

# Michael Cheshire

Nevada Commission of Appraisers  
Of Real Estate

# Licensing and Practice

- ▶ NRS 645C.260 Certificate, license, permit or registration card required; penalty; prosecution of violation.
- ▶ 1. Any person who, in this State, engages in the business of, acts in the capacity of, advertises or assumes to act as:
  - ▶ (a) An appraiser without first obtaining the appropriate certificate, license or permit pursuant to this chapter; or
  - ▶ (b) An intern without first obtaining a registration card pursuant to this chapter, is guilty of a misdemeanor.
- ▶ 2. The Division may file a complaint in any court of competent jurisdiction for a violation of this section, and assist in presenting
  - ▶ the law or facts at any hearing upon the complaint.
- ▶ 3. At the request of the Administrator, the Attorney General shall prosecute such a violation. Unless the violation is prosecuted
  - ▶ by the Attorney General, the district attorney shall prosecute a violation which occurs in his county.

(Added to NRS by 1989, 826; A 1991, 889)

# Enforcement; Penalties

- ▶ **NRS 645C.215 Administrative fine for engaging in certain conduct without certificate, license, registration, registration card or authorization; procedure for imposition of fine; judicial review; exceptions.**
- ▶ 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:
  - ▶ (a) Engages or offers to engage in any activity for which a certificate, license, registration or registration card or any type of authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate, license, registration or registration card or has not been given the required authorization; or
  - ▶ (b) Assists or offers to assist another person to commit a violation described in paragraph (a).

# Enforcement; Penalties (cont.)

- ▶ 2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater.
- ▶ 3. In determining the appropriate amount of the administrative fine, the Commission shall consider:
  - ▶ (a) The severity of the violation and the degree of any harm that the violation caused to other persons;
  - ▶ (b) The nature and amount of any gain or economic benefit that the person derived from the violation;
  - ▶ (c) The person's history or record of other violations; and
  - ▶ (d) Any other facts or circumstances that the Commission deems to be relevant.


# Enforcement; Penalties (cont.)

- ▶ 4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.
- ▶ 5. The person is entitled to judicial review of the decision of the Commission in the manner provided by [chapter 233B](#) of NRS.
- ▶ 6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter if:
  - ▶ (a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; and
  - ▶ (b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

(Added to NRS by [2003, 1297](#); A [2009, 1521](#))—(Substituted in revision for NRS 645C.555)


# Case No. AP10.051.N

## **Alleged Facts:**

- Submitted an application to the Division for a certified general credential.
  - Was not registered as an intern by the Division in Nevada.
  - Respondent documented to the fact that she assisted in the preparation of at least seven appraisal reports in Nevada under the supervision of a certified general appraiser.
  - The certified general appraiser admitted that the respondent assisted him in the preparation of appraisals in Nevada.
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# Case No. AP10.051.N (cont.)

## Settlement of Case

- Respondent is to pay the Division the sum of \$5,000 in administrative fines and resolution of this matter within 6 months.
  - The Division agrees not to pursue any other remedies or fines in connection with the conduct of this respondent.
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# Case No. AP10.050.N

## **Alleged Facts:**

- Respondent was the supervising appraiser in the previous case.
  - Knew that the respondent in the previous case was not registered as an intern by the Division in Nevada.
  - Respondent in the previous case documented to the fact that she assisted in the preparation of at least seven appraisal reports in Nevada under the supervision of this certified general appraiser.
  - The certified general appraiser admitted that the respondent assisted him in the preparation of appraisals in Nevada.
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# Case No. AP10.050.N

## Settlement of Case

- Respondent is to pay the Division the sum of \$7,000 in administrative fines and resolution of this matter within 6 months.
  - Respondent is to attend a 3 hour course on Nevada Law within 6 months.
  - The Division agrees not to pursue any other remedies or fines in connection with the conduct of this respondent.
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# Case No. AP09.012.S

## **Alleged Facts:**

- Respondent is licensed as a Real Estate Broker–Salesman in Nevada.
  - Respondent is not licensed as an Appraiser in Nevada.
  - Respondent completed a written opinion of value for a 20–acre vacant land parcel for tax assessment purposes for the years 2005/2006.
  - Respondent’s written opinion of value was presented at a meeting of the Nevada State Board of Equalization.
  - Respondent received \$2,700 from the attorney for the taxpayer, for the written opinion of value.
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# Case No. AP09.012.S

## Settlement of Case

- Respondent is to pay the Division the sum of \$3,000 in administrative fines and resolution of this matter within 6 months.
  - The Division agrees not to pursue any other remedies or fines in connection with the conduct of this respondent.
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# Case No. AP08.043.S

## Alleged Facts:

- Respondent is licensed as a Real Estate Broker–Salesman in Nevada.
- Respondent is not licensed as an Appraiser in Nevada.
- In December 2007, Respondent prepared a “Residential Property Evaluation Report” for Bank of America.
- The report included an opinion of market value for the subject property.
- The report was prepared for lending purposes.
- The report also included a disclaimer that the document was not an appraisal.
- Respondent received \$40 for completion of the report.


# Case No. AP08.043.S

## Settlement of Case

- Respondent is to pay the Division the sum of \$5,000 in administrative fines and resolution of this matter within 12 months.
  - The Division agrees not to pursue any other remedies or fines in connection with the conduct of this respondent.
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# Case No. SA00-5-2-42

## Alleged Facts:

- Respondent 1 holds a certified residential license, and Respondent 2 held a registration as an intern.
  - At all times relevant to the complaint, Respondent 1 was licensed to do business from her office in Phoenix, AZ. Respondent 2 was an employee of Respondent 1 performing the duties of an intern, but wasn't registered as an intern. Without a Nevada registration, Respondent 2 began work on Nevada appraisals in October 1998 and contributed to the preparation of approximately 63 appraisals in Nevada signed by Respondent 1 through May 2000.
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# Case No. SA00-5-2-42

## **Alleged Facts (cont.):**

- On January 31, 1999, the Division telephoned the number for the appraisal firm in Las Vegas, NV and spoke with Respondent 2. Respondent 2 stated that he did not have a license because he didn't work in Nevada and he owned a plane and flew to Arizona on a regular basis to work.
- On behalf of Respondent 1, Respondent 2 applied for and received a business license from the City of Henderson, Nevada for the appraisal firm for whom he was working at the time. The address for the business license is Respondent 2's personal residence.

# Case No. SA00-5-2-42

## **Alleged Facts (cont.):**

- Respondent 1 opened the additional office of the appraisal office in Henderson, NV without obtaining a duplicate license for the new office and did not notify the Division of the location of the new office within 10 days of opening that office.
  - Respondent 2 applied for a license on April 8, 2000. On or about April 12, 2000, Respondent 2 requested the Division to return the license application and to send him an Intern Registration application. The Division denied the application for the license. Respondent 2 applied for Intern registration on May 10, 2000.
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# Case No. SA00-5-2-42

## **Alleged Facts (cont.):**

- Respondent's 1 and 2 engaged in activities as appraisers of real estate within the state of Nevada.

# Case No. SA00-5-2-42

## Settlement of Case

- Within one year of the effective date of this decision, Respondent 1 is to pay the Division the sum of \$2,330.75.
- Within 6 months of the effective date of this decision, Respondents 1 and 2 shall each complete
  - 3 hours of continuing education in Nevada Law
  - 15 hours of continuing education in USPAP and Respondent 1 shall successfully pass examination.

# Case No. SA00-5-2-42

## Settlement of Case (cont.)

- If Respondent 1 fails to complete any performance required by this decision, the Division may automatically suspend her license until the performance is completed and in addition to, or in lieu of the suspension of the license, the Division may institute collection proceedings to recover the fines and the costs awarded by this decision.
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