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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

IN THE MATTER OF:

CASE No. 3635

MICHAEL D. SHORES
Certified Residential Appraiser
Certificate No. 22030

**CONSENT AGREEMENT AND
ORDER OF DISCIPLINE**

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Appraisal (“Board”) and consistent with public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-3601 *et seq.* and A.R.S. §41-1092.07(F)(5), Michael D. Shores (“Respondent”), holder of Certificate No. 22030 and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as the final disposition of this matter.

On January 17, 2014, the Board convened to discuss case no. 3635. Despite having been properly noticed, Respondent did not appear. He had communicated with the Board prior to the meeting indicating that he would be unable to attend the meeting as he was attending a continuing education course. At the conclusion of its consideration of this matter, the Board voted to offer the Respondent a Consent Agreement and Order of Discipline in lieu of further administrative proceedings.

JURISDICTION

1. The Arizona State Board of Appraisal (“Board”) is the state agency authorized pursuant to A.R.S. § 32-3601 *et seq.*, and the rules promulgated thereunder, found in the Arizona Administrative Code (“A.A.C.” or “rules”) at R4-46-101 *et seq.*, to regulate and control the licensing and certification of real property appraisers in the State of Arizona.

1 **FINDINGS OF FACT**

2 On or about December 23, 2013, the Board's investigation revealed the following:

3 1. This complaint involves an appraisal by Respondent of a single family
4 home located at 7445 W. Mission Lane, Peoria, AZ with an effective date of value of
5 October 16, 2013.

6 2. No adjustments were analyzed/applied for the contributory value of the
7 subject's AZ Room addition. Given the age of the improvements, the quality of the
8 finishes of the AZ Room and the prevalence of room additions in the local market, it is
9 likely that the subject's 276 SF addition would have some contributory value.

10 3. Comparable No. 3 had superior upgrades that were not addressed. This
11 Comparable is reported to be remodeled with such features as granite countertops with no
12 discussion or adjustment.

13 4. Additionally, the garage adjustments for Comparable No. 4 were made in
14 the wrong direction.

15 5. Information on page one states that marketing times are 3-6 months,
16 although commentary and the MC addendum indicate average marketing times are under
17 60 days.

18 6. Finally, subject zoning is reported to be single family residential when it is
19 actually R1-8.

20 **CONCLUSIONS OF LAW**

21 Pursuant to A.R.S. § 32-3635, a certified or licensed appraiser in the State of
22 Arizona must comply with the standards of practice adopted by the Board. The
23 Standards of Practice adopted by the Board are codified in the USPAP edition applicable
24 at the time of the appraisal.
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1 The conduct described above constitutes violations of the following provisions of
2 the USPAP, 2012-2013 edition:

3 **Standards Rule 1-1 (a); Standards Rule 1-4(a); and Standards Rule 2-2**
4 **(b)(viii).**

5 **ORDER**

6 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties
7 agree to the following:

8 1. Respondent shall complete the following education within six (6) months of
9 the effective date of this Consent Agreement: a **seven (7) hour Report Writing course**
10 **and a thirty (30) hour Basic Appraisal course (to include successful completion of an**
11 **exam). The education required under this paragraph may NOT be counted toward the**
12 **continuing education requirements for the renewal of Respondent's certificate.** The
13 effective date of this Consent Agreement and Order is the date the Order is signed by the
14 Board's Executive Director.

15 2. Proof of completion of the required education must be submitted to the
16 Board within 3 weeks of completion of the required coursework. Respondent shall be
17 responsible for all costs associated with completing the coursework and exam as required
18 in paragraph 3.

19 3. Respondent shall comply with the Uniform Standards of Professional
20 Appraisal Practice in performing all appraisals and all Board statutes and rules.

21 4. Respondent shall comply with the Uniform Standards of Professional
22 Appraisal Practice in performing all appraisals and all Board statutes and rules.

23 5. If, between the effective date of this Consent Agreement and the
24 termination of Respondent's probation by the Board, Respondent fails to renew his
25 certificate while under this Consent Agreement and subsequently applies for a license or
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1 certificate, the remaining terms of this Consent Agreement, if any, shall be imposed if the
2 application for license or certificate is granted.

3 6. Respondent has read and understands this Consent Agreement as set forth
4 herein, and has had the opportunity to discuss this Consent Agreement with an attorney
5 or has waived the opportunity to discuss this Consent Agreement with an attorney.
6 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding
7 the expense and uncertainty of an administrative hearing.

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

16 8. Respondent understands that this Consent Agreement, or any part thereof,
17 may be considered in any future disciplinary action against him.

18 9. The parties agree that this Consent Agreement constitutes final resolution
19 of this disciplinary matter.

20 10. Time is of the essence with regard to this agreement.

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

3 12. Respondent understands that this Consent Agreement does not constitute a
4 dismissal or resolution of other matters currently pending before the Board, if any, and
5 does not constitute any waiver, express or implied, of the Board's statutory authority or
6 jurisdiction regard any other pending or future investigation, action or proceeding.
7 Respondent also understands that acceptance of this Consent Agreement does not
8 preclude any other agency, subdivision or officer of this state from instituting other civil
9 or criminal proceedings with respect to the conduct that is the subject of this Consent
10 Agreement.

11 13. Respondent understands that the foregoing Consent Agreement shall not
12 become effective unless and until adopted by the Board of Appraisal and executed on
13 behalf of the Board. Any modification to this original document is ineffective and void
14 unless mutually approved by the parties in writing.

15 14. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board.

17 15. Pursuant to the Board's Substantive Policy Statement #1, the Board
18 considers the violations in the above-referenced matter to constitute to a **Level III**
19 **Violation.**

20 DATED this 12 day of March, 2014.

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26 Michael D. Shores
Respondent

Debra Rudd

Debra Rudd
Executive Director
Arizona Board of Appraisal

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ORIGINAL of the foregoing filed
this 12th day of March, 2014 with:

Arizona Board of Appraisal
15 S. 15th Ave., Suite 103A
Phoenix, Arizona 85007

COPY of the foregoing mailed regular
and certified mail # 7010 2780 0003 5016 8473
this 12th day of March, 2014 to:

Michael D. Shores
1563 W. Lacewood Place
Phoenix, AZ 85045

COPY of the foregoing sent or delivered
this 12th day of March, 2014 to:

Jeanne M. Galvin
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007

By: 
3710313