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BEFORE THE ARIZONA STATE BOARD OF APPRAISAL

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In the Matter of :

HENRY R. WIECZOREK, JR.
Certified Residential Appraiser
License No. 21267

ARIZONA BOARD OF APPRAISAL
Case No. 2130

**CONSENT AGREEMENT FOR
~~SURRENDER OF CERTIFICATE~~
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 Henry R. Wieczorek, Jr. ("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. 21267, issued on September 12, 2005, pursuant to A.R.S. § 32-3612.

FINDINGS OF FACT

3. The subject property is located at 617 East Parkview Drive in Gilbert, Arizona. The appraisal report has an effective date of October 20, 2005.

1 4. Normally, the basement area is not included in the total living area of the
2 subject property. Respondent included the basement area as part of the total living area.

3 5. Respondent included the basement area in the total gross living area for
4 comparison to the comparable properties. Two of the three comparable sales were two
5 story homes with the entire living area above grade. This would require discussion and a
6 probable downward adjustment to the two story above grade sales.
7

8 6. Respondent failed to clearly state that the subject property had a basement.

9 7. Respondent did not appropriately identify the intended use and user(s) of
10 the report.
11

12 8. The appraisal report did not include an opinion of reasonable exposure
13 time.

14 9. Respondent failed to state that the spa included in the appraisal report was
15 above ground. The \$3,000 adjustment for the spa was not well supported or explained.
16

17 10. The appraisal report did not include a scope of work section.

18 11. Respondent failed to adequately adjust for the fact that the comparables
19 used included two story homes all above grade. Other single level homes with
20 basements, if available, would have made superior comparable sales.

21 12. Respondent likely overstated the replacement cost of the subject property.
22

23 13. The appraisal report is misleading because the report is confusing regarding
24 the presence of a basement.

25 14. The appraisal report could potentially be misunderstood by an intended
26 user.

1 **CONCLUSIONS OF LAW**

2 15. 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 16. 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(c);
9 Standards Rule 1-2(a); Standards Rule 1-2(b); Standards Rule 1-2(c); Standards Rule 1-
10 2(e)(iii); Standards Rule 1-2(f); Standards Rule 1-4(a); Standards Rule 1-4(b)(ii);
11 Standards Rule 2-1(a); Standards Rule 2-1(b); Standards Rule 2-2(b)(i); Standards Rule
12 2-2(b)(ii); Standards Rule 2-2(b)(v); Standards Rule 2-2(b)(vii).
13

14 **ORDER OF DISCIPLINE**

15 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties
16 agree to the following Order of Discipline:
17

18 17. Beginning on the effective date of this Consent Agreement, Respondent's
19 Certificate No. 21267 shall be placed on probation for a period of nine (9) months.
20 During the period of probation, Respondent shall successfully complete the following
21 education and submit proof of successful completion to the Board:

- 22 a. At least 7 hours of continuing education (no test required) on Fannie
23 Mae guidelines or Fannie Mae procedure;
24
25 b. At least 7 hours of continuing education (no test required) on
26 appraisal review; and

1 c. The 15 hour USPAP qualifying education course (test required).

2 18. The education required under paragraph 17 may be counted toward the
3 continuing education requirements for the renewal of Respondent's certificate. However,
4 the 15 hour USPAP course may not be counted toward Respondent's USPAP
5 requirement. The same class may not be repeated to fulfill the education requirements in
6 paragraph 17.
7

8 19. Respondent shall bear all costs and expenses associated with attending
9 the courses.

10 20. If Respondent completes the education required under paragraph 17
11 sooner than nine (9) months from the effective date of this Consent Agreement,
12 Respondent may petition the Board for **early** termination of probation.

13 21. Respondent shall comply with the Uniform Standards of Professional
14 Appraisal Practice in performing all appraisals.

15 22. If, between the effective date of this Consent Agreement and Order of
16 Discipline and the termination of Respondent's probation by the Board, Respondent
17 fails to renew his license while under this Consent Agreement and Order of Discipline
18 and subsequently applies for a license or certificate, the remaining terms of this
19 Consent Agreement and Order of Discipline, including probation and any mentorship,
20 shall be imposed if the application for license or certificate is granted.

21 23. Respondent has read and understands this Consent Agreement and Order
22 of Discipline as set forth herein, and has had the opportunity to discuss this Consent
23 Agreement and Order of Discipline with an attorney or has waived the opportunity to
24 discuss this Consent Agreement and Order of Discipline with an attorney.
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1 Respondent voluntarily enters into this Consent Agreement and Order of Discipline
2 for the purpose of avoiding the expense and uncertainty of an administrative hearing.

3 24. Respondent understands that he has a right to a public administrative
4 hearing concerning each and every allegation set forth in the above-captioned matter,
5 at which administrative hearing he could present evidence and cross-examine
6 witnesses. By entering into this Consent Agreement and Order of Discipline,
7 Respondent freely and voluntarily relinquishes all rights to such an administrative
8 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
9 review or any other administrative and/or judicial action, concerning the matters set
10 forth herein. Respondent affirmatively agrees that this Consent Agreement and Order
11 of Discipline shall be irrevocable.

12 25. Respondent understands that his Consent Agreement and Order of
13 Discipline, or any part thereof, may be considered in any future disciplinary action
14 against him.

15 26. The parties agree that this Consent Agreement and Order of Discipline
16 constitutes final resolution of this disciplinary matter.

17 27. Time is of the essence with regard to this agreement.

18 28. If Respondent fails to comply with the terms of this Consent Agreement
19 and Order of Discipline, the Board shall properly institute proceedings for
20 noncompliance with this Consent Agreement and Order of Discipline, which may
21 result in suspension, revocation, or other disciplinary and/or remedial actions.

22 29. Any violation of USPAP resulting from an appraisal performed prior to
23 the effective date of this Consent Agreement and Order of Discipline shall not be
24 deemed a violation of this Consent Agreement and Order of Discipline; however, the
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1 Board may, in its discretion, seek separate disciplinary action against the Respondent
2 for such violations.

3 30. Respondent understands that this Consent Agreement and Order of
4 Discipline does not constitute a dismissal or resolution of other matters currently
5 pending before the Board, if any, and does not constitute any waiver, express or
6 implied, of the Board's statutory authority or jurisdiction regard any other pending or
7 future investigation, action or proceeding. Respondent also understands that
8 acceptance of this Consent Agreement and Order of Discipline does not preclude any
9 other agency, subdivision or officer of this state from instituting other civil or criminal
10 proceedings with respect to the conduct that is the subject of this Consent Agreement
11 and Order of Discipline.

12 31. Respondent understands that the foregoing Consent Agreement and
13 Order of Discipline shall not become effective unless and until adopted by the Board
14 of Appraisal and executed on behalf of the Board. **This Consent Agreement is**
15 **effective on the date it is executed on behalf of the Board.** Any modification to this
16 original document is ineffective and void unless mutually approved by the parties in
17 writing.

18 32. Respondent understands that this Consent Agreement and Order of
19 Discipline is a public record that may be publicly disseminated as a formal action of
20 the Board.

21 33. Pursuant to the Board's Substantive Policy Statement #1, the Board
22 considers this violation to amount to a Level III Violation.

23 ...

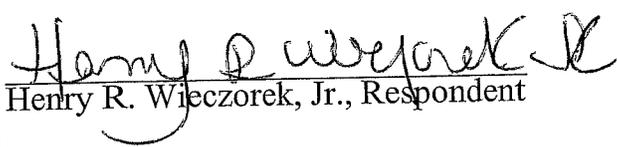
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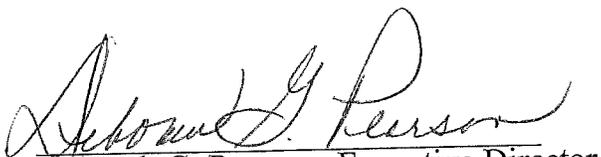
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1 DATED this ^{5th} 4 day of October, 2006.

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Henry R. Wieczorek, Jr., Respondent


Deborah G. Pearson, Executive Director
Arizona Board of Appraisal

ORIGINAL of the foregoing filed
this 5th day of October, 2006 with:

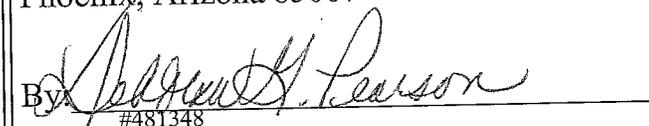
Arizona Board of Appraisal
1400 West Washington Street, Suite 360
Phoenix, Arizona 85007

COPY of the foregoing mailed regular and U.S.
Certified Mail # 7005 1820 0000 5286 8716
this 5th day of October, 2006 to:

Henry R. Wieczorek, Jr.
14192 W. Columbus Ave.
Goodyear, Arizona 85338
Respondent

COPY of the foregoing sent or delivered
this 5th day of October, 2006 to:

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

By 
#481348