

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Petitioner,

vs.

VIVIEN J. GEORGE
(License No. A.0205973-RES),

Respondent.

Case No. 2020-575, AP21.002.S

STIPULATION AND ORDER
FOR SETTLEMENT
OF DISCIPLINARY ACTION

FILED

OCT 19 2022

NEVADA COMMISSION OF APPRAISERS

M. Gault

This Stipulation for Settlement of Disciplinary Action (this "Stipulation") is entered into by and between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record, Louis V. Csoka, Deputy Attorney General, and Vivien J. George ("RESPONDENT"), by and through her attorney Janeen Isaacson.

RESPONDENT, at all relevant times mentioned in this Complaint, was licensed by the Division as a Licensed Residential Appraiser. She is therefore subject to the jurisdiction of the Division and the Commission and the provisions of NRS chapter 645C and NAC chapter 645C.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. The Respondent is licensed by the Division as a Residential Appraiser, License No. A.0205973-RES. See Division's Exhibits ("D-EX") 0170.
2. The Respondent's Appraisal Report was prepared for a single-family residence located at 2012 Gault Court, North Las Vegas, Nevada 89032, APN 139-08-511-039 ("Property"). See D-EX 0207.
3. The gross living area of the Property is recorded as 2,225 square feet. See *id.*
4. The assignment type is identified as determination of market value, and the lender/client is identified as "Owen Loan Servicing, LLC." See D-EX 0010-0012.
5. The effective date of Respondent's Appraisal Report is identified as November

1 27, 2019, and the signature date is November 30, 2019. *See* D-EX 0017.

2 6. The Respondent's Appraisal Report states the appraised value is \$199,000.00.
3 *See id.*

4 7. Respondent's Appraisal Report contains significant errors (*see* D-EX 0177),
5 including the following:

6 8. The comparable sales included in the report do not bracket all of the requisite
7 subject Property's characteristics, so that there is no way for the intended user to
8 understand the value impact for a number of items (for example, an atypical condition for
9 the market, a converted garage). *See id.*

10 9. Instead, only across the board adjustments were made in the Appraisal
11 Report. *See id.*

12 10. Moreover, there is no data, information, or documentation in the work file (or
13 a summary in the Appraisal Report) as to how such sales grid adjustments were actually
14 determined. *See id.*

15 11. There are also misleading statements in the Appraisal Report that are not
16 within the appraiser's expertise regarding condition and structural soundness. *See id.*; *see*
17 *also Id.* at 0191-0192.

18 12. Instead, an extraordinary assumption should have been made regarding the
19 subject Property's condition, because the significant amount of deferred maintenance that
20 existed and Respondent being unable to adequately view the subject Property, to judge
21 cosmetic condition due to cluttering (as reflected in the contemporaneous photographs of
22 the Property). *See* D-EX 0177.

23 13. There is no data, no information, no documentation in the Appraisal Report
24 and work file, to support the land value in the cost approach. *See* D-EX 0182.

25 14. There is no data, no information, no documentation in the Appraisal Report
26 and work file, to support the adjustments made in the sales grid or the certification. *See id.*

27 15. There is no adequate information in the Appraisal Report and work file, to
28 identify a precise assignment type. *See id.*

1 24 months of the Appraisal Commissioner signing the Stipulation. None of the above listed
2 education will count towards license renewal. Within 1 year of completing the required
3 education, the RESPONDENT will submit one (1) month of appraisal logs. The Division
4 will select from those logs random appraisals to be reviewed for USPAP compliance, unless
5 the Division finds additional issues with the appraisals reviewed, in which event the
6 Division shall be permitted to pursue additional investigation

7 4. RESPONDENT and the Division agree that by entering into this Stipulation,
8 the Division does not concede any defense or mitigation RESPONDENT may assert and
9 that, once this Stipulation is approved and fully performed, the Division will close its files
10 in these matters, provided that, if any further violations are discovered in these matters
11 beyond the scope of facts and violations already plead in the Complaints, the Division is
12 not barred from further reviewing any of the same to determine if any such further
13 violations not already covered in the Complaints have taken place and should subject
14 RESPONDENT to further disciplinary action.

15 5. RESPONDENT agrees and understands that by entering into this
16 Stipulation, RESPONDENT is waiving her right to a hearing in each matter at which
17 RESPONDENT may present evidence in her defense, her right to a written decision on the
18 merits of the complaint, her rights to reconsideration and/or rehearing, appeal and/or
19 judicial review, and all other rights which may be accorded by the Nevada Administrative
20 Procedure Act, the Nevada Real Estate Brokers and Salespersons statutes and
21 accompanying regulations, and the federal and state Constitutions.

22 6. RESPONDENT understands that this Agreement and other documentation
23 may be subject to public records laws. The Commission members who review this matter
24 for approval of this Stipulation may be the same members who ultimately hear, consider,
25 and decide the Complaints if this Stipulation is either not approved by the Commission or
26 is not timely performed by RESPONDENT.

27 7. RESPONDENT fully understands that she has the right to be represented by
28 legal counsel in these matters at her own expense.

1 8. Each party shall bear their own attorney's fees and costs, except as provided
2 above.

3 9. Approval of Stipulation. Once executed, this Stipulation will be filed with the
4 Commission and will be placed on the agenda for approval at its next public meeting. The
5 Division will recommend to the Commission approval of the Stipulation. RESPONDENT
6 agrees that the Commission may approve, reject, or suggest amendments to this
7 Stipulation that must be accepted or rejected by RESPONDENT before any amendment is
8 effective.

9 10. Withdrawal of Stipulation. If the Commission rejects this Stipulation or
10 suggests amendments unacceptable to RESPONDENT, RESPONDENT may withdraw
11 from this Stipulation, and the Division may pursue its Complaints before the Commission.
12 This Stipulation then shall become null and void and unenforceable in any manner against
13 either party.

14 11. Release. In consideration of the execution of this Stipulation, RESPONDENT
15 for himself, her heirs, executors, administrators, successors, and assigns, hereby releases,
16 remises, and forever discharges the State of Nevada, the Department of Business and
17 Industry, and the Division, and each of their respective members, agents, employees, and
18 counsel in their individual and representative capacities, from any and all manner of
19 actions, causes of action, suits, debts, judgments, executions, claims, and demands
20 whatsoever, known and unknown, in law or equity, that RESPONDENT ever had, now has,
21 may have, or claim to have against any or all of the persons or entities named in this
22 section, arising out of or by reason of the Division's investigations, these disciplinary
23 actions, and all other matters relating thereto.

24 12. Indemnification. RESPONDENT hereby agrees to indemnify and hold
25 harmless the State of Nevada, the Department of Business and Industry, Petitioner, the
26 Division, and each of their respective members, agents, employees, and counsel, in their
27 individual and representative capacities, against any and all claims, suits, and actions
28 brought against said persons and/or entities by reason of the Division's investigations,

1 these disciplinary actions, and all other matters relating thereto, and against any and all
2 expenses, damages, and costs, including court costs and attorney fees, which may be
3 sustained by the persons and/or entities named in this section as a result of said claims,
4 suits, and actions.

5 13. Default. In the event of default under this Stipulation, RESPONDENT agrees
6 that her license shall be immediately suspended, and the unpaid balance of the
7 administrative fine and costs, together with any attorneys' fees and costs that may have
8 been assessed, shall be due in full to the Division within ten calendar days of the date of
9 default. Debt collection actions for unpaid monetary assessments in this case may be
10 instituted by the Division or its assignee.

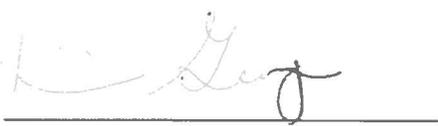
11 14. RESPONDENT has signed and dated this Stipulation only after reading and
12 understanding all terms herein.

13 DATED this 28 day of ~~August~~ September, 2022.

DATED this 11 day of August, 2022.

15 NEVADA DEPARTMENT OF BUSINESS
16 & INDUSTRY, REAL ESTATE DIVISION

17 By: 
18 SHARATH CHANDRA
19 Administrator

By: 
VIVIEN J. GEORGE

20 Approved as to form:

Approved as to form:

21 AARON D. FORD
22 Attorney General

23 By: Louis V. Csoka
24 LOUIS V. CSOKA (Bar. No. 7667)
25 Deputy Attorney General
26 555 E. Washington Avenue, Suite 3900
27 Las Vegas, NV 89101
28 Attorneys for Real Estate Division

By: /s/ Janeen V. Isaacson
JANEEN ISAACSON (Bar. No. 6429)
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
Attorney for Respondent

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ORDER

IT IS ORDERED that the foregoing Stipulation and Order for Global Settlement of Disciplinary Action, submitted by Petitioner and Respondent, is approved in full.

Dated: September 18, 2022.

Order

REAL ESTATE COMMISSION
STATE OF NEVADA

By: _____
President, Nevada Real Estate Commission

Submitted by:

AARON FORD, Attorney General

By: /s/ Louis V. Csoka

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