

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),

11 Respondent.

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

FILED

APR 11 2024

NEVADA COMMISSION OF APPRAISERS

mgallo

12 **PETITIONER'S MOTION TO DISMISS**
13 **RESPONDENT'S MOTION TO RECONSIDER REVOCATION ORDER**

14 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
15 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
16 Attorney General, and Christal P. Keegan, Deputy Attorney General, timely brings this Motion to
17 Dismiss Respondent's untimely Motion to Reconsider Revocation Order pursuant to NAC 645C.490(3).

18 DATED this 11th day of April 2024.

19 AARON D. FORD
20 Attorney General

21 By: *epkeegan*
22 CHRISTAL P. KEEGAN, ESQ.
23 Deputy Attorney General
24 Nevada Bar No. 12725
25 5420 Kietzke Lane, Suite 202
26 Reno, Nevada 89511
27 (775) 687-2141
28 ckeegan@ag.nv.gov

Attorney for Real Estate Division

1 **I. BACKGROUND**

2 It has been nearly a year since the Division filed its Complaint on May 19, 2023.¹ The
3 Commission has heard this matter twice already: at its October 3, 2023 Commission Meeting where it
4 proceeded with a default when Witherby chose not to attend his hearing², and at its January 16, 2024
5 Meeting where it denied his Petition for Rehearing³. The Commission has effectively stood by its default
6 Order, and the District Court dismissed Witherby's Petition for Judicial Review, thereby affirming the
7 Commission October 10, 2023 Order. Therefore, there is no reason that the Commission should change
8 its course of action at this point.

9 **II. LEGAL ARGUMENT**

10 NRS 645C and NAC 645C do not provide a procedure for a reconsideration request. Therefore,
11 we need to look at the Nevada Administrative Procedures Act under NRS 233B for guidance, specifically
12 NRS 233B.130, in relevant part under subsection 4 addresses the timeliness of such requests:

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

16 4. A petition for rehearing or reconsideration must be filed within 15
17 days after the date of service of the final decision. An order granting or
18 denying the petition must be served on all parties at least 5 days before the
19 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.

20 Also relevant, NRS 233B.135(2), places the burden of proof upon the party attacking or resisting
21 the decision to show that the final decision is invalid, and therefore it is Witherby's burden.

22 **A. Witherby Admits his Motion for Reconsideration is Untimely, and Therefore it Must**
23 **be DISMISSED.**

24 The law clearly excludes untimely requests.⁴ Despite admitting his motion is untimely, Witherby
25 continues to disregard our administrative procedures and makes his request anyway.⁵ On this time-

26 ¹ Respondent's Motion to Reconsider Revocation Order, Filed April 9, 2024, Exhibit 1
Complaint dated May 19, 2023.

27 ² Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 4, October 10, 2023 Order.

28 ³ Exhibit A, April 3, 2024 Court Minutes, Petitioner's Petition for Judicial Review is DENIED,
and Order Denying Petition for Judicial Review Filed April 11, 2024.

⁴ NRS 233B.130(4).

⁵ Motion to Reconsider Revocation, Filed April 9, 2024, p. 4, lines 21-23.

1 barred basis alone, the Commission must dismiss it. Since the matter has been placed on the April 23-
2 25, 2024 Commission Meeting agenda, the Commission should deny his request because it risks
3 invalidating its final decision.⁶

4 Further, Witherby, or his current counsel who was retained *prior* to the January 16, 2024 Meeting,
5 could have made this reconsideration request for the January Commission Meeting, so the untimeliness
6 is completely unreasonable. (*emphasis added*). Since the matter has been placed on the April 2024
7 Commission Meeting agenda, the Commission should deny his request as it sets an unintended precedent
8 that respondents can pile upon the Commission's docket meritless requests to no end, months, even
9 years, later.

10 **B. Witherby's Motion for Reconsideration of Revocation Order Should be**
11 **DISMISSED Because the Commission Lacks Jurisdiction.**

12 The Commission did not deny Witherby, nor his counsel, the ability to also file for reconsideration
13 when he untimely filed his Petition for Rehearing on December 21, 2023, nor when his counsel filed its
14 Opposition to Motion to Dismiss on January 10, 2024. Witherby should not be able to petition this
15 Commission in the alternative again and again because he doesn't like the Commission's decision, or the
16 District Court's decisions for that matter either.⁷ Once the Commission issued its Order Denying Motion
17 for Rehearing filed January 26, 2024, the jurisdiction of this matter transferred to the District Court where
18 his appeal was denied (Case No. A-24-887290-J).⁸ *The District Court did not order this case remanded*
19 *back to the Commission*, and therefore, the Commission lacks jurisdiction over this case anymore and
20 should deny his request.⁹ (*emphasis added*).

21 **C. The Commission Properly Exercised its Discretion in the Discipline Ordered and it**
22 **Should not be Disturbed.**

23 NAC 645C.502 clearly recognizes the Commission's discretion to accept the charges specified in
24 the complaint as true when a party fails to appear. Witherby even admits it is wholly within the
25

26 ⁶ NRS 233B.130(4), and Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 4,
27 October 10, 2023 Order.

28 ⁷ Exhibit A, April 3, 2024 Court Minutes, Petitioner's Petition for Judicial Review is DENIED,
and Order Denying Petition for Judicial Review Filed April 11, 2024.

⁸ *Id.*, and Exhibit B, Order Denying Motion for Rehearing, Filed January 26, 2024.

⁹ Exhibit A, April 3, 2024 Court Minutes, Petitioner's Petition for Judicial Review is DENIED,
and Order Denying Petition for Judicial Review Filed April 11, 2024.

1 Commission's discretion to impose the disciplinary action it so Ordered.¹⁰ Further, pursuant to NRS
2 645C.215(d) the Commission must consider any other facts or circumstances that it deems relevant in
3 determining the appropriate amount of the administrative fine.

4 While Witherby included selective pages of October 2, 2023 Commission Meeting transcript, a
5 casual inspection of the entire transcript reveals a sufficient deliberation process as the Commissioners
6 determined his license revocation and the full amount of administrative fines were warranted:

7 Commissioner O'Brien: "So it would just be like if he moved to Florida and
8 said, I'm never studying, put in the state again because I moved. So really,
9 **the point that it appears that we're acting on is, do we move from**
10 **that closed status to potentially revocation, which would trigger, or**
11 **discipline there to thus create a notification event across the country.**¹¹
12 **(emphasis added).**

13 Commissioner Kreuger: I will second. [to Commissioner O'Brien's Motion
14 to approve the recommended discipline which includes revocation of said
15 license, the fees of \$60,000, and the costs, payable within 180 days.]¹²

16 Commissioner Gandy: I understand, I was able to review some of this, and
17 unfortunately this person had an opportunity at AARC, dropped the ball,
18 revocation, the underlying case itself is quality considerations for
19 townhouses and competing. **I understand the revocation need, it sends**
20 **an alert through the system since he is licensed actively in Florida. ... I**
21 **do agree in the revocation, if you don't defend, you can't expect**
22 **someone to defend for you. I certainly agree with the Division's costs**
23 **and maybe something punitive.**¹³ **(emphasis added).**

24 Commissioner O'Brien: I am concerned that this particular respondent has
25 wasted the time of AARC, wasted the time of our staff in the last session,
26 of which we provided a last minute continuance. ... This is Case No. 2020,
27 it has seemed to have gone through the delay process everywhere through
28 the process, **and let us not remember that there was someone damaged**
29 **potentially in the general public, and our goal is to protect the public**
30 **trust.** So since the respondent, cannot even show up to defend their work,
31 they know that this happening, they engaged their insurance company. This
32 is to me is an inappropriate fine, and if we are petitioned in the future to
33 reconsider it, I am open to the defendant coming, and explaining through
34 this process, **but now this seems to be just be a way of running from the**
35 **complaint, and I believe that the full amount is warranted and**
36 **supported.**¹⁴

37 Commissioner Ivey: I, you know, **at first thought, I thought \$60,000 was**
38 **really unreasonable, but after further reflection, I agree with**
39 **Commissioner...**¹⁵

¹⁰ Motion to Reconsider Revocation, Filed April 9, 2024, p. 5, lines 3-4.

¹¹ Exhibit C, Hearing, October 3, 2023, Transcript, p. WIT00021, lines 19-25.

¹² Exhibit C, Hearing, October 3, 2023, Transcript, p. WIT00024 -WIT00025, lines 22-10.

¹³ Exhibit C, Hearing, October 3, 2023, Transcript, p. WIT00025-WIT00026, lines 12-3.

¹⁴ Exhibit C, Hearing, October 3, 2023, Transcript, p. WIT00027-WIT00028, lines 15-8.

¹⁵ Exhibit C, Hearing, October 3, 2023, Transcript, p. WIT00028, lines 15-17.

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3 **D. Witherby's Claimed "Harm" is Unsupported and therefore, Fails to Establish a**
4 **Basis for the Commission to Disturb its Disciplinary Order.**

5 Even the District Court could not find that Witherby had demonstrated such harm to justify the
6 Court to grant a Stay and DENIED his Motion to Stay Enforcement of the Commission's Order.¹⁶
7 Witherby has not been deprived of his alleged "entire livelihood" because by his own admission he
8 continues to work as an appraiser in Florida.¹⁷ Witherby admits "I am currently doing very minimal
9 work with my license..." and that he "currently still holds an appraiser license in Florida".¹⁸ By last
10 checks, Witherby's Florida appraisal license continues to show "Current, Active" with a natural
11 expiration date of November 30, 2024.¹⁹

12 Witherby's claim that he has been denied the ability to become an insurance adjuster in Florida
13 is unsubstantiated.²⁰ Not only is an insurance adjuster license obviously different than an appraisal
14 license, but the Notice of Denial Letter for his application for a Florida Resident All Lines (06-20)
15 adjuster, fails to provide any proof that he exhausted the administrative opportunities afforded to him by
16 the Florida Department of Financial Services ("Department").²¹

17 Similarly, his claim that his Florida appraisal license will soon be revoked is speculative.²²
18 Nowhere in the April 4, 2024 letter regarding the Florida Administrative Complaint does it say his Florida
19 appraisal license will be revoked.²³ In fact, the letter says it "could" result in disciplinary action, and that
20 is corroborated by the Florida Administrative Complaint which does not say that due to the Nevada
21 Commission's Order, his Florida appraisal license will automatically be revoked.²⁴

22 ¹⁶ Exhibit D, Order Denying Motion to Stay Enforcement of the Order, Filed March 25, 2024,
23 p. 2, lines 3-10.

24 ¹⁷ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 3, Declaration of Thomas
25 Witherby, p. 5, lines 17-18, Item #43.

26 ¹⁸ *Id.*, and p. 5, lines 5-6, Item #37.

27 ¹⁹ Exhibit E, Florida Appraisal License Search, April 9, 2024, 2:33 PM, Thomas Leroy
28 Witherby, RD8455 Cert Res Appr Current, Active 11/30/2024.

²⁰ Motion to Reconsider Revocation, Filed April 9, 2024, p. 6, lines 3-5.

²¹ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 6, Notice of Denial (See,
27 *Page Three of the Notice of Denial, which clearly indicates the Notice is not final and that Witherby*
28 *has the right to contest the action within 21 days.*)

²² Motion to Reconsider Revocation, Filed April 9, 2024, p. 6, lines 6-8.

²³ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 7, Administrative Complaint
by State of Florida, Case No. 2023-057938.

²⁴ *Id.*

1 Again, Witherby fails to acknowledge that pursuant to his Election of Rights, he can respond to
2 the Florida Complaint within 21 days.²⁵ Again, he has failed to provide any proof that he intends to or
3 has exhausted the administrative opportunities afforded him by the Florida Department of Business and
4 Professional Regulation. In summary, Witherby's allegations of harm are based on speculation and those
5 unsupported claims are outweighed by the interest in protecting the appraisal industry as a whole.

6 **E. The Public will Likely be Harmed if the Commission Grants Witherby's Request.**

7 Let's not forget this matter came to the Commission by way of a citizen's complaint²⁶, and as
8 further reflected in the record:

9 The complainant, through her 11 years of real estate experience, reported
10 that the Respondent's Appraisal Report was the worst appraisal she's ever
11 seen, and the Division substantiated the Respondent's appraisal is one that
is filled with errors, omissions, and no support for the opinions and
conclusions he made.²⁷

12 Let's not forget that Witherby has a history of producing derelict appraisal reports and/or work
13 files, which are relied upon by the intended users and the members of the public.²⁸ The complaints
14 against Witherby and prior discipline history demonstrate members of the public have relied on his work
15 product have been harmed. We respect the Commission's legislatively vested discretion and authority,
16 and pray it will stand by its Order in furtherance of protecting the appraisal industry and the public.

17 **III. CONCLUSION**

18 To date, Witherby has not paid even \$1 towards his total amount due (\$63,897.22) which became
19 due on April 8, 2024.²⁹ Witherby is currently working, receives social security benefits, and has credit
20 cards but fails to explain why he has not even attempted to pay his administrative fine.³⁰ Witherby admits
21 he has errors and omissions insurance, but fails to confirm availability of insurer funds, nor has he
22 presented any plan based on his financial ability to reasonably pay back the total amount due.³¹

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25 ²⁵ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 7, Administrative Complaint
by State of Florida, Case No. 2023-057938.

26 ²⁶ Exhibit F, Statement of Fact, Dated May 19, 2020.

27 ²⁷ Exhibit B, Hearing, October 3, 2023, Transcript, p. WIT00008, lines 2-7.

28 ²⁸ Exhibit G, Appraisal Case Analysis, Submitted July 21, 2021.

29 ²⁹ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 4, October 10, 2023 Order.

30 ³⁰ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 3, Declaration of Thomas
Witherby, p. 4, lines 12-14, Item #31, p. 5, lines 10-11, Item #40, p. 5, lines 17-18, Item #43.

31 ³¹ Motion to Reconsider Revocation, Filed April 9, 2024, Exhibit 3, Declaration of Thomas
Witherby, p. 1, lines 19-21, Item #8.

1 Instead, in blind faith, Witherby asks this Commission to reduce his fine, when he has not
2 demonstrated he intends to follow any order of the Commission. Witherby asks the Commission to
3 reverse its revocation when he has demonstrated indifference to such disciplinary action when he
4 decidedly chose not to attend his disciplinary hearing.

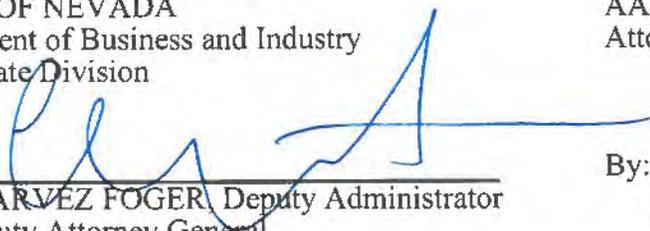
5 The Division respects it is the Commission's discretion to decide what to do, but for the reasons
6 stated herein, we request the Commission DENY his request and affirm, for the third time now, the
7 revocation of Witherby's Nevada appraisal license, and uphold the administrative fines and costs it
8 properly ordered. Thank you.

9
10 DATED this 11 day of April 2024.

DATED this 11th day of April 2024.

11 STATE OF NEVADA
12 Department of Business and Industry
13 Real Estate Division

AARON D. FORD
Attorney General

14 By: 
15 CHARVEZ FOGER, Deputy Administrator
16 Deputy Attorney General
17 3300 West Sahara Avenue, Suite 350
18 Las Vegas, Nevada 89102

19 By: 
20 CHRISTAL P. KEEGAN, ESQ.
21 Nevada Bar No. 12725
22 5420 Kietzke Lane, Suite 202
23 Reno, Nevada 89511
24 (775) 687-2141
25 ckeegan@ag.nv.gov

26 *Attorney for Real Estate Division*

EXHIBIT A

EXHIBIT A

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Judicial Review/Appeal

COURT MINUTES

April 03, 2024

A-24-887290-J Thomas Witherby, Petitioner(s)
vs.
Real Estate Division, Department of
Business and Industry, State of Nevada,
Respondent(s)

April 03, 2024 9:00 AM All Pending Motions

HEARD BY: Kierny, Carli COURTROOM: RJC Courtroom 12B

COURT CLERK:
Jessica Sancen

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Keegan, Christal P. Attorney
Lucero, Ellsie E. Attorney

JOURNAL ENTRIES

- RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW... EXPARTE
MOTION TO RECONSIDER ORDER DENYING MOTION TO STAY ENFORCEMENT OF ORDER...
MOTION TO STAY ON ORDER SHORTENING TIME

Court stated it advanced Respondent's Motion to Dismiss and would rule on the Merits. Arguments by counsel. COURT ORDERED, PETITIONER'S PETITION FOR JUDICIAL REVIEW IS DENIED, which ultimately serves as a dismissal of the Petition for Judicial Review. COURT FURTHER ORDERED, as a decision was made on the Petition for Judicial Review, the MOTION TO STAY is MOOT. Court DIRECTED Ms. Keegan to prepare the order.

CLERK'S NOTE: This Minute Order has been updated to reflect changes of "COURT ORDERED, PETITIONER S PETITION FOR JUDICIAL REVIEW IS DENIED, which ultimately serves as a dismissal of the Petition for Judicial Review. COURT FURTHER ORDERED, as a decision was made

A-24-887290-J

on the Petition for Judicial Review, the MOTION TO STAY is MOOT." - js 4/9/24

1 **ORDER**
2 **AARON D. FORD**
3 Attorney General
4 **CHRISTAL P. KEEGAN** (Bar No. 12725)
5 Deputy Attorney General
6 State of Nevada Office of the Attorney General
7 5420 Kietzke Lane, #202
8 Reno, Nevada 89511
9 (775) 687-2141 (phone)
10 (775) 688-1822 (fax)
11 ckeegan@ag.nv.gov

12 *Attorneys for Respondents*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 **THOMAS L. WITHERBY,**
16
17 **Petitioner,**
18
19 **vs.**

Case No.: A-24-887290-J
Dept. No.: 2

20 **REAL ESTATE DIVISION,**
21 **DEPARTMENT OF BUSINESS AND**
22 **INDUSTRY, STATE OF NEVADA and**
23 **SHARATH CHANDRA in his capacity as**
24 **Administrator of the REAL ESTATE**
25 **DIVISION; NEVADA COMMISSION OF**
26 **APPRAISERS OF REAL ESTATE and**
27 **JOHN WRIGHT in his capacity as**
28 **President of the COMMISSION OF**
APPRAISERS OF REAL ESTATE,
Respondents.

ORDER DENYING PETITION FOR JUDICIAL REVIEW

Respondents Real Estate Division, Department of Business and Industry and Sharath Chandra's, as Administrator of the Division, (collectively "Division") motion to dismiss petitioner Thomas L. Witherby's petition for judicial review, and petitioner's ex parte motion to reconsider this Court's order denying motion to stay came for hearing on April 3, 2024. At the same time, the Court advanced its decision on the merits of petitioner's petition for judicial review. Ellsie Lucero, of the law firm Kaempfer Crowell,

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II.

ORDER

IT IS THEREFORE ORDERED that the Petitioner's application for Judicial Review is hereby denied, and the Commission's Order dated October 10, 2023, shall remain in full force and effect.

Dated this 11th day of April, 2024

Carli Kierny

DISTRICT COURT JUDGE

210 88C D4DA B04F
Carli Kierny
District Court Judge

Submitted by:
AARON D. FORD
Attorney General

Approved by:
KAEMPFER CROWELL

By: *epkeegan*

CHRISTAL P. KEEGAN
Deputy Attorney General
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Attorneys for Respondents

By: */s/Ellsie Lucero*

Ellsie Lucero, Esq.
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1980 Festival Plaza, Suite 650
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Attorneys for Petitioner

1 CSERV

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Thomas Witherby, Petitioner(s) | CASE NO: A-24-887290-J
7 vs. | DEPT. NO. Department 2
8 Real Estate Division, Department
9 of Business and Industry, State of
10 Nevada, Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 4/11/2024

16 Lesley Miller | lmiller@kcnvlaw.com
17 Tera Carlstrom | tcarlstrom@kcnvlaw.com
18 Ellsie Lucero | elucero@kcnvlaw.com
19 Desiree Endres | dendres@kcnvlaw.com
20 Kimberly Rupe | krupe@kcnvlaw.com
21 Christal Keegan | ckeegan@ag.nv.gov
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EXHIBIT B

EXHIBIT B

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

January 26, 2024

Thomas L. Witherby,
5921 N. Lamp Post Dr.
Beverly Hills, FL 34465

Certified No. 7017 3040 0000 4529 4417

Lesley Miller, Esq.
Kaempfer Crowell
1980 Festival Plaza Drive, Suite 650
Las Vegas, NV 89135

Certified No. 7017 3040 0000 4529 4462

Re: NRED v. Thomas L. Witherby
Case No.: 2020-492 AP20.045.S

Enclosed herewith you will find the ORDER DENYING MOTION FOR REHEARING entered by the Nevada Commission for Appraisers of Real Estate at the meeting held January 16, 2024, in Las Vegas, Nevada.

The Commission has ordered the following:

IT IS HEREBY ORDERED that the Respondent's petition Request for Rehearing is DENIED pursuant to NAC 645C.505 because the Respondent's Petition failed to demonstrate any causes or grounds for a rehearing.

IT IS FURTHER ORDERED that the Commission's Findings of Fact, Conclusions of Law, and Orders filed on October 10, 2023 in case No. 2020-492 AP21.045.S is AFFIRMED.

Sincerely,

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

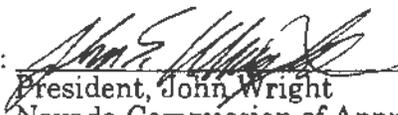
cc: Sharath Chandra, Administrator
Christal Keegan, Deputy Attorney General
Licensing Section
Compliance Section

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IT IS FURTHER ORDERED that the Commission's Findings of Fact, Conclusions of Law, and Orders filed on October 10, 2023 in Case No. 2020-492, AP21.045.S is **AFFIRMED**.

DATED this 26th day of January 2024.

NEVADA COMMISSION OF
APPRAISERS OF REAL ESTATE

By: 

President, John Wright
Nevada Commission of Appraisers of Real Estate

EXHIBIT C

EXHIBIT C

1 Item 4, disciplinary action regarding, discussion of
2 possible action by the Commission in NRED v. Thomas L.
3 Witherby, Case No. 2020-492 AP20.45.S, License No.
4 A.0001528-CR (Closed).

5 CHRISTAL KEEGAN: Yes. Good morning,
6 Commissioners. That's Deputy Attorney General Crystal
7 Keegan here. This is my case. I haven't heard from the
8 respondent, and so I'm just wondering if he's here today.
9 I don't see him there in person or virtually.

10 KELLY VALDEZ: Virtually. There is a phone
11 number that's joined the meeting. I'm not quite sure it
12 says restricted. Mr. Witherby, or is there anyone
13 representing Mr. Witherby that is present virtually? If
14 so, please press star 3 to unmute yourself, or star 3
15 would raise your hand, star 6 unmute yourself, and state
16 your name. Mr. Witherby, or anyone representing Mr.
17 Witherby, are you present virtually? I'm not recognizing
18 anyone in attendance for Mr. Witherby.

19 JOHN WRIGHT: Okay, with that being said, Ms.
20 Keegan, do you want to proceed?

21 CHRISTAL KEEGAN: Yes, I would. I'll just
22 proceed as a default proceeding. Just briefly, this case
23 was referred to AARC at the respondent's request, but then
24 he never showed up. Therefore, AARC referred this case to
25 the Commission for possible action. This case came to the

1 Division from complaints by the buyer's real estate agent.
2 The complainant, through her 11 years of real estate
3 experience, reported that the Respondent's Appraisal
4 Report was the worst appraisal she's ever seen, and the
5 Division substantiated the Respondent's appraisal is one
6 that is filled with errors, omissions, and no support for
7 the opinions and conclusions he made. The Respondent's
8 license expired in March of 2022, and is in closed status.
9 To give a brief procedural background, since Mr. Witherby
10 is not here, nor his counsel, it appears we'll be moving
11 through a default procedure. The Division filed its
12 complaint on May 19, 2023, and the Respondent never filed
13 his answer. This case was originally noticed for the July
14 hearings, but his attorney asked for a continuance for the
15 next hearings in October today, and the Commission granted
16 that. Despite efforts extended on the State's part, we
17 have not heard from the respondent, nor his attorney,
18 through his insurer, nor any local attorney. The
19 respondent or his counsel have not asked for a second
20 continuance from this case, and since he and or his
21 attorney decided not to show up today, the State would
22 like to go ahead with default procedure. Therefore, the
23 division calls Ms. Maria Gallo to offer proof of service.

24 MARIA GALLO: I'm here.

25 JOHN WRIGHT: Please raise your right hand. Do

1 you solemnly swear or affirm that the testimony you shall
2 give in this matter shall be the truth, the whole truth,
3 and nothing but the truth?

4 MARIA GALLO: I swear.

5 JOHN WRIGHT: Thank you. Please proceed.

6 CHRISTAL KEEGAN: Thank you. Good morning, Ms.
7 Gallo. Would you please state your name and current job
8 position for the record?

9 MARIA GALLO: Maria Gallo, Commission
10 Coordinator.

11 CHRISTAL KEEGAN: And do your job duties as a
12 Commission Coordinator include filing complaints for the
13 Division?

14 MARIA GALLO: Yes.

15 CHRISTAL KEEGAN: And do your job duties include
16 mailing the complaint and notice documents to respondents?

17 MARIA GALLO: Yes.

18 CHRISTAL KEEGAN: In this case, Case No. 2020-
19 492, did you file the complaint, the notice of hearing,
20 and notice of documents including the Division's Exhibits
21 Bates Stamp 1 through 364?

22 MARIA GALLO: Yes.

23 CHRISTAL KEEGAN: And did you mail these filed
24 documents upon the Respondent Thomas L. Witherby on May
25 19, 2023?

1 MARIA GALLO: Yes.

2 CHRISTAL KEEGAN: And did you send them certified
3 mail to the Respondent's last known address according to
4 the Division's records?

5 MARIA GALLO: Yes.

6 CHRISTAL KEEGAN: And you have proof of mailing
7 and the status of the documents mailed via certified mail?

8 MARIA GALLO: Yes.

9 CHRISTAL KEEGAN: And the Division served meeting
10 re-notices upon the Respondent, correct?

11 MARIA GALLO: That is correct.

12 CHRISTAL KEEGAN: Can you explain the status of
13 the proof of mailings for the re-notices?

14 MARIA GALLO: It was mailed out on October 30,
15 2023, and per USPS website, it's unclaimed and being
16 returned to sender, and that was sent to the respondent at
17 his home address.

18 CHRISTAL KEEGAN: Okay, thank you. So, first,
19 the division moves to admit its exhibits Bates stamped 1
20 through 364 into the record, please.

21 JOHN WRIGHT: Yes. So, we were asked not to open
22 them until you brought them forward. So, I personally
23 have not looked at them. Ms. Keegan, could you possibly
24 walk us through these real quickly, with the Bates Stamp
25 pages?

1 CHRISTAL KEEGAN: Yeah, so, I was just
2 establishing through Ms. Gallo's testimony that these were
3 the documents mailed, and so we're just moving to admit
4 them. But, otherwise, these documents are, I mean I
5 through 364, they include the statement of stat, and the
6 documents from the complainant as well as the appraisal
7 report and work file from the respondent, and, lastly,
8 they include the Division's investigative report and
9 records, as well as the Standard 3 Reviewer.

10 SCOTT KRUEGER: President Wright, if you mind,
11 may I pose an administrative question?

12 JOHN WRIGHT: Sure.

13 SCOTT KRUEGER: Ms. Keegan, could you
14 differentiate how a default process is different than a
15 standard case process, just because I don't think we've
16 heard one in a couple of years? That might help us just
17 understand where the different exit ramps will be. So, we
18 can just get our heads wrapped around this because I don't
19 think we heard a default in my three years on the
20 Commission. So I think it would be good, just a 2-minute
21 overview of the differentiation of process.

22 CHRISTAL KEEGAN: Sure, of course. The governing
23 regulation for default proceedings is under NAC 645C.513,
24 and basically we offer proof of service which we did with
25 Ms. Gallo's testimony, once she establishes that the

1 Division's records were sent, we request the commission to
2 move those into the record. Then we move to admit proof
3 of mailing for proof of service purposes, and then the
4 Commission can accept the factual allegations as well as
5 the legal violations in the Division's complaint as true.
6 The respondent is not here, so we don't delve into the
7 merits of the documents. It is purely procedural, and
8 that is a quick overview. I hope that is adequate.

9 SCOTT KRUEGER: That is very helpful. As again,
10 from my process, I have not gone through a default where
11 the other party was not here, so I assume if the
12 Commission has a question, we can certainly pose it to you
13 during the process, but this seems to be a more summarize
14 any questions, and since there's no respondent there, this
15 is just for lack of a better word, checking some boxes,
16 procedurally?

17 CHRISTAL KEEGAN: Correct.

18 SCOTT KRUEGER: Okay. President Wright, thank
19 you for the indulgence there, just to educate me on
20 process.

21 JOHN WRIGHT: Certainly. So Ms. Keegan, these
22 documents will be admitted.

23 CHRISTAL KEEGAN: Okay, thank you very much. The
24 Division now moves to admit the certificate of mailing,
25 proof of mailing, and the unclaimed returned mail as the

1 status was provided by Ms. Gallo, please.

2 SCOTT KRUEGER: We have the Bates Stamp for these
3 notices?

4 JOHN WRIGHT: Yeah, I think we have a slight
5 delay Commissioners, Ms. Keegan was trying to answer the
6 question, so if you could just give us a pause, we might
7 have a slight technology delay, so I think she was trying
8 to address.

9 SCOTT KRUEGER: President Wright.

10 JOHN WRIGHT: Bates Stamped 0104.

11 SCOTT KRUEGER: That might have been the first
12 chain, it might be close to there, and then she can answer
13 certainly.

14 JOHN WRIGHT: So, Ms. Keegan, please proceed.

15 CHRISTAL KEEGAN: Yes, thank you, Commissioners,
16 and I do apologize for any delay occurring via the
17 technology. So, as far as, motioning you to admit the
18 certificate of mailing, proof of mailing, and unclaimed
19 returned mail. That would be based on Ms. Maria Gallo's
20 testimony that she just presented today, and I presume she
21 can provide you with those proof of mailings if you need
22 to see those, but otherwise it is just based on her sworn
23 testimony she just provided.

24 JOHN WRIGHT: Have we not seen them?

25 MARIA GALLO: Yes.

1 CHRISTAL KEEGAN: Go get a copy. My apologize.

2 JOHN WRIGHT: We are asking if there are any
3 documents that we haven't seen.

4 CHRISTAL KEEGAN: The Respondent has received the
5 mail.

6 JOHN WRIGHT: What I am saying is we haven't seen
7 those documents. But she asked that the documents be
8 admitted, that we haven't seen, so I mean, when any other
9 court proceeding I'm in, yeah, if you're admitting a
10 document, somebody gets to see the document, maybe.

11 CHRISTAL KEEGAN: Correct. Maybe what you meant
12 as to admit the testimony as previous.

13 JOHN WRIGHT: Okay. So is that what you're
14 asking Ms. Keegan? Is that Ms. Gallo's testimony be
15 admitted, or are you asking that the documents that Ms.
16 Gallo testified to be admitted?

17 CHRISTAL KEEGAN: I guess Ms. Gallo can provide
18 the documents to substantiate her testimony if the
19 Commission so wishes, but otherwise the Division is moving
20 to request the Commission find that we have offered proof
21 of service, and at this point we've presented Ms. Gallo's
22 testimony, so that would be the basis for our request,
23 please.

24 JOHN WRIGHT: Okay, so it wasn't the documents
25 themselves you were asking for, it was that proof that had

1 been -- service had been proven, not that you were trying
2 to admit the actual physical documents of service.

3 CHRISTAL KEEGAN: Yes.

4 JOHN WRIGHT: Okay. I require a motion on that.

5 TIMOTHY O'BRIEN: Can I speak up? I'm sorry,
6 Christal, just to be clear, you were asking for the
7 exhibits to be admitted, correct?

8 CHRISTAL KEEGAN: I was asking for the exhibits
9 to be admitted, Bates Stamp 1 through 364.

10 JOHN WRIGHT: That was already admitted.

11 TIMOTHY O'BRIEN: Right. So you hadn't admitted
12 the documents since you hadn't done -- you hadn't taken a
13 motion yet to admit the documents. Just like you haven't
14 done proof of service. So, I don't know if they would do
15 that as one motion or two, but they do need to.

16 JOHN WRIGHT: So she said I didn't need a motion
17 to admit the exhibits. That is my decision, and I did
18 that. Is my understanding correct?

19 TIMOTHY O'BRIEN: And then we'd need to have a
20 motion, you can't either -- we need two motions.

21 JOHN WRIGHT: So, I need a motion for admitting
22 the exhibits. So let's go back to that point. Do I have
23 a motion to admit the exhibits that were provided? Bate
24 Stamp pages 1 through 364.

25 TIMOTHY O'BRIEN: President Wright, I so move.

1 JOHN WRIGHT: Do I have a second?

2 SCOTT KRUEGER: A second.

3 JOHN WRIGHT: Any discussion? All in favor?

4 COMMISSION: Aye.

5 JOHN WRIGHT: Opposed? So the motion carries
6 unanimately. Okay, now we're going to move on to the
7 motion regarding proper service for the complaint.

8 SCOTT KRUEGER: I have a question for Ms. Gallo.

9 JOHN WRIGHT: Go ahead Commissioner Krueger.

10 SCOTT KRUEGER: So, do we have the last known
11 address of where these documents were sent to?

12 MARIA GALLO: Yes.

13 SCOTT KRUEGER: And what is that?

14 MARIA GALLO: 5921 North, Glam Drive, Beverly
15 Hills, Florida 34465.

16 JOHN WRIGHT: So, a question for you, because
17 there was legal counsel involved, was legal counsel
18 noticed?

19 MARIA GALLO: It wasn't his legal counsel per se,
20 he was the attorney contact for his insurance, and he told
21 us that a local attorney was going to be appointed for
22 him. So in your question, yes, he was also noticed, but
23 he's not his lawyer okay per se.

24 JOHN WRIGHT: Okay, so all of the contacts you
25 have for this case on his side were noticed?

1 MARIA GALLO: Yes.

2 SCOTT KRUEGER: President Wright, if we could
3 defer to Ms. Keegan for a minute please.

4 JOHN WRIGHT: Yes, go ahead.

5 CHRISTAL KEEGAN: Thank you, Commissioners.
6 Yeah, just to clarify, when we first noticed the
7 respondent, Mr. Thomas Witherby, he did not have legal
8 counsel, and so, these notices were sent to him at his
9 personal residence. He then retained legal counsel
10 through his insurance company, and his attorney confirmed
11 that the respondent provided the documents that were sent
12 to the Respondent to his attorney, so just wanted to
13 clarify that.

14 JOHN WRIGHT: Do we know who his local counsel
15 was, though?

16 CHRISTAL KEEGAN: No, we do not. He had an
17 attorney, through his insurance, who said that local
18 counsel was -- the case was going to be deferred, but we
19 followed up, and did not hear anything. No local counsel
20 has made any formal appearance or made themselves known to
21 the Division, nor to the State.

22 JOHN WRIGHT: Okay, thank you.

23 SCOTT KRUEGER: And just to clarify, Ms. Keegan,
24 if counsel was assigned and they recused or left the case,
25 it would be typical professional courtesy to notify you

1 that they were leaving the case, correct?

2 CHRISTAL KEEGAN: Yes.

3 SCOTT KRUEGER: Okay.

4 CHRISTAL KEEGAN: Alright, so I guess unless
5 there's any further questions, we can just proceed as far
6 as a default here, pursuant to NAC.645C.513.

7 JOHN WRIGHT: Excuse me, Ms. Keegan, we still
8 need a motion to admit proof of service.

9 UNKNOWN SPEAKER: President Wright, I move that
10 we accept the direct testimony of Maria Gallo, State of
11 Nevada, as direct evidence of proof of service to the
12 defendant.

13 JOHN WRIGHT: Do I have a second?

14 SCOTT KRUEGER: I second.

15 JOHN WRIGHT: Any further discussion? All in
16 favor.

17 COMMISSION: Aye.

18 JOHN WRIGHT: Opposed? That motion carries
19 unanimously. Okay, Ms. Keegan, if you would proceed,
20 please.

21 CHRISTAL KEEGAN: Yes, thank you Commissioner,
22 unless the Commissioners wish for me to read the filed
23 complaint, otherwise, pursuant to NAC.645C.513, the
24 Commission can just accept as true the factual allegations
25 and legal violations in the Division's filed complaint.

1 Since it's part of the record, so you can now make a
2 motion, to find -- to accept the factual allegations and
3 legal violations in our filed complaint, please.

4 TIMOTHY O'BRIEN: President Wright, I'd like to
5 pose a question before we make a decision on that, if I
6 could, probably to Ms. Keegan and Ms. Staffen, what is the
7 current license status of Mr. Witherby in the State of
8 Nevada?

9 CHRISTY STAFFEN: He expired on March 31st, 2022.

10 TIMOTHY O'BRIEN: So, by expiration, for
11 clarification, just for the record, he is still
12 technically able to renew, correct?

13 CHRISTY STAFFEN: Correct.

14 TIMOTHY O'BRIEN: So, he's not active today, but
15 really, we're going to have to look at this case to
16 determine his permanent licensure status. At what point
17 would he not be able to renew?

18 CHRISTY STAFFEN: If you revoke?

19 TIMOTHY O'BRIEN: No, I understand revocation,
20 but is there a time period?

21 CHRISTY STAFFEN: Oh so, they can reinstate an
22 inactive license.

23 SCOTT KRUEGER: Within a year.

24 CHRISTY STAFFEN: There is no time limit. It is
25 just they have to do 15 hours of education per year, that

1 they are absent or inactive.

2 TIMOTHY O'BRIEN: Got it. One last logistical
3 question, and thank you for indulging with President
4 Wright. Since Witherby has not shown up, and if we're to
5 choose to accept the factual allegations as true, and he
6 was to appeal it at a later time, either through the
7 courts or other items, he would have that avenue, but at
8 this point, since he is not showing up, we have the option
9 to just proceed as is, and take action on an absent
10 respondent, correct?

11 CHRISTY STAFFEN: Correct.

12 TIMOTHY O'BRIEN: Alright. President Wright,
13 that was the clarifications I needed. I defer back to
14 you, sir, and my apologies for the time.

15 JOHN WRIGHT: Yeah, no problem.

16 CHRISTAL KEEGAN: If I may clarify, his license
17 is closed. He cannot reinstate it.

18 CHRISTY STAFFEN: Okay.

19 CHRISTAL KEEGAN: You get one year from your
20 expiration date to reinstate. His license expired in
21 2022. He had until March of 2023 to reinstate it, renew
22 it, pay it up, and he has not, so it is closed.

23 TIMOTHY O'BRIEN: So he would have to start as a
24 new applicant, correct?

25 CHRISTAL KEEGAN: Correct.

1 JOHN WRIGHT: Do we know if he is licensed in any
2 other jurisdiction?

3 CHRISTY STAFFEN: We do. He is licensed in
4 Florida.

5 JOHN WRIGHT: So, anything we do here would be
6 reflected and Florida would receive notification of?

7 CHRISTY STAFFEN: Yeah, so he would -- we would
8 report the discipline to the ASC, and then through the
9 National Registry, they would be notified, if Florida has,
10 there's a thing you can sign up for notifications, which I
11 know they do have, because I have been requested for
12 public documents from them before, and then they can get
13 on our website at any time, and pull the stipulated order.

14 TIMOTHY O'BRIEN: But just to clarify his current
15 status, we wouldn't report to Florida that he just didn't
16 renew. They would be able to see that on a ASC, but that
17 would not be considered discipline.

18 CHRISTAL KEEGAN: Correct.

19 TIMOTHY O'BRIEN: So it would just be like if he
20 moved to Florida and said, I'm never studying, put in the
21 state again because I moved. So really, the point that it
22 appears that we're acting on is, do we move from that
23 closed status to potentially revocation, which would
24 trigger, or discipline there to thus create a notification
25 event across the country.

1 CHRISTAL KEEGAN: Right.

2 JOHN WRIGHT: Okay. Any other questions before
3 we move forward with a motion? Do I have a motion, or,
4 based on the motion of finding regarding the violations
5 alleged in the complaint.

6 SCOTT KREUGER: We go through first the factual
7 allegations, all as one, and then after that, the
8 violations, all as one, that kind of thing.

9 TIMOTHY O'BRIEN: President Wright, I make a
10 motion to accept the factual allegations as presented in
11 the Case No. 2020-492 AP21.045.S NRED v. Thomas L.
12 Witherby, License No. A.0001528-CR.

13 JOHN WRIGHT: Do I have a second?

14 SCOTT KRUEGER: President Wright I second.

15 JOHN WRIGHT: Any discussion? So, down here,
16 both of you asked if those shouldn't be read into the
17 record. Was that not what you were saying?

18 LARRY GANDY: No, no, I was saying, I think, for,
19 well, I didn't say anything, personally, but my personal
20 opinion is, I think that the factual allegations need to
21 be accepted, if they're not in, in contention, and then we
22 go into the allegations, and again, if they're not
23 defended.

24 TIMOTHY O'BRIEN: That was the motion just now,
25 we're accepting all.

1 JOHN WRIGHT: He accepted, he just didn't say 1
2 through 13, but he said all factual allegations. Just to
3 clarify, the motions are -- the factual allegations are
4 already in record. We already admitted all of the Bates
5 stamps, so they are already technically in record. We're
6 just making the motion as I understand it, to accept them
7 as presented by the State.

8 LARRY GANDY: They're proven.

9 SCOTT KRUEGER: All in favor?

10 JOHN WRIGHT: So any further discussion? All in
11 favor.

12 COMMISSION: Aye.

13 JOHN WRIGHT: Opposed? The motion carries
14 unanimously.

15 TIMOTHY O'BRIEN: President Wright, I'd like to
16 make a motion that we accept the violations of law in the
17 case NRED v. Thomas L. Witherby, License No. A.0001528-
18 CR, Case No. 2020-492, AP21.045.S.

19 JOHN WRIGHT: Do I have a second?

20 SCOTT KRUEGER: I will second.

21 JOHN WRIGHT: Any discussion? All in favor.

22 COMMISSION: Aye.

23 JOHN WRIGHT: Oppose? The motion carries
24 unanimously. I think the next step is, does the Division
25 have recommendations?

1 CHRISTY STAFFEN: We do. Christy Staffen,
2 Appraisal Program Officer. The Division recommends that
3 the Respondent's license be revoked, and that he pay the
4 cost and fees associated with the investigation, as well
5 as \$10, 000 per violation, for a total of \$60,000. Fines
6 and fees are to be paid within 30 days of the effective
7 date of the order, and the division may institute debt
8 collection proceedings against the respondent for failure
9 to timely pay the total fine. Further, if collection goes
10 through the State of Nevada then the respondent shall also
11 pay the costs associated with the collection.

12 TIMOTHY O'BRIEN: You mind stating into record
13 cost, is that your -- or is that Maria?

14 CHRISTY STAFFEN: Maria.

15 JOHN WRIGHT: Ms. Gallo, could you provide us
16 with costs.

17 MARIA GALLO: For the case, Thomas Witherby,
18 2020-492, the cost is \$3,897.22, and those are reasonable,
19 necessary, and actual.

20 JOHN WRIGHT: Thank you. So do I have a motion
21 regarding discipline.

22 TIMOTHY O'BRIEN: I'll make a motion, in the Case
23 v. Thomas L. Witherby, License No. A.0001528-CR, Case No.
24 2020-492, AP21.045.S. I motion that we approve the
25 recommended discipline which includes revocation of said

1 license, the fees of \$60,000, and the costs. Maria, I'm
2 sorry, you'll have to read them back for me, so I can put
3 in my motion.

4 MARIA GALLO: \$3,897.22.

5 TIMOTHY O'BRIEN: \$3,897.22 as reasonable, true,
6 and actual costs.

7 MARIA GALLO: To be payable when?

8 TIMOTHY O'BRIEN: to be payable within 180 days.

9 JOHN WRIGHT: Do I have a second?

10 SCOTT KREUGER: I will second.

11 JOHN WRIGHT: Any discussion?

12 LARRY GANDY: Yes, President Wright, I
13 understand, I was able to review some of this, and
14 unfortunately this person had an opportunity at AARC,
15 dropped the ball, revocation, the underlying case itself
16 is quality considerations for townhouses and competing. I
17 understand the revocation need, it sends an alert through
18 the system since he is licensed actively in Florida. I
19 certainly understand some kind of punitive for maybe
20 playing fast and loose saying, you were going to attend,
21 start to engage, just not show up, disengage, \$60,000
22 seems like a pretty heavy punitive burden when you're
23 going to send a ripple through a system on revocation. I
24 would just like to throw it out there for potential
25 consideration to the other Commissioners. I do agree in

1 the revocation, if you don't defend, you can't expect
2 someone to defend for you. I certainly agree with the
3 Division's costs and maybe something punitive.
4 Personally, I just have a hard time with a accumulative of
5 \$60,000, in addition to revocation, because, that will
6 affect ultimately ripple Florida's wealth. I don't know,
7 maybe just consideration, we're trying to go through, that
8 is what the State wants, I get it. I'm just trying to
9 balance it with the actual, if we look at the actual
10 underlying complaint.

11 JOHN WRIGHT: Do you have a recommendation or
12 thought on what that punitive should be?

13 LARRY GANDY: You know, I think it should be
14 significant in my opinion, revocation to me is the
15 ultimate significance. I do believe the State is entitled
16 to every one of those actual, and reasonable, and
17 customary costs that they outline, and I think there
18 should be something sense as fine punitive in nature for
19 not engaging in the system, and actually giving the
20 perception, you're were going to engage which that waste a
21 lot of time. How much for the six allegations violations
22 that he has been. I don't know, if we're taking the life
23 blood out, something reasonable, I don't know. Maybe a
24 \$1000 in violation, in addition to the cost.

25 JOHN WRIGHT: So the total cost would be roughly

1 \$10,000.

2 LARRY GANDY: I mean, I just feel like, to me
3 60,000 seems excessive. I mean, I know it's punitive in
4 nature, that's not engaging, engaging, I get it, but
5 tempering with the fact that this is going to send a
6 shockwave, he's going to lose the ability to make a living
7 in Florida as well. Are we beating a dead horse when we
8 go at \$60,000, but I understand the premise. I agreed
9 with the violations, the factual allegations, and
10 ultimately, I would like just to hear what everybody else
11 says, and if they say no, no, I get it. I understand,
12 thank you, sir.

13 TIMOTHY O'BRIEN: President Wright, if I may,
14 Commissioner Gandy, as always, very eloquent, and I think
15 important points that you put on record. I am concerned
16 that this particular respondent has wasted the time of
17 AARC, wasted the time of our staff in the last session, of
18 which we provided a last minute continuance. In this
19 session, the respondent has the ability to come back to
20 this Commission, and argue that fine if he wishes to, but
21 as of right now, this case is multiplied years old. This
22 is Case No. 2020, it has seemed to have gone through the
23 delay process everywhere through the process, and let us
24 not remember that there was someone damaged potentially in
25 the general public, and our goal is to protect the public

1 trust. So since the respondent, cannot even show up to
2 defend their work, they know that this happening, they
3 engaged their insurance company. This is to me is an
4 inappropriate fine, and if we are petitioned in the future
5 to reconsider it, I am open to the defendant coming, and
6 explaining through this process, but now this seems to be
7 just be a way of running from the complaint, and I believe
8 that the full amount is warranted and supported. That is
9 just my individual vote.

10 JOHN WRIGHT: Any other comments?

11 SCOTT KRUEGER: I would agree with that, and he
12 would have the opportunity to appeal this case, and come
13 back to us and argue lesser fines, if there are any.

14 JOHN WRIGHT: I agree. Commissioner, Ivey.

15 JOHN IVEY: I, you know, at first thought, I
16 thought \$60,000 was really unreasonable, but after further
17 reflection, I agree with Commissioner, O'Brien.

18 JOHN WRIGHT: Okay. I do, however, Commissioner
19 O'Brien, need you to modify your motion because you stated
20 the case number incorrectly. You stated it as AP21.45.S
21 instead of 20.45.S.

22 TIMOTHY O' BRIEN: Mine shows 21.

23 JOHN WRIGHT: On Witherby?

24 TIMOTHY O'BRIEN: Yes. Okay, then it's wrong on
25 the agenda?

1 CHRISTAL KEEGAN: It's AP20.

2 TIMOTHY O'BRIEN: Here it shows 21.

3 JOHN WRIGHT: To be clear, Page 2 of the Agenda
4 has AP20.45, the actual filing here is AP21.045, so we
5 have a slight typographical error on one of the items.

6 TIMOTHY O'BRIEN: Okay, do we have a source of
7 truth on that to see if I need to update my - so a moment
8 President Wright, we're obtaining source of truth here.

9 CHRISTAL KEEGAN: If the case is 2020, the AP is
10 going to be 20. Thank you for checking.

11 SCOTT KRUEGER: It is AP20.

12 TIMOTHY O'BRIEN: So the agenda itself is
13 correct, but it's my understanding then we would need to
14 update the document here before President Wright signs the
15 final disposition. So, per President Wright's request, I
16 hereby amend my motion in the case of NRED v. Thomas L.
17 Witherby, License No. A.0001528-CR, Case No. 2020-492
18 AP20.045.S, that we accept the Division's recommendations,
19 a revocation of licensure fines \$60,000, and the cost of
20 \$3,897.27 is provided by the division, which have been
21 stated.

22 JOHN WRIGHT: It's 3987.22, not .27.

23 TIMOTHY O'BRIEN: Alright. This is why
24 commercial guys are so smart. The residential guys, we're
25 are out. You also get paid by the word, as I understand

1 it, Commissioner, so we'll do it one more time. I hereby
2 amend my amended, amended, amended motion to, the case of
3 NRED v. Thomas L. Witherby, License No. A.0001528.CR, Case
4 No. 2020-492 AP20.045.S that we accept the recommendations
5 of the Division for revocation of license, fines in the
6 amount of \$60,000, and costs of \$3,897.22 as stated by
7 Division, which are stated to be reasonable, true, and
8 typical.

9 JOHN WRIGHT: And, that they need to be paid?

10 TIMOTHY O'BRIEN: That they need to be paid
11 within 180 days.

12 JOHN WRIGHT: Do I have a second?

13 SCOTT KRUEGER: I second that motion.

14 JOHN WRIGHT: Okay, any further discussion? All
15 in favor? Aye.

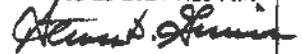
16 COMMISSION: Aye.

17 JOHN WRIGHT: Opposed? No. Motion carries 4:1,
18 and that ends item four on the Agenda. There is no item
19 five. There is no item six, so 6A is Discussion,
20 Discussion regarding the Administrator's Report.

21 CHARVEZ FOGER: Again Commissioners, for the
22 record Charvez Foger, Deputy Administrator for the
23 Division. I'm acting on behalf of the Administrator,
24 Sharath Chandra, who was in another meeting this morning.
25 Administrative Report, we continue to work with, on our

EXHIBIT D

EXHIBIT D



CLERK OF THE COURT

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13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 **THOMAS L. WITHERBY,**

16 Petitioner,

17 vs.

18 **REAL ESTATE DIVISION,**
19 **DEPARTMENT OF BUSINESS AND**
20 **INDUSTRY, STATE OF NEVADA and**
21 **SHARATH CHANDRA** in his capacity as
22 Administrator of the **REAL ESTATE**
23 **DIVISION; NEVADA COMMISSION OF**
24 **APPRAISERS OF REAL ESTATE and**
25 **JOHN WRIGHT** in his capacity as
26 President of the **COMMISSION OF**
27 **APPRAISERS OF REAL ESTATE,**

28 Respondents.

Case No.: A-24-887290-J

Dept. No.: 2

29 **ORDER DENYING MOTION TO STAY ENFORCEMENT OF THE ORDER**

30 Petitioner's Motion to Stay Enforcement of the Order having been heard by this
31 Court on March 20, 2024, at its 9:00 a.m. civil calendar stack, with Lesley B. Miller, of the
32 law firm Kaempfer Crowell, appearing on behalf of Petitioner Thomas L. Witherby
33 ("Witherby"), and Christal P. Keegan, Deputy Attorney General, appearing on behalf of
34 Respondents Sharath Chandra, Administrator, of the Nevada Real Estate Division of the
35 Department of Business (collectively, the "Division").

36 . . .

1 Upon review and consideration of the arguments, pleadings, and papers on file, and
2 for good cause appearing:

3 I.

4 **PRELIMINARY FINDINGS**

5 1. Pursuant to NRS 233B.140, this Court is specifically authorized, upon
6 application of the Petitioner, to issue a stay on the Respondents, as governed by Rule 65 of
7 the Nevada Rules of Civil Procedure.

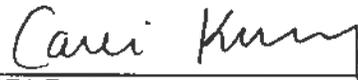
8 2. Pursuant to NRS 645C.500(5), the Division has met its legal requirement of
9 service to Witherby.

10 3. Witherby has not demonstrated reasonable likelihood of success on the merits.

11 II.

12 **ORDER**

13 **IT IS THEREFORE ORDERED** that the Petitioner's application for Stay
14 Enforcement of the Order is hereby denied, and the Commission's Order dated October 10,
15 2023, shall remain in full force and effect until further order of this Court.
16 Dated this 25th day of March, 2024

17 

18 DISTRICT COURT JUDGE

19 010 46D E347 AB45

20 Carli Kierny

21 District Court Judge

22 Submitted by:

23 Approved by:

24 AARON D. FORD
25 Attorney General

26 KAEMPFER CROWELL

27 By: 

28 CHRISTAL P. KEEGAN
Deputy Attorney General
Nevada Bar No. 12725
Office of the Attorney General
5420 Kietzke Lane, #202
Reno, Nevada 89511
ckeegan@ag.nv.gov
Attorneys for Respondents

By: /s/ Lesley B. Miller

Lesley Miller, Esq.
Nevada Bar No. 7987
1980 Festival Plaza, Suite 650
Las Vegas, Nevada 89135
lmiller@kcnvlaw.com
Attorneys for Petitioner

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Thomas Witherby, Petitioner(s)	CASE NO: A-24-887290-J
vs.	DEPT. NO. Department 2
Real Estate Division, Department of Business and Industry, State of Nevada, Respondent(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order Denying was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 3/25/2024

- | | |
|-----------------|------------------------|
| Lesley Miller | lmiller@kcnvlaw.com |
| Tera Carlstrom | tcarlstrom@kcnvlaw.com |
| Ellsie Lucero | elucero@kcnvlaw.com |
| Desiree Endres | dendres@kcnvlaw.com |
| Kimberly Rupe | krupe@kcnvlaw.com |
| Christal Keegan | ckeegan@ag.nv.gov |

EXHIBIT E

EXHIBIT E

THE OFFICIAL SITE OF THE FLORIDA DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION



HOME CONTACT US MY ACCOUNT

ONLINE SERVICES

- Apply for a License
- Verify a Licensee
- View Food & Lodging Inspections
- File a Complaint
- Continuing Education Course Search
- View Application Status
- Find Exam Information
- Unlicensed Activity Search
- AB&T Delinquent Invoice & Activity List Search

LICENSEE SEARCH OPTIONS

5:33:15 PM 4/9/2024

Data Contained In Search Results Is Current As Of 04/09/2024 05:31 PM.

Search Results - 2 Records

Please see our glossary of terms for an explanation of the license status shown in these search results.

For additional information, including any complaints or discipline, click on the name.

License Type	Name	Name Type	License Number/Rank	Status/Expires
Certified Residential Appraiser	WITHERBY, THOMAS LEROY	Primary	RD8455 Cert Res Appr	Current. Active 11/30/2024
Address*:		License Location	5921 N LAMP POST DRIVE BEVERLY HILLS, FL 34465	
		Main Address*:	5921 N. LAMP POST DRIVE BEVERLY HILLS, FL 34465	
		Mailing Address*:	5921 N LAMP POST DRIVE BEVERLY HILLS, FL 34465	
Certified Residential Appraiser	WITHERBY, THOMAS LEROY	Primary	RD7872 Cert Res Appr	Null and Void, Inactive 11/30/2016
Address*:		License Location	2639 PINEAPPLE AVENUE MELBOURNE, FL 32935	
		Main Address*:	2639 PINEAPPLE AVENUE MELBOURNE, FL 32935	

Back New Search

* denotes

- Main Address - This address is the Primary Address on file.
- Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the Main or License Location addresses).
- License Location Address - This is the address where the place of business is physically located.

2601 Blair Stone Road, Tallahassee FL 32399 :: Email: Customer Contact Center :: Customer Contact Center: 850.487.1395

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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850 487 1395. *Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensee.

However email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public. Please see our **Chapter 455** page to determine if you are affected by this change.

EXHIBIT F

EXHIBIT F

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

3300 W. Sahara Ave., Suite 350, Las Vegas, Nevada 89102 * (702) 486-4033
e-mail: realest@red.nv.gov * <http://red.nv.gov/>



STATEMENT OF FACT
(Please Print or Type)

Your Name Teresa J. Carlson (702) 521-4844
(Home Phone) (Business Phone)
Address 2101 Noah Tyler Ct Henderson, NV 89052
(Street) (City) (State) (Zip)
Email Address Teresa@TeresaJCarlson.com *(Optional)*

Please complete the following information concerning your complaint. Our ability to investigate the matter will depend largely upon your giving us a complete and detailed sworn statement. **ATTACH ALL PERTINENT PAPERS AND/OR DOCUMENTS TO COPIES OF THIS FORM.** Keep originals for your file. A copy of this statement may be offered to the party against whom you make this complaint.

Complaint against Thomas L. Witherby
Name of firm Witherby Appraisal, Inc.
Address 1762 Pandora Drive Las Vegas, NV 89123
Telephone No (702) 600-7111 Date of transaction Appraisal Dated 04/01/2020
Where is the real property located? 3183 Mura Del Prado, Henderson, NV 89044
Did you seek legal counsel? No. If "Yes," state name and address _____
Is any legal action pending? No.

CONSIDER THE FOLLOWING CAREFULLY

- ❖ This Division is not empowered to compel anyone to accede to demands of any kind, i.e., we cannot compel cancellation of listing agreements, purchase contracts, etc., or refunds of any kind. In this regard, we suggest that you seek private counsel to protect your interests, as we are not authorized to give legal advice.
- ❖ We will investigate the matter to determine whether the available evidence warrants administrative action against a licensee or subdivider. You will be advised of our conclusions when drawn. If it is determined that administrative action is warranted it may be necessary for you to appear and testify.
- ❖ Do not delay any civil action you might be considering in the matter, as considerable time will be required to complete our investigation and any subsequent action due to workload and time required to develop supporting evidence.
- ❖ If a court judgment has been obtained against a licensee for fraud, misrepresentation or deceit, a Real Estate Education, Research and Recovery Fund is available for petition if the judgment has not been satisfied.

I declare under penalty of perjury under law of the State of Nevada that the foregoing attached statement consisting of 54 pages is true and correct.

Executed on 5/19/2020 [Signature]
(Date) (Signature)



EXPLAIN FULLY: *(Describe events in the order in which they happened, if possible. Please include dates and names.)*

My complaint regarding the appraisal performed at 3183 Mura Del Prato is not a value issue, rather it concerns the inaccuracies and omissions within the report. The resulting report is sloppy, at best, and the errors likely did have a negative impact on value.

The subject property is an end unit, two-story townhouse, 1,813sf, built by Toll Bros. in Inspirada. The living room, kitchen, guest bath, laundry, and garage access are on the first floor, along with the master bedroom and bath. There is also a patio accessed from the master bedroom. Subject has a 2-car garage and a fully finished, 462 sf balcony (or terrace) above the garage, accessed from the second floor loft. The terrace includes cool decking, BBQ stub, exterior power plugs, and hose bib. It has stucco side walls and wrought iron railings. In addition to the large loft, the second floor also has 2 bedrooms and full bath.

1. The appraisal report omits the 462sf balcony completely. The appraiser's sketch does not show the access door or the balcony at all. I have included a copy of the county sketch, which shows the balcony (as an option, which subject clearly has) and the loft/bedroom option (subject has the loft). Additional living space, totalling 462sf, is clearly significant, particularly in a climate where it is usable daily during at least 9 months of the year! This balcony is visible in the rear photo provided by the appraiser, but he did not include any photos of the access doors or the balcony itself.

2. The appraiser does not provide supporting documentation for the adjustments made within the report, including living area and upgraded features.

3. The appraiser fails to note that comparables 1-3 were built by Toll Bros., as was the subject, with a reputation as a higher quality builder. The Toll Bros. units benefit from the subassociation amenities of private clubhouse, exercise facilities and private pools, separate from, and in addition to, the Inspirada parks and pools. Comparables 4-6 were built by KB Homes, with access only to the Inspirada amenities.

4. The appraiser used only comparables located on Via Firenze, the main thoroughfare for Inspirada, and made no adjustment or comment about the impact of the location. The subject property is located on a side street, without through traffic. He also failed to include the comparable townhouse located at 3179 Mura Del Prato (2 doors from the subject), also built by Toll Bros., which closed on 2/28/2020. This unit was smaller, 1,574 sf, but was the only other recent sale on the subject's street, built by the same builder, in very close proximity. MLS documents for 3179 Mura Del Prato are included.

5. As previously stated above, the subject property is an End Unit Townhouse, meaning it connects to another unit on only one side. The appraiser used only one comparable that is also an end unit (Comparable 2) and made no adjustment or comment about the impact of this feature. See item 6 below, regarding appraiser's apparent attempt to alter the omission of the end unit impact.

6. The appraiser included erroneous photos of comparables number 1, 3, 4, 5 and 6 showing those properties to be end unit townhouses, when in fact, comparables 1, 3, 4, 5 and 6 are all inside units. They are attached to the neighboring units on BOTH sides. The appraiser made no adjustment or comment about the impact of end unit vs inside unit on value. Instead he appears to alter the impression that inside units were used, not once but FIVE times. The MLS records are included for comparables 1, 3, 4, 5 and 6, with photos showing that they are, in fact inside units.

There are likely other errors and omissions within this appraisal report but the above items were glaring problems, in my opinion. This type of work reflects badly on the profession, and negatively impacts all parties involved.



SUBMIT COMPLETED FORM TO COMPLIANCE
3300 W. SAHARA AVE., SUITE 350, LAS VEGAS, NEVADA 89102

EXHIBIT G

EXHIBIT G

APPRAISAL CASE ANALYSIS

Investigative Report - Case No.: 2020-492, AP20.045.S

Complainant: Teresa J. Carlson
2101 Noah Tyler Ct
Henderson, NV 89052

Respondent: Thomas L. Witherby A.0001528-CR first issuance 03/16/1994, expires 03/31/2022
Witherby Appraisal Inc.
1762 Pandora Dr.
Las Vegas, NV 89123

Investigation of Case:

Subject Property: 3183 Mura Del Prato, Henderson, NV 89044
Appraisal Intended Use: Purchase Transaction
Effective Date: 03/31/2020
Signature Date: 04/01/2020
Appraised value: \$300,000

Allegation:

On June 8, 2020, the Nevada Real Estate Division (Division) received a complaint against the respondent. The complaint states the respondent's appraisal report contains inaccuracies and omissions that negatively impacted the value of the subject property.

Investigation findings:

This appraisal report had a Standard 3 review completed. The respondent provided a rebuttal letter, work file, and appraisal report.

An appraiser must prepare a work file for each appraisal assignment. The work file must include all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other data, information, and documentation. The respondent's appraisal report and work file lack the necessary support for the adjustments made in the sales grid. The respondent's appraisal report states, "All of the adjustment factors as applied within this appraisal report were derived from market extraction (the contributory value of the item(s) as shown by the subject market area, not costs), matched pairs procedures, linear regression modules and personal knowledge of the subject neighborhood." The respondent's statement about the use of linear regression modules contradicts the respondent's statement, "It is my opinion that due to the many attributes and the lack of understanding of how to properly complete a linear regression and the homogeneous market in the Las Vegas area that the paired sales analysis is the most accurate when supporting adjustments made in the appraisal." The respondent's appraisal report and work file do not contain statistical analysis to support the adjustments made in the sales grid. **Possible violation of the Record Keeping Rule.**

In developing a real property appraisal, an appraiser must not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results. The respondent's appraisal report and work file do not contain documentation to support the \$25,000 adjustment for comp 2's upgraded features. The review appraiser's independent statistical analysis using "Pairs" software by Gandysoft suggests the GLA adjustments are under-stated. The complaint received by the Division mentions the difference between Toll Brothers Construction builds and KB Homes builds, stating Toll Brothers sell at a higher premium. The respondent's rebuttal says, "There is no data in the subject market area that shows a resale townhome built by Toll Brothers commands a higher price than any of the others in the market area." The review appraiser states two different MLS searches were conducted and show a difference in the two builders, with Toll Brothers construction providing a higher premium. Stated as a percentage, this difference would be a 3.5% adjustment. Comps 1, 2, and 3 are Toll Brothers built units, and comps 4 through 6 are KB Homes built units, and the respondent's appraisal report does not adjust for differing builders.

The subject property is an end-unit townhome. The complaint suggests that end units sell at a higher premium. The respondent's appraisal report contains only one end unit comp, comp 2, and no adjustment is made to other comps for not being end units. Again the review appraiser conducted an analysis of the differences, and the analysis shows a difference stated as a percentage would be a 6.4% adjustment. Due to the above-listed possible errors, the respondent's appraisal report could be considered misleading and non-credible. **Possible violation of Standards Rule 1-1(c).**

In developing a real property appraisal, an appraiser must identify the type and definition of value, and ascertain whether the value is to be the most probable price. The respondent's appraisal report states, "No adjustment is made or felt warranted for concessions of 3% or less and any concessions." The respondent's appraisal report and work file provide no support for the opinion that seller concessions do not affect pricing, even if under 3% of the sale price. The review appraiser provides that, "A review of sales in the subject subdivision shows less than 10% employ seller concessions." This analysis is contradictory to the statement in the respondent's definition of value, which states, "the seller pays these costs in virtually all sales transactions." **Possible violation of Standards Rule 1-2(c).**

When the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business, analyze all sales of the subject property that occurred within the three years prior to the effective date of the appraisal. The respondent's appraisal report does not report or analyze the prior sale of the subject property, which occurred June 21, 2018, for \$310,000, less than 2 years prior to the effective date. The prior sale is recorded in public and MLS records. **Possible violation of Standards Rule 1-5(b).**

Each written or oral real property appraisal report must clearly and accurately set forth the appraisal in a manner that will not be misleading. As stated above, in possible violation of

Standards Rule 1-2(c), the respondent's appraisal report could contain errors, possibly making the appraisal report misleading. **Possible violation of Standards Rule 2-1(a).**

The content of an Appraisal Report must be appropriate for the intended use of the appraisal and, at a minimum, provide sufficient information to indicate that the appraiser complied with the requirements of Standard 1 by summarizing the results of analyzing the subject sales, agreements of sale, options, and listings in accordance with Standards Rule 1-5. As stated above, the respondent's appraisal report does not contain an analysis of the previous sale, which occurred June 21, 2018, for \$310,000, less than 2 years prior to the effective date. **Possible violation of Standards Rule 2-2(a)(x).**

POSSIBLE VIOLATIONS:

Record Keeping Rule

Standards Rule 1-1(c)

Standards Rule 1-2(c)

Standards Rule 1-5(b)

Standards Rule 2-1(a)

Standards Rule 2-2(a)(x)

USPAP Standards:

RECORD KEEPING RULE

An appraiser must prepare a workfile for each appraisal or appraisal review assignment. A workfile must be in existence prior to the issuance of any report or other communication of assignment results. A written summary of an oral report must be added to the workfile within a reasonable time after the issuance of the oral report.

The workfile must include:

- all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other data, information, and documentation.

STANDARD 1: REAL PROPERTY APPRAISAL, DEVELOPMENT

In developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses necessary to produce a credible appraisal.

STANDARDS RULE 1-1, GENERAL DEVELOPMENT REQUIREMENTS

In developing a real property appraisal, an appraiser must:

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

STANDARDS RULE 1-2, PROBLEM IDENTIFICATION

In developing a real property appraisal, an appraiser must:

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

STANDARDS RULE 1-5, SALE AGREEMENTS, OPTIONS, LISTINGS, AND PRIOR SALES

When the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business:

(b) analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal.

STANDARD 2: REAL PROPERTY APPRAISAL, REPORTING

In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

STANDARDS RULE 2-1, GENERAL REPORTING REQUIREMENTS

Each written or oral real property appraisal report must:

(a) clearly and accurately set forth the appraisal in a manner that will not be misleading;

STANDARDS RULE 2-2, CONTENT OF A REAL PROPERTY APPRAISAL REPORT

Each written real property appraisal report must be prepared under one of the following options and prominently state which option is used: Appraisal Report or Restricted Appraisal Report.

(a) The content of an Appraisal Report must be appropriate for the intended use of the appraisal and, at a minimum:

(x) provide sufficient information to indicate that the appraiser complied with the requirements of STANDARD 1 by:

(1) summarizing the appraisal methods and techniques employed;

(2) stating the reasons for excluding the sales comparison, cost, or income approach(es) if any have not been developed;

(3) summarizing the results of analyzing the subject sales, agreements of sale, options, and listings in accordance with Standards Rule 1-5;

Comment: If such information is unobtainable, a statement on the efforts undertaken by the appraiser to obtain the information is required. If such information is irrelevant, a statement acknowledging the existence of the information and citing its lack of relevance is required.

(4) stating the value opinion(s) and conclusion(s); and

(5) summarizing the information analyzed and the reasoning that supports the analyses, opinions, and conclusions, including reconciliation of the data and approaches;

PRIOR DISCIPLINE:

Case number 2017-2344, AP18.004.S, case closed insufficient evidence of a violation.
Case number 2018-738, AP18.025-S, a letter of instruction was sent to the respondent on work file issues.

RECOMMENDATION:

Following the investigation and Standard 3 Review, the recommendation is to forward this case to the Appraisal Advisory Review Committee.

Submitted this 21st day of July 2021.

James Silva
State of Nevada
Real Estate Division
Appraisal Compliance/Audit Investigator II