

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 THOMAS W. GENTILE  
11 (License No. A.0207556-INTR),

12   Respondent.

Case No. 2020-438, AP20.043.S

**COMPLAINT AND NOTICE OF  
HEARING**

**FILED**

DEC 11 2020

NEVADA COMMISSION OF APPRAISERS

*Kelly Valadez*

13           State of Nevada, Department of Business and Industry, Real Estate Division (“the  
14 Division”), by and through counsel, Attorney General AARON D. FORD and Deputy  
15 Attorney General PETER K. KEEGAN, hereby notifies THOMAS W. GENTILE  
16 (“Respondent”) of an administrative complaint and hearing before the Nevada  
17 Commission of Appraisers of Real Estate (“Commission”). The hearing will be held  
18 pursuant to Chapter 233B and Chapter 645C of the Nevada Revised Statutes (“NRS”) and  
19 Chapter 645C of the Nevada Administrative Code (“NAC”). The purpose of the  
20 hearing is to consider the allegations stated below and to determine if the Respondent  
21 should be subject to a disciplinary penalty as set forth in NRS 645C and or NAC 645C, if  
22 the stated allegations are proven at the hearing by the evidence presented.

**JURISDICTION**

23           The Respondent was a registered intern under registration card no. A.0207556-  
24 INTR. Respondent engaged in activities which require a certificate, license, registration  
25 card, or authorization issued by the Division and is therefore subject to the jurisdiction of  
26 the Division and Commission, and the provisions of NRS and NAC Chapter 645C. By  
27 availing himself of the benefits and protections of the laws of the State of Nevada, the  
28

1 Respondent has submitted to the jurisdiction of the Division.

2 **FACTUAL ALLEGATIONS**

3 1. The Respondent held a registered intern card first issued on September 8,  
4 2017, which expired on October 30, 2019.

5 2. The Respondent's Supervising Appraiser was Kristen Morris, Certified  
6 Residential Appraiser, license No. A.0003853-CR.

7 3. On March 20, 2020, the Division received the Respondent's first application  
8 for a residential appraiser license along with his intern log, which showed work through  
9 December 22, 2019.

10 4. Respondent's first intern log shows he worked for three (3) months as an  
11 intern after his registration card expired on September 30, 2019.

12 5. On or about March 6, 2020, the Division's Appraisal Program Manager  
13 spoke with the intern's supervisor, Kristen Morris, and explained that the intern log  
14 needed to be submitted on the Division's form pursuant to NAC 645C.120(2).

15 6. Respondent's supervisor, Kristen Morris explained to the Appraisal Program  
16 Manager that Respondent had already completed the log and would not want to convert it  
17 from an excel spreadsheet to the Division's required form.

18 7. On March 6, 2020, the Division emailed the Respondent instructions to  
19 submit the intern log on the Division's required form pursuant to NAC 645C.120(2).

20 8. Respondent's first intern log was not submitted on the log provided by the  
21 Division and required by NAC 645C.120(2).

22 9. Respondent's first intern log was signed by the Respondent and his  
23 supervisor, Kristin Morris, on March 6, 2020.

24 10. Respondent's first intern log did not include information about the type of  
25 dwelling the appraisals were done on, which is required on the Division's intern log form.

26 11. Many of the addresses for Respondent's first intern log did not include the  
27 city for the appraised property.

28 12. On April 7, 2020, the Division sent Respondent a Deficiency Letter stating

1 that the fingerprint card had not been submitted with his first application and that any  
2 experience recorded on the intern log after the expiration Respondent's intern  
3 registration card could not be counted.

4 13. Subsequently, Respondent submitted a second intern log which stated that  
5 "the previous log had mistakes (duplicate fields, missing/incorrect information), please  
6 use the enclosed logs instead."

7 14. The Respondent's second intern log contained a signature date of April 15,  
8 2020.

9 15. The Respondent's second intern log contained 566 complex properties and  
10 2596 completed appraisals signed by both the intern and supervisor.

11 16. The Respondent's second intern log contained 64 appraisals there were not  
12 on the first intern log as well as 9 duplicate appraisals.

13 17. The Respondent's first and second log contained inconsistent property  
14 addresses when comparing the dates of (1) March 13, 2018; (2) March 14, 2018; (3) April  
15 24, 2018; and June 12, 2018.

16 18. The Respondent's first intern log contained 557 complex properties and 2570  
17 completed appraisals signed by both the intern and supervisor.

18 19. The Respondent's first intern log contained 83 appraisals which were  
19 worked on by the Respondent after the expiration of his registration card.

20 20. The Respondent's first intern log contained several days with cumulative  
21 work entries indicating more than 18 hours including one entry for May 24, 2019, with a  
22 total of 25 hours.

23 21. The Respondent's second intern log has similar issues with including: a 27  
24 hour total for October 12, 2018; a 26 hour total for August 16, 2018; a 25 hour total for  
25 May 24, 2019; a 23 hour total for July 27, 2018; and a 23.5 hour total for July 2, 2018.

26 22. On or about May 22, 2020, the Division mailed to the Respondent an NRS  
27 Chapter 233B Letter, as required by NRS 233B.237(3) indicating that the Division's  
28 investigation had uncovered sufficient evidence to recommend the filing of a formal

1 complaint by the Division with the Nevada Appraisal Commission.

2 **VIOLATIONS OF LAW**

3 **First Violation**

4 The Respondent violated NRS 645C.260(1)(b) by engaging in the business and  
5 capacity of an appraiser intern with an expired intern registration card during the  
6 months of October, November, and December of 2019.

7 **Second Violation**

8 The Respondent violated NRS 645C.470(2) pursuant to NAC 645C.120 when he  
9 failed to comply with requirements for submitting an intern log.

10 **Third Violation**

11 The Respondent violated NRS 645C.460(1)(a) and/or (b) by when he demonstrated  
12 unprofessional conduct when he ignored the Division's instructions to submit his intern  
13 log on the required form pursuant to NAC 645C.120(2). The Respondent demonstrated  
14 professional incompetence when he submitted intern logs with incomplete, inconsistent,  
15 and impossible data entries.

16 **DISCIPLINE AUTHORIZED**

17 1. Pursuant to NRS 645C.460(2), if grounds for disciplinary action against an  
18 appraiser are found to exist for unprofessional conduct, the Commission may revoke or  
19 suspend the certificate, place conditions upon the certificate, deny the renewal of his or  
20 her certificate, and/or impose a fine up to \$10,000.00 per violation. NRS 645C.480(1)(a) is  
21 identified as an additional act of unprofessional conduct.

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

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

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

5           **THE HEARING WILL TAKE PLACE** at the Commission meeting scheduled  
6 for January 12, 13, and 14, 2021, beginning at approximately 9:00 a.m. each day,  
7 or until such time as the Commission concludes its business.

8           **If the Governor’s Emergency Directive 006 – suspending physical location**  
9 **requirements – is extended through the date of the meeting, then the hearing**  
10 **will be held via teleconference and videoconference. The Commission uses**  
11 **WebEx for its meetings. To join the hearing go to the website Webex.com and**  
12 **put in the Meeting ID and Password.**

13 **Tuesday, January 12, 2021 – Meeting Number (Access Code): 146 858 3569**  
14 **Meeting Password: VrFMqm25fp5 (87367625375 from phones and video**  
15 **systems)**

16 **Wednesday, January 13, 2021 – Meeting Number (Access Code): 146 033 5998**  
17 **Meeting Password: CXcFjNpw526 (29235679526 from phones and video**  
18 **systems)**

19 **Thursday, January 14, 2021 – Meeting Number (Access Code): 146 283 6652**  
20 **Meeting Password: 9mMx3AZpvF8 (96693297838 from phones and video**  
21 **systems)**

22           **If you do not have internet access, you may attend by phone at (844) 621-**  
23 **3956. Some mobile devices may ask attendees to enter a numeric meeting**  
24 **password provided above.**

25           **If Emergency Directive 006 is not extended and the meeting is held in**  
26 **person, then the meeting will be located at the following locations:**

27           **Nevada State Business Center**  
28           **Real Estate Division**  
              **3300 West Sahara Avenue, Suite 350**  
              **Las Vegas, Nevada 89102**

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1 If you would like an email containing this information, before the  
2 hearing, please contact Kelly Valadez, Commission Coordinator, at (702) 486-  
3 4606 or [kvaladez@red.nv.gov](mailto:kvaladez@red.nv.gov).

4 **STACKED CALENDAR:** Your hearing is one of several hearings that may  
5 be scheduled at the same time as part of a regular meeting of the Commission  
6 that is expected to take place on January 12-14, 2021. Thus, your hearing may  
7 be continued until later in the day or from day to day. It is your responsibility  
8 to be present when your case is called. If you are not present when your case is  
9 called, a default may be entered against you, and the Commission may decide  
10 the case as if all allegations in the complaint were true. If you need to negotiate  
11 a more specific time for your hearing in advance, because of coordination with  
12 out of state witnesses or the like, please call Kelly Valadez, Commission  
13 Coordinator, at (702) 486-4606.

14 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is an  
15 open meeting under Nevada's open meeting law and may be attended by the public. After  
16 the evidence and arguments, the Commission may conduct a closed meeting to discuss  
17 your alleged misconduct or professional competence. You are entitled to a copy of the  
18 transcript of the open and closed portions of the meeting, although you must pay for the  
19 transcription.

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

27 You have the right to request that the Commission issue subpoenas to compel  
28 witnesses to testify and/or evidence to be offered on your behalf. In making this request,

1 you may be required to demonstrate the relevance of the witnesses' testimony and/or  
2 evidence. Other important rights you have are listed in NRS Chapter 645C, NRS  
3 Chapter 233B, and NAC Chapter 645C.


4 DATED the 11 day of December, 2020.

DATED the 7th day of December, 2020.

5 NEVADA REAL ESTATE DIVISION

AARON D. FORD  
Attorney General

6  
7  
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