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ARIZONA BOARD OF APPRAISERS

BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

1
2 In the Matter of

3 KURT D. HOLM
4 Certified General Appraiser
5 Certificate No. 31254

Board Case No. 2622

**CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER**

6 RECITALS

7 In the interest of a prompt and judicious settlement of this case, consistent with the
8 public interest, statutory requirements and the responsibilities of the Arizona State Board
9 of Appraisal ("Board") and under A.R.S. §§ 32-3601, *et seq.* and 41-1092.07(F)(5), Kurt
10 D. Holm ("Respondent"), holder of Certified General Appraiser Number 31254 in the
11 State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
12 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
13 matter.

14 1. Respondent has read and understands this Consent Agreement and has had
15 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
16 opportunity to discuss this Consent Agreement with an attorney.

17 2. Respondent understands that he has a right to a public administrative
18 hearing concerning the above-captioned matter, at which hearing he could present
19 evidence and cross examine witnesses. By entering into this Consent Agreement,
20 Respondent knowingly and voluntarily relinquishes all rights to such an administrative
21 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
22 any other administrative and/or judicial action, concerning the matters set forth herein.

23 3. Respondent affirmatively agrees that this Consent Agreement shall be
24 irrevocable.

25 4. Respondent understands that this Consent Agreement or any part of the
26 agreement may be considered in any future disciplinary action by the Board against him.

1 5. Respondent understands this Consent Agreement deals with Board
2 Complaint No. 2622 involving allegations surrounding an appraisal of property located at
3 3709 W. Parkway Dr., Phoenix, AZ 85041 with a date of value of March 8, 2005. The
4 Board's investigation into these allegations against Respondent shall be concluded upon
5 the Board's adoption of this Consent Agreement unless and until Respondent opts to seek
6 recertification as an appraiser in the State of Arizona at some future date.

7 6. Respondent understands that this Consent Agreement does not constitute a
8 dismissal or resolution of any other matters currently pending before the Board, if any,
9 and does not constitute any waiver, express or implied, of the Board's statutory authority
10 or jurisdiction regarding any other pending or future investigation, action or proceeding.

11 7. Respondent also understands that acceptance of this Consent Agreement
12 does not preclude any other agency, subdivision, or officer of this State from instituting
13 any other civil or criminal proceedings with respect to the conduct that is the subject of
14 this Consent Agreement.

15 8. Respondent acknowledges and agrees that, upon signing this Consent
16 Agreement and returning this document to the Board's Executive Director, he may not
17 revoke his acceptance of the Consent Agreement or make any modifications to the
18 document regardless of whether the Consent Agreement has been signed by the Execu-
19 tive Director. Any modification to this original document is ineffective and void unless
20 mutually agreed by the parties in writing.

21 9. Respondent understands that the Consent Agreement shall not become
22 effective unless and until adopted by the Board and signed by its Executive Director.

23 10. If a court of competent jurisdiction rules that any part of this Consent
24 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
25 shall remain in full force and effect.

26

1 11. Respondent understands and agrees that if the Board does not adopt this
2 Consent Agreement, he will not assert as a defense that the Board's consideration of this
3 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

4 12. Upon the effective date of this Order, Respondent shall not perform any
5 appraisals or appraisal reviews in Arizona. Respondent shall also not assume or use the
6 title of "appraiser" or any title, designation or abbreviation likely to create the impression
7 that Respondent is licensed or certified by the State of Arizona. Respondent also shall
8 not act as a supervising appraiser for other appraisers or trainees in Arizona, nor shall he
9 act as a mentor in this state. Further, Respondent shall not own or operate an appraisal
10 business or supervise appraisal staff in Arizona.

11 13. Respondent understands that if he applies for licensure in the future, that he
12 will be required to meet all statutory requirements in effect as an original applicant
13 pursuant to Title 32.

14 ACCEPTED AND AGREED BY RESPONDENT

15
16 
17 _____
Kurt D. Holm

7/5/08
Dated _____

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20 **FINDINGS OF FACT**

21 1. This case involves Respondent's appraisal of a property located at 3709 W.
22 Parkway Dr., Phoenix, AZ 85041 with a date of value of March 8, 2005

23 2. While Respondent does not admit or deny any intentional wrong-doing
24 with respect to the above-referenced appraisal, he does acknowledge that the Board's
25 review of all documentation surrounding the appraisal could suggest that sufficient
26 evidence exists from which a finder of fact might determine that conduct occurred

1 constituting grounds for disciplinary action as provided in A.R.S. § 32-3635 and the
2 Uniform Standards of Professional Appraisal Practice adopted pursuant thereto and the
3 rules adopted in accordance thereof found in A.A.C. R4-46-101 *et seq.*

4 3. Furthermore, in his reply to the Complaint, the Respondent expressed his
5 desire to “cancel” his license as a Certified General Appraiser in the State of Arizona.

6 **CONCLUSIONS OF LAW**

7 1. The Board of Appraisal may take disciplinary action against
8 licensees/certificate holders for violation of Board statutes and the Uniform Standards of
9 Professional Appraisal Practice adopted pursuant thereto. A.R.S. § 32-3632(B).

10 2. Pursuant to the authority of the Board found in A.R.S. §32-3601 *et seq.*, the
11 conduct and circumstances described herein constitute grounds for discipline.

12 **ORDER**

13 The Board of Appraisal may take disciplinary action against licensees/certificate
14 holders for violations of Board statutes. A.R.S. § 32-3632(B). Pursuant to the authority
15 of the Board found at A.R.S. § 32-3601 *et seq.*, the conduct and circumstances described
16 herein constitute grounds for discipline.

17 Based upon the above Findings of Fact and Conclusions of Law and under the
18 authority granted to the Board by A.R.S. §§ 32-3631, and 41-1092.07(F)(5),

19 IT IS HEREBY ORDERED THAT Certificate No. 31254, which was issued to
20 Kurt D. Holm to practice as a Certified General Appraiser in the State of Arizona, is
21 hereby deemed **SURRENDERED**.

22 DATED this 7th day of July, 2008.

23 ARIZONA STATE BOARD OF APPRAISAL

24
25 (Seal)

26 By: Deborah G. Pearson
Deborah G. Pearson
Executive Director

1 **ORIGINAL OF THE FORGOING FILED**

this 1st day of July 2008 with:

2 Arizona State Board of Appraisal
3 1400 W. Washington, Suite 360
4 Phoenix, AZ 85007

5 **EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED AND REGULAR MAIL**

this 9th day of July 2008 to:

6 Kurt D. Holm
7 2264 S. Sorrelle
8 Mesa, AZ 85209

9 Kurt D. Holm
10 903 Pleiades Place
Livingston, MT 59047

11 **A COPY OF THE FOREGOING
MAILED BY ~~CERTIFIED AND REGULAR MAIL~~**

this 9th day of July 2008 to:

12 *Interagency*
13 Jeanne M. Galvin
14 Assistant Attorney General
15 Arizona Office of the Attorney General
1275 W. Washington St. - CIV/LES
Phoenix, AZ 85007

16 231131

17 *Andrew G. Pearson*
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