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7
8 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

9 In the Matter of:

Case No. 3262

10 **EDWARD A. MEASEL**
11 Licensed Residential Appraiser
11 License No. 10846

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

12
13 This formal administrative hearing came before the Arizona State Board of
14 Appraisal on September 19, 2013. Respondent was properly noticed of this hearing.
15 Respondent appeared/did not appear. The State was represented by Jeanne M. Galvin,
16 Assistant Attorney General. The Board received legal advice from Christopher Munns,
17 Assistant Attorney General.
18

19 **FINDINGS OF FACT**

20 1. The Arizona State Board of Appraisal ("Board") is the duly constituted
21 Agency for licensing and regulating real property appraisers, property tax agents and
22 appraisal management companies.

23 2. Edward A. Measel, ("Respondent") holds License No. 10846 to practice as a
24 Licensed Residential Appraiser in Arizona. Respondent has been licensed since January
25 28, 2003. His current license expires January 31, 2015.

26 3. The Complaint and Notice of Hearing was issued, and these proceedings were

1 instituted pursuant to A.R.S. § 32-3631 et seq. and § 41-1092 et seq., as a result of
2 Respondent's failure to comply with the terms of a Letter of Due Diligence signed by all
3 parties on September 12, 2011.

4 4. On September 12, 2011, Respondent and the Board entered into a Letter of Due
5 Diligence in resolution of a complaint that had been filed with the Board and against
6 Respondent. Pursuant to the terms of the Letter of Due Diligence, Respondent was
7 ordered to complete within twelve (12) months a fifteen (15) hour Basic Appraisal
8 Course (with an exam and in person) and by May 31, 2012, a seven (7) hour 2012-2013
9 USPAP Update Course (in person).

10 5. Pursuant to the terms of the Letter of Due Diligence, Respondent
11 acknowledged that any violation of the Letter of Due Diligence constituted a violation of
12 A.R.S. §32-3631(A)(8), which is willfully disregarding or violating any of the provisions
13 of the Board's statutes or the rules of the Board for the administration and enforcement of
14 its statutes.

15 6. On or about August 15, 2012, Respondent completed the 2012-2013 USPAP
16 Update course. This course was completed nearly three (3) months after the date it was
17 ordered to be completed.

18 7. As of the date of the hearing, Respondent has failed to complete the fifteen (15)
19 hour Basic Appraisal Course and take the examination.

20 8. Respondent is in violation of the September 12, 2011, Letter of Due Diligence.

21 **CONCLUSIONS OF LAW**

22 1. The Board has jurisdiction over these matters pursuant to A.R.S. § 32-3601 et
23 seq.
24

25 2. The Board bears the burden of proof and must establish that the Respondent
26 committed unprofessional conduct as defined by A.R.S. §32-3631 by a preponderance of

1 the evidence.

2 3. "A preponderance of the evidence is such proof as convinces the trier of fact
3 that the contention is more probably true than not." Morris K. Udall, Arizona Law of
4 Evidence §5(1960). A preponderance of the evidence is "[t]he greater weight of the
5 evidence, not necessarily established by the greater number of witnesses testifying to a
6 fact but by evidence that has the most convincing force; superior evidentiary weight that,
7 though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient
8 to incline a fair and impartial mind to one side of the issue rather than the other." Black's
9 Law Dictionary at p. 1220 (8th ed. 1999).

10 4. A.R.S. §32-3631 provides that the rights of a state license or certificate holder
11 may be revoked or suspended or the holder of the license or certificate may otherwise be
12 disciplined in accordance with this chapter of any of the grounds set forth in this section.
13 The board may investigate the actions of a state licensed or state certified appraiser for
14 any of acts or omissions stated in the statute. Included in the acts or omissions for which
15 an appraiser may be disciplined is "[w]ilfully disregarding or violating any of the
16 provisions of this chapter or the rules of the board for the administration and enforcement
17 of this chapter."

18 5. The September 12, 2011, Letter of Due Diligence entered into by the Board and
19 Respondent, provided that any violation of the Letter of Due Diligence constituted a
20 violation of A.R.S. §32-3631(A)(8), which is willfully disregarding or violating any of
21 the provisions of the Board's statutes or the rules of the Board for the administration and
22 enforcement of its statutes.

23 6. Respondent is in violation of A.R.S. §32-3631(A)(8) by failing to comply with
24 the terms of the Letter of Due Diligence when he failed to complete timely the seven (7)
25 hour 2012-2013 USPAP Update course and failed to complete at all the fifteen (15) hour
26

1 Basic Appraisal Course (with exam and in person)

2 **ORDER**

3 Based upon the foregoing, IT IS HEREBY ORDERED THAT license no. 10846
4 previously issued to Edward A. Measel is revoked for the practice of real property
5 appraisal in the State of Arizona.

6 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

7 Respondent is hereby notified that he has the right to petition for a rehearing or
8 review. Pursuant to A.R.S. §41-1092.09, as amended, the petition for rehearing or review
9 must be filed with the Board's Executive Director within thirty (30) days after service of
10 this Order. Pursuant to A.A.C. R4-46-303(D), the petition must set forth legally sufficient
11 reasons for granting a rehearing. Service of this Order is effective five (5) days after date
12 of mailing. If a petition for rehearing is not filed, the Board's Order become effective
13 thirty-five (35) days after it is mailed to Respondent.

14 Respondent is further notified that the filing of a petition for rehearing is required
15 to reserve any rights of appeal to the Superior Court.

16
17
18 DATED this 25th day of September, 2013.

19
20 ARIZONA STATE BOARD OF APPRAISAL

21
22 (SEAL)



23 By: Debra J. Rudd
24 Debra J. Rudd
25 Executive Director
26 Arizona State Board of Appraisal

1 ORIGINAL of the foregoing filed this
2 25 day of September, 2013, with:

3 Debra J. Rudd
4 Executive Director
5 Arizona State Board of Appraisal
6 15 South 15th Avenue, Ste. 103A
7 Phoenix, Arizona 85007

8 COPY of the foregoing mailed by U.S.
9 Certified Mail this 25 day #7009 1680 0000 7387 9111
10 of September, 2013, to:

11 Edward A. Measel
12 12605 W. Solano Dr.
13 Litchfield Park, Arizona 85340

14 COPY of the foregoing mailed by Interagency Mail this
15 25 day of September, 2013, to:

16 Jeanne M. Galvin
17 Assistant Attorney General
18 Arizona Attorney General's Office
19 1275 W. Washington, CIV/LES
20 Phoenix, AZ 85007

21 Christopher Munns
22 Assistant Attorney General
23 1275 W. Washington, EXO/SGO
24 Phoenix, AZ 85007

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26 _____

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