

Enforcement Actions

November 3, 2016

According to Neb. Rev. Stat. §§ 76-3216 and 76-3217, the Nebraska Real Property Appraiser Board may censure, revoke or suspend the registration of or otherwise levy a fine or civil penalty against a registered appraisal management company for any of the acts or omissions set forth in the Nebraska Appraisal Management Company Registration Act. Upon receipt of information indicating that an appraisal management company may have violated any provision of the act, the Board shall make an investigation of the facts to determine whether or not there is evidence of a violation. If a formal complaint is filed, the matter may proceed to formal hearing, determination and order by the Board.

The Nebraska Real Property Appraiser Board adopted a motion for format for publishing of enforcements. The following motion was adopted February 21, 2007. The motion reads as follows: "All disciplinary actions will be published . . . using the agreed upon format of case number, name, items of agreement or order and include any fees paid by the respondent with the effective date of the disciplinary action as of January 1, 2006.

The following actions have been taken:

16-04 Independent Settlement Services, LLC (NE2012062)

A Grievance was filed against Independent Settlement Services, LLC ("Independent") for allegedly performing procurement of a registration for itself by fraud, misrepresentation, or deceit by failing to disclose previous disciplinary action taken by another jurisdiction on an application for renewal of a registration as an appraisal management company. Independent entered into a Consent Agreement with the Nebraska Real Property Board ("Board") on October 18, 2016 for the alleged violation of Neb. Rev. Stat. § 76-3216, which states, (1) "To the extent permitted by any applicable federal legislation or regulation, the board may censure an appraisal management company, conditionally or unconditionally suspend or revoke the registration issued to the appraisal management company under the Nebraska Appraisal Management Company Registration Act, or levy fines or impose civil penalties not to exceed five thousand dollars for a first offense and not to exceed ten thousand dollars for a second or subsequent offense, if the board determines that an appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following: (c) Procurement of a registration for itself or any other person by fraud, misrepresentation, or deceit." Independent was ordered by the Board to pay \$1,200.00 for costs associated with the investigation, and pay a civil penalty in the amount of \$1,500.00, within fifteen days of execution of the Consent Agreement. Independent was also ordered to probation for a period of one year from the date of execution of the Consent Agreement, and agreed to report any and all active investigations and any dispositions of investigations to the Board within thirty days.

12-30 and 12-33 JVI Appraisal Division, LLC (NE2012045)

Two Grievances were filed against JVI Appraisal Division, LLC for failure to maintain a surety bond in the amount of \$25,000 in accordance with Neb. Rev. Stat. § 76-3203 (4). Additionally, another Grievance alleged that the AMC failed to pay fees to an appraiser following the completion of an appraisal within 60 days of transmission of the complete appraisal report to the AMC, in violation of § 76-3215 (1). On June 18, 2013, a formal complaint was filed against JVI Appraisal Division, LLC, and on July 25, 2013 the matter was heard by a hearing officer following proper notification to the respondent. The allegations were deemed to be true and the violations were substantiated by the hearing

officer. It was therefore determined that JVI Appraisal Division, LLC will pay a civil penalty in the amount of \$5,000 within 60 days. JVI Appraisal Division, LLC shall have registration as an Appraisal Management Company in the State of Nebraska immediately revoked as of August 22, 2013.

13-05 ES Appraisal Services, Inc. (NE2012086)

A Grievance was filed against ES Appraisal Services, Inc. for failure to maintain a surety bond in the amount of \$25,000 in accordance with Neb. Rev. Stat. § 76-3203 (4). Additionally, the Grievance alleged that the AMC failed to pay fees to an appraiser following the completion of an appraisal within 60 days of transmission of the complete appraisal report to the AMC, in violation of § 76-3215 (1). On June 18, 2013, a formal complaint was filed against ES Appraisal Services, Inc., and on July 25, 2013 the matter was heard by a hearing officer following proper notification to the Respondent. The allegations were deemed to be true and the violations were substantiated by the hearing officer. It was therefore determined that ES Appraisal Services, Inc. will pay a civil penalty in the amount of \$5,000 within 60 days. ES Appraisal Services, Inc. shall have registration as an Appraisal Management Company in the State of Nebraska immediately revoked as of August 22, 2013.