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7
8 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

9 **IN THE MATTER OF:**

CASE NO. 3643

10 **DONALD L. PARKER**
11 Certified Residential Appraiser
Certificate No. 20198

**CONSENT AGREEMENT and
ORDER FOR VOLUNTARY
SURRENDER**

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13 In the interest of a prompt and judicious settlement of the above-captioned matter
14 before the Arizona Board of Appraisal (“Board”) and consistent with public interest,
15 statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-3601
16 *et seq.* and A.R.S. § 41-1092.07(F)(5), Donald L. Parker (“Respondent”), holder of
17 Certificate No. 20198 and the Board enter into this Consent Agreement and Order for
18 Voluntary Surrender (“Consent Agreement”) as the final disposition of this matter.

19 The Board met to discuss the above-captioned matter at its February 2014,
20 monthly meeting. At the conclusion of the Board’s consideration of the issues, the Board
21 and Respondent agreed to enter into this Consent Agreement and Order for Voluntary
22 Surrender in lieu of further administrative proceedings.

23 **JURISDICTION**

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

1 regulate and control the licensing and certification of real property appraisers in the State
2 of Arizona.

3 2. Respondent holds a certificate as a Certified Residential Appraiser in the
4 State of Arizona, Certificate No. 20198, issued August 15, 1991, pursuant to A.R.S. § 32-
5 3612.

6 CONSENT AGREEMENT

7 Respondent understands and agrees that:

8 1. The Board has jurisdiction over Respondent and the subject matter pursuant
9 to A.R.S. § 32-3601 *et seq.*

10 2. Respondent has the right to consult with an attorney prior to entering into
11 this Consent Agreement.

12 3. Respondent has a right to a public hearing concerning this case. He further
13 acknowledges that at such formal hearing he could present evidence and cross-examine
14 witnesses. Respondent irrevocably waives his right to such a hearing.

15 4. Respondent irrevocably waives any right to rehearing or review or to any
16 judicial review or any other appeal of this matter.

17 5. This Consent Agreement shall be subject to the approval of the Board and
18 shall be effective only when signed by the Executive Director and accepted by the Board.
19 In the event that the Board does not approve this Consent Agreement, it is withdrawn and
20 shall be of no evidentiary value and shall not be relied upon nor introduced in any action
21 by any party, except that the parties agree that should the Board reject this Consent
22 Agreement and this case proceeds to hearing, Respondent will assert no claim that the
23 Board was prejudiced by its review and discussion of this document or any records
24 relating thereto.

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CONCLUSIONS OF LAW

Pursuant to A.R.S. § 32-3635, a certified or licensed appraiser in the State of Arizona must comply with the standards of practice adopted by the Board. The Standards of Practice adopted by the Board are codified in the USPAP edition applicable at the time of the appraisal.

The conduct described above constitutes violations of the following provisions of the USPAP, 2012-2013 edition:

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

ORDER FOR VOLUNTARY SURRENDER

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

1. Upon the effective date of this Consent Agreement for Voluntary Surrender, Respondent’s Arizona Certificate as a Certified Residential Appraiser (#20198) shall be surrendered. Once the surrender is effectuated, Respondent shall not issue a verbal or written appraisal, appraisal review, or consulting assignment in the State of Arizona. The effective date of this Consent Agreement for Voluntary Surrender is the date the Consent Agreement for Voluntary Surrender is accepted by the Board as evidenced by the signature of the Board’s Executive Director.

2. Respondent has read and understands this Consent Agreement and Order for Voluntary Surrender as set forth herein, and has had the opportunity to discuss this Consent Agreement and Order for Voluntary Surrender with an attorney or has waived the opportunity to do so. Respondent voluntarily enters into this Consent Agreement for

1 Voluntary Surrender for the purpose of avoiding the expense and uncertainty of an
2 administrative hearing.

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

14 4. Voluntary Surrender, or any part thereof, may be considered in any future
15 disciplinary action against him.

17 5. Time is of the essence with regard to this agreement.

18 6. If Respondent fails to comply with the terms of this Consent Agreement
19 and Order for Voluntary Surrender, the Board shall properly institute proceedings for
20 noncompliance with this Consent Agreement and Order for Voluntary Surrender, which
21 may result in injunctive proceedings.

22 7. Respondent agrees that any violation of this Consent Agreement and Order
23 for Voluntary Surrender is a violation of A.R.S. § 32-3631(A)(8), which is willfully
24 disregarding or violating any of the provisions of the Board's statutes or the rules of the
25 Board for the administration and enforcement of its statutes.
26

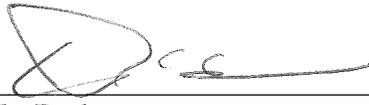
1 8. Respondent understands that this Consent Agreement and Order for
2 Voluntary Surrender does not constitute a dismissal or resolution of other matters
3 currently pending before the Board, if any, and does not constitute any waiver, express or
4 implied, of the Board's statutory authority or jurisdiction regard any other pending or
5 future investigation, action or proceeding. Respondent also understands that acceptance
6 of this Consent Agreement and Order for Voluntary Surrender does not preclude any
7 other agency, subdivision or officer of this state from instituting other civil or criminal
8 proceedings with respect to the conduct that is the subject of this Consent Agreement and
9 Order for Voluntary Surrender.
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12 9. Respondent understands that the foregoing Consent Agreement and Order
13 for Voluntary Surrender shall not become effective unless and until adopted by the Board
14 of Appraisal and executed on behalf of the Board. Any modification to this original
15 document is ineffective and void unless mutually approved by the parties in writing
16 Respondent understands that this Consent Agreement and Order for
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18 Voluntary Surrender is a public record that may be publicly disseminated as a
19 formal action of the Board.

20 10. Pursuant to the Board and Substantive Policy Statement #1, the Board
21 considers the violations in the above referenced matter to constitute a Level II violation.

22 DATED this ^{24th} ~~18~~ day of July, 2014.

23
24 

25 Donald L. Parker
26 Respondent

*I have retired effective
3/26/14*

24 

25 Debra J. Rudd
26 Executive Director
Arizona Board of Appraisal

1 ORIGINAL of the foregoing filed
this 24th day of July, 2014 with:

2 Arizona Board of Appraisal
3 1400 West Washington Street, Suite 360
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed regular
and certified mail 7012 3050 0002 0740 9521
6 this 25th day of July, 2014 to:

7 Donald L. Parker
8 7373 East Doubletree Ranch Road, Ste. 210
9 Scottsdale, Arizona 85258

10 COPY of the foregoing sent or delivered
this 25th day of July, 2014 to:

11 Jeanne M. Galvin
12 Assistant Attorney General
13 Arizona Attorney General's Office
14 1275 West Washington, CIV/LES
15 Phoenix, Arizona 85007

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By: 
3882198v1 Kelly Luker