

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 MARTHA MILLER YORK
12 A.0006205-CR

13 Respondent.

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

) Case No. 2020-783, AP21.011.N
) 2020-790, AP21.013.N
) 2020-830, AP21.014.N

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

16 1. PARTIES. This Stipulation is entered into by and between the Petitioner, the REAL
17 ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the "Division"),
18 by and through its Administrator, SHARATH CHANDRA (the "Administrator"), and the Respondent,
19 Martha Miller York (whether one or more hereinafter the "Respondent"), who at relevant time was
20 licensed by the State of Nevada, license number(s) A.0006205-CR. This Stipulation is entered into
21 upon mutual agreement with the decision of the Appraisal Advisory Review Committee (the
22 "AARC"), which was reached at its informal conference held on June 21, 2022, virtually via Webex.
23 Members of the AARC present were Glenn Anderson, Chairperson, Wendell Snow and Barbara
24 Twarowska.

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

28 3. FINDINGS. The AARC has found that the Respondent, while licensed, certified or

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

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

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

19 **AARC Committee Recommendations**

20 **Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use**

21
22 For a total of not less than 15 hours of continued education to be completed within 1 year of
23 the Appraisal Commission President signing the Stipulated Agreement, none of the above listed
24 continued education will count towards license renewal.

25 The respondent will submit 2 months of appraisal logs to the Division due within 1 year of
26 completion of required education. The Division will select random appraisals to be reviewed for
27 USPAP compliance, this will be a one-time review unless the Division finds additional issues in
28 the Appraisals reviewed.

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

10 **c. Newsletter.** RESPONDENT and the DIVISION agree that the DIVISION, at its
11 discretion, may publish in the newsletter an anonymous summary of the alleged offenses of
12 RESPONDENT and the terms of this Stipulation, with the understanding of all parties that such
13 publication will not specifically name RESPONDENT or make reference to any other party;
14 RESPONDENT will be referred to only as a licensee in the State of Nevada. It is further understood
15 by the parties that this publication is for educational purposes only and to advise other licensees
16 of the alleged violation(s) and that disciplinary action has been taken by the 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 may
28 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 the
14 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 each
17 of their members, agents, and employees in their individual and representative capacities against
18 any and all claims, suits, and actions brought against said persons and/or entities by reason of the
19 investigation of the allegations in the Complaint, this disciplinary action and all other matters
20 relating thereto, and against any and all expenses, damages, and costs, including court costs and
21 attorney fees, which may be sustained by the persons and/or entities named in this section as a
22 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.

9. SETTLEMENT DISCUSSIONS NOT EVIDENCE. Any statements made during the
discussions leading up to this Stipulation may not be discussed or introduced into evidence at any

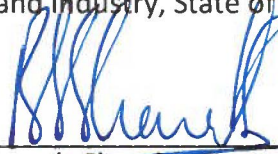
1 hearing. However, evidence of the Respondent's failure to abide by the terms of any Stipulation
2 entered into with the Division, may be introduced at a hearing and used against the Respondent.

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

6
7 SO STIPULATED.

8 Dated: 07/05/22

9 REAL ESTATE DIVISION, Department of
10 Business and Industry, State of Nevada

11 By: 
12 Sharath Chandra
13 Administrator

14 Dated: 6/28/2022

15 
16 Respondent

17 **ORDER**

18 The foregoing Stipulation was approved by a vote of the Nevada Commission of Appraisers
19 of Real Estate on.

20 DATED this _____ day of _____, 2022.

21 NEVADA COMMISSION OF APPRAISERS OF
22 REAL ESTATE

23
24 _____
25 Appraisal Commission President
26
27
28

Exhibit A
Martha Miller York 2020-783, AP21.011.N, 2020-790, AP21.013.N,
2020-830, AP21.014.N

Violation found:

STANDARDS RULE 1-3, MARKET ANALYSIS, AND HIGHEST AND BEST USE

When necessary for credible assignment results in developing a market value opinion, an appraiser must:

- a) develop an opinion of the highest and best use of the real estate.

Facts and Rationale for Finding:

Respondent Martha Miller York did not develop an opinion of the highest and best use of the real estate. Appraisal Advisory Review Committee recommended education.