

1                   **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**  
2                   **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS AND INDUSTRY,  
6 STATE OF NEVADA,

7                   Petitioner,

8                   vs.

9 THOMAS L. WITHERBY  
10 (License No. A.0001528-CR - REVOKED),

11                  Respondent.

Case No. 2020-492, AP20.045.S

**FILED**

AUG 01 2024

NEVADA COMMISSION OF APPRAISERS  
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12                   **NEW ORDER FOR PLEA OF LENIENCY GRANTED**

13                  This matter came on for hearing before the Nevada Commission of Appraisers of Real Estate (the  
14 "Commission"), on Tuesday, July 23, 2024 (the "Hearing"). Thomas L. Witherby ("Respondent")  
15 appeared and was represented by counsel Ellsie Lucero. Christal Park Keegan, Esq., Deputy Attorney  
16 General with the Nevada Attorney General's Office, appeared on behalf of Petitioner Sharath Chandra,  
17 Administrator of the Real Estate Division, Department of Business and Industry, State of Nevada  
(the "Division").

18                  On June 11, 2024, the Respondent filed his Motion to Modify Revocation Order, with eight (8)  
19 Exhibits. On June 20, 2024, the Division filed its Motion to Dismiss, with Exhibits A - F. On July 1,  
20 2024, Respondent filed his Opposition to Motion to Dismiss, and on July 3, 2024, the Division filed its  
21 Supplement to its Motion to Dismiss, with Exhibits 1 - 3.

22                  As a preliminary matter, Commission Counsel considered the jurisdictional arguments presented  
23 in the filed documents. The Commission Counsel did not determine jurisdiction for Respondent's Motion  
24 pursuant to NRS 233B.131(3) therefore the Commission could not make modifications to its existing  
25 final Order October 10, 2023. The Commission Counsel determined the Commission retains jurisdiction  
26 over licensees and over discipline it has issued pursuant to NRS 645C.460, and without any objection to  
27 continue from the parties, the Commission proceeded in its discretionary function to consider a plea of  
28 leniency.

1 The matter having been submitted for decision based on the Commission's consideration of the  
2 oral arguments presented during the hearing, consultation from Commission Counsel, and the filed  
3 documents, the Commission now enters its Order.

4 **ORDER**

5 **IT IS HEREBY ORDERED** that a Plea for Leniency is GRANTED, with the Commission's  
6 new order that:

- 7 1. RESPONDENT'S total amount due of \$63,897.22 shall be reduced to the costs borne by the  
8 Division in the amount of \$3,897.22, which is actual, reasonable and necessary, payable to the  
9 Division over a 36-month period.
- 10 2. This new Order shall not modify any other aspects or previous orders of the Commission.
- 11 3. If the payment is not actually received by the Division on or before its due date, it shall be  
12 construed as an event of default by Respondent. In the event of default, the unpaid balance of the  
13 costs and fees, together with any attorney's fees and costs that may have been assessed, shall be  
14 due in full to the Division within ten (10) calendar days of the date of default. The Division may  
15 institute debt collection proceedings for failure to timely pay the total fine; and
- 16 4. The Commission retains jurisdiction for correcting any errors that may have occurred in the  
17 drafting and issuance of this document.

18 DATED this 01 <sup>August</sup> day of July 2024.

19 NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE

20  
21 By: \_\_\_\_\_

22 President, John Wright

23 Nevada Commission of Appraisers of Real Estate  
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