BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

In the Matter of : **LISA D. AMMONS,** **Certified Residential Appraiser** **No. 20875,** Respondent.	Case Nos. 07F-2270-BOA 07F-2271-BOA **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF REVOCATION**

On July 19, 2007, the Arizona Board of Appraisal ("Board") met to consider the Administrative Law Judge Decision of Brian Brendan Tully in the above-captioned matter. Lisa D. Ammons ("Ms. Ammons" or "Respondent") did not appear. The State was represented by Dawn Walton-Lee, Assistant Attorney General. The Board received independent legal advice from Christopher Munns, Assistant Attorney General from the Solicitor General's Office.

The Board, having reviewed the administrative record and the Administrative Law Judge's Findings of Fact, Conclusions of Law and Order in this matter, and having considered the written and/or oral arguments of the parties and fully deliberating the same, takes the following actions on the recommended decision:

1. The Board hereby accepts the Findings of Fact of the Administrative Law Judge with modifications requested by the State to correct typographical errors.

2. The Board hereby accepts the Conclusions of Law of the Administrative Law Judge.

3. The Board hereby accepts the Order of the Administrative Law Judge to with modifications to include the Board's standard language regarding revocation decisions.

4. The Findings of Fact, Conclusions of Law and Order shall read as follows:

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FINDINGS OF FACT

1. Lisa D. Ammons ("Respondent") is the holder of Residential Real Estate Appraiser Certificate No. 20875 originally issued by the State of Arizona Board of Appraisal ("Board") on September 28, 2004.

2. Certificate No. 20875 expired on August 31, 2006, due to Respondent having failed to timely renew it.

3. A certificate holder has a 90-day grace period within which to reactivate an expired certificate.

4. Respondent's certificate was renewed on October 11, 2006, with an expiration date of August 31, 2008.

5. During the period of time from the expiration of Respondent's certificate on August 31, 2006 until it was renewed on October 11, 2006, Respondent was prohibited from performing work as a certified residential real estate appraiser.

6. On November 1, 2006, Raymond Kowantz filed with the Board a completed Real Estate Appraiser Violation Complaint against Respondent, in connection with an appraisal she performed for 111 East Elm Street, Tucson, Arizona. Board staff assigned case number 2270 to Mr. Kowantz's complaint.

7. Respondent completed a Uniform Residential Appraisal Report for the Elm Street property dated September 13, 2006, signed it and included her certified residential real estate appraiser number below her signature. Respondent listed the expiration date for her certificate as August 31, 2008.

8. Mr. Kowantz's complaint also involved a second appraisal for a property located at 934 West Farr Street, Tucson, Arizona. That complaint was numbered 2271 by Board staff.

9. Respondent completed and signed the Uniform Residential Appraiser Report on September 13, 2006 for the West Farr Street property. She utilized her certificate number and listed August 31, 2008 as the expiration date for her certificate.

10. Mr. Kowantz paid Respondent a total of $800.00 for the two appraisals.

11. After Mr. Kowantz discovered that Respondent's certificate had expired, his company hired another certified residential real estate appraiser to appraise the properties. He requested a refund of the $800.00 paid to Respondent for the two appraisals. Although Respondent assured Mr. Kowantz in writing that she would refund the $800.00, she has never done so.

12. By letters dated November 15, 2006, the Board's Executive Director, Deborah G. Pearson, advised Respondent of Mr. Kowantz's complaints and requested, among other things, a response to his allegations. The Domestic Return Receipts for the certified mailings reflect that Respondent received the letters on November 16, 2006.

13. On February 8, 2007, Ms. Pearson issued a Subpoena Duces Tecum for Complaints No. 2270 and 2271. The Domestic Return Receipt for that mailing indicates that it was received by an individual at Respondent's address of record with the Board on February 14, 2007.

14. The Board subsequently issued a Complaint and Notice of Public Hearing in Complaint Nos. 2270 and 2271 and sent a copy of it to Respondent's address of record by both regular mailing and certified mailing.

15. The Board forwarded the two complaints to the Office of Administrative Hearings, an independent agency, for formal hearing.

16. The commencement of the formal hearing was delayed approximately 15 minutes to allow for the late arrival of Respondent or an attorney authorized to represent her. After the delay, the Administrative Law Judge conducted the hearing in Respondent's absence.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matters in the two complaints.

2. Pursuant to A.R.S. § 41-1092.07(G)(2), the Board has the burden of proof in these matters. The standard of proof is preponderance of the evidence. A.A.C. R2-19-119(A).

3. In Complaint No. 2270, Respondent violated the provisions of A.R.S. § 32-3631(A)(5).

4. In Complaint No. 2271, Respondent violated the provisions of A.R.S. § 32-3631(A)(5).

5. In Complaint No. 2270, Respondent violated the provisions of A.R.S. § 32-3631(A)(8) and A.A.C. R4-46-301(A)(2)(b).

6. In Complaint No. 2271, Respondent violated the provisions of A.R.S. § 32-3631(A)(8) and A.A.C. R4-46-301(A)(2)(b).

7. Pursuant to A.R.S. § 32-3632(B), the Board may impose disciplinary action against Respondent's certificate for the above violations.

ORDER OF REVOCATION

In issuing this order of discipline, the Board considers its obligations to fairly and consistently administer discipline, its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. That residential appraiser certificate No. 20875 issued to Ms. Ammons to practice as a Certified Residential Appraiser be revoked as of the effective date of this Order.

2. That Ms. Ammons shall immediately surrender her license by returning it to the Board office.

3. That Ms. Ammons may not accept fees for or perform appraisals, appraisal reviews, consulting assignments, or any services governed by the Uniform Standards of Professional Appraisal Practice, A.R.S. § 32-3601, *et seq.*, or the rules promulgated thereunder.

4. That Ms. Ammons is hereafter subject to the provisions of A.R.S. § 32-3638, which states that any person who is not licensed or certified as an appraiser and performs a real estate appraisal or appraisal review, or uses the designation of licensed or certified appraiser and/or provides false information to the Board is guilty of a Class 1 misdemeanor.

5. That if Ms. Ammons reapplies for licensing or certification as an appraiser in the State of Arizona in the future, this disciplinary action may be considered as part of the substantive review of any application submitted by Respondent, pursuant to A.R.S. § 32-3611(D).

6. Pursuant to the Board's Substantive Policy Statement #1, the Board considers the violations set forth herein to amount to Level V Violations for disciplinary purposes.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that she has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within 30 days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective 35 days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 23rd day of July, 2007.

ARIZONA STATE BOARD OF APPRAISAL

By: Deborah G. Pearson

Deborah G. Pearson, Executive Director

Copy of the foregoing personally served this 23rd day of July, 2007, on:

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, AZ 85007

Copy of the foregoing mailed via regular U.S. & Certified Mail #7005 1820 0000 5286 9126 this 23rd day of July, 2007, to:

LISA D. AMMONS
2721 W. CAMINO LLANO
TUCSON, AZ 85742

Copies of the foregoing sent by interagency this 23rd day of July, 2007, to:

DAWN WALTON-LEE
ASSISTANT ATTORNEY GENERAL
1275 W. WASHINGTON
PHOENIX, AZ 85007

CHRISTOPER MUNNS
ASSISTANT ATTORNEYS GENERAL
SOLICITOR GENERAL'S OFFICE
1275 W. WASHINGTON
PHOENIX, AZ 85007

Deborah G. Pearson

Copy of the foregoing remailed via U.S. Certified Mail #7006 0100 0002 8652 4674 this 13th day of August, 2007, to:

LISA D. AMMONS
2721 W. CAMINO LLANO
TUCSON, AZ 85742

Deborah G. Pearson

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