

**FILED**

**MAY 17 2017**

**BUREAU OF REAL ESTATE**

By *M. Robert*

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8  
9 **BEFORE THE BUREAU OF REAL ESTATE**  
10 **STATE OF CALIFORNIA**

11 \* \* \*

12 In the Matter of the Application of

13 GARY NEAL CURTIS,

14 Respondent.

No. H-3079 FR

STATEMENT OF ISSUES

15 The Complainant, BRENDA SMITH, in her official capacity as a Supervising  
16 Special Investigator of the State of California, brings this Statement of Issues against GARY  
17 NEAL CURTIS ("Respondent") and is informed and alleges as follows:

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19 On or about March 17, 2016, Respondent made application to the Bureau of Real  
20 Estate of the State of California ("the Bureau") for a real estate salesperson license.

21 DISCIPLINARY ACTION

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23 On or about June 2, 2012, before the Commission of Appraisers of Real Estate,  
24 State of Nevada, Case No. AP10.057.N, Respondent signed a Voluntary Surrender, wherein  
25 Respondent voluntarily surrendered his Certified General Appraiser License in lieu of other  
26 disciplinary action. In the Voluntary Surrender, Respondent admitted to having violated the  
27 following standards as published by the Uniform Standards of Professional Appraisal Practice

1 ("USPAP") adopted by the Appraisal Standards Board of the Appraisal Foundation of the State  
2 of Nevada:

- 3 a) NAC 645C.460(1)(a) including the act found in NAC 645C.405(1): Failing to  
4 prominently state in the appraisal which reporting option was used.
- 5 b) NAC 645C.405: failing to prominently state which reporting option used;  
6 failing to clearly and/or accurately report the location of the subject property;  
7 failing to clearly and accurately describe the subject property; including a  
8 false photograph of the subject property in the report; failing to sufficiently  
9 describe the shape of the subject site and any effect on value; failing to  
10 explain the proposed on and off site improvements; and failing to sufficiently  
11 analyze and discuss in his report relevant comparable sales available at the  
12 time of his appraisal.
- 13 c) NRS 645C.460(1)(a)&(b), including the act found in NAC 645C.405(1):  
14 failing to accurately and/or sufficiently communicate the results of his  
15 appraisal as evidenced in his report, and by reporting a false photo and/or  
16 inspecting the wrong property.
- 17 d) NRS 645C.460(1)(a), including the act found in NAC 645C.405(1): failing to  
18 retain a copy of the appraisal and work file for the required retention period,  
19 Respondent is in violation of the Record-Keeping Section of the Ethics Rule  
20 of USPAP.
- 21 e) NRS 645C.460(b), including the act found in NAC 645C.405(1)&(4): failing  
22 to have sufficient geographic competence to perform the appraisal of the  
23 subject property as evidenced in Respondent's report.
- 24 f) USPAP Standards Rule 1-1(a), (b) & (c), which is unprofessional conduct  
25 pursuant to NRS 645C.460(1)(a), including the act found in NAC  
26 645C.405(1): failing to properly identify the subject property's location and  
27 topography; failing to properly appraise the subject property "As is" and/or

1 properly assume the subject property will be developed into 1 to 5 acre  
2 commercial pads; failing to properly analyze the Highest and Best Use of the  
3 subject property; and failing to properly analyze the effect on value of on and  
4 off site improvement.

5 g) USPAP Standards Rule 1-2(e), which is unprofessional conduct pursuant to  
6 NRS 645C.460(1)(a), including the act found at NAC 645C.405(1): failing to  
7 clearly and accurately identify where the subject property is located; failing to  
8 identify the gravel/borrow pit located on the subject site; and failing to  
9 identify the shape and topography of the subject site.

10 h) USPAP Standards Rule 1-2(f) and/or (g), which is unprofessional conduct  
11 pursuant to NRS 645C.460(1)(a), including the act found at NAC  
12 645C.405(1): failing to clearly and accurately identify where the subject  
13 property is either being appraised "As is" or as a hypothetical condition that  
14 the subject property will be developed into 1 to 5 acre pads.

15 i) USPAP Standards Rule 1-3(a), which is unprofessional conduct pursuant to  
16 NRS 645C.460(1)(a), including the act found at NAC 645C.405(1): failing to  
17 properly analyze the economic supply and demand of the subject property as  
18 evidenced by Respondent's report.

19 j) USPAP Standards Rule 1-4(a), which is unprofessional conduct pursuant to  
20 NRS 645C.460(1)(a), including the act found at NAC 645C.405(1): failing to  
21 sufficiently analyze relevant comparable sales as evidenced in Respondent's  
22 report.

23 k) USPAP Standards Rule 2-1(a), (b) & (c), which is unprofessional conduct  
24 pursuant to NRS 645C.460(1)(a), including the act found at NAC  
25 645C.405(1): failing to accurately report the location of the subject property;  
26 failing to report the gravel pit located on the subject property; by including a  
27 false picture of the subject property; failing to clearly report the shape and

1 topography of the subject property; and failing to clearly and accurately report  
2 all assumptions, extraordinary assumptions and hypothetical conditions as  
3 evidence in Respondent's report.

- 4 l) USPAP Standards Rule 2-2, which is unprofessional conduct pursuant to NRS  
5 645C.460(1)(a), including the act found at NAC 645C.405(1): failing to  
6 prominently state in his report which option Respondent used.
- 7 m) USPAP Standards Rule 2-2(b)(iii), which is unprofessional conduct pursuant  
8 to NRS 645C.460(1)(a), including the act found at NAC 645C.405(1): failing  
9 to accurately report the location of the subject property; failing to report the  
10 gravel pit located on the subject site; and including a false picture of the  
11 subject property.
- 12 n) USPAP Standards Rule 2-2(b)(x), which is unprofessional conduct pursuant to  
13 NRS 645C.460(1)(a), including the act found at NAC 645C.405(1): failing to  
14 clearly and accurately report the extraordinary assumptions and hypothetical  
15 conditions as evidenced in Respondent's report.

16 MATTERS IN AGGRAVATION

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18 On or about November 21, 2011, before the Director of the Office of Real Estate  
19 Appraisers, State of California, Case Nos. C080707-01, C081030-09, C100318-01, and  
20 C100318-02, Respondent signed a Stipulated Voluntary Surrender of License and Order, which  
21 was adopted by the Director of the Office of Real Estate Appraisers by way of Decision and  
22 Order on or about December 16, 2011.

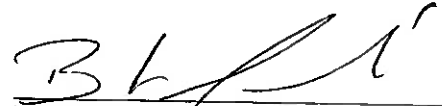
23 GROUND FOR DENIAL

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25 The facts identified in Paragraph 2, above, constitute cause under Section  
26 10177(g) (demonstrated negligence of incompetence in performing an act for which he or she is  
27 required to hold a license) of the Business and Professions Code for the denial of all licenses

1 and license rights of Respondent under the Real Estate Law.

2 WHEREFORE, Complainant prays that the above-entitled matter be set for  
3 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of a real estate salesperson license to  
5 Respondent, and for such other and further relief as may be proper under other provisions of  
6 law.

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8 BREND A SMITH  
Supervising Special Investigator

9 Dated at Fresno, California,  
10 this 8 day of May, 2017.

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12 DISCOVERY DEMAND

13 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
14 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in  
15 the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate  
16 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
17 Office of Administrative Hearings deems appropriate.

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