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FINDINGS OF FACT

On or about November 4, 2011, the Board's investigation revealed the following:

1. This matter deals with an appraisal conducted and report written by Respondent of a single family residence located at 7230 W. Sheila Lane, Phoenix, AZ 85033 with an effective date of value of October 1, 2008.

2. Comparable Sales nos. 1 and 2 were found to have pending sales for much less than they were listed for but this fact was not discussed by Respondent.

3. The comparables utilized by Respondent were trustee sales and were not appropriate for comparison.

4. The Cost Approach was not credible; the same cost per square foot for the garage as the patio is not credible.

5. Respondent noted that the property values were declining and there was a over-supply of available homes but yet there was no consideration for external obsolescence.

6. Respondent failed to maintain a signed copy of the first appraisal report he completed for this property (as part of the original assignment).

7. The financing concessions for the comparable sales were not adequately explained. The subject's sales concession was inappropriately and without proper explanation applied as a downward adjustment on each comparable.

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CONCLUSIONS OF LAW

1. 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, 2008-2009 edition:

1 review or any other administrative and/or judicial action, concerning the matters set
2 forth herein. Respondent affirmatively agrees that this Consent Agreement for
3 Voluntary Surrender shall be irrevocable.

4 4. Respondent understands that this Consent Agreement for Voluntary
5 Surrender, or any part thereof, may be considered in any future disciplinary action
6 against him or in any future decision regarding re-certification.

7 5. The parties agree that this Consent Agreement for Voluntary Surrender
8 constitutes final resolution of this disciplinary matter.

9 6. Time is of the essence with regard to this agreement.

10 7. Respondent understands that this Consent Agreement for Voluntary
11 Surrender does not constitute a dismissal or resolution of other matters currently
12 pending before the Board, if any, and does not constitute any waiver, express or
13 implied, of the Board's statutory authority or jurisdiction regarding any other pending
14 or future investigation, action or proceeding. Respondent also understands that
15 acceptance of this Consent Agreement for Voluntary Surrender does not preclude any
16 other agency, subdivision or officer of this state from instituting other civil or criminal
17 proceedings with respect to the conduct that is the subject of this Consent Agreement
18 for Voluntary Surrender.

19 8. Respondent understands that the foregoing Consent Agreement for
20 Voluntary Surrender shall not become effective unless and until adopted by the Board
21 of Appraisal and executed on behalf of the Board. Any modification to this original
22 document is ineffective and void unless mutually approved by the parties in writing.

23 9. Respondent understands that this Consent Agreement for Voluntary
24 Surrender is a public record that may be publicly disseminated as a formal action of
25 the Board.

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1 10. Pursuant to the Board's Substantive Policy Statement #1, the Board
2 considers the violations in the above-referenced matter to constitute to a Level IV
3 Violation.

4 DATED this ^{3rd} day of ^{April}, 2012.

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6 
7 John D. Cervin
8 Respondent

6 
7 Dan Pietropaulo
8 Executive Director
9 Arizona Board of Appraisal

9 ORIGINAL of the foregoing filed
10 this ^{3rd} day of ^{April}, 2012 with:
11 Arizona Board of Appraisal
12 1400 West Washington Street, Suite 360
13 Phoenix, Arizona 85007

13 COPY of the foregoing mailed regular
14 and certified mail 7009 1680 0000 7387 1474
15 this ^{3rd} day of ^{April}, 2012 to:
16 John D. Cervin
17 2715 W. Bluefield Ave
18 Phoenix, AZ 85053

17 COPY of the foregoing sent or delivered
18 this ^{3rd} day of ^{April}, 2012 to:
19 Jeanite M. Galvin
20 Assistant Attorney General
21 Arizona Attorney General's Office
22 1275 West Washington, CIV/LES
23 Phoenix, Arizona 85007

23 By: 
24 2474742 Rebecca M. Loar, Reg. Compliance Officer
25
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