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**BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

In the Matter of :

Case No. 2198

**WILLIAM J. WISNIEWSKI**  
Certified Residential Appraiser  
Certificate No. 21021

**CONSENT AGREEMENT AND ORDER  
OF DISCIPLINE**

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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 William J. Wisniewski ("Respondent") hereby enter into the following Consent Agreement and Order.

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This Consent Agreement and Order is being entered into as a result of Respondent's failure to comply with the education requirements in the Letter of Remedial Action issued in case 1965.

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**JURISDICTION**

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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.

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2. Respondent is a Certified Residential Appraiser in the State of Arizona, holder of Certificate No. 21021, issued on May 28, 2002, pursuant to A.R.S. § 32-3612.

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1 **FINDINGS OF FACT**

2 3. On or about November 4, 2005, the Board issued a Letter of Remedial  
3 Action to Respondent (“Letter”) in Board Case No. 1965. The Letter is attached as  
4 **Exhibit A** and incorporated fully herein.

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6 4. The Letter required that on or before, May 4, 2006, Respondent had to  
7 complete the following education:

8 a. At least 15 hours of qualifying or continuing education on appraisal  
9 review.

10 5. Respondent failed to complete the required education in a timely manner.

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12 6. On or about July 8, 2006, Respondent completed a 7 hour course on  
13 Appraisal Review. Certificate attached as **Exhibit B**. Although taken late, this course  
14 will be deemed to partially fulfill the requirement set out in 4(a) above as long as  
15 Respondent complies with the requirements of paragraph 8 below and this Consent  
16 Agreement and Order of Discipline.

17 **CONCLUSIONS OF LAW**

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19 7. Noncompliance with the Letter is a violation of A.R.S. § 32-3631(A)(8),  
20 which is a willfully disregarding or violating any of the provisions of A.R.S. § 32-3601 et  
21 seq. or the rules of the Board for the administration and enforcement of the Board’s  
22 statutes.

23 **ORDER OF DISCIPLINE**

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

1           8.     Beginning on the effective date of this Consent Agreement, Respondent's  
2 Certificate No. 21021 shall be placed on probation for a period of 90 days. During the  
3 period of probation, Respondent shall successfully complete the following education and  
4 submit proof of successful completion to the Board:

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6           a.     At least 7 hours of continuing education (no test required) on  
7 appraisal review.

8           9.     The education required under paragraph 8 may be counted toward the  
9 continuing education requirements for the renewal of Respondent's certificate.

10          10.    In fulfilling the requirements of paragraph 8, Respondent shall not  
11 duplicate or repeat a course he has previously taken.

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13          11.    The Respondent shall bear all costs and expenses incurred in attending the  
14 course(s).

15          12.    Respondent shall comply with the Uniform Standards of Professional  
16 Appraisal Practice in performing all appraisals.

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

24          14.    Respondent has read and understands this Consent Agreement and Order  
25 of Discipline as set forth herein, and has had the opportunity to discuss this Consent  
26 Agreement and Order of Discipline with an attorney or has waived the opportunity to

1 discuss this Consent Agreement and Order of Discipline with an attorney.

2 Respondent voluntarily enters into this Consent Agreement and Order of Discipline  
3 for the purpose of avoiding the expense and uncertainty of an administrative hearing.

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

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

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

18 18. Time is of the essence with regard to this agreement.

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

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

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

13 22. 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  
15 the Board.

16 23. Pursuant to Arizona Administrative Code R4-46-301 and the Board's  
17 Substantive Policy Statement #1 the Board the violations herein to amount to a Level V  
18 Violation.

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20 DATED this <sup>3rd</sup> ~~28~~ day of <sup>October</sup> ~~September~~, 2006.

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22   
23 William J. Wisniewski, Respondent

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26 Deborah G. Pearson, Executive Director  
Arizona Board of Appraisal

1 ORIGINAL of the foregoing filed  
this 3<sup>rd</sup> day of ~~September~~, 2006 with:

2 *October*  
3 Arizona Board of Appraisal  
1400 West Washington Street, Suite 365  
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed regular and U.S.  
Certified Mail # 7005 1820 0000 5286 8723  
this 3<sup>rd</sup> day of ~~November~~, 2006 to:

6 *October*  
7 William J. Wisniewski  
4828 S. Las Mananitas Trl  
8 Gold Canyon, Arizona 85218

9 COPY of the foregoing sent or delivered  
this 3<sup>rd</sup> day of ~~September~~, 2005 to:  
*October, 2006*

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

13 By: *Andrew G. Pearson*  
14 #481334

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