RESPONDENT
28 may present evidence in his/her defense and to be represented by counsel, to judicial review of
any adverse decision by the Commission, and to present his/her defense to a Commission which
has had no prior familiarity with the instant matter. The Commission members who review this

1 matter for approval of this Stipulation may be the same members who ultimately hear the
2 DIVISION'S complaint if this Stipulation is either not approved by the Commission or is not timely
3 performed by RESPONDENT; and

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

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

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

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

1 9. **SETTLEMENT DISCUSSIONS NOT EVIDENCE.** Any statements made during the
2 discussions leading up to this Stipulation may not be discussed or introduced into evidence at any
3 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation
4 entered into with the Division, may be introduced at a hearing and used against the Respondent.

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

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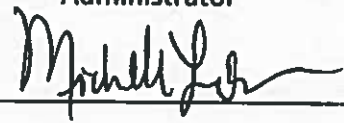
12 SO STIPULATED.

13 Dated: 12/12/19

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

16 By: 
17 SHARATH CHANDRA
18 Administrator

19 Dated: 8/29/19

20 
21 Respondent

22 **ORDER**

23 The foregoing Stipulation was approved by a vote of the Nevada Commission of
24 Appraisers of Real Estate on _____.

25 DATED this _____ day of _____, 2019.

26 NEVADA COMMISSION OF APPRAISERS OF
27 REAL ESTATE

28 _____
Commissioner

Exhibit A

1
2 **Violation found:**

3 **USPAP Violations**

- 4 **Record Keeping Rule**
5 **Standard Rule 2-1(b)**
6 **Standard Rule 2-2 (a) (viii)**
7 **Standard Rule 2-2 (a) (x)**

8 **Record Keeping Rule:** An appraiser must prepare a work file for each appraisal or appraisal review
9 assignment. A work file must be in existence prior to the issuance of any report or other communication
10 of assignment results. The work file must include: All other data, information, and documentation
11 necessary to support the appraiser's opinions and conclusions, and to show compliance with USPAP, or
12 references to the location(s) of such other data, information and documentation.

13 **Standard Rule 2:** In reporting the results of a real property appraisal, an appraiser must communicate
14 each analysis, opinion, and conclusion in a manner that is not misleading.

15 2-1(b): contain sufficient information to enable the intended users of the appraisal to understand
16 their report properly.

17 **Standard Rule 2-2:** each written real property report must be prepared under one of the following
18 options and prominently state which option is used; Appraisal Report or Restricted Report.

19 2-2(a)(viii) summarize the information analyzed, the appraisal methods and techniques
20 employed, and the reasoning that supports the analyses, opinions and conclusions; exclusion of the
21 sales comparison approach, cost approach or income approach must be explained.

22 2-2(x) when an opinion of highest and best use was developed by the appraiser, describe the
23 support and rationale for that opinion.

24 **Facts and Rationale for Finding:**

25 Facts of the case were presented to the Appraisal Advisory Review Committee and these are the
26 violations they found in the respondent's appraisal. Education was recommended.
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