



## ARIZONA BOARD OF APPRAISAL

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ARIZONA BOARD OF APPRAISAL

April 8, 2013

Mr. Jeremiah J. O'Brien  
2427 W. Sleepy Ranch Road  
Phoenix, AZ 85085

Re: Board of Appraisal Case No. 3397

Dear Mr. O'Brien,

As you know, the Board received the above-referenced complaint against you for an appraisal you performed of a single family residence located at 5834 E. Justine Road, Scottsdale, AZ 85254 with an effective date of value of April 20, 2011.

The Board met on January 17/18, 2013, and March 15, 2013, to consider the matter. In reviewing the matter, the Board considered the complaint, your response thereto, the appraisal, the supporting work file, the Investigative Report and your correspondence relating to coursework. At the conclusion of its consideration, the Board voted to offer you the opportunity resolve this matter with a letter of due diligence.

The Board concluded that you failed to provide adequate research regarding the spa room addition and whether it was properly permitted. In addition, the Board concluded that you failed to complete sufficient research to support your value conclusion for the subject's solar system. Finally, there was insufficient support, research and rationale for the value conclusion and therefore, the report was not credible.

The Board finds that your appraisal development and reporting violate the following standards of the Uniform Standards of Professional Appraisal Practice (USPAP), 2010-2011 edition:

**Standards Rule 1-1(a); Standards Rule 1-4; Standards Rule 2-1(a); Standards Rule 2-2(b);  
and A.R.S. §32-3635**

Pursuant to Arizona Administrative Code (AAC) R4-46-31 and the Board's Substantive Policy Statement #1, the Board considers these violations to amount to a Level II Violation. In lieu of further proceedings, and pursuant to Arizona Revised Statutes (A.R.S.) §32-3632(B) and A.A.C. R4-46-301(C), the Board is willing to resolve these matters with this letter of due diligence, if you **successfully complete a seven (7) hour course in EITHER the Sales Comparison Approach OR Complex Properties (such as Even Odder: More Oddball Appraisals) and a course in Solar/Green Energy such as the Introduction to Green Buildings: Principles & Concepts or Case Studies in Appraising Green Residential Buildings. The education must be completed within six (6) months from the date of this letter as shown at the top of the first page.** A list of approved remedial and disciplinary education courses is on the Board's website for your convenience in locating the appropriate course. The education **may not be used toward your continuing education requirements for renewal during your next licensing period.** Proof of successful completion of the required course must be promptly submitted to the Board within **fourteen (14) days** of taking the coursework.

Jeremiah J. O'Brien

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**A letter of due diligence is a disciplinary action and is a matter of public record in your Board file and may be used in any future disciplinary proceedings.** By signing below, you acknowledge that you have read and understand this letter of due diligence. You have the right to consult with legal counsel regarding this matter, and have done so or choose not to do so.

By signing this letter of due diligence, you are voluntarily relinquishing your right to an informal hearing, formal hearing, and judicial review in state or federal court with regard to the matter herein.

Upon signing this letter of due diligence and returning it to the Board, you may not revoke acceptance of this letter of due diligence. In addition, you may not make any modifications to this letter of due diligence. Any modifications to this letter of due diligence are ineffective and void unless mutually approved by you and the Board.

If any part of this letter of due diligence is later declared void or otherwise unenforceable, the remainder of the letter of due diligence in its entirety shall remain in force and effect.

If you fail to comply with the terms of this letter of due diligence, the Board may properly institute proceedings for noncompliance, which may result in suspension, revocation, or other disciplinary and/or remedial actions. By signing this letter of due diligence you are agreeing that any violation of this letter of due diligence is a violation of A.R.S. § 32-3631(A) (8), which is willfully disregarding or violating any of the provisions of the Board's statutes or the rules of the Board for the administration and enforcement of its statutes.

If you agree to accept this letter of due diligence, please execute this document by your signature below. Please return the original signed document to the Board at 15 South 15<sup>th</sup> Avenue, Ste. 103A, Phoenix, Arizona 85007, on or before **April 22, 2013**. If you do not return this original document on or before the specified date, the Board may conduct further proceedings, including but not limited to a formal hearing before the Office of Administrative Hearings.

Sincerely,



Debra Rudd  
Executive Director

ACKNOWLEDGED AND AGREED



Jeremiah J. O'Brien, Respondent



Date

c: Jeanne M. Galvin, Assistant Attorney General

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