

**NEVADA COMMISSION OF APPRAISERS OF REAL ESTATE
MEETING
JANUARY 16, 2024, MINUTES**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
JANUARY 16, 2024**

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor, Tahoe Room
Las Vegas, Nevada 89102

VIDEO CONFERENCE TO:
Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

1) Commission/Division Business:

- A) President Wright called the meeting to order at 9:04 A.M.
Introduction of Commissioners in Attendance: John Wright, Larry Michael Gandy Jr., Scott Krueger, Timothy O'Brien, and John Ivey, a quorum was established.

Commission Counsel: Deputy Attorney General, Ziwei Zheng.

B) Swearing in of new Commissioners

President Wright swore in new Commissioners Scott Krueger and Timothy O'Brien.

C) Introduction of Division Staff in Attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Shareece Bates, Administration Section Manager; Christy Staffen, Appraisal Program Manager; James Silva, Compliance Audit Investigator; Kelly Valadez, Commission Coordinator; and Maria Gallo, Commission Coordinator.

Phil Su, Senior Deputy Attorney General, and Christal Keegan, Deputy Attorney General representing the Division.

2) Public Comment

Tara Klaas stated she is from White Pine County and has been an Intern for approximately a year and a half and has completed 900 hours under a Supervising Appraiser. Ms. Klaas stated the process is slow going because she lives in a rural area. Ms. Klaas stated that she can have 3 supervisors, but it would be difficult because it would involve a lot of travel. Ms. Klaas stated it would take 4 and a half to 5 years to reach her goal of 2500 hours. Ms. Klaas stated she is wondering if there were other options to help her get to her goal of being a Certified Residential Appraiser faster.

Scott DiBiasio with the Appraisal Institute (the Institute) stated he wanted to take the opportunity to once again urge the Commission to consider the adoption of Practical Application of Real Estate Appraisal (PAREA) as an alternative pathway to gain the experience necessary to become a licensed certified residential (CR) or residential (LR) appraiser. Mr. DiBiasio stated the first person that gave

public comment is indicative of many other people that are experiencing similar problems in the marketplace trying to obtain the necessary hours to become a certified residential appraiser and PAREA provides a very viable alternative to the traditional supervisor/trainee method. Mr. DiBiasio stated on his last visit there was an opinion expressed that the adoption of PAREA would require a statutory change, however the Institute looked at the statutes and now believes that the Commission does have the authority to adopt PAREA via regulation. Mr. DiBiasio stated PAREA has been deployed in the marketplace for several months with the Institute, PAREA was approved for both LR and CR last year and they have well over 100 people currently working their way through the program. Mr. DiBiasio stated the people working through their PAREA program and the mentors are all enjoying and obtaining valuable experience and training. Mr. DiBiasio stated Nevada is one of only 3 states that has yet to adopt and include PAREA as an alternative pathway, and all 5 states that surround Nevada have adopted PAREA, with one state still in the rule making process. Mr. DiBiasio stated he wanted to put PAREA back on the agenda and to strongly urge Nevada to adopt PAREA as an alternative pathway to licensure or certification.

George "Chip" Holmes stated he had a question about complex property hours and PAREA. Mr. Holmes stated his situation might be unique but is relevant to all licensed residential appraisers. Mr. Holmes stated he has been a licensed appraiser since Dec 2005. Mr. Holmes stated his question is can he submit his logs of complex properties that he has completed that were valued under \$400,000 to satisfy the 500 hours complex property hours to become a Certified Residential Appraiser, or should he get into a PAREA program in another state and get the license through reciprocity? Mr. Holmes stated a lot of his work is not on complex properties, but they are complex assignments, such as retrospectives. Mr. Holmes stated he has spent time and money learning various types of appraisal software. Mr. Holmes stated he has various Certified General Appraisers that would sign reports as a co-appraiser on complex properties and properties over a million dollars, but because of the recent downturn, one appraiser has left the business, and another appraiser has not renewed his license for financial reasons. Mr. Holmes stated he does not want to start at the beginning of a PAREA program in another state, but he will do what is necessary to become a Certified Residential Appraiser.

3) Discussion and Decision Regarding Respondent's Petition for Rehearing of Disciplinary Action:

A. NRED v. Thomas L. Witherby, for possible action

Case No. 2020-492, AP21.045.S

License No. A.0001528-CR (Closed)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Lesley Miller Esq., was present representing the Respondent.

Thomas Witherby, was present virtually.

Preliminary Matters

Ms. Keegan stated per NAC 645C.505 (4) prohibits oral arguments in support of the petition, and the Respondent's attorney filed an Opposition to the Division's Motion to Dismiss on January 10th which is three working days before the meeting. Ms. Keegan stated she would like the opportunity to address the attorney's Opposition to the Motion to Dismiss.

Commissioner O'Brien asked Ms. Keegan to clarify what she is asking for because the Commissioners have not heard this type of case before.

Ms. Keegan stated the State is prepared to proceed today and provide its response to the Opposition to the Motion to Dismiss.

Opening Statement

Ms. Keegan gave her opening statement.

Ms. Miller gave her opening statement.

President Wright asked if any of the Commissioners had any questions.

The Commissioners questioned Ms. Keegan and Ms. Miller.

The Commissioners discussed the case.

The Commissioners questioned Mr. Witherby.

The Commissioners discussed the disciplinary action to take against the Respondent.

Commissioner O'Brien moved that the Respondents petition for rehearing of disciplinary action in case 2020-492 AP.2 Thomas L. Witherby be rejected. Seconded by Commissioner Krueger. Motion carried.

4) Discussion and Possible Action Regarding Advisory Review Committee Informal Conference Recommendation:

A) NRED v. TABITHA STEPHENS, for possible action
Case No. 2021-268, AP21.033.S
License No. A.0207915-CR (Active)

Parties Present

Janeen Isaacson Esq., was present representing the Respondent.
Tabitha Stephens, was present virtually.

Ms. Staffen read the proposed discipline into the record.

Ms. Isaacson stated she and the Respondent agree to the proposed discipline terms.

President Wright asked if the Commissioners had any questions.

Commissioner Gandy moved to approve the settlement of disciplinary action for Tabitha Stephens, License No. A.0207915-CR, Case No. 2021-268 AP21.033.S. Seconded by Commissioner Krueger. Motion carried.

5) Disciplinary Action: Discussion and Possible Action By The Commission:

C & D) NRED v. KENT THE SOULE, for possible action
Case Nos. 2021-717 AP22.03.S, 2021-897 AP22.008.S
License No. A.0007851-CR (Active)

Parties Present

Christal Keegan, Deputy Attorney General was present representing the Division.
Kent The Soule, was present.

President Wright stated there was a global settlement agreement between the parties.

Settlement

Ms. Keegan read a summary of the facts and allegations into the record.

Ms. Keegan read the global settlement into the record as follows:

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not contest the violations alleged, and the parties desire to compromise and settle the instant controversy in Case Nos. 2021-717, AP22.03.S and 2021-897, AP22.008.S, upon the following terms and conditions:

1. RESPONDENT agrees to pay the Division a total amount of THIRTEEN THOUSAND NINE-HUNDRED FORTY-EIGHT DOLLARS AND FIFTY-SIX CENTS (\$13,948.56) (“Amount Due”), consisting of TEN THOUSAND DOLLARS AND NO CENTS (\$10,000) in fines imposed by the Division, of which \$10,000 is the fine imposed for Case Nos. 2021-717, AP22.03.S and 2021-897, AP22.008.S, for all violations as pled in the above-summarized Complaints, and the Division’s pre-hearing costs and attorney’s fees incurred for both cases in the total amount of THREE-THOUSAND NINE-HUNDRED FORTY-EIGHT DOLLARS AND FIFTY-SIX CENTS (\$3,948.56).
2. The Amount Due shall be payable to the Division as follows:
RESPONDENT shall make payment, starting ninety (90) days after approval of this Stipulation by the Commission, to be paid as follows:
For 24 Months: \$560/month Total: \$13,440.00
RESPONDENT would then make one additional payment of \$508.56 in the 25th and last month of repayment for a total payment of \$13,948.56, as being the total Amount Due hereunder. Lump sums can be made in pre-payment with no penalties.
3. RESPONDENT further agrees to take the following Division approved education courses: As relevant to Case Nos. 2021-717, AP22.03.S and 2021-897. AP22.008.S.
 - Not less than 4 hours of Appraiser Self Protection: Documentation and Record Keeping.
 - Not less than 4 hours of Sales Comparison Approach Reconciliation.
 - Not less than 4 hours of Ethics, Competency, and Negligence.
 - Not less than 4 hours of Missing Explanations.
 - Not less than 4 hours Assignment Conditions, Elements, and Results.
 - Not less than 4 hours Scope of Work: Appraisals and Inspections.

The continued education set forth herein shall be completed within 18 months of the Appraisal Commissioner signing the Stipulation. None of the above listed education will count towards license renewal. Upon completion, the education must be submitted to the Division. Within one (1) year of completing the required education, the RESPONDENT will submit one (1) month of appraisal logs. The Division will select from those logs random appraisals to be reviewed for USPAP compliance, unless the Division finds additional issues with the appraisals reviewed, in which event the Division shall be permitted to pursue additional investigation.

President Wright asked Mr. Soule if he reviewed and agreed with the global settlement.

Mr. Soule stated he reviewed and agreed with the global settlement.

President Wright asked the Commissioners if they had any questions about the global settlement.

Commissioner Krueger asked if there was a clerical error in the education portion because it says “not less than 4” the word “hours” was missing.

Ms. Keegan stated there was a clerical error and it should read “not less than 4 hours Scope of Work: Appraisals and Inspections”.

President Wright asked Mr. Soule if he understood there was a clerical error in the listed educational requirements.

Mr. Soule stated he understood there was a clerical error in the listed educational requirement.

Commissioner O’Brien asked about prior discipline for Mr. Soule.

Mr. Silva stated there was prior discipline and it was completed in September of 2017.

Commissioner Krueger moved to approve the global settlement for Case Nos. 2021-717, AP22.03.S and 2021-897. AP22.008.S, NRED v. Kent The Soule, License No. A.0007851-CR. Seconded by Commissioner Gandy. Motion carried.

F) NRED v. PATRICIA WOOD, for possible action

Case No. 2021-387 AP21.037.S

License No. A.0001344-CR (Closed)

Parties Present

Christal Keegan, Deputy Attorney General was present representing the Division.

Patricia Wood was not present.

President stated there was a settlement agreement between the parties.

Settlement

Ms. Keegan read a summary of the facts and allegations into the record.

Ms. Keegan read the global settlement into the record as follows:

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not contest the violations alleged, and the parties desire to compromise and settle the instant controversy in Case No. 2021-387, AP21.037.S, upon the following terms and conditions:

1. RESPONDENT agrees to pay the Division a total amount of SEVEN THOUSAND FORTY-FIVE DOLLARS AND FORTY-CENTS (\$7,045.40) (“Amount Due”), consisting of FOUR-THOUSAND FIVE-HUNDRED DOLLARS (\$4,500.00) in fines imposed by the Division for all violations as pled in the above-summarized Complaint, and the Division’s pre-hearing costs and attorney’s fees incurred for both cases in the total amount of TWO-THOUSAND FIVE-HUNDRED FORTY-FIVE DOLLARS AND FORTY-CENTS (\$2,545.40).
2. The Amount Due shall be payable to the Division as follows:
RESPONDENT shall make payments over a 24-month period, starting ninety (90) days after approval of this Stipulation by the Commission, to be paid as follows:
For 23 Months: \$300/month Total: \$6,900.00
RESPONDENT would then make one additional payment of \$145.40 in the 24th and last month of repayment for a total payment of \$7,045.40, as being a total Amount Due hereunder. Lump sums can be made in pre-payment with no penalties.

3. RESPONDENT further agrees not to reapply for licensure for a period of ten (10) years, with such reapplication subject to appearance before the Commission of Appraisers of Real Estate for approval of any licensure prior to obtaining licensure.

President Wright verified with Ms. Keegan that no education was ordered for Ms. Wood.

Ms. Keegan confirmed no education was ordered for Ms. Wood because the license status is currently “closed”, and she would have to reapply to obtain a Nevada license and the Respondent does not intend to practice in the state of Nevada.

President Wright asked if the Commissioners had any questions.

The Commission questioned Division staff.

Commissioner O’Brien moved to approve the settlement for NRED v. Patricia Wood, Case No. 2021-387, AP21.037.S, License No. A.0001344-CR (Closed). Seconded by Commissioner Krueger. Motion carried.

A) NRED V KRISTEN N. ASTE, for possible action.

Case No. 2020-676, AP21.009.S

License No. A.0007406-CR (Active)

Parties Present

Phil Su, Senior Deputy Attorney General was present representing the Division.

Janeen Isaacson Esq., was present representing the Respondent.

Kristen Aste, was present.

President Wright stated there was a settlement agreement between the parties.

Commissioner O’Brien stated he needed to make a disclosure that a year and a half ago, Ms. Aste did reach out to him via phone as a USPAP instructor. Commissioner O’Brien stated Ms. Aste had a potential matter in front of the Commission, and Commissioner O’Brien indicated that he was a sitting Commissioner and could not help her with her case, and he does not think it biases him or impacts his ability to hear the settlement. Commissioner O’Brien stated he would recuse himself if asked.

President Wright stated he saw no reason for Commissioner O’Brien to recuse himself.

Settlement

Mr. Su read the settlement into the record as follows.

By entering into this Stipulation, the RESPONDENT does not admit the above factual and legal allegation and is prepared to vigorously defend against same. Nevertheless, in an effort to avoid the time and expense of litigating these issues before the Commission, as well as any possible further legal appeals from such decision, the parties desire to compromise and settle the instant controversy upon the following terms and conditions:

1. The RESPONDENT agrees to take a minimum of twelve (12) hours of Continuing Education Credits (“CEC”) in the each of the following areas:
 - a. Not less than four (4) hours on Ethics, Competency, and Negligence.
 - b. Not less than four (4) hours on Missing Explanations; and

- c. Not less than four (4) hours on Appraiser Self-Protection: Documentation and Record Keeping.

These courses shall be completed within six (6) months of the effective date of the Commission's order approving this Stipulation. 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.

2. RESPONDENT agrees to pay the Division a total amount of SEVEN THOUSAND THREE HUNDRED TWENTY NINE DOLLARS and 95/100 cents (\$7,329.95) ("Amount Due"), consisting of THREE THOUSAND DOLLARS AND NO CENTS (\$3,000.00) in administrative fines imposed by the Division and the Division's pre-hearing attorney's fees in the amount of THREE THOUSAND THREE HUNDRED FORTY FOUR DOLLARS and 95/100 cents (\$3,344.95), and investigative costs incurred in the total amount of NINE HUNDRED EIGHTY FIVE DOLLARS and no cents (\$985.00).
3. The Amount Due shall be payable to the Division in eighteen (18) monthly installments of FOUR HUNDRED SEVEN DOLLARS and 21/100 cents (\$407.21), with the first payment due thirty (30) days after approval of this Stipulation by the Commission. Lump sums can be made in pre-payment with no penalties.

President Wright asked Ms. Isaacson if she agreed with the settlement that was read into the record.

Ms. Isaacson stated she did agree with the settlement and spoke on how NRED and the AG's office took the time to engage in a very detailed back in forth about the allegations, and they considered all things carefully and because of the hard work all parties were able to come to this fair and equitable agreement.

President Wright asked if the Commissioners had any questions.

Commissioner O'Brien stated the education that was agreed to did not address super adequacy and high dollar appraisals or anything of that nature. Commissioner O'Brien stated he realized this was a very in-depth case and is willing to accept the terms of the settlement but is a little worried that the education may not be focused on the items that were in the original complaint.

Commissioner Krueger made a motion to approve the settlement for NRED v Kristen N. Aste Case No. 2020-676, AP21.009.S, License No. A007406-CR. Seconded by Commissioner Gandy. Motion carried.

E) NRED v. JOSHUA RYAN STALK, for possible action.

Case No. 2020-1080, AP21.024.S

License No. A.0207120-RES (Active)

Parties Present

Phil Su, Senior Deputy Attorney General was present representing the Division.

Paul Larson Esq., was present representing the Respondent.

Joshua Stalk, was present.

President Wright stated there was a settlement agreement between the parties.

Settlement.

Mr. Su read the settlement into the record as follows.

By entering into this Stipulation, the RESPONDENT does not admit the above factual and legal allegations made by the Petitioner, but nevertheless agrees to waive his right to contest the above alleged facts and legal violation if the Stipulation is approved by the Commission. Accordingly, in an effort to avoid the time and expense of litigating these legal and factual issues before the Commission, as well as any possible further legal appeals from such decision and the parties desire to compromise and settle the instant controversy upon the following terms and conditions:

1. The RESPONDENT agrees to take a minimum of sixteen (16) hours of Continuing Education Credits (“CEC”) in the each of the following areas:
 - a. Not less than four (4) hours on Appraiser Self Protection: Documentation and Record Keeping;
 - b. Not less than four (4) hours on Missing Explanations;
 - c. Not less than four (4) hours on Ethics, Competency, and Negligence; and
 - d. Not less than four (4) hours on Residential Report Writing vs. Form Filling.These courses shall be completed within six (6) months of the effective date of the Commission’s order approving this Stipulation. These courses will not count towards the RESPONDENT’S continuing education requirements. Proof of completion must be submitted to the Division upon completion of all the required education.
2. RESPONDENT agrees to pay the Division a total of THIRTY SIX THOUSAND TWO HUNDRED TWO DOLLARS and 41/100 cents (\$36,202.41) (“Amount Due”), consisting of THIRTY TWO THOUSAND DOLLARS AND NO CENTS (\$32,000.00) in administrative fines imposed by the Division and the Division’s pre-hearing attorney’s fees in the amount of THREE THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS and 91/100 cents (\$3,187.91), and investigative costs incurred in the total amount of ONE THOUSAND FOURTEEN DOLLARS and 50/100 cents (\$1,014.50).
3. The Amount Due shall be payable to the Division in twelve (12) monthly installments of THREE THOUSAND SIXTEEN DOLLARS and 87/100 cents (\$3,016.87) with the first payment due thirty (30) days after approval of this Stipulation by the Commission. Lump sums can be made in pre-payment with no penalties.

Mr. Larson stated that Mr. Su has accurately stated the terms of the settlement and does agree to the terms of the settlement.

President Wright asked if the Commissioners had any questions.

Commissioner O’Brien questioned Division staff.

Commission Krueger made a motion to approve the settlement for NRED v. Joshua Allen Stalk Case No. 2020-1080, AP21.024.S, License No. A.0207120-RES. Seconded by Commissioner O’Brien. Motion carried.

B) NRED v CHARLES S. MANESS, for possible action

Case No. 2021-311, AP21.03.S

License No. A.0007326-CR (Active)

Parties Present

Christal Keegan, Deputy Attorney General was present representing the Division.

Charles Maness, was present.

Preliminary Matters

President Wright swore in Mr. Maness

Opening Statements

Ms. Keegan gave her opening statement.

Mr. Maness gave his opening statement.

State's Witness

Mr. Silva testified.

Ms. Keegan moved to admit bates stamped documents 1-101 into evidence.

President Wright stated that the bates stamped documents 1-101 are admitted.

Mr. Maness cross-examined Mr. Silva.

Ms. Keegan redirected Mr. Silva.

Ms. Keegan stated the State rests.

Mr. Maness testified.

Ms. Keegan cross-examined Mr. Maness.

Mr. Maness rests.

Closing Statement

Ms. Keegan gave a closing statement.

Mr. Maness gave a closing statement.

The Commissioners questioned Mr. Silva and Mr. Maness.

Factual Allegations

President Wright read Factual Allegation #1 into the record.

Commissioner Gandy moved that Factual Allegation #1 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Factual Allegation #2 into the record.

Commissioner Krueger moved that Factual Allegation #2 has been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Factual Allegation #3 into the record.

Commissioner O'Brien moved that Factual Allegation #3 has been proven. Seconded by Commissioner Ivey. Motion carried.

President Wright read Factual Allegation #4 into the record.

Commissioner Krueger moved that Factual Allegation #4 has been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Factual Allegation #5 into the record.

Commissioner O'Brien moved that Factual Allegation #5 has been proven. Seconded by Commissioner Gandy. Motion carried 3:2 with President Wright and Commissioner Krueger opposed.

President Wright read Factual Allegation #6 into the record.

Commissioner Krueger moved that Factual Allegation #6 has been proven. Seconded by Commissioner O'Brien. Motion carried.

President Wright read Factual Allegation #7 into the record.

Commissioner O'Brien moved that Factual Allegation #7 has been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Factual Allegation #8 into the record.

Commissioner Gandy moved that Factual Allegation #8 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Factual Allegation #9 into the record.

Commissioner O'Brien moved that Factual Allegation #9 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Factual Allegation #10 into the record.

Commissioner Krueger moved that Factual Allegation #10 has been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Factual Allegation #11 into the record.

Commissioner O'Brien moved that Factual Allegation #11 has been proven. Seconded by Commissioner Gandy. Motion carried.

Violations of Law

President Wright read Violation of Law #1 into the record.

Commissioner O'Brien moved that Violation of Law #1 has not been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #2 into the record.

Commissioner O'Brien moved that Violation of Law #2 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #3 into the record.

Commissioner Gandy moved that Violation of Law #3 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #4 into the record.

Commissioner Gandy moved that Violation of Law #4 has been proven. Seconded by Commissioner O'Brien. Motion carried.

President Wright read Violation of Law #5 into the record.

Commissioner O'Brien moved that Violation of Law #5 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #6 into the record.
Commissioner Gandy moved that Violation of Law #6 has been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #7 into the record.
Commissioner O'Brien moved that Violation of Law #7 has not been proven. Seconded by Commissioner Krueger. Motion carried.

President Wright read Violation of Law #8 into the record.
Commissioner O'Brien moved that Violation of Law #8 has not been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Violation of Law #9 into the record.
Commissioner O'Brien moved that Violation of Law #9 has been proven. Seconded by Commissioner Gandy. Motion carried.

President Wright read Violation of Law #10 into the record.
Commissioner Krueger moved that Violation of Law #10 has been proven. Seconded by Commissioner O'Brien. Motion carried.

8) Public Comment:

None

9) For Possible action: Adjournment

The meeting recessed at 4:37 PM on January 16, 2024.

Minutes Prepared by: _____

Maria Gallo, Commission Coordinator