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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

In the Matter of :
RAZVAN P. SILVAS
Certified Residential Appraiser
Certificate No. 21544

Case No. 2307
**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 Razvan P. Silvas ("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 Certified Residential Appraiser in the State of Arizona, holder of Certificate No. 21544, issued on April 30, 2007, pursuant to A.R.S. § 32-3612.

FINDINGS OF FACT

3. The subject property is located at 43623 West McClelland Court, in Maricopa, Arizona. The appraisal report has an effective date of November 7, 2006.

4. The report did not contain any discussion regarding the statements in the report of an increase in value of the subject property.

1 5. The report did not contain an analysis of the use of comparables or prior
2 sales history of the subject property. The prior sale was not disclosed in the report, nor
3 was the lease of the property which was prior to the date of the value/report. The sales
4 and financing concessions in the report did not disclose the 100% plus financing on this
5 sale or any analysis.
6

7 6. Statements in the report regarding the employment opportunities, proximity
8 of the property to the Maricopa Freeway, and that there were no adverse factors affecting
9 marketability were not credible.
10

11 7. The statement in the report that there were six comparable properties listed
12 from \$450,000 to \$499,000 was not credible. There was also no supporting data in the
13 work file for site extraction method value, cost data, and age/life depreciation, site size
14 adjustments, upgrade/remodeling, flooring adjustments, etc.
15

CONCLUSIONS OF LAW

16 8. Pursuant to A.R.S. § 32-3635, a certified or licensed appraiser in the State
17 or Arizona must comply with the standards of practice adopted by the Board. The
18 Standards of Practice adopted by the Board are codified in the USPAP edition applicable
19 at the time of the appraisal.
20

21 9. The conduct described above constitutes violations of the following
22 provisions of the USPAP, 2006 edition: Standards Rule 1-1(a); Standards Rule 1-1(b);
23 Standards Rule 1-1(c); Standards Rule 1-2(c)(iv); Standards Rule 1-2(e); Standards Rule
24 1-4(b); Standards Rule 1-4(c); Standards Rule 1-5; Standards Rule 1-6; Standards Rule 2-
25 2(b)(iii), and violation of the Ethics Rule, Recordkeeping.
26

1 ORDER OF DISCIPLINE

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

4 10. Respondent's Certificate No. 21544 shall be placed on probation for twelve
5 (12) months.

6 11. During the period of probation, Respondent shall: (a) successfully
7 complete thirty (30) hours of qualifying (with exam) education, which includes a
8 mortgage fraud class or a class which includes discussion regarding mortgage fraud; (b)
9 successfully complete a principles or procedures class; (c) complete at least twenty-four
10 (24) appraisal reports under the supervision of an Arizona Certified Residential or
11 Certified General Appraiser who shall serve as Respondent's mentor ("Mentor") over a
12 minimum period of six (6) months; (d) demonstrate resolution of the problems that
13 resulted in this disciplinary action; and (f) otherwise comply with the terms of this Order
14 of Discipline.

15 12. Up to fifteen (15) hours of the education required under paragraph 11 may
16 be counted toward the continuing education requirements for the renewal of
17 Respondent's certificate. The same class may not be repeated to fulfill the education
18 requirements in paragraph 11. The education required under paragraph 11 must be
19 completed within six (6) months of the effective date of this Order. Respondent must
20 submit proof of the required education to the Board.

21 13. During the probationary period, the Respondent shall not issue a verbal or
22 written appraisal, appraisal review, or consulting assignment without prior review and
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1 approval by the Mentor. Each report shall be signed by the Mentor as a supervisory
2 appraiser.

3 14. The Mentor must be approved by the Board and is subject to removal by
4 the Board for nonperformance of the terms of this Order. The Mentor may not have a
5 business relationship with Respondent or be related to respondent. Any replacement
6 Mentor is subject to the Board's approval and the remaining terms of this Order. The
7 Board's Executive Director may give temporary approval of the Mentor until the next
8 regular meeting of the Board.
9

10 15. Not more than **30 days** after the effective date of this Order, Respondent
11 shall submit to the Board the name and resume of an Arizona Certified Residential or
12 Arizona Certified General Appraiser who is willing to serve as Respondent's Mentor
13 together with a letter from the potential Mentor agreeing to serve as Respondent's
14 Mentor. If requested by Board staff, Respondent shall continue to submit names,
15 resumes, and letters agreeing to serve as Mentor until a mentor is approved by the Board.
16 Any Mentor must be approved in writing by the Board.
17

18 16. Respondent shall bear all costs and expenses associated with the
19 mentorship and incurred in attended the courses.
20

21 17. The Mentor shall submit monthly reports to the Board for each calendar
22 month during Respondent's probationary period reflecting the quantity and quality of
23 Respondent's work, including, but not limited to, improvement in Respondent's practice
24 and resolution of those problems that prompted this action. The Mentor's report shall be
25 filed monthly beginning the 15th day of the first month following the start of
26

1 Respondent's probationary period and continuing each month thereafter until termination
2 of the probationary period by the Board. **Even if the Mentor reviews no appraisals**
3 **during a given month, a report stating that no appraisals were reviewed or**
4 **approved must be submitted.** It is the Respondent's responsibility to ensure that the
5 Mentor submits his/her reports monthly. If the monthly reporting date falls on a
6 Saturday, Sunday, or holiday, the report is due on the next business day. The monthly
7 report may be filed by mail or facsimile.

9 18. The Respondent shall file an appraisal log with the Board on a monthly
10 basis listing every Arizona appraisal that he has completed within the prior calendar
11 month by property address, appraisal type, valuation date, the Mentor's review date, the
12 date the appraisal was issued, and the number of hours worked on each assignment. The
13 report log shall be filed monthly beginning the 15th day of the first month following the
14 start of Respondent's probationary period and continuing each month thereafter until the
15 Board terminates the probation. If the log reporting date falls on a Saturday, Sunday, or
16 holiday, the report log is due on the next business day. **Even if Respondent performs**
17 **no appraisals within a given month, he must still file an appraisal log with the Board**
18 **showing that no appraisals were performed.** The monthly log report may be field by
19 mail or facsimile.

22 19. The Board reserves the right to audit any of Respondent's reports and
23 conduct peer review, as deemed necessary, during the probationary period. The Board
24 may, in its discretion, seek separate disciplinary action against the Respondent for any
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1 violation of the applicable statutes and rules discovered in an audit of the Respondent's
2 appraisal reports provided to the Board under the terms of this Order.

3 20. Respondent's probation, including mentorship, shall continue until: (a)
4 Respondent petitions the Board for termination, and (b) the Board terminates the
5 probation and mentorship. Upon petition by the Respondent for termination of the
6 probation and mentorship, the Board will select and audit 3 of Respondent's appraisal
7 reports.
8

9 21. At the end of six (6) months from the effective date of this Order, if
10 Respondent has completed no less than 24 appraisals of Arizona properties under the
11 supervision of a Mentor, the Respondent may petition the Board for **early** termination of
12 his mentorship and probation, provided he has successfully completed **all** other
13 requirements of paragraph 11 as determined by the Board.
14

15 22. If not terminated earlier, at the end of twelve (12) months from the effective
16 date of this Order, the Respondent shall petition the Board for termination of his
17 mentorship and probation. If the Board determines that Respondent has not complied
18 with **all** the requirements of paragraph 11, the Board, at its sole discretion, may either:
19 (a) continue the probation, including mentorship; or (b) institute proceedings for
20 noncompliance with this Order, which may result in suspension, revocation, or other
21 disciplinary and/or remedial action.
22

23 23. Respondent shall not act as a supervising appraiser for other appraisers or
24 trainees, nor shall he act as a mentor, during the term of the probation. Respondent shall
25 also not teach any course related to real estate appraisals during the term of the probation.
26

1 24. Respondent shall bear all costs and expenses incurred in attending the
2 courses.

3 25. During the probationary period, the Respondent shall issue no more than
4 ten (10) appraisal reports per month.
5

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

8 27. If, between the effective date of this Consent Agreement and Order of
9 Discipline and the termination of Respondent's probation by the Board, Respondent fails
10 to renew his license while under this Consent Agreement and Order of Discipline and
11 subsequently applies for a license or certificate, the remaining terms of this Consent
12 Agreement and Order of Discipline, including probation and mentorship, shall be
13 imposed if the application for license or certificate is granted.
14

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

22 29. 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 and Order of Discipline, Respondent freely and
26

1 voluntarily relinquishes all rights to such an administrative hearing, as well as all rights
2 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
3 and/or judicial action, concerning the matters set forth herein. Respondent affirmatively
4 agrees that this Consent Agreement and Order of Discipline shall be irrevocable.
5

6 30. Respondent understands that his Consent Agreement and Order of
7 Discipline, or any part thereof, may be considered in any future disciplinary action
8 against him.

9 31. The parties agree that this Consent Agreement and Order of Discipline
10 constitutes final resolution of this disciplinary matter.
11

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

13 33. If Respondent fails to comply with the terms of this Consent Agreement
14 and Order of Discipline, the Board shall properly institute proceedings for noncompliance
15 with this Consent Agreement and Order of Discipline, which may result in suspension,
16 revocation, or other disciplinary and/or remedial actions.
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18 34. Any violation of USPAP resulting from an appraisal performed prior to the
19 effective date of this Consent Agreement and Order of Discipline shall not be deemed a
20 violation of this Consent Agreement and Order of Discipline; however, the Board may, in
21 its discretion, seek separate disciplinary action against the Respondent for such
22 violations.
23

24 35. Respondent understands that this Consent Agreement and Order of
25 Discipline does not constitute a dismissal or resolution of other matters currently pending
26 before the Board, if any, and does not constitute any waiver, express or implied, of the

1 Board's statutory authority or jurisdiction regard any other pending or future
2 investigation, action or proceeding. Respondent also understands that acceptance of this
3 Consent Agreement and Order of Discipline does not preclude any other agency,
4 subdivision or officer of this state from instituting other civil or criminal proceedings
5 with respect to the conduct that is the subject of this Consent Agreement and Order of
6 Discipline.
7

8 36. Respondent understands that the foregoing Consent Agreement and Order
9 of Discipline shall not become effective unless and until adopted by the Board of
10 Appraisal and executed on behalf of the Board. Any modification to this original
11 document is ineffective and void unless mutually approved by the parties in writing.
12

13 37. Respondent understands that this Consent Agreement and Order of
14 Discipline is a public record that may be publicly disseminated as a formal action of the
15 Board.
16

17 38. Pursuant to the Board's Substantive Policy Statement #1, the Board
18 considers this violation to amount to a Level III Violation.

19 DATED this ^{18th}~~15~~ day of September, 2007.

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22 _____
Razvan P. Silvas, Respondent

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21 
22 _____
Deborah G. Pearson, Executive Director
Arizona Board of Appraisal

1 ORIGINAL of the foregoing filed
2 this 13th day of September, 2007, with:

3 Arizona Board of Appraisal
4 1400 W. Washington Street, Suite 360
5 Phoenix, Arizona 85007

6 COPY of the foregoing mailed regular and U.S.
7 Certified Mail # 7006 0100 0002 8052 4582
8 this 20 day of September, 2007, to:
9 21

10 Razvan P. Silvas
11 32013 N. 19th Ln.
12 Phoenix, Arizona 85085
13 Respondent

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By: 
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