

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

2
3 In the Matter of:

4 **WADE A. LAVIGNE**
5 Licensed Residential Appraiser
License No. 11042

Case Nos. 3196 and 3210

**CONSENT AGREEMENT AND ORDER
FOR VOLUNTARY SURRENDER**

6 In the interest of a prompt and judicious settlement of the above-captioned matters
7 before the Arizona Board of Appraisal ("Board") and consistent with public interest,
8 statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-3601
9 *et seq.* and A.R.S. §41-1092.07(F)(5), Wade A. Lavigne, ("Respondent"), holder of
10 License No. 11042, and the Board enter into this Consent Agreement, Findings of Fact,
11 Conclusions of Law and Order For Voluntary Surrender ("Consent Agreement") as the
12 final disposition of these matters.

13 **JURISDICTION**

14 1. The Arizona State Board of Appraisal ("Board") is the state agency
15 authorized pursuant to A.R.S. § 32-3601 *et seq.*, and the rules promulgated thereunder,
16 found in the Arizona Administrative Code ("A.A.C." or "rules") at R4-46-101 *et seq.*, to
17 regulate and control the licensing and certification of real property appraisers in the State
18 of Arizona.

19 2. Respondent holds a license as a Licensed Residential Appraiser in the State
20 of Arizona, License No. 11042, pursuant to A.R.S. § 32-3612.

21 **CONSENT AGREEMENT**

22 Respondent understands and agrees that:

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

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

1 CONCLUSIONS OF LAW

2 1. The conduct and circumstances described in the Findings of Fact constitute
3 violations of A.R.S. § 32-3631(A)(1) in that Respondent attempted to procure both the
4 renewal of his appraiser's license and the granting of his certification application based
5 upon the making of false statements and the submission of false information.

6 ORDER

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

9 1. **Upon the effective date of this Consent Agreement for Voluntary**
10 **Surrender, Respondent's License as a Licensed Residential Appraiser shall be**
11 **surrendered.** Once the surrender is effectuated, Respondent **shall not issue a verbal or**
12 **written appraisal, appraisal review, or consulting assignment in the State of**
13 **Arizona.** The effective date of this Consent Agreement for Voluntary Surrender is the
14 date the consent Agreement for Voluntary Surrender is accepted by the Board as
15 evidenced by the signature of the Board's Executive Director.

16 2. Respondent has read and understands this Consent Agreement for
17 Voluntary Surrender as set forth herein, and has had the opportunity to discuss this
18 Consent Agreement for Voluntary Surrender with an attorney or has waived the
19 opportunity to discuss this Consent Agreement for Voluntary Surrender with an attorney.
20 Respondent voluntarily enters into this Consent Agreement for Voluntary Surrender for
21 the purpose of avoiding the expense and uncertainty of an administrative hearing.

22 3. Respondent understands that he has a right to a public administrative
23 hearing concerning each and every allegation set forth in the above-captioned matter, at
24 which administrative hearing he could present evidence and cross-examine witnesses. By
25 entering into this Consent Agreement for Voluntary Surrender, Respondent freely and
26 voluntarily relinquishes all rights to such an administrative hearing, as well as all rights

1 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
2 and/or judicial action, concerning the matters set forth herein. Respondent affirmatively
3 agrees that this Consent Agreement for Voluntary Surrender shall be irrevocable.
4 Respondent further waives any and all claims or causes of action, whether known or
5 unknown, that Respondent may have against the State of Arizona, the Board, its
6 members, officers, employees and/or agents arising out of this matter.

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

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

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

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

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

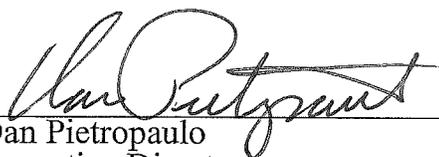
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1 9. Respondent understands that this Consent Agreement for Voluntary
2 Surrender is a public record that may be publicly disseminated as a formal action of the
3 Board.

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

7 21 March
8 DATED this 29 day of February, 2012.

9
10 
11 Wade A. Lavigne
12 Respondent

13 
14 Dan Pietropaulo
15 Executive Director
16 Arizona Board of Appraisal

17 **ORIGINAL** of the foregoing filed
18 this 21 day of March, 2012 with:

19 Arizona Board of Appraisal
20 1400 West Washington Street, Suite 360
21 Phoenix, Arizona 85007

22 **COPY** of the foregoing mailed regular mail *certified mail: 7009168000073871429*
23 this 21 day of March, 2011 to:

24 Wade A. Lavigne
25 16320 North Hatch Rd., #114
26 Colbert, WA, 99005

18218 North 24th Place
Phoenix, AZ 85032

COPY of the foregoing mailed inter-agency
this 21 day of March, 2012 to:

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

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By: *Rebecca M. Loar*
#2602582

Rebecca M. Loar
Regulatory Compliance Officer