

**NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE
MEETING
JANUARY 12-13, 2021 MINUTES**

VIA TELECONFERENCE
JANUARY 12, 2021
9:07 A.M.

1-A) Introduction of Commissioners in Attendance

Larry Michael Gandy, Kenneth Cronin, Scott Krueger, Timothy O'Brien and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

1-B) Swearing in of newly appointed Commissioners

President Gandy swore in Commissioners Krueger and O'Brien.

1-C) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Teralyn Lewis, Administration Section Manager; Jaye Lindsay, Appraisal Program 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) Disciplinary action: For discussion and possible action by the Commission

NRED v. Susan A. Kabler

Case No. 2019-1177 AP20.013.N

License No. A.0000162-CR (Active)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.

Susan Kabler was present.

Sydney Wells was present representing Ms. Kabler.

Settlement

Mr. Keegan stated that there was a stipulation for settlement.

The Commission was provided a copy of the settlement agreement.

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 the voluntary surrender of her license within thirty days of the effective date of this agreement.

3. Respondent agrees to pay the Division \$600 to cover its administrative investigatory costs associated with the contracted Standard 3 appraisal review. The Respondent shall make full payment within 30 days of the effective date of this agreement.

Ms. Wells made a statement.

President Gandy moved to accept the stipulation for settlement. Commissioner Cronin seconded. Motion carried.

3-B) Disciplinary action: For discussion and possible action by the Commission

NRED v. Sergio Tardio

Case No. 2017-868 AP17.031.S

License No. A.00007555-CR

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Sergio Tardio was present.

Settlement

Mr. Keegan stated that there was a settlement agreement.

The Commission was provided a copy of the settlement agreement.

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 42 hours of Continuing Education Credits (“CEC”) in each of the following areas:
 - Not less than 14 hours of Valuation and Cost Approach
 - Not less than 4 hours of Ethics, Competence and Negligence
 - Not less than 15 hours of Residential Market Analysis and Highest and Best Use
 - Not less than 4 hours of Adjustments
 - Not less than 5 hours in Work File.

The total 42 hours of CEC shall be completed within 18 months of the date of the effective date of the Commission’s order accepting this Agreement and may be taken live, online, or remotely. These courses will not count toward the Respondent’s continuing education requirements. Proof of completion must be submitted to the Division upon completion of all the required education.

3. Respondent agrees to pay the Division a monetary penalty of \$2,844.44 comprised of a fine of \$1,800 and administrative investigatory costs of \$1,044.44. The total penalty shall be paid in 12 monthly installments of \$237.04. The first payment shall be made within 30 days of the effective date of the Commission’s order accepting this Agreement.

Mr. Tardio stated that he agreed with the stipulation as presented.

President Gandy moved to accept the stipulation for settlement. Commissioner Cronin seconded. Motion carried.

5) Petition for Rehearing: For discussion and possible action by the Commission

NRED v. Brett J. Pierce
Case No. 2019-316 AP19.026.N
License No. A.0205486-CR (Active)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Brett Pierce was present.
Janeen Isaacson was present representing Mr. Pierce.

Mr. Keegan stated that this is a petition for rehearing and that there is a tentative agreement between the parties that this matter should be approved for rehearing and be placed on the Commission's agenda for the next Commission hearing.

Ms. Isaacson stated that pursuant to NAC 645C.505 a petition for rehearing is being requested. Ms. Isaacson stated that there is no dispute that Mr. Pierce did not receive a copy of the complaint or notice of hearing. Ms. Isaacson stated that the mailings were mailed to Mr. Pierce's domicile in Incline Village and that address does not have deliverable mail, as well as a prior business address that Mr. Pierce has not been at since 2008. Ms. Isaacson stated that in talking with Mr. Keegan it is understood how this happened, but it is clear that Mr. Pierce did not have the opportunity to defend himself against the allegations raised against him.

Mr. Keegan stated that the opening letter to the investigation was mailed to a P.O. Box, but with subsequent mailings, the P.O. Box was overlooked, and documents were mailed to an address in Incline Village and were returned to the Division non-delivered.

Commissioner Cronin stated that he was aware that Incline Village has limitations with accepting mail for certain addresses and that P.O. Boxes are necessary. Commissioner Cronin stated that if this was the circumstance that the case should be given the opportunity to be heard.

Commissioner Krueger stated that a rehearing would be appropriate under the circumstances.

Commissioner O'Brien stated that as a former resident of Incline Village that he understands the mail limitations and that a rehearing is appropriate.

President Gandy agreed.

President Gandy moved to approve the petition for rehearing. Commissioner Cronin seconded. Motion carried.

3-C) Disciplinary action: For discussion and possible action by the Commission

Thomas W. Gentile
Case 2020-438 AP20.043.S
License No. A.0207556-INTR (Closed)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Thomas Gentile was present.
Jaye Lindsay, Appraisal Program Manager, was present.

Preliminary Matters

Mr. Keegan asked Mr. Gentile if he received the State's exhibits NRED 0001-0446 and if Mr. Gentile would stipulate to the admissibility of these documents into evidence to avoid lengthy testimony for authentication of the documents and for the Commission's understanding during the hearing.

Mr. Gentile stated that he did receive the documents and that he was okay to admit the documents into evidence.

Mr. Keegan asked President Gandy if the Commission was provided the answer to the complaint filed on January 4, 2021 by Mr. Gentile.

President Gandy answered yes.

State's Witness

Thomas Gentile testified.

Mr. Gentile made a statement on his behalf.

The Commission asked questions of Mr. Gentile.

Mr. Keegan re-examined Mr. Gentile.

The witness was dismissed.

State's Witness

Jaye Lindsay testified.

Mr. Gentile asked questions of Ms. Lindsay.

The Commission asked questions of Ms. Lindsay.

Mr. Keegan re-examined Ms. Lindsay.

The witness was dismissed.

The Commission asked questions of Mr. Gentile.

Closing Statements

Mr. Keegan gave his closing statement.

Mr. Gentile gave his closing statement.

Factual Allegations

President Gandy moved that factual allegation 1 has been proven. Commissioner O'Brien seconded. Motion carried.

President Gandy moved that factual allegation 2 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 3 has been proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that factual allegation 4 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 5 has been proven. Commissioner O'Brien seconded. Motion carried.

President Gandy moved that factual allegation 6 has been proven. Commissioner Cronin seconded.

Commissioner O'Brien stated that he did not agree with the allegation that Mr. Gentile refused to recreate the log on the Division's required form.

Motion carried 3 to 1 with Commissioner O'Brien opposed.

President Gandy moved that factual allegation 7 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 8 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 9 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 10 has been proven. Commissioner O'Brien seconded. Motion carried.

President Gandy moved that factual allegation 11 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 12 has been proven. Commissioner O'Brien seconded. Motion carried.

President Gandy moved that factual allegation 13 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 14 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved to amend factual allegation 15 to state "566 complex hours and 2,596 completed hours" rather than "566 complex properties and 2,596 completed appraisals". Commissioner Cronin seconded. Motion carried.

President Gandy moved that amended factual allegation 15 has been proven as amended. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 16 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 17 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved to amend factual allegation 18 to state “557 complex hours and 2,570 completed hours” instead of “557 complex properties and 2,570 completed appraisals”. Commissioner Cronin seconded. Motion carried.

President Gandy moved that amended factual allegation 18 has been proven as amended. Commissioner O’Brien seconded. Motion carried.

President Gandy moved that factual allegation 19 has been proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 20 has been proven. Commissioner O’Brien seconded. Motion carried.

President Gandy moved that factual allegation 21 has been proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that factual allegation 22 has been proven. Commissioner Cronin seconded. Motion carried.

Violations of Law

President Gandy moved that the first violation was proven. Commissioner O’Brien seconded.

President Gandy stated that this violation was admitted to by the respondent.

Commissioner O’Brien stated that of the three violations that this violation was most damaging to the public trust both because an intern was completing appraisals with an expired license and potentially completing appraisals without supervision. Commissioner O’Brien stated that this was a serious implication and the responsibility of the supervisor and intern to know when their registration expires, so as to not practice outside of those terms.

Commissioner Krueger stated that there was no dispute that this was a violation and that he agrees with the prior comments.

Commissioner Cronin stated that he had issues with the intern not knowing when his license is expired, and work performed in any capacity by someone that had an expired license was gravely disturbing.

Commissioner O’Brien stated that he would like to add that he did ask Mr. Gentile if he had signed any reports and Mr. Gentile’s reply was that he had not signed any reports but did some appraisals without a supervisor. Commissioner O’Brien stated that there were safeguards in place to prevent an expired intern from doing work that were circumvented in this instance.

Motion carried.

President Gandy moved that the second violation was proven. Commissioner O'Brien seconded.

President Gandy stated that the respondent's hand-made log was cumbersome and that there was a State mandated form that was not used.

Commissioner O'Brien stated that he sees overlap with the second and third violations, but Mr. Gentile was in violation of the requirements and did not comply. Commissioner O'Brien stated that Mr. Gentile did express that he was not trying to defraud or misrepresent but was trying to make an older process better and had a level of confusion.

Commissioner Cronin stated that Mr. Gentile went to great lengths to try and meet the requirements in the logs that were compiled, but Mr. Gentile acknowledges through his own testimony that his attempt was not acceptable.

Motion carried.

President Gandy stated that the second violation dealt with failing to comply with the requirements and even though it overlaps on the same the topic, the third violation deals with unprofessional conduct associated with that act.

Commissioner Krueger stated that this also gets into the demonstration of professional incompetence. Commissioner Krueger questioned how much responsibility lies on the intern and how much on the supervising appraiser. Commissioner Krueger stated that there were so many discrepancies that resulted in the appearance of incompetence, but the violation did occur.

Commissioner Cronin stated that he did not know how Mr. Gentile's logs changed so much each time they were submitted and the addition of 64 properties. Commissioner Cronin stated that he is having difficulty comprehending between the intern and the supervisor, where they reconciled the hours to put on the form and how the information changed with each submission to the State.

President Gandy stated that Mr. Gentile did submit incomplete and inconsistent logs.

Commissioner O'Brien stated that there is the possibility that there is not nefarious means here but that the supervisor should look at the logs before submission. Commissioner O'Brien stated that this was a series of errors that continued to develop on each other but was it incompetent or potentially unprofessional conduct.

Commissioner Cronin stated that there were 64 additional properties added to the log and 83 done after the license expired. Commissioner Cronin stated that 83 appraisals were submitted to an end user with someone that contained no licensure involved and participating in the formulation of a valued conclusion.

Commissioner Krueger stated that although not necessarily intentional, it is certainly unprofessional conduct, and the numbers are significant. Commissioner Krueger stated that it was concerning that there were 64 properties added after it was determined that there were 83 that needed to be removed. Commissioner Krueger stated that he was questioning how much responsibility goes to the intern and how much goes to the supervising appraiser.

President Gandy moved that the third violation was proven. Commissioner Krueger seconded. Motion carried.

Division's Recommendation for Discipline

Jaye Lindsay presented:

- A fine in the amount of \$300 per violation for a total of \$900, payable within 12 months
- 400 hours of intern logs with a new supervisor
- Division's fees and costs of \$2,106.10

Commissioner O'Brien moved that a monetary fine be imposed of \$100 per violation of law for a total fine of \$300 plus the Division's fees and costs of \$2,106.10 for a total amount of \$2,406.10 payable within 12 months, and the respondent has one year to find an appraiser unrelated to him and retake the intern class and complete 400 hours of supervised appraisal work. President Gandy seconded. Motion carried.

7-A) Discussion regarding the discipline report

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

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

Sharath Chandra provided the Commission with this report. Mr. Chandra stated that legislative session was beginning February 1, 2021, and that during the last cycle, the Division was asked to reduce the work force by twenty percent. Mr. Chandra stated that this cycle the Division will be asked to make more cuts causing fiscal restraints. Mr. Chandra stated that the Division is funded by the general fund and with limited staffing and resources the larger issue is about sustainability for the Division. Mr. Chandra stated that during this legislative session the Division would be working with law makers to figure out a more sustainable way where the Division could become self-funded by collecting the monies that come in from licensing and use that to create a reserve while maintaining operations. Mr. Chandra stated that eventually a reserve would be built up enough that during down times the Division would not have to vastly cut services. Mr. Chandra stated that the Division would be going through a federal audit this year and a federal manager would be sitting in on a future Commission meeting to observe the process and look through some files.

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

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

7-D) Discussion and action to nominate and elect a Secretary for FY21 pursuant to NAC 645C.200

President Gandy moved to nominate Commissioner O'Brien as Secretary. Commissioner Cronin seconded. Motion carried.

7-E) Discussion and action to approve the minutes of the September 15, 2020 meeting

President Gandy moved to approve the minutes of the September 15, 2020 meeting. Commissioner Cronin seconded. Motion carried with two abstentions from Commissioners O'Brien and Krueger because they were not part of the Commission during the September 15, 2020 meeting.

9) Public Comment

None.

10) Adjournment

Meeting recessed at 4:32 p.m. on January 12, 2021.

NOT APPROVED BY COMMISSION

VIA TELECONFERENCE
JANUARY 13, 2021
9:03 A.M.

1-A) Introduction of Commissioners in Attendance

Larry Michael Gandy, Kenneth Cronin, Scott Krueger, Timothy O'Brien, and Deputy Attorney General Justin Taruc sitting as Commission Counsel.

1-C) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Teralyn Lewis, Administration Section Manager; Jaye Lindsay, Appraisal Program 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-D Disciplinary action: For discussion and possible action by the Commission

Kristin M. Morris

Case 2020-439 AP20.044.S

License No. A.0003853-CR (Active)

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division.
Kristin Morris was present.
Jaye Lindsay, Appraisal Program Manager, was present.

Opening Statement

Mr. Keegan gave his opening statement.
Ms. Morris gave her opening statement.

State's Witness

Kristin Morris testified.

Mr. Keegan asked Ms. Morris if she received the Notice of Documents bate stamped 0001-0442 and if Ms. Morris would be willing to stipulate to the admissibility of the documents and agree that they are true and correct copies of what they appear to be.

Ms. Morris stated that the documents are authentic and agreed that they could be admitted into evidence.

The Commission asked questions of Ms. Morris.

The witness was dismissed.

State's Witness

Jaye Lindsay testified.

The Commission asked questions of Ms. Lindsay.

Mr. Keegan rested his case.

Ms. Morris made a statement.

Closing Statements

Mr. Keegan gave his closing statement.

Factual Allegations

President Gandy moved that factual allegations 1 and 2 were proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved to amend factual allegation 3 to state “September 30, 2019” as the correct expiration date and that amended factual allegation 3 was proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that factual allegations 4 and 7 were proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that factual allegation 5 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 6 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegations 8-11 were proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegations 12-14 were proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 15 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 16 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 17 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved to amend factual allegation 18 to read “566 complex hours” striking “properties and 2,596 hours” striking “completed appraisals” and that amended factual allegation 18 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 19 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 20 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved to amend factual allegation 21 to read “557 complex hours” not “properties” and “2,570 completed hours” not “appraisals”. Commissioner Cronin seconded. Motion carried.

President Gandy moved that amended factual allegation 21 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 22 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegations 23 and 24 were proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 25 was proven. Commissioner Cronin seconded. Motion carried.

President Gandy moved that factual allegation 26 was proven. Commissioner Cronin seconded. Motion carried.

Violations of Law

President Gandy moved that the first violation of law was proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that the second violation of law was proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that the third violation of law was proven. Commissioner Krueger seconded. Motion carried.

President Gandy moved that the fourth violation of law was proven. Commissioner Krueger seconded. Motion carried.

Division’s Recommendation for Discipline

Jaye Lindsay presented this:

- A \$300 fine per violation for a total fine of \$1,200 plus Division’s costs of \$1,415.84 to be paid within one year of the Commission President signing the order.

President Gandy moved that a monetary fine be imposed of \$300 per violation for a total fine of \$1,200 plus Division costs of \$1,415.84 for a total amount payable of \$2,615.84 due within twelve months, and completion of a 6-hours course in Ethics, Competency and Negligence within 12 months that will not count toward required continuing education. Commissioner O’Brien seconded. Motion carried.

4) License Denial Appeal for decision

Thomas W. Gentile

File No. S-645C-LDA-21-002

Parties present

Deputy Attorney General Peter Keegan was present representing the Division.
Thomas Gentile was present.

Jaye Lindsay, Appraisal Program Manager, was present.
Susan Clark, Licensing Manager, was present.

Preliminary Matters

Mr. Keegan stated that this matter was originally scheduled as a closed session at the discretion of Mr. Gentile, but since the bulk of the matter has been addressed in a prior hearing that he would ask to incorporate by reference the testimony, exhibits and all other documents from hearing Case No. 2020-438 AP20.043.S.

Mr. Gentile stated that he was okay with having an open session and however the process could be expedited to not waste everyone's time. Mr. Gentile stated that everything from yesterday could be included today.

President Gandy moved to incorporate all of the exhibits, findings and resolution with Thomas W. Gentile Case No. 2020-438 AP20.043.S with the License Denial Appeal File No. S-645C-LDA-21-002. Commissioner Krueger seconded. Motion carried.

Mr. Keegan stated that he would like to ask Mr. Gentile if he would like to continue with the license denial appeal given the findings that have already been made in the prior case.

Mr. Gentile stated that based on the previous case he wished to rescind his appeal for licensure.

President Gandy moved to rescind the license denial appeal for Thomas W. Gentile Case No. 2020-438 AP20.043.S. Commissioner Krueger seconded. Motion carried.

8) Discussion and decision on date, time, place, and agenda items for upcoming meeting(s)

Next meeting is scheduled for May 25-27, 2021 with time, location, and agenda items available later.

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

NRED v. Richard A. Carlson

Case No. 2019-588 AP19.036.S

License No. A.0206787-CR (Active)

Richard Carlson was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

President Gandy moved to accept the recommendations of the Committee for Richard A. Carlson Case No. 2019-588 AP19.036.S. Commissioner Krueger seconded. Motion carried.

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

NRED v. Artak Hovhannisyan

Case No. 2019-632 AP19.037.S

License No. A.0007853-CR (Active)

Artak Hovhannisyan was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

President Gandy moved to accept the recommendations of the Committee for Artak Hovhannisyan Case No. 2019-632 AP19.037.S. Commissioner Krueger seconded. Motion carried.

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

NRED v. Traci L. Polak

Case No. 2019-1270 AP20.016.S

License No. A.0207532-INTR (Closed)

Traci Polak was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

President Gandy moved to accept the recommendations of the Committee for Traci L. Polak Case No. 2019-1270 AP20.016.S. Commissioner Krueger seconded. Motion carried.

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

NRED v. Jaime L. Schock

Case No. 2019-790 AP20.003.S

License No. A.0205607-CR (Active)

Jaime Schock was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

President Gandy moved to accept the recommendations of the Committee for Jaime L. Schock Case No. 2019-790 AP20.003.S. Commissioner Krueger seconded. Motion carried.

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

NRED v. Christopher Sihler

Case No. 2019-525 AP19.033.S and 2019-526 AP19.034.S

License No. A.0205460-RES (Active)

Christopher Sihler was not present.

Jaye Lindsay, Appraisal Program Manager, was present.

Ms. Lindsay read the Committee report into the record.

President Gandy moved to accept the recommendations of the Committee for Christopher Sihler Case Nos. 2019-525 AP19.033.S and 2019-526 AP19.034.S. Commissioner Krueger seconded. Motion carried.

9) Public Comment

None

10) Adjournment

The meeting adjourned at 12:34 p.m. on January 13, 2021.

Minutes Prepared by: Kelly Valadez, Commission Coordinator

NOT APPROVED BY COMMISSION