1	<b>BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE</b>		
2	STATE OF NEVADA		
3 4 5 6 7	SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY,STATE OF NEVADA, Petitioner, vs. NATHAN S. SLAMAN	Case Nos. 2017-2137, AP18.003.S; 2020-787, AP21.012.S; and 2021-299, AP21.034.S MAR 18 2024	
8	(License No. A.0006908-CR),	NEVADA COMMISSION OF APPRAISERS	
9	Respondent.		
10			
11			
12	OPPOSITION TO RESPONDENT'S REQUEST FOR RECONSIDERATION		
13	The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND		
14	INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its attorneys		
15	of record, Aaron D. Ford, Attorney General, and Christal P. Keegan, Deputy Attorney		
16	General, brings this Opposition to Respondent Nathan S. Slaman's ("RESPONDENT")		
17	Request for Reconsideration.		
18	DATED this 15th day of March 2024.		
19 20		AARON D. FORD Attorney General	
21		By: epkeigan	
22		CHRISTAL P. KEEGAN, ESQ. Deputy Attorney General	
23		Nevada Bar No. 12725 5420 Kietzke Lane, #202	
24		Reno, Nevada 89511 (775) 687-2141	
25		ckeegan@ag.nv.gov	
26	с.	Attorney for Real Estate Division	
27			
28			
	Page	1 of 5	

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

21

I.

#### BACKGROUND

The Nevada Commission of Appraisers of Real Estate ("Commission") at its meeting commencing on January 31, 2023 approved the Stipulation for Global Settlement of Disciplinary Actions in Case Nos. 2017-2137, AP18.003.S; 2020-787, AP21.012.S; and 2021-299, AP21.034.S. Exhibit 1.

Leading up to the Stipulation's eventual approval, at the meeting on January 31, 2023, Division's counsel at the time, read the proposed settlement terms and conditions, which included under Section 3 of the Proposed Settlement Agreement, that the **RESPONDENT** agreed to take the following Division approved education courses:

- Not less than a 30-hour course in USPAP;
- Not less than a 7-hour course in How to Support & Prove Your Adjustments;
- Not less than a 4-hour course in Appraiser Self Protection and Record Keeping;
- Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use;

Not less than a 4-hour course in Approach Reconciliation;

The 60 hours of continued education set forth herein above shall be completed within 18 months of the Appraisal Commissioner signing the Stipulation. None of the above listed education will count toward license renewal. Exhibit 1.

20 Mr. Slaman signed the Stipulation for Global Settlement, dated January 12, 2023, only after reading and understanding all terms therein. Exhibit 1.

22 Following presentation of the settlement terms and conditions, the Commissioners unanimously had no questions nor any comments regarding the 60 hours of continued 23 24 education set forth, and it ordered for Global Settlement of Disciplinary Actions on January 2531, 2023, with the continuing education becoming due on July 21, 2024. Exhibit 1.

26 Nearly a year later, on January 25, 2024, the RESPONDENT filed his request to 27 change his continued education requirement of the 30-Hour USPAP course reducing it 28 down to just 15-Hours. Exhibit 2.

The Attorney General's Office received RESPONDENT'S request for reconsideration of disciplinary terms on or about March 7, 2024, and the Division's succeeding counsel received it on March 13, 2024. The Division's opposition to RESPONDENT'S reconsideration request is in compliance with NAC 645C.485(3) in that this response is not less than three (3) working days before the time set for hearing (April 23-25, 2024 Commission Meetings).

6 7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1

2

3

4

5

#### II. LEGAL ARGUMENT

Nowhere in NRS 645C and NAC 645C does it mention the procedure for a reconsideration request. Therefore, looking at the Nevada Administrative Procedures Act under NRS 233B, specifically NRS 233B.130, in relevant part under subsection 4 scantly addresses the timeliness of such requests:

#### NRS 233B.130 Judicial review; requirements for petition and cross-petition; statement of intent to participate; petition for rehearing or reconsideration; service: dismissal of certain agencies and persons from proceedings concerning final decision of State Contractors' Board; exclusive means.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

Pursuant to NRS 233B.135(2), the burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid, and therefore it is Mr. Slaman's burden.

#### A. Respondent's Request for a Reconsideration is Time-Barred.

The January 31, 2023 Order was the final decision, and Mr. Slaman should have filed his request for reconsideration within 15 days from that date. Instead, Mr. Slaman filed his request untimely, nearly one year later, on or about January 25, 2024.

Mr. Slaman fails to provide any excuse for his untimely request. Despite it being his
burden of proof, Mr. Slaman does not include any certificates of completion to demonstrate

that he has been working in good faith towards his 60 continuing education hours. By all appearances, Mr. Slaman seems to have not prioritized the terms and conditions he agreed to and his sudden urgency with the impending deadline is not borne by anyone else but himself.

But Mr. Slaman's untimeliness has now become something the Commission and the Division are tasked with, and unduly so, as he has not presented any courses he could take in lieu of the 15-Hour continuing education discount he requests. The plain inclusion of this request on the subsequent agenda deviates from the law's exclusion of untimely requests and allows Mr. Slaman to pile meritless claims on the Commission's docket.

### 10 11

**B**.

1

2

3

4

5

6

7

8

9

**Respondent's Request to Vacate a Specific Portion of its Order** Fails to Allege any Cause or Grounds which Entitle him to a **Reconsideration.** 

12 Mr. Slaman's Reconsideration Request does not allege the Order for Global Settlement of Disciplinary Actions substantially prejudiced his rights, nor does he allege 13 14 any violation of constitutional or statutory provisions; no excess of the statutory authority by the agency; no unlawful procedure; no other error of law; not clearly erroneous in view 1516 of the reliable, probative and substantial evidence on the whole record; nor that the 17 Commission acted in any arbitrary or capricious manner or characterized by abuse of discretion, that may otherwise entitle him to a reconsideration. 18

19 Instead, Mr. Slaman's position is, because a 30-Hour USPAP Course is not offered, 20his education requirement should be discounted to 15-Hours without any consideration to 21 what other courses he could take to meet his 60-Hours. Further, Mr. Slaman misleadingly 22 states he will also be taking a 7-Hour USPAP update course, but he must take that update 23 course anyway towards his license renewal. The Stipulation he signed plainly states "None 24 of the above listed education will count towards license renewal" and so representing that 25the 7-Hour update course will bring his total USPAP to 22-Hours is misleading when his 26 total USPAP hours would only be 15-Hours. Also, it is not clear if he is suggesting he is 27 going to take the update course twice, and if so, how is that in furtherance of the intent to 28 educate a licensee with evident deficiencies?

Mr. Slaman cannot overcome that the 60-Hours of continuing education were properly Ordered and the necessity of which is evidenced in the pervasive violations of law spanning the three cases he globally settled Case Nos. 2017-2137, AP18.003.S, 2020-787, AP21.012.S, and 2021-299, AP21.034.S, therefore the Commission should uphold its Order of the 60-Hours of continuing education.

III. CONCLUSION

1

2

3

4

5

6

18

19

20

21

22

23

24

25

26

27

28

7 The Commission did not deny Mr. Slaman the ability to timely file for 8 reconsideration 15 days from the January 31, 2023 default Order, and he has not 9 demonstrated any reason for the nearly one year delay. Should the Commission grant his 10 reconsideration request, based on the foregoing, the Division respectfully respects the 11 Commission uphold its Order for Global Settlement of Disciplinary Actions, specifically the 12 60-Hours of continuing education, and that Mr. Slaman take responsibility for his request 13 to amend the 30-Hour USPAP course down to a 15-Hour USPAP course and identify to this 14 Commission exactly what 15-Hours courses he can take in lieu of such course, and 15 additionally demonstrate that such proposed courses are relevant to the violations of law 16 across his three disciplinary cases: Case Nos. 2017-2137, AP18.003.S; 2020-787, 17 AP21.012.S; and 2021-299, AP21.034.S.

DATED this <u>15</u> day of March 2024. STATE OF NEVADA Department of Business and Industry Real Estate Division By: SHARATH CHANDRA, Administrator CHARVEZ FOGER, Deputy Administrator 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

DATED this 15th day of March 2024.

AARON D. FORD Attorney General

By:

CHRISTAL P. KEEGAN, ESQ. Deputy Attorney General Nevada Bar No. 12725 5420 Kietzke Lane, #202 Reno, Nevada 89511 (775) 687-2141 ckeegan@ag.nv.gov

Attorney for Real Estate Division

# **EXHIBIT 1**

## **EXHIBIT 1**

#### STATE OF NEVADA



TERRY REYNOLDS Director

SHARATH CHANDRA Administrator

**CHARVEZ FOGER** Deputy Administrator

#### DEPARTMENT OF BUSINESS AND INDUSTRY REAL ESTATE DIVISION

www.red.nv.gov

February 01, 2023

JOE LOMBARDO

Governor

Certified No. 7020 1290 0001 3945 3365

Janeen Isaacson, Esq. Lipson Neilson P.C. 9900 Covington Cross Drive Suite 120 Las Vegas, Nevada 89144

Nathan S. Slaman 7624 Slide Rock Avenue Las Vegas, Nevada 89113

Certified No. 7020 1290 0001 3945 3372

#### Re: NRED v. NATHAN S. SLAMAN Case Nos.: 2017-2137 AP18.003.S and 2020-787 AP 21.012.S

Enclosed herewith you will find the <u>STIPULATION AND ORDER FOR GLOBAL SETTLEMENT OF</u> <u>DISCIPLINARY ACTIONS</u> entered by the Nevada Commission for Appraisers of Real Estate at the meeting held January 31, 2023, in Las Vegas, Nevada. The Commission has ordered the following:

- 1. RESPONDENT agrees to pay the Division a total amount of TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00) ("Amount Due"), consisting of FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$15,500.00) in fines imposed by the Division, for all violations as pled in the above-summarized Complaint, and the Division's pre-hearing costs and attorneys' fees in the amount of (FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$4,500.00).
- 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:
  - a.  $1^{st}$  Year: \$400/month: Total \$4,800.00
  - b. 2<sup>nd</sup> Year: \$550/month: Total \$6,600.00
  - c. 3rd Year: \$700/month: Total \$8,400.00 TOTAL: \$19,800.00
    - TAL: \$19,800.00

RESPONDENT would then make one additional payment of \$200.00 in the last month of repayment for a total payment of \$20,000.00 as being the total Amount Due hereunder. Lump sums can be made in prepayment with no penalties.

3. RESPONDENT further agrees to take the following Division approved education courses:

- Not less than a 30-hour course in USPAP.
- Not less than a 7-hour course in How to Support & Prove Your Adjustments.
- Not less than a 4-hour course in Appraiser Self Protection and Record Keeping.
- Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use.

• Not less than a 4-hour course in Approach Reconciliation.

The 60 hours of continued education set forth herein above 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 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.

#### EFFECTIVE DATE OF THIS ORDER: JANUARY 31, 2023 FIRST PAYMENT DUE: MAY 01, 2023 EDUCATION DUE DATE: JULY 21,2024

Submit your payment and education to the address below. Checks or money orders are to be made payable to the "Nevada Real Estate Division".

Nevada Real Estate Division Attention: Administration Section Manager 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

There are two copies of this letter enclosed, one copy is marked "Remittance Copy" and should be returned with your check or money order to the Nevada Real Estate Division. The purpose of the remittance copy is to assure proper posting of fines to your disciplinary file.

Please note that Division staff does not have the authority to extend the due date for your fine or education requirements that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,

M Gallo

Maria Gallo Commission Coordinator Telephone: (702) 486-4074 Email: mgallo@red.nv.gov

cc: Sharath Chandra, Administrator Louis V. Csoka, Deputy Attorney General

#### STATE OF NEVADA



TERRY REYNOLDS Director

SHARATH CHANDRA Administrator

**CHARVEZ FOGER** Deputy Administrator

#### DEPARTMENT OF BUSINESS AND INDUSTRY REAL ESTATE DIVISION

www.red.nv.gov

**REMITTANCE COPY** 

February 01, 2023

JOE LOMBARDO

Governor

Janeen Isaacson, Esq. Lipson Neilson P.C. 9900 Covington Cross Drive Suite 120 Las Vegas, Nevada 89144 Certified No. 7020 1290 0001 3945 3365

Nathan S. Slaman 7624 Slide Rock Avenue Las Vegas, Nevada 89113

Certified No. 7020 1290 0001 3945 3372

#### Re: NRED v. NATHAN S. SLAMAN Case Nos.: 2017-2137 AP18.003.S and 2020-787 AP 21.012.S

Enclosed herewith you will find the <u>STIPULATION AND ORDER FOR GLOBAL SETTLEMENT OF</u> <u>DISCIPLINARY ACTIONS</u> entered by the Nevada Commission for Appraisers of Real Estate at the meeting held January 31, 2023, in Las Vegas, Nevada. The Commission has ordered the following:

- 1. RESPONDENT agrees to pay the Division a total amount of TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00) ("Amount Due"), consisting of FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$15,500.00) in fines imposed by the Division, for all violations as pled in the above-summarized Complaint, and the Division's pre-hearing costs and attorneys' fees in the amount of (FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$4,500.00).
- 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:
  - a. 1<sup>st</sup> Year: \$400/month: Total \$4,800.00
  - b. 2<sup>nd</sup> Year: \$550/month: Total \$6,600.00
  - c. 3rd Year: \$700/month: Total \$8,400.00
    - TOTAL: \$19,800.00

RESPONDENT would then make one additional payment of \$200.00 in the last month of repayment for a total payment of \$20,000.00 as being the total Amount Due hereunder. Lump sums can be made in prepayment with no penalties.

3. RESPONDENT further agrees to take the following Division approved education courses:

- Not less than a 30-hour course in USPAP.
- Not less than a 7-hour course in How to Support & Prove Your Adjustments.
- Not less than a 4-hour course in Appraiser Self Protection and Record Keeping.
- Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use.

• Not less than a 4-hour course in Approach Reconciliation.

The 60 hours of continued education set forth herein above 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 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.

#### EFFECTIVE DATE OF THIS ORDER: JANUARY 31, 2023 FIRST PAYMENT DUE: MAY 01, 2023 EDUCATION DUE DATE: JULY 21,2024

Submit your payment and education to the address below. Checks or money orders are to be made payable to the "Nevada Real Estate Division".

Nevada Real Estate Division Attention: Administration Section Manager 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

There are two copies of this letter enclosed, one copy is marked "Remittance Copy" and should be returned with your check or money order to the Nevada Real Estate Division. The purpose of the remittance copy is to assure proper posting of fines to your disciplinary file.

Please note that Division staff does not have the authority to extend the due date for your fine or education requirements that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,

M Gallo

Maria Gallo Commission Coordinator Telephone: (702) 486-4074 Email: mgallo@red.nv.gov

cc: Sharath Chandra, Administrator Louis V. Csoka, Deputy Attorney General

1	BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE		
2	STATE OF NEVADA		
2 3 4 5	SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA,	Case Nos. 2017-2137, AP18.003.S; 2020- 787, AP21.012.S; and 2021-299, AP21.034	
6 7 8	Petitioner, vs. NATHAN S. SLAMAN	FEB 0 1 2023 NEVADA COMMISSION OF APPRAISERS STIPULATION AND ORDER FOR GLOBAL SETTLEMENT OF DISCIPLINARY ACTIONS	
9	(License No. A.0006908-CR),		
10	Respondent.		
11	This Stipulation and Order for Global Settlement of Disciplinary Action (this		
12	"Stipulation") is entered into by and between the State of Nevada, Department of Business		
13	and Industry, Real Estate Division ("Division"), through its Administrator Sharath		
14	Chandra ("Petitioner"), by and through their attorney of record, Louis V. Csoka, Deputy		
15	Attorney General, and Nathan S. Slaman ("RESPONDENT").		
16	RESPONDENT, at all relevant times mentioned in each of the three Complaints,		
17	was licensed by the Division as a Licensed Residential Appraiser. He is therefore subject		
18	to the jurisdiction of the Division and the Commission and the provisions of NRS chapter		
19	645C and NAC chapter 645C.		
20	CASE NO. 2017-2	2137, AP18.003.S	
21	SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT		
22	1. The Respondent is licensed by the Division as a Certified Residential		
23	Appraiser, License No. A.0006908-CR.		
24	2. The Respondent's Appraisal Report was prepared for a single-family residence		
25	located at 1709 Chapman Drive, Las Vegas, Nevada 89104, APN 162-02-312-065		
26	("Property").		
27	3. The gross living area of the Pro	perty recorded as 2,530 square feet.	
28	4. The assignment type is iden	tified as "Purchase Transaction," and the	
		1	

1	lender/client is identified as "Primary Residential Mortgage, Inc."	
2	5. The effective date of Respondent's Appraisal Report is identified as August 2,	
3	2017, and the signature date is the same.	
4	6. The Respondent's Appraisal Report states the appraised value is \$325,000.00.	
5	7. The Property contains a Casita -a one (1) bedroom, one (1) bathroom, living	
6	room, and kitchen living area.	
7	8. This Casita has approximately 512 square feet of living area.	
8	9. The Respondent's Appraisal Report lists the Casita, along with the Property's	
9	pool.	
10	10. The Respondent's Appraisal Report and work file has no discussion of the	
11	Casita and the value that it could add to the Property.	
12	11. This makes the Respondent's Appraisal Report lack credibility.	
13	12. The Respondent's Appraisal Report and work file also contains no analysis of	
14	the highest and best use of the property.	
15	13. The Respondent's Appraisal Report does not reconcile the quality and	
16	quantity of data available with the approaches used.	
17	14. For example, the Respondent does not state in his Appraisal Report why a	
18	cost approach was not used.	
19	15. The Respondent's Appraisal Report makes adjustment within the sales grid	
20	for the Casita at \$ 5,000.00, thereby valuing the Casita at \$ 9.77 a square foot.	
21	16. By making such an adjustment and omitting discussion of the Casita,	
22	Respondent's Appraisal Report could also be misleading.	
23	17. The statements made in the Reconciliation Section of the Respondent's	
24	Appraisal Report do not provide reasoning and support for not using the cost approach or	
25	the income approach.	
26	18. Even relative to the sales comparison approach being used, Respondent's	
27	Appraisal Report does not provide any reasoning or support for finding that approach the	
28	"most reliable" other than that it reflects the actions of the buyer and seller.	
	2	

19. Lastly, while Respondent's Appraisal Report checks the block for Highest and 1 2 Best Use, he failed to deliver any support or rationale for this opinion. 3 CASE NO. 2020-787, AP18.012.S SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT 4 5 The Respondent's Appraisal Report was prepared for a single-family residence 20. located at 4797 Castle Rock Court, Las Vegas, Nevada 89147, APN 163-22-810-194 6 7 ("Property"). See id. at 0005-0012. The gross living area of the Property is recorded as 1,762 square feet. See id. 8 21.The assignment type is identified as "purchase transaction." See id. 9 22.The effective date of Respondent's Appraisal Report is identified as May 8, 10 23. 11 2020, and the signature date is May 11, 2020. See id. 12 24.The Respondent's Appraisal Report states the appraised value is \$315,000.00. 13 See id. In performing appraisal, Respondent's work file was lacking in support of 25. 14 neighborhood and comparable analysis, as well as calculations for abstraction and 15 extraction. See NRED 0155; see also Id. at 0146. 16 In particular, the Respondent's work file was missing significant data and had 17 26. 18 dated and irrelevant information contained within it. See id. At 0145. 19 27.For example, there was no data in the work file regarding land use analysis. 20 See id. at 0146. There was also no support for (1) lot size adjustment, (2) lack of adjustments 21 28. when seller contributes, (3) minimal bath count adjustment, and (4) fireplace adjustment. 22 23 See id. 29. There was also irrelevant information, dated market data, and dated cost 24 25 data. See id. 26 30. Respondent's stated references to "paired sales" and "abstraction" lacked 27 requisite associated supporting comments and materials. See id. 28 31. The stated site value estimate was not credible and did not have "extraction" 3

1 || information that was claimed to have been utilized. See id.

32. Further, Respondent did not have evidence in the report or the work file that indicated that Respondent complied with the scope of work rule. *See* NRED 0155.

33. While the Respondent must have inspected at least three (3) comparables from the street, all comparable photographs were cropped multiple listing service or online photographs. See NRED 0147.

34. Respondent also failed to: (1) adjust for seller contributions (as to comparables
#1 and #2), (2) note covered patio (as to comparable #1), (3) provide market supported
adjustments or discussion for bath count, gross living area, and large condition adjustment,
and (4) provide support for fireplace adjustment. See NRED 0155; see also Id. at NRED
0148.

35. Furthermore, Respondent failed to provide adequate analysis of highest and
best use in the report or work file, other than a minimal opening reference. See NRED
0155; see also Id. at NRED 0155 (indicating Respondent's mere one passing reference on
Page 1).

36. Additionally, Respondent made a gross over estimate of site value at \$220,000.00. See NRED 0155.

37. Respondent also did not have any evidence in the work file of a sales contract and its associated review. *See* NRED 0155; *see also Id.* at NRED 0155.

38. In the reconciliation section of his Appraisal Report, Respondent also failed to discuss the quality and quantity of data relative to his findings. *See* NRED 0156; *see also* NRED 0152.

39. Lastly, Respondent also failed to summarize the support and rationale for his
 highest and best use opinion. See NRED 0156; see also Id. at NRED 0155.

#### CASE NO. 2021-299, AP18.034.S

#### SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

40. The Respondent's Appraisal Report was prepared for a single-family residence
located at 3433 Camsore Point Lane, Las Vegas, Nevada 89129, APN 138-07-711-037

4

16

2

3

4

5

("Property"). See id. at 0006; see also Id. at 0013.

The gross living area of the Property is recorded as 1,896 square feet. See id. 2 41. at 0019. 3

> The assignment type is identified as a "purchase transaction." See id. at 0013. 42.

43. The effective date of Respondent's Appraisal Report is identified as February 21, 2021, and the signature date is February 23, 2021. See id. at 0018.

The Respondent's Appraisal Report states the appraised value is \$365,000.00. 44. See id. at 0018.

9 45. The Respondent included a paired sales analysis (GandySoft) in his work file, which has a date of April 5, 2021, a date that is well passed the actual date that the instant 10 11 appraisal and analysis took place. See id. at 0070-71.

12 Additionally, while there are certain adjustments to the gross living area at 46. \$55.00 a square foot and to the lot size at \$1.00 a square foot in the Appraisal Report, the 14 paired sales analysis printout in the Respondent's work file shows an adjustment to the 15 gross living area at \$12.33 a square foot and to the lot size at \$1.55 a square foot. See id. 16 at 0044.

17 47. Therefore, the purported GandySoft information, which Respondent belatedly included in his work file, was not actually used. See id. at 0070-71. 18

48. Furthermore, while the Respondent's Appraisal Report mentions abstraction as a method for adjustments, the Appraisal Report and work file do not contain any abstraction methods used. See id. at 0014.

49. The Respondent also failed to include a discussion of the quality and quantity of data available and analyzed within the Appraisal Report. See id. at 0071.

50. The Respondent's Appraisal Report and work file also do not contain the necessary data, information, or documentation to support adjustments made in the sales 26 grid. See id. at 0072.

27 The Respondent's Appraisal Report and work file also do not contain any land 51. 28 use analysis for the Property. See id. at 0071.

23 24 25

19

20

21

22

1

4

5

6

7

8

52. The Respondent's Appraisal Report also fails to include evidence of using the 2 extraction method relative to his estimate for site value, all the while representing that site value was "estimated using the extraction method." See id. at 0071. 3

The Appraisal Report also lacks adjustments for seller contributions and does 53. not provide any comments to explain the lack of such adjustments. See id. at 0071.

The Respondent also fails to include a discussion of the sales contract in his 54. Appraisal Report. See id. at 0071.

55.The Respondent's Appraisal Report also fails to contain an analysis of the highest and best use of the Property. See id. at 0072.

### PROPOSED SETTLEMENT AGREEMENT

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 any such decision, the parties desire to compromise and settle the instant controversy in Case No. 2017-2137, AP18.003.S; 2020-787, AP21.012.S; and 2021-299, AP21.034.S, upon the following terms and conditions:

**RESPONDENT** agrees to pay the Division a total amount of TWENTY 1. THOUSAND DOLLARS AND NO CENTS (\$ 20,000.00) ("Amount Due"), consisting of FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$ 15,500.00) in fines imposed by the Division, for all violations as pled in the above-summarized Complaint, and the Division's pre-hearing costs and attorneys' fees in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$ 4,500.00).

 $\mathbf{2}$ .

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:

б

1st Year: \$400/month:	Total: \$4,800.00
2nd Year: \$550/month:	Total: \$6,600.00
3rd Year: \$700/month:	Total: \$8,400.00
TOTAL:	\$19,800.00

25

26

27

28

1

4

5

6

7

8

9

10

RESPONDENT would then make one additional payment of \$200.00 in the last month of repayment for a total payment of \$20,000.00, 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:

- Not less than a 30-hour course in USPAP.
- Not less than a 7-hour course in How to Support & Prove Your Adjustments.
- Not less than a 4-hour course in Appraiser Self Protection and Record Keeping.
- Not less than a 15-hour course in Residential Market Analysis and Highest and Best Use.
- Not less than a 4-hour course in Approach Reconciliation.

The 60 hours of continued education set forth herein above 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 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

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

27 5. RESPONDENT agrees and understands that by entering into this
28 Stipulation, RESPONDENT is waiving his right to a hearing in each matter at which

RESPONDENT may present evidence in his defense, his right to a written decision on the
 merits of the complaint, his rights to reconsideration and/or rehearing, appeal and/or
 judicial review, and all other rights which may be accorded by the Nevada Administrative
 Procedure Act, the Nevada Real Estate Appraisers statutes and accompanying regulations,
 and the federal and state Constitutions.

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

6

7

8

9

10

11 7. RESPONDENT fully understands that he has the right to be represented by
12 [legal counsel in these matters at his own expense.

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

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

21 10. <u>Withdrawal of Stipulation</u>. If the Commission rejects this Stipulation or
22 suggests amendments unacceptable to RESPONDENT, RESPONDENT may withdraw
23 from this Stipulation, and the Division may pursue its Complaints before the Commission.
24 This Stipulation then shall become null and void and unenforceable in any manner against
25 either party.

11. <u>Release</u>. In consideration of the execution of this Stipulation, RESPONDENT
for himself, his heirs, executors, administrators, successors, and assigns, hereby releases,
remises, and forever discharges the State of Nevada, the Department of Business and

Industry, and the Division, and each of their respective members, agents, employees, and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigations, these disciplinary actions, and all other matters relating thereto.

RESPONDENT hereby agrees to indemnify and hold 8 12. Indemnification. 9 harmless the State of Nevada, the Department of Business and Industry, Petitioner, the 10 Division, and each of their respective members, agents, employees, and counsel, in their individual and representative capacities, against any and all claims, suits, and actions 11 brought against said persons and/or entities by reason of the Division's investigations, 12 13 these disciplinary actions, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be 14 15 sustained by the persons and/or entities named in this section as a result of said claims, 16 suits, and actions.

17 <u>13. Default</u>. In the event of default under this Stipulation, RESPONDENT agrees 18 that his license shall be immediately suspended, and the unpaid balance of the 19 administrative fine and costs, together with any attorneys' fees and costs that may have 20 been assessed, shall be due in full to the Division within ten calendar days of the date of 21 default. Debt collection actions for unpaid monetary assessments in this case may be 22 instituted by the Division or its assignee.

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

26

23

24

25

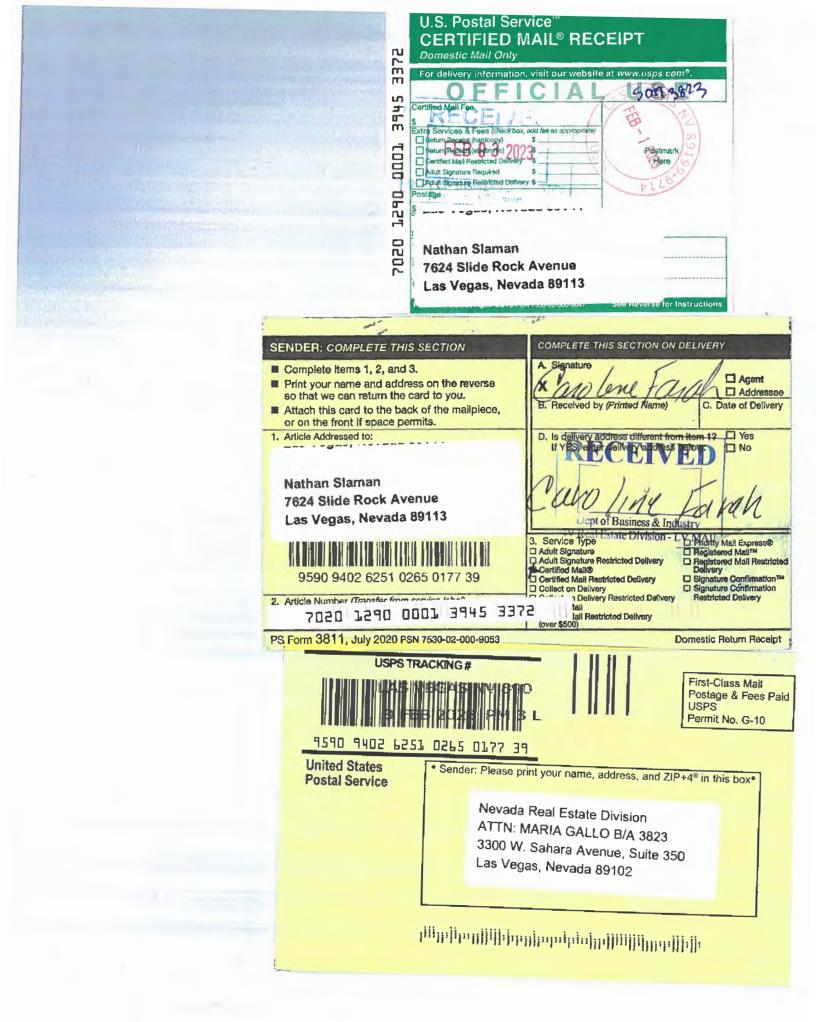
27 ||///

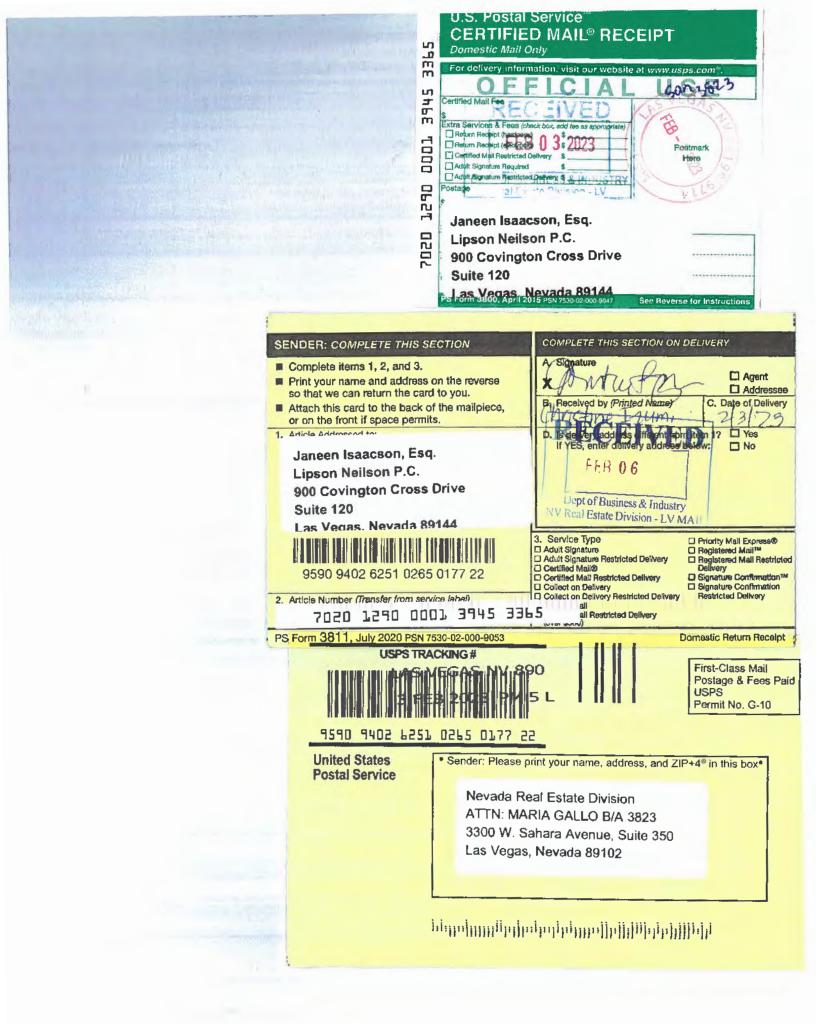
111

28 ||///

DATED this IT day of January, 2023. DATED this 12 day of January, 2023. 1 2 NEVADA DEPARTMENT OF BUSINESS & INDUSTRY REAL ESTATE DIVISION 1 By: By: NATHAN S. SLAMAN SHARATH CHANDRA Administrator Approved as to form: Approved as to form: 10 AARON D. FORD Attorney General Is/ Louis V. Csoka By: JANBEN BAARSON (Ber. No. 6429) LOUIS V. CSOKA (Bar. No. 7667) Lipsond eilson P.C. Boo Covington Cross Drive, Suite 120 Deputy Attorney General 555 E. Washington Avenue, Suite 3900 500 15 Las Vegas, Nevada 89144-7052 Las Vegas, NV 69101 Attorneys for Real Estate Division Attorney for Respondent ORDER IT IS ORDERED that the foregoing Stipulation and Order for Global Settlement of 15 Disciplinary Action, submitted by Petitioner and Respondent, is approved in full 20 Doubl 31, 2023. Dated: February 21 27 COMMISSION OF APPRAISERS OF REAL 2 2 By President, Novada Appraisa Commission 2 2 Ż 10

	Submitted by:
1	AARON FORD, Attorney General
3 4 5 6 7 8	By: /s/ Louis V. Csoka <u>LOUIS V. CSOKA (Bar No. 7667)</u> Deputy Attorney General 555 E. Washington Ave. Ste 3900 Las Vegas, Nevada 89101 Attorneys for Real Estate Division
9	
10	
11	
12	
13	
14	
15	
16	
17	
18 19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	11





## EXHIBIT 2

### EXHIBIT 2

#### Maria Gallo

From: Sent: To: Subject: Nathan Slaman <nathanslaman@gmail.com> Wednesday, January 24, 2024 9:56 AM Maria Gallo; Christy M. Staffen Requesting change to education requirement



JAN 2 5 2024 NEVADA COMMISSION OF APPRAISERS

0

n na serie de la s

Good Morning,

I am requesting a change to my education requirement from 30Hrs of USPAP to 15Hrs since a 30Hr course is not offered. I will also be taking a 7 Hr USPAP update this year bringing my total USPAP to 22Hrs this year.

### Nathan Slaman

**Ceritied Residential Appraiser** 

phone: 702 232-2377 email: appraisalpros@cox.net



Sent from Mail for Windows