

**NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE
MEETING
SEPTEMBER 15, 2020 MINUTES**

**VIA TELECONFERENCE
SEPTEMBER 15, 2020
9:00 A.M.**

1-A) Introduction of Commissioners in Attendance

Kenneth Cronin, David Stefan, Larry Michael Gandy and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

1-B) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Jaye Lindsay, Appraisal Program Manager; Teralyn Lewis, Administration Section Manager; James Silva, Compliance Audit Investigator and Kelly Valadez, Commission Coordinator.

Deputy Attorney General Peter Keegan was present representing the Division.

2) Public Comment

None.

3-A) NRED v. Michelle E. Lapadu

Case No. 2018-1363 AP19.005.S

License No. A.0006848-CR (Active)

Parties Present

Michelle Lapadu was present.

Michael Stobersky was present representing Ms. Lapadu.

Deputy Attorney General Peter Keegan was present representing the Division.

Settlement

Mr. Keegan stated that there was a tentative settlement.

The Commission was provided a copy of the tentative settlement.

Mr. Keegan read the factual allegations and violations of law into the record. Mr. Keegan stated that the terms of the settlement are as follows:

1. Respondent agrees to admit to the factual allegations, but the respondent does not admit to the alleged violations.
2. Respondent agrees to take a minimum of 34 hours of continuing education in each of the following areas:
 - Not less than 14 hours in Market Analysis and Highest and Best Use with a passing score, proof has already submitted by respondent's council that this course has been completed.
 - Not less than 7 hours in Appraisers Guide to Covering an Appraisal
 - Not less than 20 hours in Mastering Unique and Complex Property Appraisals
 - Not less than 7 hours in Appraising Residential Complex Properties

3. These 34 hours of continuing education will be completed within 18 months of the effective date of the Commission's order.
 - These hours of continuing education may be taken live, on-line or remotely.
 - These continuing education courses will not count toward the continuing education requirement for respondent's license renewal.
 - Proof of completion for the continuing education must be submitted to the Division upon completion of the required education.
4. Respondent agrees to pay the Division a \$3,750.00 as an administrative fine and \$1,000.00 in administrative costs for a total fine of \$4,750.00 as follows:
 - Respondent agrees to pay the total fine(s) within 30 days from the effective date of the Commission's order.

Mr. Keegan stated that Ms. Lapadu has an outstanding settlement agreement with the Nevada Real Estate Division's Appraisal Advisory Review Committee that was completed in March of 2020 with case number 2018-461 AP18.011.S where 35 hours of continuing education was agreed to and recommended to be completed by March 6, 2021.

Michael Stobersky made a statement.

The Commission asked questions of Mr. Keegan.

The Commission asked questions of Mr. Stobersky.

Commissioner Gandy moved to accept the settlement as presented. Commissioner Stefan seconded. Motion carried.

3-B) NRED v. Brett J. Pierce

Case No. 2019-316 AP19.026.N

License No. A.0205486-CR

Parties Present

Brett Pierce was not present

Deputy Attorney General Peter Keegan was present representing the Division.

Mr. Keegan stated that the Division would submit that there was proper service upon Mr. Pierce.

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service of the complaint.

Peter Keegan requested that the Commission find Mr. Pierce in default for failure to appear and that all charges in the complaint be considered as true as allowed by NAC 645C.502.

Mr. Keegan read the factual allegations and alleged violations from the complaint into the record.

Mr. Keegan requested that the State's exhibits be admitted into evidence.

The Commission asked questions of Mr. Keegan.

State's Witness

James Silva, Compliance Audit Investigator II, testified.

Commissioner Gandy moved to accept the factual allegations. Commissioner Stefan seconded. Motion carried.

Commissioner Stefan moved to accept the 13 violations of law. Commissioner Gandy seconded. Motion carried.

President Cronin moved to find that case number 2019-316 AP19.026.N was handled correctly with the factual allegations and violations.

Commissioner Stefan amended the motion to state that service was completed properly under the default provision of NAC 645C.502. Commissioner Cronin accepted the amendment. Motion carried.

President Cronin moved that the violations for case 2019-316 AP19.026.N be proven as factual. Commissioner Gandy seconded. Motion carried.

Jaye Lindsay stated that the Division's recommendation for discipline is revocation of Mr. Pierce's license and a fine of \$2,000.00 for each violation be imposed.

Commissioner Stefan asked for fees and costs of the Division.

Kelly Valadez stated that the Division's total fees and cost are \$3,189.17.

Commissioner Stefan stated that he agreed with the recommendation to revoke Mr. Pierce's license, Division costs and a smaller monetary fine but was struggling with a fine of \$23,000.00 for violations.

President Cronin and Commissioner Gandy agreed with Commissioner Stefan.

Commissioner Stefan moved that in case 2019-316 AP19.026.N, the license of Brett Pierce be revoked within 30 days of the effective date of the order according to NRS 645C.520 and Mr. Pierce pay a fine of \$5,000.00 plus Division's fees and cost in the amount of \$3,189.17, for a total of \$8,189.17 to be paid within 1 year of the effective date of the order. Commissioner Gandy seconded. Motion carried.

4-A) For possible action: License Denial Appeal for decision:

Katherine Everson

File No. N-645C-LDA-21-001

Parties Present

Katherine Everson was present representing herself.

Nancy Milligan was present as a witness for Ms. Everson.

Deputy Attorney Peter Keegan was present representing the Division.

Jaye Lindsay, Appraisal Program Manager, was present.

Susan Clark, Licensing Officer, was present.

Ms. Everson stated that she was fine with having an open session and waived the opportunity for a closed session.

Ms. Everson stated that the main issue the Division had with her application to become a certified residential appraiser was that she did not redo her internship. Ms. Everson stated that she could not find anything in the statutes that stated she had to redo her internship. Ms. Everson stated that NRS 645C.390 states that later than one year after the date of expiration, the applicant needs to reapply in the same manner as for an original certificate or license. Ms. Everson stated that the way she interpreted the

statute was that she could use her same internship hours, redo her classes, take and pass the State exam. Ms. Everson stated that the log from the State states that the experience gained as an appraiser while in the employment of a certified appraiser as an intern or license appraiser must be obtained after January 30, 1989 and in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). Ms. Everson stated that her internship log was after the Appraisal Standards Board adopted USPAP. Ms. Everson stated that she had a license in 2011 and was in compliance with USPAP. Ms. Everson stated that she did not understand why she could not use her internship log.

Deputy Attorney General Peter Keegan asked that the State's exhibits be admitted into evidence.

The Commission was provided with the State's exhibits.

President Cronin stated he would like to enter the State's exhibits 0001-0177 into evidence.

Deputy Attorney General Peter Keegan stated that Ms. Everson's application was denied based on the intern logs that date back to 2005 and 2007. Mr. Keegan stated that some of the information on the logs was not adequate to identify dates or names of the addresses of the appraisals conducted. Mr. Keegan stated that more than a year had passed since Ms. Everson's license expired in 2011 and pursuant to NRS 645C.390(3)(b), a new application is required with internship logs to satisfy the 2,400 hour requirement specified in NAC 645C.065(5) and NAC 645C.120. Mr. Keegan stated that originally Ms. Everson submitted a renewal application that received a deficient transaction letter on May 5, 2020. Mr. Keegan stated that Ms. Everson then reapplied submitting her logs as a new applicant that was then denied on August 4, 2020.

Ms. Everson read a letter into the record that was dated August 20, 2020 submitted with her license denial appeal.

The Commission was provided with Ms. Everson's letter.

Respondent's Witness

Nancy Milligan testified.

State's Witness

Susan Clark testified.

State's Witness

Jaye Lindsay testified.

The Commission asked questions of Ms. Everson, Ms. Lindsay and Mr. Keegan.

Commissioner Gandy moved to approve the license denial appeal of Kathryn Everson subject to Ms. Everson providing the Division full log documentation in the format required by the State including clients' names and all other necessary information to be submitted to the Division within six (6) months for verification and the Division can determine if the information submitted is sufficient to issue a license. Commissioner Stefan seconded. Motion carried.

5-A) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED V. Amy Basner

Case No. 2019-242 AP19.024.S

License No. A.0206860-CR (Active)

Amy Basner was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2019-242 AP19.024.S. Commissioner Stefan seconded. Motion carried.

5-B) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Donald E. Beebe

Case No. 2018-1365 AP19.007.S

License No. A.0004097-CR (Active)

Donald Beebe was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2018-1365 AP19.007.S. Commissioner Stefan seconded. Motion carried.

5-C) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Marian W. Finnegan

Case No. 2018-1615 AP19.020.N

License No. A.0005571-CR (Active)

Marian Finnegan was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2018-1615 AP19.020.N. Commissioner Stefan seconded. Motion carried.

5-D) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Jason K. Neri

Case No. 2018-1480 AP19.015.S

License No. A.0206410-CR (Active)

Jason Neri was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2018-1480 AP19.015.S. Commissioner Stefan seconded. Motion carried.

5-E) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Vance D. Randall

Case No. 2017-2591 AP18.008.S

License No. A.0007808-CR (Active)

Vance Randall was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2017-2591 AP18.008.S. Commissioner Stefan seconded. Motion carried.

5-F) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Vance D. Randall

Case No. 2018-829 AP18.028.S

License No. A.0007808-CR (Active)

Vance D. Randall was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2018-829 AP18.028.S. Commissioner Stefan seconded. Motion carried.

5-G) Discussion and possible action regarding Appraisal Advisory Review Committee informal conference recommendations:

NRED v. Daniel Schultz

Case No. 2019-47 AP19.023.S

License No. A.0003157-CR (Active)

Daniel Schultz was present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

Commissioner Gandy moved to accept the recommendations of the Committee for case 2019-47 AP19.023.S. Commissioner Stefan seconded. Motion carried.

6-A) Discussion regarding the discipline report.

Teralyn Lewis presented this report. The Commission was provided with the report in the meeting packet.

6-B) Discussion regarding the Administrator's report on Division updates.

Sharath Chandra stated that the Division is still closed to the public but anticipating a gradual reopening. Mr. Chandra stated that most business is conducted through the mail but there are on-line capabilities that are being utilized. Mr. Chandra stated that the Division is trying to bring awareness to the on-line option for licensees to help alleviate the backlog of mail due to slow and delayed deliveries.

Mr. Chandra stated that the budget is a biennium process that was currently being affected by the decreased revenues coming in. Mr. Chandra stated that the Division was required to cut 17% of its budget and that there are currently six vacant positions at the Division including the Deputy Administrator position and one position that has been closed. Mr. Chandra stated that hopefully during the next biennium period the revenue levels will increase, and the Division can contemplate filling those positions.

Mr. Chandra stated that there are three vacant positions on the Commission that are in the process of being appointed and those vacancies should be filled by the next Commission meeting.

6-C) Discussion regarding the Appraisal Officer's report on compliance case load.

Jaye Lindsay presented this report. The Commission was provided with the report in the meeting packet.

6-D Discussion and action to approve the minutes of the May 5, 2020 meeting minutes.

Commissioner Gandy moved to approve the minutes of the May 5, 2020 meeting minutes. Commissioner Stefan seconded. Motion carried.

6-E Discussion, nomination and election of officers for FY 21 pursuant to NAC 645C.200.

Commissioner Stefan moved to nominate Commissioner Gandy as President. Commissioner Cronin seconded. Motion carried.

Commissioner Gandy moved to nominate Commissioner Cronin as Vice President. Commissioner Stefan seconded. Motion carried.

Commissioner Cronin moved to nominate Commissioner Stefan as Secretary. Commissioner Gandy seconded. Motion carried.

7) Discussion and decision on date, time, place, and agenda items for upcoming meeting(s) including setting the meeting calendar for 2021.

The Commission agreed to the following meeting dates for 2021:

- January 12-14, 2021
- May 25-27, 2021
- October 5-7, 2021

8) Public Comment

None

9) Adjournment

The meeting adjourned at 1:20 p.m. on September 15, 2020.