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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

IN THE MATTER OF:

Case No. 07F-2448-BOA

HAYDEN G. MEIER,
Certified Residential Appraiser
Certificate No. 21027,

ORDER DENYING RESPONDENT'S
MOTION FOR RECONSIDERATION OF
REVOCATION OF LICENSE

Respondent.

On February 22, 2008, the Arizona Board of Appraisal ("Board") received Respondent's Request for Reconsideration of Revocation of License regarding the Board's Findings of Fact, Conclusions of Law and Order of Revocation dated January 18, 2008. On February 26, 2008, the Board received the State's Response to Respondent's Motion for Reconsideration of Revocation of License. The Board scheduled review of Respondent's request for March 20, 2008.

This matter came before the Board for oral argument and decision on March 20, 2008. The state was represented by Jeanne Galvin, Assistant Attorney General. The Board received independent legal advice from Christopher Munns, Assistant Attorney General from the Solicitor General's Office. The Respondent was present and represented by Justin D. Holm, Esq. After having considered all the evidence and the oral arguments on behalf of the parties, the Board moved to deny Respondent's Request for Reconsideration of Revocation of License for the reason that he failed to demonstrate any reason materially affecting his rights as required pursuant to A.A.C. R4-46-303(D).

1 **ORDER**

2 The Respondent's Request for Reconsideration of Revocation of License is DENIED.
3 The Findings of Fact, Conclusions of Law and Order of Revocation dated January 18, 2008, IS
4 NOW FINAL.

5 **RIGHT TO APPEAL TO SUPERIOR COURT**

6 Respondent is hereby notified that this Order is the final administrative decision of the
7 Board and that the Respondent has exhausted his administrative remedies. Respondent is
8 advised that an appeal to Superior Court in Maricopa County may be taken from this decision
9 pursuant to Title 12, Chapter 7, Article 6, within thirty-five (35) days from the date this decision is
served.

10 DATED this 25th day of March, 2008.

11 ARIZONA STATE BOARD OF APPRAISAL

12
13 By: *Deborah G. Pearson*
Deborah G. Pearson, Executive Director

14
15 Copy of the foregoing mailed via regular U.S.
16 & Certified Mail #7006 0100 0002 8652 3882
this 25th day of March, 2008, to:

17 HAYDEN L. MEIER
18 1750 S. HOLLY ST.
DENVER, CO 80222

19 Copy of the foregoing mailed via regular U.S.
20 Mail this 25th day of March, 2008, to:

21 JUSTIN D. HOLM, ESQ.
22 HOLM WRIGHT HYDE & HAYS PLC
10429 S. 51ST ST., SUITE 285
23 PHOENIX, AZ 85044-5228
24
25
26

1 Copies of the foregoing sent by interagency
this 25th day of March, 2008, to:

2
3 JEANNE GALVIN
4 ASSISTANT ATTORNEY GENERAL
1275 W. WASHINGTON
5 PHOENIX, AZ 85007

CHRISTOPHER MUNNS
ASSISTANT ATTORNEYS GENERAL
SOLICITOR GENERAL'S OFFICE
1275 W. WASHINGTON
PHOENIX, AZ 85007

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Deborah G. Pearson

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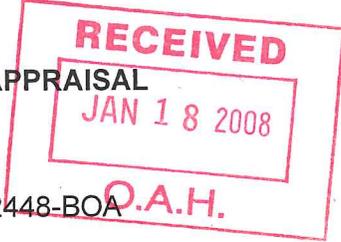
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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL



IN THE MATTER OF:

HAYDEN G. MEIER,
Certified Residential Appraiser 21027,

Respondent.

Case No. 07F-2448-BOA

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

On January 17, 2008, the Arizona Board of Appraisal met to consider the Administrative Law Judge Decision of Lewis D. Kowal in the above-captioned matter. Hayden L. Meyer appeared and was represented by Justin D. Holm, Esq. The State was represented by Jeanne Galvin, Assistant Attorney General. The Board received independent legal advice from Christopher Munns, Assistant Attorney General from the Solicitor General's Office.

The Board, having reviewed the administrative record and the Administrative Law Judge's Findings of Fact, Conclusions of Law and Order in this matter, and having considered the written and/or oral arguments of the parties and fully deliberating the same, takes the following actions on the recommended decision:

1. The Board hereby accepts the Findings of Fact of the Administrative Law Judge with modifications requested by the State to correct typographical errors.
2. The Board hereby accepts the Conclusions of Law of the Administrative Law Judge with modifications requested by the State to correct typographical errors.
3. The Board hereby accepts the Order of the Administrative Law Judge with modifications to include the Board's standard language regarding revocation decisions.
4. The Findings of Fact, Conclusions of Law and Order shall read as follows:

FINDINGS OF FACT

1
2 1. At all times relevant to this matter, Hayden Meier ("Mr. Meier") held a residential
3 real estate appraisal certificate number 21027 issued by the Arizona Board of Appraisal
4 ("Board").

5 2. On May 31, 2006, Mr. Meier entered into a Consent Agreement in Board Case
6 Number 2038 ("Consent Agreement") which resolved a complaint that was filed against Mr.
7 Meier, investigated by the Board, and was to be set for a disciplinary hearing.

8 3. The Consent Agreement was executed on behalf of the Board on May 31, 2007.
9 The terms of the Consent Agreement contained admissions of violations by Mr. Meier, and
10 disciplinary action as follows: Mr. Meier's certificate was immediately suspended for two weeks
11 followed by a probationary term for a minimum of twelve months during which time Mr. Meier
12 was to successfully complete 30 hours of qualifying education on appraisal procedures with
13 examination, successfully complete 30 hours of qualifying education on appraisal principles with
14 examination, and successfully complete a 15-hour Uniform Standards of Professional Appraisal
15 Practice ("USPAP") course. Mr. Meier was also required to perform at least 20 appraisals under
16 the supervision of a mentor who was either an Arizona Certified Residential or Certified General
17 Appraiser and provide monthly logs of appraisal activity to the Board. Mr. Meier's mentor was
18 required to submit monthly reports on Mr. Meier's appraisal activity under the mentor's
19 supervision.

20 4. On August 23, 2007, Mr. Meier submitted to the Board proof of attending a
21 qualifying education class on appraisal principles from April 3, 2007 through April 6, 2007 and
22 proof attending a qualifying education class on appraisal procedures from April 9, 2007, through
23 April 12, 2007, each consisting of 28 hours that was given by the Appraisal Institute. Mr. Meier
24 also submitted to the Board proof that he completed an on-line 7-hour USPAP course on July
25 18, 2007.
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5. Deborah Pearson ("Ms. Pearson"), Executive Director of the Board, testified:

a. Mr. Meier did not satisfy the requirements of the Consent Agreement in that he did not pass examinations for the appraisal principles and appraisal procedures courses, nor did he provide proof that he completed the required 30 hours in each area. Mr. Meier only completed 28 hours of education in each area without taking the examinations.

b. The Board received three monthly appraisal log reports to the Board for the months of July, September, and October, 2006.

c. Mr. Meier's mentor, Daniel Smith, submitted monthly reports regarding Mr. Meier for the period of July, 2006 through July, 2007 and for the months of September and October, 2007, showing there was no appraisal activity for those months.

d. Based on the information that the Board had, it opened an investigation into Mr. Meier's noncompliance with the Consent Agreement. Mr. Meier was notified that an investigation was opened through a letter authored by Ms. Pearson dated July 24, 2007 (Exhibit 5) and requested that Mr. Meier address his noncompliance with the Consent Agreement as set forth above.

6. Mr. Meier sent a letter to the Board (Exhibit 6) in response to Ms. Pearson's July 24, 2007 letter. Mr. Meier represented in that letter that he thought he had until October 31, 2007 to perform under the Consent Agreement but acknowledged upon reading the Consent Agreement that he was incorrect with the compliance time deadline. Mr. Meier indicated he took the appraisal principles and appraisal procedures courses, that he took a 7-hour USPAP class, he was scheduled to take the 15-hour USPAP course in Phoenix and has completed two appraisals. He stated he does not live or work in Phoenix and it has been had to be in Phoenix to complete the appraisals. He also indicated his belief that Mr. Smith was to have filed monthly reports to the Board.

1 2. A preponderance of the evidence is “such proof as convinces the trier of fact that
2 the contention is more probably true than not.” Morris K. Udall, Arizona Law of Evidence § 5
3 (1960).

4 3. A.A.C. R4-46-301(D)(5) provides the Board with the authority to enter into
5 Consent Agreements and Orders to resolve disciplinary matters.

6 4. The Board has the authority to adopt criteria that are equal to the minimum
7 criteria for certification issued by the appraisal qualifications board of the appraisal foundation
8 and adopted by the appraisal subcommittee. A.R.S. § 32-3605(B)(2).

9 5. The Board has the authority to discipline, including suspension or revocation of a
10 certificate of a state certified appraiser for failing to meet the minimum qualifications established
11 by Chapter 36, A.R.S., Title 32. A.R.S. § 32-3612(A)(2).

12 6. The Consent Order in Case Number 2039 contained minimum qualifications that
13 the Board required of Mr. Meier in order for him to remain a state certified appraiser.

14 7. The Administrative Law Judge concludes, on the evidence presented, that the
15 Board sustained its burden of proving that the conduct of Mr. Meier, as set forth above,
16 constitutes noncompliance with a Board Order in Board Case Number 2039, and proved by
17 credible evidence that Mr. Meier failed to meet the minimum requirements for certification in
18 violation of A.R.S. § 32-3631(A)(2).

19 8. The conduct of Mr. Meier, as set forth above, constitutes willful disregard of the
20 statutes and rules of the Board, in violation of A.R.S. § 32-3631(A)(8).

21 9. Pursuant to the authority of the Board found at A.R.S. § 32-3601, *et seq.*, and the
22 terms of the Consent Agreement and Order, the conduct and circumstances described in the
23 above Findings of Fact constitute grounds for discipline.

24 10. Grounds exist for the Board to take disciplinary action against Mr. Meier,
25 including revocation of his residential appraiser certificate pursuant to A.R.S. § 32-3601 *et seq.*
26

1 **ORDER OF REVOCATION**

2 In issuing this order of discipline, the Board considers its obligations to fairly and
3 consistently administer discipline, its burden to protect the public welfare and safety, as well as
4 all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of
5 Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

6 1. That certified residential appraiser certificate No. 21027 issued to Mr. Meier to
7 practice as a Certified Residential Appraiser be revoked as of the effective date of this Order.

8 2. That Mr. Meier shall immediately surrender his license by returning it to the
9 Board office.

10 3. That Mr. Meier may not accept fees for or perform appraisals, appraisal reviews,
11 consulting assignments, or any services governed by the Uniform Standards of Professional
12 Appraisal Practice, A.R.S. § 32-3601, *et seq.*, or the rules promulgated thereunder.

13 4. That Mr. Meier is hereafter subject to the provisions of A.R.S. § 32-3638, which
14 states that any person who is not licensed or certified as an appraiser and performs a real
15 estate appraisal or appraisal review, or uses the designation of licensed or certified appraiser
16 and/or provides false information to the Board is guilty of a Class 1 misdemeanor.

17 5. That if Mr. Meier reapplies for licensing or certification as an appraiser in the
18 State of Arizona in the future, this disciplinary action may be considered as part of the
19 substantive review of any application submitted by Mr. Meier, pursuant to A.R.S. § 32-3611(D).

20 6. Pursuant to the Board's Substantive Policy Statement #1, the Board considers
21 the violations set forth herein to amount to Level V Violations for disciplinary purposes.

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

23 Respondent is hereby notified that he has the right to petition for a rehearing or review.
24 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed
25 with the Board's Executive Director within 30 days after service of this Order and pursuant to
26

1 A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review.
2 Service of this order is effective five days after mailing. If a motion for rehearing or review is not
3 filed, the Board's Order becomes effective 35 days after it is mailed to Respondent.

4 Respondent is further notified that the filing of a motion for rehearing or review is
5 required to preserve any rights of appeal to the Superior Court.

6 DATED this 18th day of January, 2008.

7 ARIZONA STATE BOARD OF APPRAISAL

8 By: Deborah G. Pearson
Deborah G. Pearson, Executive Director

9 Copy of the foregoing personally served
10 this 18th day of January, 2008, on:

11 OFFICE OF ADMINISTRATIVE HEARINGS
12 1400 WEST WASHINGTON, SUITE 101
PHOENIX, AZ 85007

13 Copy of the foregoing mailed via regular U.S.
& Certified Mail #7006 0100 0002 8652 4421
14 this 18th day of January, 2008, to:

15 HAYDEN L. MEIER
16 1750 S. HOLLY ST.
DENVER, CO 80222

17 Copy of the foregoing sent via regular U.S. Mail
this 18th day of January, 2008, to:

18 JUSTIN D. HOLM, ESQ.
19 HOLM WRIGHT HYDE & HAYS PLC
10429 S. 51ST ST., SUITE 285
PHOENIX, AZ 85044-5228

20 Copies of the foregoing sent by interagency
21 this 18th day of January, 2008, to:

22 JEANNE GALVIN
23 ASSISTANT ATTORNEY GENERAL
1275 W. WASHINGTON
PHOENIX, AZ 85007

CHRISTOPER MUNNS
ASSISTANT ATTORNEYS GENERAL
SOLICITOR GENERAL'S OFFICE
1275 W. WASHINGTON
PHOENIX, AZ 85007

24
25 Deborah G. Pearson

26 Deborah G. Pearson