



AMC Registration Act Enforcement Actions

June 18, 2020

All registered appraisal management companies and all applicants for a registration in the State of Nebraska are subject to the complaint procedures established in Chapter 8 of Title 298 for any alleged violations of the AMC Registration Act and/or of Title 298 of the Nebraska Administrative Code. Such procedure shall not suspend or preclude any other proceedings otherwise allowed by the AMC Registration Act or by other law. In accordance with Neb. Rev. Stat. § 76-3216 (4), the Nebraska Real Property Appraiser Board may censure an appraisal management company, conditionally or unconditionally suspend or revoke its registration, 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 a material violation of the act, a violation of any rule or regulation adopted and promulgated by the Nebraska Real Property Appraiser Board; or procurement of a registration for itself or any other person by fraud, misrepresentation, or deceit. In addition, the Nebraska Real Property Appraiser Board may issue a cease and desist order against any person who performs any action described in subdivision (5) or (6) of section 76-3202 without the appropriate registration. Any disciplinary action taken against an appraisal management company shall be reported to federal authorities as required by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. If an investigation indicates that a person may have violated a provision of the AMC Registration Act, and before the Nebraska Real Property Appraiser Board may censure, suspend, or revoke the registration of, or levy a fine or civil penalty against an appraisal management company, the Nebraska Real Property Appraiser Board shall notify the appraisal management company in writing of any charges made under the AMC Registration Act at least twenty days prior to the date set for the hearing, and shall permit the appraisal management company an opportunity to be heard in person or by counsel. The Board may enter into consent agreements or negotiate settlements at any time after the completion of an investigation and before the Board takes disciplinary action upon the completion of a hearing.

The following enforcement actions in violation of the AMC Registration Act have been taken by the Nebraska Real Property Appraiser Board within the past ten years. If disciplinary information is needed for a specific appraisal management company (included below or not included below), a proper public records request must be made to the Board in writing or by email (nrpab.compliance@nebraska.gov) in accordance with Neb. Rev. Stat. § 84.712.01. The Board will provide any records available to the public in response to the public records request (e.g. Formal Complaint, Order of Discipline, Consent Agreement). The Board does not answer questions pertaining to disciplinary history (i.e. Has disciplinary action been taken against registration number NE#####?).

20-01 U.S. Real Estate Services, Inc. (NE2012035)

A Grievance was filed against U.S. Real Estate Services, Inc (“USRES”) for allegedly performing procurement of a registration for itself by fraud, misrepresentation, or deceit by failing to disclose that it was under investigation by another jurisdiction at the time of application on an application for renewal of a registration as an appraisal management company. USRES entered into a Consent Agreement the with Nebraska Real Property Board (“Board”) on June 18, 2020 for the alleged violation of Neb. Rev. Stat. § 76-3216(4)(c), which says the Board may censure an appraisal management company, conditionally or unconditionally suspend or revoke its registration, 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 procurement of a registration for itself or any other person by fraud, misrepresentation, or deceit. USRES was ordered by the Board to pay \$800.00 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. USRES 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.

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 the with 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.