

1 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

2
3 IN THE MATTER OF:

4 **SEAN A. CHAFFEY**
5 Licensed Residential Appraiser
6 License No. 11183

Case No. 2875

**FIRST AMENDED ORDER
EXTENDING PROBATION**

7 On October 7, 2011, Sean A. Chaffey (“Respondent”), holder of license no. 11183
8 appeared personally and with Mark Finley, Certified General Appraiser, before the
9 Arizona State Board of Appraisal (“Board”) seeking amendment of the Order Extending
10 Probation issued August 8, 2011. The Order Extending Probation was issued after the
11 Board met to consider Respondent’s request to terminate his probation. As part of its
12 discussion of this matter, the Board reviewed Respondent’s submitted appraisals. In
13 particular, the Board discussed Respondent’s appraisal of a 160 acre parcel in Bowie, AZ.
14 The Board noted that there was no support for the \$300 per acre adjustment nor did the
15 workfile contain evidence to support Respondent’s assertion that he utilized paired sales
16 analysis in arriving at that adjustment. In addition, there was a lack of adequate
17 discussion regarding the fact that the utilities were some 2 miles from the subject parcel
18 and the cost involved in bringing utilities to the property. Similarly, Respondent failed to
19 adequately discuss the issue of the public road, its distance from the subject property and
20 the issues involved in having proper access to the land.
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23 At the conclusion of its consideration of the matter, the Board voted to amend the
24 Order Extending Probation continuing Respondent’s probation and requiring Respondent
25 to complete an additional remedial course finding that the actions above constitute a
26 violation of the 2010-2011 of USPAP **Standards Rule 1-1(a); Standards Rule 1-3(a)**

1 and (b); Standards Rule 2-2(b); Scope of Work and Standard Ethics Rule—
2 Competency.

3 **THEREFORE IT IS ORDERED THAT:**

4 1. Upon the effective date of this Order, Respondent's probationary period
5 is extended for a minimum of three (3) months. During probation, Respondent shall
6 comply with USPAP, Arizona Revised Statutes and Appraisal Board rules.

7 2. Respondent shall successfully complete the following education within **three**
8 **(3) months** of the effective date of this Order: **An eight (8) hour Easement Course**
9 The education under this paragraph may not be counted toward the continuing
10 education requirements for the renewal of Respondent's license. The same class may not
11 be repeated to fulfill the education requirements of this Order. **The course may be**
12 **completed through distance education.**

13 3. Proof of completion of the required education must be submitted to the
14 Board within 3 weeks of completion of the required course.

15 4. During the term of probation, Respondent shall: (a) demonstrate resolution
16 of the problems that resulted in this disciplinary action; and (b) otherwise comply with
17 the terms of this Order.

18 5. During the period of probation, Respondent shall complete a minimum of **six**
19 **(6) appraisal reports** under the supervision of an Arizona Certified Residential or
20 Certified General Appraiser who shall serve as Respondent's Mentor ("Mentor").

21 6. During the probationary period, the Respondent shall not issue a verbal or
22 written appraisal, appraisal review, or consulting assignment without prior review and
23 approval by a Mentor. Each report shall **either** be signed by the Mentor as a supervisory
24 appraiser **or** the Mentor must complete a written review of each report ensuring that the
25 report complies with USPAP and the Board's statutes and rules. The Mentor's review
26 shall comply with the requirements of Standard 3 of the USPAP. The Mentor's Standard

1 3 review shall be completed before the report is issued to the client. Any changes the
2 Mentor requires to ensure the report complies with the USPAP shall be completed by the
3 Respondent and approved by the Mentor before the report is issued. The Mentor's
4 written Standard 3 review shall be maintained by the Mentor and made available to the
5 Board upon request.

6 7. The Mentor must be approved by the Board and is subject to removal by the
7 Board for nonperformance of the terms of this Order. The Mentor may not have a
8 business relationship with Respondent except for the Mentor/Mentee relationship nor
9 may the Mentor be related to Respondent. Any replacement Mentor is subject to the
10 Board's approval and the remaining terms of this Order. The Board's Executive
11 Director may give temporary approval of the Mentor until the next regular meeting of
12 the Board.

13 8. Not more than **30 days** after the effective date of this Order, Respondent
14 shall submit to the Board the name and resume of an Arizona Certified Residential or
15 Arizona Certified General Appraiser who is willing to serve as Respondent's Mentor
16 together with a letter from the potential Mentor agreeing to serve as Respondent's
17 Mentor. If requested by Board staff, Respondent shall continue to submit names,
18 resumes, and letters agreeing to serve as Mentor until a Mentor is approved by the
19 Board. Any Mentor must be approved in writing by the Board.

20 9. Respondent shall bear all costs and expenses associated with the mentorship
21 and incurred by attending the course.

22 10. The Mentor shall submit monthly reports to the Board for each calendar
23 month during Respondent's probationary period reflecting the quantity and quality of
24 Respondent's work, including, but not limited to, improvement in Respondent's practice
25 and resolution of those problems that prompted this action. The Mentor's report shall be
26 filed monthly beginning the 15th day of the first month following the start of

1 Respondent's probationary period and continuing each month thereafter until
2 termination of the probationary period by the Board. **Even if the Mentor reviews no**
3 **appraisals during a given month, a report stating that no appraisals were reviewed**
4 **or approved must be submitted.** It is the Respondent's responsibility to ensure that the
5 Mentor submits his/her reports monthly. If the monthly reporting date falls on a
6 Saturday, Sunday, or holiday, the report is due on the next business day. The monthly
7 report may be filed by mail or facsimile.

8 11. The Respondent shall file an appraisal log with the Board on a monthly basis
9 listing every Arizona appraisal that he has completed within the prior calendar month by
10 property address, appraisal type, valuation date, the Mentor's review date, the date the
11 appraisal was issued, and the number of hours worked on each assignment. The report
12 log shall be filed monthly beginning the 15th day of the first month following the start of
13 Respondent's probationary period and continuing each month thereafter until the Board
14 terminates the probation. If the log reporting date falls on a Saturday, Sunday, or
15 holiday, the report log is due on the next business day. **Even if Respondent performs**
16 **no appraisals within a given month, he must still file an appraisal log with the**
17 **Board showing that no appraisals were performed.** The monthly log report may be
18 filed by mail or facsimile.

19 12. The Board reserves the right to audit any of Respondent's reports and
20 conduct peer review, as deemed necessary, during the probationary period. The Board
21 may, in its discretion, seek separate disciplinary action against the Respondent for any
22 violation of the applicable statutes and rules discovered in an audit of the Respondent's
23 appraisal reports provided to the Board under the terms of this Order.

24 13. Respondent's probation, including mentorship, shall continue until: (a)
25 Respondent petitions the Board for termination as provided in paragraph 14, and (b) the
26 Board terminates the probation and mentorship. Upon petition by the Respondent for

1 termination of the probation and mentorship, the Board will select and audit 3 of
2 Respondent's appraisal reports.

3 14. At the end of **three (3) months** from the effective date of this Order, the
4 Respondent may petition the Board for termination of his mentorship and probation. If
5 the Board determines that Respondent has not complied with **all** the requirements of this
6 Order, the Board, at its sole discretion, may either: (a) continue the probation, including
7 mentorship; or (b) institute proceedings for noncompliance with this Order, which may
8 result in suspension, revocation, or other disciplinary and/or remedial action.

9 15. Respondent shall not act as a supervising appraiser for other appraisers or
10 trainees, nor shall he act as a mentor, during the term of the probation. Respondent shall
11 also not teach any course related to real estate appraisals during the term of the
12 probation.

13 16. Respondent shall comply with the Uniform Standards of Professional
14 Appraisal Practice in performing all appraisals and all Board statutes and rules.

15 17. If, between the effective date of this Order and the termination of
16 Respondent's probation by the Board, Respondent fails to renew his license while under
17 this Order and subsequently applies for a license or certificate, the remaining terms of
18 this Order, including probation and mentorship, shall be imposed if the application for
19 license or certificate is granted.

20 18. This Order, or any part thereof, may be considered in any future disciplinary
21 action against Respondent.

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

3 20. This Order is a public record that may be publicly disseminated as a formal
4 action of the Board.

5 21. All other terms and conditions of the June 24, 2010 Consent Agreement that
6 are not in conflict with this Order shall remain in full force and effect until otherwise
7 ordered by the Board.

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9 **DATED** this 27 day of October, 2011.

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12 _____
13 Rebecca M. Loar, Regulatory Compliance Officer
14 Arizona Board of Appraisal

15 **ORIGINAL** of the foregoing filed
16 this 27 day of October, 2011 with:

17 Arizona Board of Appraisal
18 1400 West Washington Street, Suite 360
19 Phoenix, Arizona 85007

20 **COPY** of the foregoing mailed regular
21 and certified mail 7009 1680 0000 7387 2020
22 this 27 day of October 2011 to:

23 Mr. Sean A. Chaffey
24 301 N. Bisbee Ave.
25 Wilcox, AZ 85643

26 **COPY** of the foregoing sent or delivered
this 27 day of October, 2011 to:

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

By: 
2365345
Rebecca M. Loar