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ARIZONA BOARD OF APPRAISAL

8 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

10 **CASE No. 14F-3585-BOA**

11 **GRACE G. ABATE,**
12 **a/k/a: G. Gerri Abate**
13 **Certified Residential Appraiser**
14 **Certificate No. 20072,**

CONSENT AGREEMENT and
ORDER FOR VOLUNTARY
SUSPENSION

14 Respondent.

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16 In the interest of a prompt and judicious settlement of the above-captioned matter
17 before the Arizona Board of Appraisal (“Board”) and consistent with public interest,
18 statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-3601
19 *et seq.* and A.R.S. §41-1092.07(F)(5), Grace G. Abate (“Respondent”), holder of
20 Certificate No. 20072 and the Board enter into this Consent Agreement and Order for
21 Voluntary Suspension (“Consent Agreement”) as the final disposition of this matter.

22 **JURISDICTION**

23 1. The Arizona State Board of Appraisal (“Board”) is the state agency
24 authorized pursuant to A.R.S. § 32-3601 *et seq.*, and the rules promulgated thereunder,
25 found in the Arizona Administrative Code (“A.A.C.” or “rules”) at R4-46-101 *et seq.*, to
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- 1 e. The data presented by Respondent in the MC addendum and at the top
2 of page 2 appears to be for the entire market, rather than sales and
3 listings that directly compete with the subject property. The information
4 presented does not support the slow growth or oversupplied
5 neighborhood characteristics. Exposure time of 3-6 months is not
6 reflected in the data presented in the MC addendum (22-47 days).
- 7 f. Comparable Nos. 1 and 2 are reported in the MLS and Respondent's
8 notes as having no rear landscaping, yet the sales comparison grid
9 reports landscaping and no adjustments.
- 10 g. In addition, Comparable No. 2 sold above list price due to seller
11 concessions that are not reported or analyzed.
- 12 h. The Respondent states on pages 2 and 3 that there is insufficient data to
13 establish value through the income approach, but does not provide an
14 explanation for why it is unnecessary to produce a credible report.
- 15 i. The subject purchase contract calls for the sellers to pay up to \$1,100 in
16 concessions that are not reported or analyzed.
- 17 j. Respondent states that the Cost Approach is not required for VA
18 financing, but does not provide an explanation for why it is unnecessary
19 to produce a credible report.
- 20 k. Overall, there were multiple errors noted in the appraisal report that
21 impact the credibility of the appraisal.

22
23 **CONCLUSIONS OF LAW**

24 The conduct described above constitutes violations of the following Standards of
25 the Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition:
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1 an attorney or has waived the opportunity to do so. Respondent voluntarily
2 enters into this Consent Agreement for Voluntary Suspension for the
3 purpose of avoiding the expense and uncertainty of an administrative
4 hearing.

5 5. Respondent understands that he has a right to a public administrative
6 hearing concerning each and every allegation set forth in the above-
7 captioned matter, at which administrative hearing he could present evidence
8 and cross-examine witnesses. By entering into this Consent Agreement and
9 Order for Voluntary Suspension, Respondent freely and voluntarily
10 relinquishes all rights to such an administrative hearing, as well as all rights
11 of rehearing, review, reconsideration, appeal, judicial review or any other
12 administrative and/or judicial action, concerning the matters set forth
13 herein. Respondent affirmatively agrees that this Consent Agreement and
14 Order for Voluntary Suspension shall be irrevocable.

15 6. Respondent understands that this Consent Agreement and Order for
16 Voluntary Suspension, or any part thereof, may be considered in any future
17 disciplinary action against her.

18 7. Time is of the essence with regard to this agreement.

19 8. If Respondent fails to comply with the terms of this Consent Agreement
20 and Order for Voluntary Suspension, the Board shall properly institute
21 proceedings for noncompliance with this Consent Agreement and Order for
22 Voluntary Suspension, which may result in revocation or other disciplinary
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1 and/or remedial actions. Respondent agrees that any violation of this
2 Consent Agreement and Order for Voluntary Suspension is a violation of
3 A.R.S. § 32-3631(A)(8), which is willfully disregarding or violating any of
4 the provisions of the Board's statutes or the rules of the Board for the
5 administration and enforcement of its statutes.

6
7 9. Respondent understands that this Consent Agreement and Order for
8 Voluntary Suspension does not constitute a dismissal or resolution of other
9 matters currently pending before the Board, if any, and does not constitute a
10 waiver, express or implied, of the Board's statutory authority or jurisdiction
11 regard any other pending or future investigation, action or proceeding.

12 Respondent also understands that acceptance of this Consent Agreement
13 and Order for Voluntary Suspension does not preclude any other agency,
14 subdivision or officer of this state from instituting other civil or criminal
15 proceedings with respect to the conduct that is the subject of this Consent
16 Agreement and Order for Voluntary Suspension. **However, once the**
17 **Consent Agreement becomes effective, the parties will enter into a**
18 **Stipulation to vacate the formal hearing currently set for July 28, 2014.**

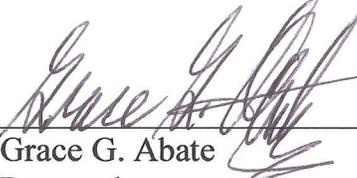
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21 10. Respondent understands that the foregoing Consent Agreement and Order
22 for Voluntary Suspension shall not become effective unless and until
23 adopted by the Board of Appraisal and executed on behalf of the Board.
24 Any modification to this original document is ineffective and void unless
25 mutually approved by the parties in writing.
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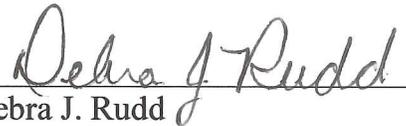
11. Respondent understands that this Consent Agreement and Order for
Voluntary Suspension is a public record that may be publicly disseminated
as a formal action of the Board.

12. The above constitute a **Level IV violation**.

DATED this 16th day of July, 2014.


Grace G. Abate
Respondent

7-14-14


Debra J. Rudd
Executive Director
Arizona Board of Appraisal

ORIGINAL of the foregoing filed
this 22nd day of July, 2014 with:

Arizona Board of Appraisal
15 South 15th Ave.,; Ste. 103A
Phoenix, Arizona 85007

COPY of the foregoing mailed by *U.S. Certified and Regular Mail*
this 22nd day of July, 2014, to: *7012 3056 1002 0740 9514

Grace G. Abate
5570 North Camino Arenosa
Tucson, Arizona 85718
Respondent

COPY of the foregoing mailed by regular US Mail
this 22nd day of July, 2014, to:

Nino Abate
The Law Office of Nino Abate, PLC
9375 E. Shea Blvd, Ste. 100
Scottsdale, Arizona 85260
Attorneys for Respondent

COPY of the foregoing sent *inter-agency mail*

1 this 22nd day of July 2014, to:

2 Jeanne M. Galvin
3 Assistant Attorney General CIV/LES
4 Arizona Attorney General's Office
5 1275 W. Washington St.
6 Phoenix, Arizona 85007

7 By: 
8 JMG/sjk #3869014v1 Kelly Luteijn

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