BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

In the Matter of: **MICHELLE L. HANKE** Licensed Residential Appraiser Certificate No. 10862	Case Nos. 2433, 2446 and 2447 **AMENDED CONSENT AGREEMENT AND ORDER**

On April 4, 2008, in the interest of a prompt and judicious settlement of the above-captioned matters before the Arizona Board of Appraisal ("Board") and consistent with public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S.§ 32-3601 *et seq.* and A.R.S. §41-1092.07(F)(5), Michelle L. Hanke, ("Respondent"), holder of certificate no. 10862 and the Board entered into a Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of the above-referenced matters.

This Amended Consent Agreement and Order is being entered into as a result of Respondent's failure to comply with the education requirements stated in the April 4, 2008 Consent Agreement and Order in Case Nos. 2433, 2446 and 2447.

JURISDICTION

1. The Arizona State Board of Appraisal ("Board") 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 R4-46-101 *et seq.*, to regulate and control the licensing and certification of real property appraisers in the State of Arizona.

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. . .

2. Respondent holds a license as a Licensed Residential Appraiser in the State of Arizona, Certified License No. 10862, issued on, March 10, 2003 pursuant to A.R.S. § 32-3612.

CONSENT AGREEMENT

Respondent understands and agrees that:

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

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

3. Respondent has a right to a public hearing concerning this case. She further acknowledges that at such formal hearing she could present evidence and cross-examine witnesses. Respondent irrevocably waives her right to such a hearing.

4. Respondent irrevocably waives any right to rehearing or review or to any judicial review or any other appeal of these matters.

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 In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the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

6. The Consent Agreement, once approved by the Board and signed by the Respondent, shall constitute a public record which may be disseminated as a formal action of the Board.

FINDINGS OF FACT

1. As part of the April 4, 2008 original Consent Agreement and Order, Respondent agreed to take fifteen (15) hours of education in the areas of sales practice and principles of sales comparison and six (6) hours of education in mortgage fraud.

2. Respondent was given sixty (60) days from the effective date of the original Consent Agreement to submit proof of completion of the course work to the Board office.

3. Respondent has notified the Board that she has not taken the courses as required and that further, she has closed her appraisal practice given the poor economy and her difficulty in finding appraisal work.

4. The Original Consent Agreement and Order provided that any violation of the Consent Agreement and Order is a violation of A.R.S.§ 32-3631(A)(8), which is willfully disregarding or violating any provision of the Board's statutes or rules for the administration and enforcement of its statutes.

CONCLUSIONS OF LAW

1. Noncompliance with the original Consent Agreement and Order is a violation of A.R.S. § 32-3631(A)(8), which is willfully disregarding or violating any of the provisions of A.R.S. § 32-3601 et seq. or the rules of the Board for the administration and enforcement of the Board's statutes.

ORDER OF DISCIPLINE

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

1. Beginning on the effective date of this Amended Consent Agreement, which is the date the Amended Consent Agreement is accepted by the Board as evidenced by the signature of the Executive Director, Respondent's Certificate No. 10862 shall be suspended until such time Respondent takes and successfully completes the 15 hours of education in the areas of sales practice and principles of sales comparison and a minimum of 6 hours of mortgage fraud.

2. Within thirty (30) days of Respondent's successful completion of the education referenced above in paragraph 1, Respondent must submit proof of her successful completion of the required education to the Board. In addition, if Respondent desires reinstatement of her certificate upon successful completion of the education, she must petition the Board in writing to request such reinstatement and pay the required reinstatement fee, if any.

3. If, between the effective date of this Amended Consent Agreement and the reinstatement of Respondent's certificate by the Board, Respondent fails to renew her certificate while under this Amended Consent Agreement and subsequently applies for a license or certificate, the remaining terms of the Original Consent Agreement and Order, including probation and mentorship, shall be imposed <u>if</u> the application for license or certificate is granted.

4. Respondent has read and understands this Amended Consent Agreement as set forth herein, and has had the opportunity to discuss this Amended Consent Agreement with an attorney or has waived the opportunity to discuss this Amended Consent Agreement with an attorney. Respondent voluntarily enters into this Amended Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

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

6. Respondent understands that this Amended Consent Agreement, or any part thereof, may be considered in any future disciplinary action against her.

7. The parties agree that this Amended Consent Agreement constitutes final resolution of this disciplinary matter and Respondent further understands that the terms and conditions of the original Consent Agreement and Order remain in full force and effect.

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

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

10. Respondent understands that this Amended Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regard any other pending or future investigation, action or proceeding. Respondent also understands that acceptance of this Amended Consent Agreement does not preclude any other agency, subdivision or officer of this state from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Amended Consent Agreement.

11. Respondent understands that the foregoing Amended Consent Agreement shall not become effective unless and until adopted by the Board of Appraisal and executed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually approved by the parties in writing.

12. Respondent understands that this Amended Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board.

DATED this ~~4th~~ 24th day of September, 2008.

Michelle L. Hanke, Respondent

Deborah G. Pearson, Executive Director
Arizona Board of Appraisal

ORIGINAL of the foregoing filed
this 9th day of September, 2008 with:

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

COPY of the foregoing mailed regular mail certified mail
this 25th day of September, 2008 to: 7007 2560 0001 3358 8829

Michelle L. Hanke
6635 West Happy Valley Rd.
PMB 453
Glendale, Arizona 85310

COPY of the foregoing sent or delivered
this 25th day of September, 2008 to:

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

By:

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