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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

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ARIZONA BOARD OF APPRAISAL

In the Matter of :

Case No. 2231

Carolina Nuño
Licensed Residential Appraiser
License No. 10584

**CONSENT AGREEMENT AND
ORDER OF DISCIPLINE**

In resolution of the case herein and in accordance with Arizona Administrative Code R4-46-301(C), the Arizona State Board of Appraisal ("Board") and Carolina Nuño ("Respondent") hereby enter into the following Consent Agreement and Order of Discipline ("Consent Agreement").

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.

2. Respondent is a Licensed Residential Appraiser in the State of Arizona, holder of License No. 10584, issued on September 10, 1999, pursuant to A.R.S. § 32-3612.

FINDINGS OF FACT

3. The subject property is located at 753 N. Santa Rita Place in Nogales, Arizona. The appraisal report has an effective date of June 19, 2006.

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1 4. The appraisal report described the subject as a two-story structure. The
2 subject is actually a one-story dwelling with a finished basement.

3 5. The entire front portion of the lower level of the structure is below grade.
4 Respondent treated the finished lower level as above-grade gross living area without
5 discussion or explanation, which is misleading and not generally accepted methodology.
6

7 6. The sales selected as comparables varied widely from the subject in nearly
8 all relevant aspects. All the comparables were far superior in quality, view and
9 amenities.

10 7. Respondent made unsupported adjustments to the sales used as
11 comparables.
12

13 8. Respondent treated the basement area inconsistently. On page 1 of the
14 URAR, no basement was indicated. In the sales comparison section on page 2 of the
15 URAR, a basement was indicated and adjustments were applied. In the cost approach, a
16 2,460 sq. ft. basement was indicated at a cost of \$45,879. No basement was shown on the
17 sketch page.
18

19 9. Respondent failed to state the reporting option (Summary Appraisal
20 Report).

21 10. A two-car garage was indicated on page 1 of the URAR. A two-car carport
22 was indicated in the sales comparison approach on page 2 of the URAR.
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1 **CONCLUSIONS OF LAW**

2 11. Pursuant to A.R.S. § 32-3635, a certified or licensed appraiser in the State
3 or Arizona must comply with the standards of practice adopted by the Board. The
4 Standards of Practice adopted by the Board are codified in the USPAP edition applicable
5 at the time of the appraisal.
6

7 12. The conduct described above constitutes violations of the following
8 provisions of the USPAP, 2005 edition: Standards Rule 1-1(a); Standards Rule 1-1(b);
9 Standards Rule 1-1(c); Standards Rule 1-4(a); Standards Rule 1-6(a); Standards Rule 2-
10 1(a); Standards Rule 2-1(b); Standards Rule 2-2(b)(iii); Standards Rule 2-2(b)(ix); and
11 Competency Rule.
12

13 13. In violation of the Departure Rule, the Respondent departed from the
14 following development and reporting Standards Rules: 1-1(a), 1-1(b), 1-1(c), 1-6(a), 2-
15 1(a), 2-1(b), 2-2(b)(iii), and 2-2(b)(ix). These Standards Rules contain binding
16 requirements from which departure is not permitted.
17

18 **ORDER OF DISCIPLINE**

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

21 14. Beginning on the effective date of this Consent Agreement, Respondent's
22 License No. 10584 shall be placed on probation for a period of three (3) months. During
23 the period of probation, Respondent shall successfully complete the following education
24 and submit proof of successful completion to the Board:
25

26 a. The 15 hour USPAP qualifying education course (test required).

1 15. The education required under paragraph 14 may not be counted toward the
2 continuing education requirements for the renewal of Respondent's license.

3 16. Respondent shall bear all costs and expenses associated with attending
4 the course.

5 17. Respondent shall comply with the Uniform Standards of Professional
6 Appraisal Practice in performing all appraisals.

7 18. If, between the effective date of this Consent Agreement and Order of
8 Discipline and the termination of Respondent's probation by the Board, Respondent
9 fails to renew her license while under this Consent Agreement and Order of Discipline
10 and subsequently applies for a license or certificate, the remaining terms of this
11 Consent Agreement and Order of Discipline, including probation and any mentorship,
12 shall be imposed if the application for license or certificate is granted.

13 19. Respondent has read and understands this Consent Agreement and Order
14 of Discipline as set forth herein, and has had the opportunity to discuss this Consent
15 Agreement and Order of Discipline with an attorney or has waived the opportunity to
16 discuss this Consent Agreement and Order of Discipline with an attorney.
17 Respondent voluntarily enters into this Consent Agreement and Order of Discipline
18 for the purpose of avoiding the expense and uncertainty of an administrative hearing.

19 20. Respondent understands that she has a right to a public administrative
20 hearing concerning each and every allegation set forth in the above-captioned matter,
21 at which administrative hearing she could present evidence and cross-examine
22 witnesses. By entering into this Consent Agreement and Order of Discipline,
23 Respondent freely and voluntarily relinquishes all rights to such an administrative
24 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
25 review or any other administrative and/or judicial action, concerning the matters set
26

1 forth herein. Respondent affirmatively agrees that this Consent Agreement and Order
2 of Discipline shall be irrevocable.

3 21. Respondent understands that this Consent Agreement and Order of
4 Discipline, or any part thereof, may be considered in any future disciplinary action
5 against him.

6 22. The parties agree that this Consent Agreement and Order of Discipline
7 constitutes final resolution of this disciplinary matter.

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

9 24. If Respondent fails to comply with the terms of this Consent Agreement
10 and Order of Discipline, the Board shall properly institute proceedings for
11 noncompliance with this Consent Agreement and Order of Discipline, which may
12 result in suspension, revocation, or other disciplinary and/or remedial actions.

13 Respondent agrees that any violation of this Consent Agreement is a violation of
14 A.R.S. § 32-3631(A)(8), which is willfully disregarding or violating any of the
15 provisions of the Board's statutes or the rules of the Board for the administration and
16 enforcement of its statutes.

17 25. Any violation of USPAP resulting from an appraisal performed prior to
18 the effective date of this Consent Agreement and Order of Discipline shall not be
19 deemed a violation of this Consent Agreement and Order of Discipline; however, the
20 Board may, in its discretion, seek separate disciplinary action against the Respondent
21 for such violations.

22 26. Respondent understands that this Consent Agreement and Order of
23 Discipline does not constitute a dismissal or resolution of other matters currently
24 pending before the Board, if any, and does not constitute any waiver, express or
25 implied, of the Board's statutory authority or jurisdiction regard any other pending or
26

1 future investigation, action or proceeding. Respondent also understands that
2 acceptance of this Consent Agreement and Order of Discipline does not preclude any
3 other agency, subdivision or officer of this state from instituting other civil or criminal
4 proceedings with respect to the conduct that is the subject of this Consent Agreement
5 and Order of Discipline.

6 27. Respondent understands that the foregoing Consent Agreement and
7 Order of Discipline shall not become effective unless and until adopted by the Board
8 of Appraisal and executed on behalf of the Board. **This Consent Agreement is**
9 **effective on the date it is executed on behalf of the Board.** Any modification to this
10 original document is ineffective and void unless mutually approved by the parties in
11 writing.

12 28. Respondent understands that this Consent Agreement and Order of
13 Discipline is a public record that may be publicly disseminated as a formal action of
14 the Board.

15 29. Pursuant to the Board's Substantive Policy Statement #1, the Board
16 considers this violation to amount to a Level III Violation.

17 DATED this 9th day of May, 2007.

19
20 
21 Carolina Nuño, Respondent


22 Deborah G. Pearson, Executive Director
23 Arizona Board of Appraisal

1 ORIGINAL of the foregoing filed
this 9th day of May, 2007 with:

2 Arizona Board of Appraisal
3 1400 West Washington Street, Suite 360
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed regular and U.S.
Certified Mail # 7025 1830 000 5286 8549
this 9th day of May, 2007 to:

6 Carolina Nuño
7 1208 Circulo Aguilar
8 Rio Rico, Arizona 85648
9 Respondent

10 COPY of the foregoing sent or delivered
this 9th day of May, 2007 to:

11 Elizabeth A. Campbell
12 Assistant Attorney General
13 Arizona Attorney General's Office
14 1275 West Washington, CIV/LES
15 Phoenix, Arizona 85007

16 By: Robert Pearson
17 #495282
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