

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE DEPARTMENT OF FINANCIAL INSTITUTIONS

In the Matter the Appraiser's License of:

Case No. 3792

JAY B. CLARK
Certified Residential Appraiser
License No. 20154

**CONSENT AGREEMENT FOR
VOLUNTARY SURRENDER**

Respondent.

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Department of Financial Institutions ("Department"), and consistent with public interest, statutory requirements and responsibilities of the Department, and pursuant to A.R.S. § 32-3601 *et seq.* and A.R.S. § 41-1092.07(F)(5), Jay B. Clark (the "Respondent"), holder of License No. 20154, and the Department enter into this Consent Agreement for Voluntary Surrender ("Consent Agreement") as the final disposition of this matter.

JURISDICTION

1. The Department 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 Rules 4-46-101 *et seq.*, to regulate and control the licensing and certification of real estate property appraisers in the State of Arizona.

2. Respondent holds a license as a Certified Residential Appraiser in the State of Arizona, License No. 20154, issued August 15, 1991, pursuant to A.R.S. § 32-3612.

CONSENT AGREEMENT

Respondent understands and agrees that:

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

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

RECEIVED
SEP 10 2015
DEPT. OF FINANCIAL
INSTITUTIONS

1 so. Respondent voluntarily enters into this Consent Agreement for Voluntary Surrender for the
2 purpose of avoiding the expense and uncertainty of an administrative hearing.

3 3. Time is of the essence with regard to this agreement.

4 4. If Respondent fails to comply with the terms of this Consent Agreement and Order
5 for Voluntary Surrender, the Department shall properly institute proceedings for noncompliance with
6 this Consent Agreement and Order for Voluntary Surrender, which may result in injunctive
7 proceedings.

8 5. Respondent agrees that any violation of this Consent Agreement and Order for
9 Voluntary Surrender is a violation of A.R.S. § 32-3631(A)(8), which is willfully disregarding or
10 violating any of the provisions of the appraiser's statutes or the rules.

11 6. Respondent understands that acceptance of this Consent Agreement and Order for
12 Voluntary Surrender does not preclude any other agency, subdivision or officer of this state from
13 instituting other civil or criminal proceedings with respect to the conduct that is the subject of this
14 Consent Agreement and Order for Voluntary Surrender.

15 7. Respondent understands that the foregoing Consent Agreement and Order for
16 Voluntary Surrender shall not become effective unless and until approved by the Superintendent and
17 signed by the Division Manager. Any modification to this original document is ineffective and void
18 unless mutually approved by the parties in writing.

19 8. Respondent understands that this Consent Agreement and Order for Voluntary
20 Surrender is a public record that may be publicly disseminated as a formal action of the Department.

21 RESPECTFULLY SUBMITTED this 26th day of August, 2015.

22 Lauren W. Kingry
23 Superintendent of Financial Institutions

24 By: Debra Rudd
25 Debra Rudd, Manager
26 Real Estate Appraisal Division

1 CONSENT TO AGREEMENT

2 Respondent understands and agrees that:

3 1. Respondent acknowledges that he has been served with a copy of the foregoing
4 Consent Agreement and Order for Voluntary Surrender in the above-referenced matter, has read the
5 same, is aware of his right to an administrative hearing in this matter, and has waived the same.

6 2. Respondent admits the jurisdiction of the Superintendent and consents to the entry of
7 the foregoing Consent Agreement and Order for Voluntary Surrender.

8 3. Respondent states that no promise of any kind or nature has been made to induce him
9 to consent to the entry of this Consent Agreement, and that he has done so voluntarily.

10 4. Respondent acknowledges that the acceptance of this Consent Agreement by the
11 Superintendent is solely to settle this matter and does not preclude this Department, any other agency
12 or officer of this state or subdivision thereof from instituting other proceedings as may be
13 appropriate now or in the future.

14 5. Respondent Jay B. Clark consents to the entry of this Consent Agreement on his own
15 behalf and voluntarily surrenders his Certified Residential License, license number 20154.

16 6. Respondent waive all rights to seek judicial review or otherwise to challenge or
17 contest the validity of this Consent Agreement. The Department has jurisdiction over Respondent
18 and the subject matter pursuant to A.R.S. § 32-3601 *et. seq.*

19 7. Respondent has the right to consult with an attorney prior to entering into this
20 Consent Agreement.

21 DATED this 7 day of SEPTEMBER, 2015.

22
23 By Jay B. Clark
24 Jay B. Clark
25
26

1 ORIGINAL of the foregoing e-filed this
2 10th day of September, 2015, in the office of:

3 Lauren W. Kingry
4 Superintendent of Financial Institutions
5 Arizona Department of Financial Institutions
6 ATTN: William Hampton
7 2910 N. 44th Street, Suite 310
8 Phoenix, AZ 85018

9 COPY of the foregoing mailed/emailed same date to:

10 Debra Rudd, Manager
11 Arizona Department of Financial Institutions
12 Real Estate Appraisal Division
13 ATTN: Kelly Luteijn
14 2910 N. 44th Street, Suite 310
15 Phoenix, AZ 85018
16 KLuteijn@azdfi.gov

17 Jay B. Clark
18 6515 W. Villa Theresa Drive
19 Glendale, AZ 85308
20 Toofun4jay@gmail.com
21 Respondent

22 
23 _____
24 #4619281 Kelly Luteijn