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BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE
STATE OF NEVADA

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

Petitioner.

VS.

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

Respondent.

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



AUG 0 1 2024

NEVADA COMMISSION OF APPRAISERS

NEW ORDER FOR PLEA OF LENIENCY GRANTED

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

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

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

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

ORDER

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

- 1. RESPONDENT'S total amount due of \$63,897.22 shall be reduced to the costs borne by the Division in the amount of \$3,897.22, which is actual, reasonable and necessary, payable to the Division over a 36-month period.
- 2. This new Order shall not modify any other aspects or previous orders of the Commission.
- 3. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by Respondent. In the event of default, the unpaid balance of the costs and fees, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten (10) calendar days of the date of default. The Division may institute debt collection proceedings for failure to timely pay the total fine; and
- 4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this document. DATED this D day of July 2024.

NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE

resident, John Wrigh Nevada Commission of Appraisers of Real Estate

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