

**COMMISSION FOR APPRAISERS OF REAL ESTATE
OCTOBER 2-4, 2006
NEVADA HIGHWAY PATROL
4615 W. SUNSET RD.
LAS VEGAS, NEVADA**

MINUTES

October 2, 2006

9:30 a.m.

President Huber called the meeting to order.

1. COMMISSION/DIVISION BUSINESS

a) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Margaret Papez, Pamela Kinkade, David Stefan, Debbie Huber, Kateri Cavin, Sr. Deputy Attorney General serving as Commission Counsel.

b) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

Brenda Kindred-Kipling, Susan Clark, Patty Christian, Linda Pierson, Gail Anderson, Gina Session, Sr. Deputy Attorney General.

3 LICENSE DENIAL APPEALS

President Huber swore in the court reporter.

(8:45 a.m. – 9:15 a.m.)

2. (Note: Portions of this discussion may be closed in accordance with NRS 241.030.) (10:08 a.m. – 10:40 a.m.)

A.*Motion to close session to review the license denial appeal of **SCHEER, CHRISTOPHER, FILE No. S-LDA-06-062**, and why applicant should or should not be granted a license.

Mr. Scheer was present and not represented by counsel.

Susan Clark, Licensing Manager, and Gina Session, Sr. Deputy Attorney General, were present on behalf of the Division.

Commissioner Papez moved to close the session. Seconded by Commissioner Kinkade. Motion carried.

B. Discussion in closed session.

Ms. Clark explained the reason for the license denial. Ms. Clark was questioned by Ms. Session.

Mr. Scheer presented his case.

Mr. Scheer was questioned by Commissioners Kinkade, Papez, Stefan, and Huber.

Mr. Scheer presented a document which was distributed to the Commissioners.

The Commission moved back into open session.

C.* Discussion and possible action in open session.

Commissioner Kinkade moved to deny the license. The motion died for lack of a second.

Commissioner Papez moved to grant a license. Seconded by Commissioner Stefan. Commissioner Kinkade spoke against the motion. Commissioner Stefan spoke in favor of the motion. Commissioner Papez spoke in favor of the motion. Motion carried with Commissioner Kinkade voting against.

3. (Note: Portions of this discussion may be closed in accordance with NRS 241.030.)

A. *Motion to close session to review the license denial appeal of **WISECARVER, MICHAEL, FILE No. S-LDA-06-063**, and why applicant should or should not be granted a license.

B. Discussion in closed session.

C* Discussion and possible action in open session.

Mr. Wisecarver was not present. Ms. Pierson stated that there may have been a noticing issue regarding the location of the hearing. This hearing was postponed for the time being.

(4) DISCIPLINARY ACTION

(4-1) Vaughn, Joseph E. III

Case Nos. 04.051.S, 04.052.S, 04.053.S, 06.062.S

License No. A/0000918.RES

Mr. Vaughn was not present and was not represented by counsel.

Linda Pierson, Brenda Kindred-Kipling, and Patty Christian were sworn in as witnesses.

Ms. Pierson was questioned regarding service of notice. Exhibit 1 was entered and admitted during the questioning of this witness. Ms. Session stated that sufficient service was provided to the Respondent and requested that the hearing continue. President Huber granted permission for the hearing to continue.

06.062. S (10:43 a.m. – 11:13 a.m.)

Ms. Session made corrections to the Complaint and Notice of Hearing as follows: page 2, paragraphs 7 & 8, delete paragraphs starting with “comparable number 3”; page 4, paragraph 28, change “September” to “February.”

Ms. Session waived her opening statement and called Ms. Kindred-Kipling as a witness. State’s Exhibits 3, 4, 5, and 6 were offered and admitted during the questioning of this witness. Ms. Kindred-Kipling was questioned by Commissioner Papez.

Case 06.062.S completed.

Deliberation on factual allegations 44-55

44. Commissioner Kinkade moved to accept Factual Allegation 44 as proven. Seconded by Commissioner Stefan. Motion carried.

45. Commissioner Kinkade moved to accept Factual Allegation 45 as proven. Seconded by Commissioner Papez. Motion carried.

46. Commissioner Papez moved to accept Factual Allegation 46 as proven. Seconded by Commissioner Kinkade. Motion carried.

47. Commissioner Kinkade moved to accept Factual Allegation 47 as proven. Seconded by Commissioner Stefan. Motion carried.

48. Commissioner Papez moved to accept Factual Allegation 48 as proven. Seconded by Commissioner Kinkade. Motion carried.

49. Commissioner Kinkade moved to accept Factual Allegation 49 as proven. Seconded by Commissioner Papez. Motion carried.

50. Commissioner Papez moved to accept Factual Allegation 50 as proven. Seconded by Commissioner Kinkade. Motion carried.

51. Commissioner Papez moved to accept Factual Allegation 51 as proven. Seconded by Commissioner Kinkade. Motion carried.
52. Commissioner Kinkade moved to accept Factual Allegation 52 as proven. Seconded by Commissioner Stefan. Motion carried.
53. Commissioner Kinkade moved to accept Factual Allegation 53 as proven. Seconded by Commissioner Stefan. Motion carried.
54. Commissioner Kinkade moved to accept Factual Allegation 54 as proven. Seconded by Commissioner Papez. Motion carried.
55. Commissioner Kinkade moved to accept Factual Allegation 55 as proven. Seconded by Commissioner Stefan. Motion carried.

04.051. S (11:25 a.m. – 11:45 a.m.)

Ms. Session called Patty Christian as a witness. State's Exhibits 9, 10, 11, 12, and 13 were offered and admitted during the questioning of this witness.

Commissioner Papez questioned the witness.

President Huber stated that the Commissioners would like to recall the witness at some point for further questioning if necessary.

Case concluded at 11:45 a.m.

Recess for lunch at 11:45 a.m.

President Huber called the meeting to order at 1 p.m.

State's Exhibit 14 was offered and admitted at this time.

Deliberation of Factual Allegations

1. Commissioner Kinkade moved to accept Factual Allegation 1 as proven. Seconded by Commissioner Papez. Motion carried.
2. Commissioner Papez moved to accept Factual Allegation 2 as proven. Seconded by Commissioner Kinkade. Motion carried.
3. Commissioner Kinkade moved to accept Factual Allegation 3 as proven. Seconded by Commissioner Stefan. Motion carried.
4. Commissioner Kinkade moved to accept Factual Allegation 4 as proven. Seconded by Commissioner Stefan. Motion carried.
5. Commissioner Papez moved to accept Factual Allegation 5 as proven. Seconded by Commissioner Kinkade. Motion carried.
6. Commissioner Kinkade moved to accept Factual Allegation 6 as proven. Seconded by Commissioner Stefan. Motion carried.
7. Commissioner Kinkade moved to accept Factual Allegation 9 as proven. Seconded by Commissioner Stefan. Discussion ensued. Motion carried.
8. Commissioner Papez moved to accept Factual Allegation 10 as proven. Seconded by Commissioner Stefan. Motion carried.
9. Commissioner Kinkade moved to accept Factual Allegation 11 as proven. Seconded by Commissioner Papez. Motion carried.
10. Commissioner Kinkade moved to accept Factual Allegation 12 as proven. Seconded by Commissioner Stefan. Motion carried.
11. Commissioner Papez moved to accept Factual Allegation 13 as proven. Seconded by Commissioner Kinkade. Motion carried.
12. Commissioner Stefan moved to accept Factual Allegation 14 as proven. Seconded by Commissioner Papez. Motion carried.

13. Commissioner Papez moved to accept Factual Allegation 15 as proven. Seconded by Commissioner Kinkade. Motion carried.
14. Commissioner Kinkade moved to accept Factual Allegation 16 as proven. Seconded by Commissioner Papez. Motion carried.
15. Commissioner Papez moved to accept Factual Allegation 17 as proven. Seconded by Commissioner Kinkade. Motion carried.

04.052. S (1:15 p.m. – 1:35 p.m.)

Ms. Session continued questioning Ms. Christian. State's Exhibits 15, 16, and 17 were offered and admitted during the questioning of this witness.

The witness was questioned by Commissioners Papez, Stefan, and Huber.

Ms. Session stated that she would like to amend the Complaint to reflect a change on Factual Allegation 27 to read \$269,500.

Case 04.052.S completed

Deliberation of Factual Allegations.

18. Commissioner Papez moved to accept Factual Allegation 18 as proven. Seconded by Commissioner Stefan. Motion carried
19. Commissioner Kinkade moved to accept Factual Allegation 19 as proven. Seconded by Commissioner Stefan. Motion carried.
20. Commissioner Kinkade moved to accept Factual Allegation 20 as proven. Seconded by Commissioner Papez. Motion carried.
21. Commissioner Stefan moved that Factual Allegation 21 was not proven. Seconded by Commissioner Papez. Motion carried.
22. Commissioner Kinkade moved to accept Factual Allegation 22 as proven. Seconded by Commissioner Stefan. Motion carried.
23. Commissioner Kinkade moved to accept Factual Allegation 23 as proven. The motion died for lack of a second. Commissioner Stefan moved that Factual Allegation 23 was not proven. Seconded by Commissioner Papez. Discussion ensued. Commissioner Papez withdrew the second. The motion died for lack of a second. Commissioner Kinkade moved to accept Factual Allegation 23 as proven. Seconded by Commissioner Papez. Motion carried.
24. Commissioner Kinkade moved to accept Factual Allegation 24 as proven. Seconded by Commissioner Papez. Discussion ensued. Motion carried.
25. Commissioner Papez moved to accept Factual Allegation 25 as proven. Seconded by Commissioner Kinkade. Discussion ensued. Motion carried.
26. Commissioner Kinkade moved that Factual Allegation 26 was not proven. Seconded by Commissioner Stefan. Motion carried.
27. Commissioner Stefan moved to accept Factual Allegation 27 as proven. Seconded by Commissioner Papez. Motion carried.
28. Commissioner Papez moved to accept Factual Allegation 28 as proven. Seconded by Commissioner Stefan. Discussion ensued. Motion carried.
29. Commissioner Kinkade moved to accept Factual Allegation 29 as proven. Seconded by Commissioner Papez. Motion carried.
30. Commissioner Stefan moved to accept Factual Allegation 30 as proven. Seconded by Commissioner Kinkade. Motion carried.

04.053. S (2:00 p.m. - 2:10 pm)

Ms. Session questioned Ms. Christian regarding this case. During this questioning, State's Exhibits 18, and 19 were offered and admitted. The witness was questioned by Commissioner Kinkade.

Deliberation of Factual Allegations 31-43.

31. Commissioner Kinkade moved to accept Factual Allegation 31 as proven. Seconded by Commissioner Papez. Motion carried.
32. Commissioner Stefan moved to accept Factual Allegation 32 as proven. Seconded by Commissioner Kinkade. Motion carried.
33. Commissioner Kinkade moved to accept Factual Allegation 33 as proven. Seconded by Commissioner Papez.
34. Commissioner Papez moved to accept Factual Allegation 34 as proven. Seconded by Commissioner Stefan. Motion carried.
35. Commissioner Papez moved to accept Factual Allegation 35 as proven. Seconded by Commissioner Kinkade. Discussion ensued. Motion carried with Commissioner Stefan voting against.
36. Commissioner Kinkade moved that Factual Allegation 36 has not been proven. Seconded by Commissioner Papez. Motion carried.
37. Commissioner Papez moved to accept Factual Allegation 37 as proven. Seconded by Commissioner Stefan. Motion carried.
38. Commissioner Papez moved to accept Factual Allegation 38 as proven. Seconded by Commissioner Kinkade. Motion carried.
39. Commissioner Papez moved to accept Factual Allegation 39 as proven. Seconded by Commissioner Kinkade. Motion carried.
40. Commissioner Kinkade moved that Factual Allegation 40 has not been proven. Seconded by Commissioner Papez. Motion carried.
41. Commissioner Kinkade moved to accept Factual Allegation 41 as proven. Seconded by Commissioner Stefan. Discussion ensued. Motion carried.
42. Commissioner Papez moved to accept Factual Allegation 42 as proven. Seconded by Commissioner Stefan. Discussion ensued. Motion carried.
43. Commissioner Stefan moved to accept Factual Allegation 43 as proven. Seconded by Commissioner Kinkade. Motion carried.

Deliberation on Claims for Relief

Case No. 04.051.S

1. Commissioner Papez moved to accept the First Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
2. Commissioner Papez moved to accept the Second Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
3. Commissioner Kinkade moved to accept the Third Claim for Relief as proven. Seconded by President Huber. Motion carried.
4. Commissioner Papez moved to accept the Fourth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
5. Commissioner Kinkade moved to accept the Fifth Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.
6. Commissioner Papez moved to accept the Sixth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
7. Commissioner Papez moved to accept the Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
8. Commissioner Kinkade moved to accept the Eighth Claim for Relief as proven. Seconded by Commissioner Papez. Motion carried.

Case No. 04.052.S

9. Commissioner Papez moved to accept the Ninth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
10. Commissioner Papez moved to accept the Tenth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
11. Commissioner Kinkade moved to accept the Eleventh Claim for Relief as proven. Lengthy discussion ensued. Seconded by President Huber. Further discussion ensued. Motion carried.
12. Commissioner Papez moved to accept the Twelfth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
13. Commissioner Kinkade moved that the Thirteenth Claim for Relief has not been proven. Seconded by Commissioner Papez. Motion carried.
14. Commissioner Papez moved to accept the Fourteenth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
15. Commissioner Kinkade moved to accept the Fifteenth Claim for Relief as proven. Seconded by Commissioner Stefan. Discussion ensued. Motion carried.
16. Commissioner Papez moved to accept the Sixteenth Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.

Case No. 04.053.S

17. Commissioner Papez moved to accept the Seventeenth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
18. Commissioner Papez moved to accept the Eighteenth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion Carried.
19. Commissioner Kinkade moved to accept the Nineteenth Claim for Relief as proven. Seconded by Commissioners Stefan and Papez second. Motion carried.
20. Commissioner Stefan moved that the Twentieth Claim for Relief has not been proven. Seconded by Commissioner Papez. Motion carried.
21. Commissioner Kinkade moved accept the Twenty-First Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.
22. Commissioner Papez moved to accept the Twenty-Second Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
23. Commissioner Kinkade moved to accept the Twenty-Third Claim for Relief as proven, Seconded by Commissioner Stefan. Motion carried.

Case No. 06.062.S

24. Commissioner Papez moved to accept the Twenty-Fourth Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.
25. Commissioner Papez moved accept the Twenty-Fifth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
26. Commissioner Kinkade moved to accept the Twenty-Sixth Claim for Relief as proven. Seconded by Commissioner Papez. Motion carried.
27. Commissioner Kinkade moved to accept the twenty-Seventh Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.
28. Commissioner Papez moved to accept the Twenty-Eighth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
29. Commissioner Papez moved accept the Twenty-Ninth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
30. Commissioner Papez moved to accept the Thirtieth Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.

Discipline recommended by the State:

Ms. Session stated the State recommendation is that the Respondent be charged \$1,000 per proven violation, and hearing costs. Ms. Pierson stated that the hearing costs were \$3,683.04.

Commissioner Kinkade moved to revoke Respondent's license, that Respondent be required to pay \$1,000 per proven violation for a total of \$28,000, within six (6) months, hearing costs in the amount of \$3,683.04 within six (6) months, and if the fine and/or costs are not paid within the required time frame, the Division may institute debt collection proceedings. Seconded by Commissioner Papez. Motion carried.

(4-3) McCasland, Casey (3:15 p.m. – 3:45 p.m.)

Case No. 05.002.S

License No. A.0003729-CR

The Respondent was not present or represented by counsel.

Gina Session, Sr. Deputy Attorney General, was present for the Division.

Preliminary matters:

Ms. Session stated that she would like to call Linda Pierson as a witness regarding the service of Complaint and Notice of Hearing. Exhibit 1 was offered and admitted during the questioning of this witness.

Brenda Kindred-Kipling, Appraisal Officer, was called as a witness. The witness was questioned by Commissioners Kinkade, Stefan, and Papez.

Ms. Session stated that Mr. McCasland had received sufficient legal service and the hearing should proceed. President Huber granted permission to continue.

Ms. Session called Patty Christian, Compliance Audit Investigator, as a witness. Exhibits 2, 3, 4, and 5 were offered and admitted during the questioning of this witness. The witness was questioned by Commissioners Papez and Kinkade.

Deliberation on factual Allegations

1. Commissioner Papez moved to accept Factual Allegation 1 as proven. Seconded by Commissioner Kinkade. Motion carried.
2. Commissioner Stefan moved to accept Factual Allegation 2 as proven. Seconded by Commissioner Kinkade. Motion carried.
3. Commissioner Papez moved to accept Factual Allegation 2 as proven. Seconded by Commissioner Kinkade. Motion carried.
4. Commissioner Kinkade moved to accept Factual Allegation 4 as proven. Seconded by Commissioner Papez. Discussion ensued. Motion carried.
5. Commissioner Papez moved to accept Factual Allegation 5 as proven. Seconded by Commissioner Kinkade. Motion carried.
6. Commissioner Papez moved to accept Factual Allegation 6 as proven. Seconded by Commissioner Kinkade. Motion carried.
7. Deleted by State's Attorney.
8. Commissioner Kinkade moved to accept Factual Allegation 8 as proven. Seconded by President Huber. Motion carried.
9. Commissioner Kinkade moved to accept Factual Allegation 9 as proven. Seconded by President Huber. Motion carried.
10. Commissioner Papez moved to accept Factual Allegation as proven. Seconded by Commissioner Kinkade. Motion carried.

Deliberation on Claims for Relief

1. Commissioner Kinkade moved to accept the First Claim for Relief as proven. Seconded by President Huber. Motion carried.
2. Commissioner Kinkade moved to accept the Second Claim for Relief as proven. Seconded by Commissioner Papez. Motion carried
3. Commissioner Kinkade moved accept the Third Claim for Relief as proven. Seconded by President Huber. Discussion ensued. Motion carried.
4. Commissioner Kinkade moved to accept the Fourth Claim for Relief as proven. Seconded by President Huber. Discussion ensued. Motion carried.
5. Commissioner Kinkade moved to accept the Fifth Claim for Relief as proven. Seconded by President Huber. Motion carried.
6. Commissioner Kinkade moved to accept the Sixth Claim for Relief as proven. Seconded by President Huber. Motion carried.
7. Commissioner Kinkade moved to accept the Seventh Claim for Relief as proven. Second by Commissioner Papez. Motion carried.

Discipline recommended by the state:

Revocation of license, fines in the amount of \$1,000 per violation, and hearing costs of \$1,188.

Commissioner Kinkade moved to accept the recommendation of the State, thereby revoking the Respondent's license, total fines of \$7,000 to be paid in six months time, and hearing costs of \$1,188 to be paid in six months time. If the fines and costs are not paid in the required time frame, the Division may institute debt collection proceedings. Seconded by President Huber. Discussion ensued. Motion carried.

4. * DISCIPLINARY ACTION

1. Favreau, Glen

**Case Nos. 04.020.S, 04.056.S, 04.057.S, 04.068.S, 05.015.S
License No. A.0001932-CR**

President Huber stated that this case is continued until December.

(4-2) Hatch, Raymond (4:15 p.m. – 5:00 p.m.)

**Case Nos. 06.060.S, 06.069.S
License No. A.0003564-CG**

The Respondent was not present or represented by counsel.

Gina Session, Sr. Deputy Attorney General, was present for the Division.

Ms. Session called Linda Pierson to testify regarding service of Complaint. Exhibit 1 was offered and admitted during the questioning of this witness.

Case No. 06.060.S

Brenda Kindred-Kipling was called as witness. Exhibits 2, 3, 4, and 5 were offered and admitted during the questioning of this witness. The witness was not questioned by the Commissioners.

Deliberation on Factual Allegations

1. Commissioner Papez moved to accept Factual Allegation 1 as proven. Seconded by Commissioner Kinkade. Motion carried.
2. Commissioner Papez moved to accept Factual Allegation 2 as proven. Seconded by Commissioner Kinkade. Motion carried.

3. Commissioner Papez moved to accept Factual Allegation 3 as proven. Seconded by Commissioner Kinkade. Motion carried.
4. Commissioner Papez moved to accept Factual Allegation 4 as proven. Seconded by Commissioner Kinkade. Motion carried.
5. Commissioner Papez moved to accept Factual Allegation 5 as proven. Seconded by Commissioner Kinkade. Motion carried.
6. Commissioner Kinkade moved to accept Factual Allegation 6 as proven. Seconded by Commissioner Papez. Motion carried.
7. Commissioner Papez moved to accept Factual Allegation 7 as proven. Seconded by Commissioner Kinkade. Motion carried.
8. Commissioner Papez moved to accept Factual Allegation 8 as proven. Seconded by Commissioner Kinkade. Motion carried.
9. Commissioner Kinkade moved to accept Factual Allegation 9 as proven. Seconded by Commissioner Papez. Motion carried.
10. Commissioner Kinkade moved to accept Factual Allegation 10 as proven. Seconded by Commissioner Papez. Motion carried.
11. Commissioner Papez moved to accept Factual Allegation 11 as proven. Seconded by Commissioner Kinkade. Motion carried.
12. Commissioner Papez moved to accept Factual Allegation 12 as proven. Seconded by Commissioner Stefan. Motion carried.

Case No. 06.069.S

Ms. Kindred-Kipling was questioned. Exhibits 6, 7, and 8 were offered and admitted during the questioning of this witness.

The witness was questioned by Commissioner Papez regarding a past due balance on fines previously imposed on the Respondent.

Ms. Session presented her closing statement.

Deliberation of Factual Allegations

13. Commissioner Stefan moved to accept Factual Allegation 13 as proven. Seconded by Commissioner Papez. Motion carried.
14. Commissioner Papez moved to accept Factual Allegation 14 as proven. Seconded by Commissioner Kinkade. Motion carried.
15. Commissioner Stefan moved to accept Factual Allegation 15 as proven. Seconded by Commissioner Papez. Motion carried.
16. Commissioner Papez moved to accept Factual Allegation 16 as proven. Seconded by Commissioner Stefan. Motion carried.
17. Commissioner Papez moved to accept Factual Allegation 17 as proven. Seconded by Commissioner Stefan. Commissioner Kinkade noted for the record that a letter entered into evidence was addressed to Raymond Hatch and signed by Brian Hatch. Motion carried.
18. Commissioner Stefan moved to accept Factual Allegation 18 as proven. Seconded by Commissioner Papez. Motion carried.
19. Commissioner Stefan moved to accept Factual Allegation 19 as proven. Seconded by Commissioner Kinkade. Motion carried.
20. Commissioner Papez moved to accept Factual Allegation 20 as proven. Seconded by Commissioner Stefan. Motion carried.

Deliberation on Claims for Relief

1. Commissioner Papez moved to accept the First Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
2. Commissioner Papez moved to accept the Second Claim for Relief as proven. Seconded by Commissioner Stefan. Motion carried.

3. Commissioner Kinkade moved to accept the Third Claim for Relief as proven. Seconded by Commissioner Papez. Motion carried.
4. Commissioner Papez moved to accept the Fourth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
5. Commissioner Papez to accept the Fifth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.
6. Commissioner Papez moved to accept the Sixth Claim for Relief as proven. Seconded by Commissioner Kinkade. Motion carried.

Recommended Discipline

Ms. Session stated that the State Recommends that the Respondent's license be revoked, that Respondent be fined \$1,000 per violation, plus hearing costs.

Commissioner Kinkade moved that Respondent's license be revoked, that Respondent be fined \$1,000 per violation for a total \$6,000, and costs of hearing totaling \$1,757.00 all to be paid within 6 months and that if fines and costs are not paid within the specified time, the Division may institute debt collection proceedings. Seconded by Commissioner Stefan carried.

The hearing was recessed at 5:06 p.m.

Tuesday October 3, 2006

8:30 a.m.

President Huber called the meeting to order at 8:30 a.m.

Introduction of Commissioners

Pam Kinkade, David Stefan, Margaret Papez, Kateri Cavin, Sr. Deputy Attorney General, Commission Counsel.

Introduction of Division staff in Attendance

Brenda Kindred-Kipling, Susan Clark, Patty Christian, Linda Pierson, Gail Anderson, Gina Session, Sr. Deputy Attorney General.

6* COMMISSION/DIVISION BUSINESS:

(6-1) Discussion regarding Attorney General case status report.

Ms. Cavin presented this report.

(3-3) License Denial Appeal

(Note: Portions of this discussion may be closed in accordance with NRS 241.030.)

A. *Motion to close session to review the license denial appeal of **WISECARVER, MICHAEL, FILE No. S-LDA-06-063**, and why applicant should or should not be granted a license.

Mr. Wisecarver was present and was represented by counsel, Chris Escobar, Esq.

Susan Clark, Licensing Manager, and Gina Session, Sr. Deputy Attorney General were present on behalf of the Division.

Commissioner Papez moved to close the session. Seconded by Commissioner Kinkade. Motion carried.

B. Discussion in closed session.

Ms. Clark explained the reasons for the license denial.

Mr. Wisecarver presented his case.

President Huber asked Mr. Wisecarver why he felt he should be granted his license. Mr. Wisecarver stated that he had changed his life and wanted to contribute to society. Mr. Wisecarver presented documents which were distributed to the Commission.

Mr. Escobar spoke on Mr. Wisecarver's behalf.

Mr. Wisecarver was questioned by President Huber.

President Huber questioned Ms. Clark as to which charges were disclosed on the application.

President Huber asked the Applicant if he had a sponsor. Mr. Wisecarver stated that Wendell Snow had agreed to sponsor him.

Mr. Wisecarver was questioned by Commissioner Kinkade.

Mr. Escobar spoke on behalf of his client.

Mr. Wisecarver was questioned by President Huber and Commissioners Kinkade and Papez.

Move back into open session.

C* Discussion and possible action in open session.

Commissioner Kinkade moved to uphold the denial of the application. The motion died for lack of a second.

Commissioner Papez moved to reverse the denial and grant a license to Mr. Wisecarver. Seconded by President Huber.

Commissioner Kinkade spoke against the motion, stating that one of the violations was not disclosed. President Huber spoke in support of the motion, stating that the non-disclosure was due to advice by a former attorney, and that should be taken into consideration. Commissioner Papez spoke in support of the motion, stating that she was satisfied that the Applicant had committed an honest mistake, and because of the age and time passed she was satisfied that Mr. Wisecarver had changed his behavior. Commissioner Stefan spoke in support of the motion, stating that he too was satisfied as to Mr. Wisecarver's desire to work in the profession. Commissioner Kinkade again spoke against the motion, stating that the very nature of the acts committed in the past made her unwilling to take a chance on the Applicant. President Huber again spoke in support of the motion, stating that the offenses were not ones that she felt an appraiser would face.

Motion carried with Commissioner Kinkade voting against.

(6) Commission/Division Business

(6-2) Discussion regarding Appraisal Officer current case load

Brenda Kindred-Kipling presented this report, stating that there are a total of 53 open cases currently, and that there is a significant increase in cases from FY06. President Huber questioned Ms. Kindred-Kipling regarding the logistics of handling the cases. Ms. Kindred-Kipling stated that the cases are taken in the order received, with some exceptions such as repeat offender cases, which are pulled and handled together. Commissioner Kinkade questioned Ms. Kindred-Kipling regarding how the office would handle the amount of cases. Ms. Kindred-Kipling stated that utilizing the new investigator and the ARC committee process would help to manage the caseload. Commissioner Stefan questioned Ms. Kindred-Kipling regarding allowing anonymous complaints. Ms. Kindred-Kipling stated that the determination was made to allow anonymous complaints because bad appraisals were not being turned in that should have been. Commissioner Papez asked if some of the anonymous complaints are valid. Ms. Kindred-Kipling stated that the complaints are not at the stage of investigation as yet but that thirty anonymous complaints were received of the 53 currently open. Commissioner Kinkade asked if there appeared to be any targeting of

particular appraisers as the increase of anonymous complaints was significant. Ms. Kindred-Kipling stated that there are a number of appraisers with more than one anonymous complaint filed against them, and that many of the complaints appear to have been photocopied and attached to the appraisals.

2.* PETITION TO RECONSIDER COMMISSION'S ORDER

1. Rodes, Luis
File No. S-LDA-06-022

Mr. Rodes was present and not represented by counsel.

Susan Clark explained that this item is to review the Commission's previous decision to deny Mr. Rodes' license.

Ms. Session explained the circumstances surrounding Mr. Rodes being unable to appear at the previous License Denial Appeal. Mr. Rodes confirmed the sequence of events.

Commissioner Kinkade moved to reconsider the Commission's previous order. Seconded by Commissioner Papez. Motion carried.

3. LICENSE DENIAL APPEALS

1. (Note: Portions of this discussion may be closed in accordance with NRS 241.030.)
 - A. *Motion to close session to review the license denial appeal of **RODES, LUIS, FILE No. S-LDA-06-022**, and why applicant should or should not be granted a license.

Mr. Rodes was present and not represented by counsel.

Susan Clark, Licensing Manager, and Gina Session, Sr. Deputy Attorney General, appeared on behalf of the Division.

Commissioner Papez moved to close the session. Seconded by Commissioner Kinkade. Motion carried.

Mr. Rodes asked permission for Mr. Scarlet to stay. Permission was granted.

- B. Discussion in closed session.

Susan Clark explained the reason for the denial.

Mr. Rodes presented his case.

Commissioner Stefan asked for further details on the charge.

Mr. Rodes presented documents to support his case. The documents were distributed to the Commission.

President Huber asked for clarification of an item on the documents.

Commissioner Kinkade asked a question of Ms. Cavin regarding the application.

Mr. Rodes was questioned by Commissioners Papez and Kinkade.

Ken Scarlett introduced himself, stating that he hoped to become Mr. Rodes supervising appraiser.

- C.* Discussion and possible action in open session.

Move back into open session.

Commissioner Kinkade moved to grant Mr. Rodes a license. Seconded by Commissioner Stefan. Motion carried.

5 ADVISORY REVIEW COMMITTEE MEMBER APPLICATION

1. Brunson, Mike

Mr. Brunson was present.

Mr. Brunson was questioned by Commissioner Kinkade regarding his current employment history. Mr. Brunson stated that he is the co-owner of HSNV Inc. (Home Services of Nevada), whose product is Hydrosheild, a concrete sealant. Mr. Brunson stated that he had completed 30 appraisals in the last four months and six or eight in last month.

Mr. Brunson was questioned by Commissioner Stefan as to why he wants to be on the ARC. Mr. Brunson stated that he was invited by Ms. Kindred-Kipling, and that he wants to help make the system better.

Mr. Brunson was questioned by Commissioner Papez regarding whether he plans to continue appraising along with his new business. Mr. Brunson stated that he intends to continue appraising as well as working in administrative and labor capacities in his new business, along with instructing in the appraisal field.

Commissioner Kinkade read from NRS 645C regarding ARC membership, specifically 645C.190(1)(c) relative to the number of appraisals required for membership. Commissioner Kinkade expressed concern about how Mr. Brunson would manage both his appraisal business and the news business. Commissioner Kinkade questioned Mr. Brunson regarding interns or other appraisers working under his company. Mr. Brunson stated that he had no interns, and that if the work load requires he has several appraisers under independent contract.

Commissioner Papez moved to approve Mr. Brunson's appointment to the ARC. The motion died for lack of second.

Commissioner Kinkade moved to deny the appointment. The Motion died for lack of a second.

Discussion ensued. President Huber stated that she has concerns about Mr. Brunson's new business and his ability to focus on the ARC, and acknowledged that Mr. Brunson's knowledge of USPAP and his teaching experience would be valuable.

President Huber asked Ms. Kindred-Kipling's opinion. Mr. Kindred-Kipling stated that she asked him to serve because it's an educational time and as an instructor he could educate the public.

Commissioner Kinkade asked where Mr. Brunson's sees his new business going. Mr. Brunson explained his businesses and plans for the future.

Commissioner Kinkade asked Mr. Brunson how he perceives his role as an ARC member. Mr. Brunson stated that he sees the role as analyzing the allegations, determining if there has been inappropriate behavior or violations of USPAP on the part of the Respondent.

Commissioner Papez moved to accept Mr. Brunson's application. Seconded by President Huber. Motion carried.

7* EDUCATION:

CONSENT AGENDA

1. Allterra Consulting Group
 - a) A Vision for Valuation/Appraisal Fraud 7 hours
2. Appraisal Institute

- a) Liability Management for Residential Appraisers, 7 hours
 - b) Quality Assurance in Residential Appraisals, 7 hours
 - c) Forecasting Revenue, 7 hours
3. ASFMRA
- a) Advanced Rural Appraisal, 47 hours
4. The Columbia Institute
- a) Basic Appraisal Principles, 30 hours
 - b) Basic Appraisal Procedures, 30 hours
 - c) Residential Report Writing & Case Studies, 15 hours
 - d) URAR Report Review Form, 7 hours
 - e) Red Flags Property Inspection Guide, 6 hours
 - f) Property Management & Managing Risk, 6 hours
 - g) Residential Appraiser Site Valuation & Cost Approach, 15 hours
 - h) Residential Market Analysis & Highest and Best Use, 15 hours
 - i) FHA, the URAR& the 1025, 8 hours
5. FYI Seminars
- a) New Technology, ANSI Standards and Risk Reduction, 7 hours
 - b) ANSI Standards & Mobile Technology, 7 hours
6. McKissock
- a) Residential Appraiser Site Valuation and Cost Approach, 15 hours
 - b) Residential Report Writing & Case Studies, 15 hours
 - c) Environmental Pollution: Mold & Air Quality, 2 hours
 - d) 2-4 Family Finesse, 7 hours
 - e) Appraising FHA Today, 7 hours
 - f) Appraisal Trends, 7 hours
 - g) The Art of Residential Review, 7 hours
 - h) Studies & Analysis, 15 hours
7. NAIFA
- a) FHA Appraisal Protocol Update, 8 hours
 - b) Valuation of Landscape Improvements, 8 hours

Request for an increase of hours to existing courses – Recommend Approval

8. Appraisal Institute
- a) Appraisal of Nursing Facilities increase from 7 to 9 hours
9. McKissock
- a) Private Appraisal Assignments
 - b) Appraising REO & Foreclosure Properties
 - c) The Cost Approach
 - d) Scope of Work
- All 7 hours, to be increased to 8

Recommend Denial

10. McKissock
- a) Technology for Today's Appraiser

Commissioner Kinkade moved to accept the consent agenda as presented. Seconded by President Huber. Motion carried.

FOR DISCUSSION

11. Allterra Consulting Group
 - a) Survival of the Fittest/ the Secondary Mortgage Market, 6 hours
 - b) Environmental Issues in Your Real Estate Practice, 6 hours

Discussion on item 11a.

Ms. Kindred-Kipling explained her reasons for recommending denial of this course. After discussion regarding the course content and timing issues, Commissioner Stefan moved to deny this course. Seconded by Commissioner Kinkade.

Discussion on Item 11b

Ms. Kindred-Kipling requested that this item be tabled to December, stating that the course provider had sent additional information that will need to be reviewed.

12. Columbia Institute
 - a) Environmental Issues in Your Real Estate Practice, 6 hours

Discussion on Item 12a

Ms. Kindred-Kipling stated that this she had not received all of the documentation from the provider, and that it could be approved contingent upon receiving the appropriate information.

Commissioner Kinkade moved to accept item 12a contingent upon receiving appropriate certification. Seconded by President Huber. Motion carried.

(6) COMMISSION DIVISION BUSINESS

(6-3) Discussion regarding Disciplinary report.

Linda Pierson presented this report.

President Huber asked about the Write Off entries. Ms. Cavin explained that prior to 2004 the Commission did not include debt collection procedures in disciplinary orders so the uncollectible debts were not able to be turned over for debt collection.

Commissioner Kinkade asked the Division ever gets a report from the debt collection procedures. Ms. Anderson stated no. Commissioner Papez asked if the hearing costs go into the Division budget. Ms. Anderson stated no, that the funds go into the general fund.

(6-4) Discussion regarding Administrator's Report on personnel update.

Ms. Anderson presented this report with the following information:

- The Administrative Assistant position in the Appraisal section has been filled by Marva Johnson.
- The vacant licensing position in the Las Vegas office has been filled
- The Ombudsman's position has been filled.

(6-5) Discussion and possible action on minutes for June 20, 2006 meeting.

Commissioner Stefan moved to accept the minutes as presented. Seconded by Commissioner Kinkade. Motion carried.

(6-6) Discussion and possible action on minutes for September 8, 2006 teleconference.

Commissioner Stefan made a correction to the minutes. Commissioner Kinkade stated the minutes have become rather cryptic and would like to see more detail of the discussions. Commissioner Kinkade moved to accept as amended. Seconded by Commissioner Stefan. Motion carried.

(6-7) Discussion and possible action regarding proposed changes for the 2007 Legislative Session.

Ms. Anderson addressed the issue of Commissioner terms, stating that it might be too late to add more language to bill draft. President Huber asked if clarifying language will be added at some future date. Ms. Anderson stated that the Commission will need to discuss it as it's not something she would be able to change, and that it could be put on some future agenda. Discussion ensued. Commissioner Kinkade stated that she would like for the Commission to address the issue for the 2009 Legislative session.

(6-8) Discussion regarding the proposed revisions to Title XI – Real Estate Appraisal Reform Amendments” US House of Representatives Bill HR 1295.

Ms. Kindred-Kipling stated it's time to remove this item as the office in charge of it stated that the bill is probably dead.

**(4-3) Tirona, Rodolfo
Case No. 03.075.S
License No. A.0004262-RES**

The Respondent was present and represented by Ted Boyack, Esq.

Gina Session, Sr. Deputy Attorney General, was present on behalf of the division.

Preliminary matters:

Ms. Session stated that this case is being heard based on a Petition to Reconsider from the Respondent. Ms. Session stated that the parties have a Stipulation of Facts and Liability. Ms. Session read the Factual Allegations and Claims for Relief into the record.

Mr. Tirona stated that he understood the Stipulation of Facts and Liability.

Commissioner Kinkade stated that a correction was needed in the Stipulation on Page 1, under Jurisdiction, line 26 should be Certified Residential instead of Certified General.

Commissioner Kinkade moved to accept the Stipulation of Facts and Liability. Seconded by Commissioner Papez. Motion carried.

Ms. Session stated that the Division does not have a recommendation for discipline beyond what was considered at the initial hearing on this case in June. Ms. Session read the original discipline into the record, stating that the Respondent's license was revoked, Respondent was ordered to pay hearing costs in the amount of \$1,674, and fines of \$9,000, all within six (6) months of the effective date of the order.

Mr. Boyack spoke on Respondent's behalf, thanking the Commission for granting the rehearing, and Ms. Session for the professional courtesies extended to the Respondent.

Mr. Tirona, speaking on his own behalf, thanked commission for the opportunity to appear before them and apologized for any wrong doing. Mr. Tirona explained his situation at the time of the offenses.

Mr. Tirona was questioned by Commissioners Kinkade, Huber, and Papez.

Discussion of Discipline

Commissioner Kinkade moved to revoke the Respondent's license, that Respondent shall pay full costs of \$1,674 and a fine of \$1,000 per Claim for Relief for a total of \$9,000 within six months, and if not paid within the specified

time frame, the Division may institute debt collection proceedings. Seconded by President Huber. Discussion ensued. Commissioner Papez suggested revocation might be too strong. Commissioner Kinkade stated that since the only time the Commission heard from the Respondent was after the initial license revocation, and due to the seriousness of the violations revocation is appropriate. President Huber and Commissioner Stefan each stated that they agreed with Commissioner Kinkade's remarks. Motion carried.

Recess for lunch at 11:30 a.m.

Meeting called back to order at 1:00 p.m.

(6) COMMISSION/DIVISION BUSINESS

(6-9) Discussion and possible action regarding Advisory Review Committee report.

Linda Pierson presented this report. The Commissioners reached a consensus that they would like to have this report on a regular basis, receiving the whole report each time as opposed to updates only, with any changes color coded.

(6-10) Report from Appraisal Officer regarding complex property audits.

Brenda Kindred-Kipling presented this report. Discussion ensued. Commissioner Kinkade asked if the audits have always been done. Ms. Kindred-Kipling explained that the audits have always been done and that now procedures have been updated. Commissioner Kinkade suggested that statutory changes may be needed and that perhaps a work group should be established to develop suggestions for the 2009 Legislative session.

(6-11) Report from Appraisal Officer regarding audit of approved appraisal courses in the state of Nevada.

Brenda Kindred-Kipling presented this report, highlighting the following points:

- Pursuant to regulations, the Division can audit the first offering of any course approved.
- Instructor approval can be withdrawn.
- Ms. Kindred-Kipling has not been auditing many courses and would like to use ARC members.
 - Has had complaints from ARC members who have been in classes in which the instructor singled them out and stated they were spies.
 - Ms. Kindred-Kipling and Ms. Christian have been auditing classes as it is hard to get ARC members willing to do the audits.
- The auditor takes a copy of approved class material to make sure that the teaching matches the approved plan, and fills out an audit report which is then returned to the Division.

Commissioner Kinkade stated that if an instructor is singling out ARC members in the class as auditors it is grounds for withdrawing approval. Ms. Kindred-Kipling explained the statutes or regulations don't allow for withdrawing instructor approval on that basis. Ms. Kindred-Kipling stated that sometimes the members singled out were not there as auditors, but on their own to get their Continuing Education credit. Lengthy discussion ensued on this issue. Commissioner Kinkade stated that she had received complaints about instructors, and that the issue of withdrawing approval needs to be addressed. President Huber stated some of her appraisers had been harassed and accused of spying when attending classes. Consensus among the Commissioners was that possible Regulation changes need to be considered. Ms. Kindred-Kipling stated she will look into the issue.

(6-12) Report from Appraisal Officer regarding "Second Exposure Draft to the Real Property Appraiser Qualifications Criteria."

Brenda Kindred-Kipling presented this report, making specific reference to items on pages 8 (computer classes) and 9 (continuing education credit relative to attending Commission or Board meetings). Ms. Kindred-Kipling stated that another item for consideration relative to regulation changes appears on page 20 (practicum courses).

Commissioner Kinkade suggested that the Lied Institute may have some valuable input on this issue.

(6-13) Discussion regarding proposed dates for Commission meetings for calendar year 2007.

Ms. Anderson presented suggested dates for 2007 meetings. Consensus was reached for the following dates:

March 6-8, 2007 (South)
June 4-6, 2007 (North)
August 28-30, 2007 (South)
October 22-24, 2007 (South)

(6-14) DISCUSSION AND POSSIBLE ACTION ON DATE, TIME, PLACE AND AGENDA ITEMS FOR UPCOMING MEETING (S).

Ms. Kindred-Kipling stated that the December meeting will be held at the Department of Education on Sahara Avenue in Las Vegas.

(6-16) Discussion and possible action on election of officers.

Commissioner Kinkade nominated Commissioner Huber for another term as president. Seconded by Commissioner Papez. Motion carried.

President Huber nominated Commissioner Kinkade as Vice-President. Seconded by Commissioner Stefan. Motion carried.

Commissioner Kinkade nominated Commissioner Stefan as Secretary. Seconded by Commissioner Papez. Motion carried.

(8) PUBLIC COMMENT

Michael Brunson

Mr. Brunson thanked the Commission for their service and contribution to the industry. Mr. Brunson expressed concerned regarding some of the Commission decisions from April disciplinary hearings, stating that it is imperative to demand higher standards. Mr. Brunson stated that he was glad to hear the discussion on complex appraisals. Mr. Brunson stated that the newsletter needs to focus on communication. Mr. Brunson stated that he is interested in the Commission following up on the status of the supervisor course.

(6-15) COMMISSIONER COMMENTS.

President Huber stated that in preparing for hearings and getting the communication down this has been the smoothest preparatory process since she has been chairing the Commission and thanked everyone involved. Commissioner Stefan seconded the statement.

9 ADJOURNMENT:

President Huber adjourned the meeting at 1:50 p.m.

Respectfully submitted,

Linda Pierson
Commission Coordinator