



# Advisory Board Welcomes Three New Members



From left: Felipe Zubia, Commissioner Elaine Richardson, Lisa Suarez, and Gary Brasher.

Governor Janet Napolitano recently appointed three new members to fill vacancies on the Real Estate Advisory Board: Gary Brasher from Santa Cruz County, Lisa Suarez from Pima County and Felipe Zubia from Maricopa County.

The Real Estate Advisory Board is comprised of nine members, which represent different facets of the real estate industry: brokers, subdividers, residential licensees and the public at-large per ARS 32-2104. The purpose of the Advisory Board is to provide the Commissioner with recommendations as necessary and beneficial to the best interests of the public, provide recommendations on specific questions or proposals as requested by the Commissioner, and shall annually present to the Governor an evaluation of the performance of

*(Continued on page 6)*

## Rise in Hispanic Victim Complaints Spurs ADRE Employee to Action By Liz Carrasco

Department Investigator Henry Soza, in his years of experience as an investigator, has recently seen an increase in the number of complaints involving Hispanics and Hispanic licensees. Without compromising the confidentiality of any individual pending cases, Soza describes a recent phenomenon of cases where some licensees are taking advantage of their Hispanic clients' limited English skills and lack of understanding of the home-buying process.



ADRE Investigator Henry Soza

"Some licensees have gone so far as to take earnest money and

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## Our Mission

**The purpose of the Department is to protect the public interest through licensure and regulation of the real estate profession in the State of Arizona.**

# Advertising Rules Address More Than Just Hanging a Shingle

By Cindy Ferrin

Our Department receives many inquiries regarding advertising requirements by licensees. Following is a breakdown of specific advertising rules that should be of concern to licensees:

Blind Advertisements -- R4-28-502(A) states "A salesperson or broker acting as an agent shall not advertise property in a manner which implies that no salesperson or broker is taking part in the offer for sale, lease or exchange." Blind advertisements are not allowed!

Owner/Agent Advertisements -- R4-28-502(B) states "Any salesperson or broker advertising the salesperson's or broker's own property for sale, lease, or exchange shall disclose the salesperson's or broker's status as a salesperson or broker, and as the property owner in the advertisement." The licensee may accomplish this by placing 'owner/agent' in the advertisement. Please note that 'owner/agent' cannot be abbreviated.

Accurate Claims and Representations -- R4-28-502(C) states "A salesperson or broker shall ensure that all advertising contains accurate claims and representations, and fully states factual material. A salesperson or broker shall not misrepresent the facts or create misleading impressions."

Examples of misleading advertising would be:

- The loan is advertised as being assumable, when in actuality it isn't.
- The house is advertised as having a 25-year

home warranty, when in actuality it doesn't.

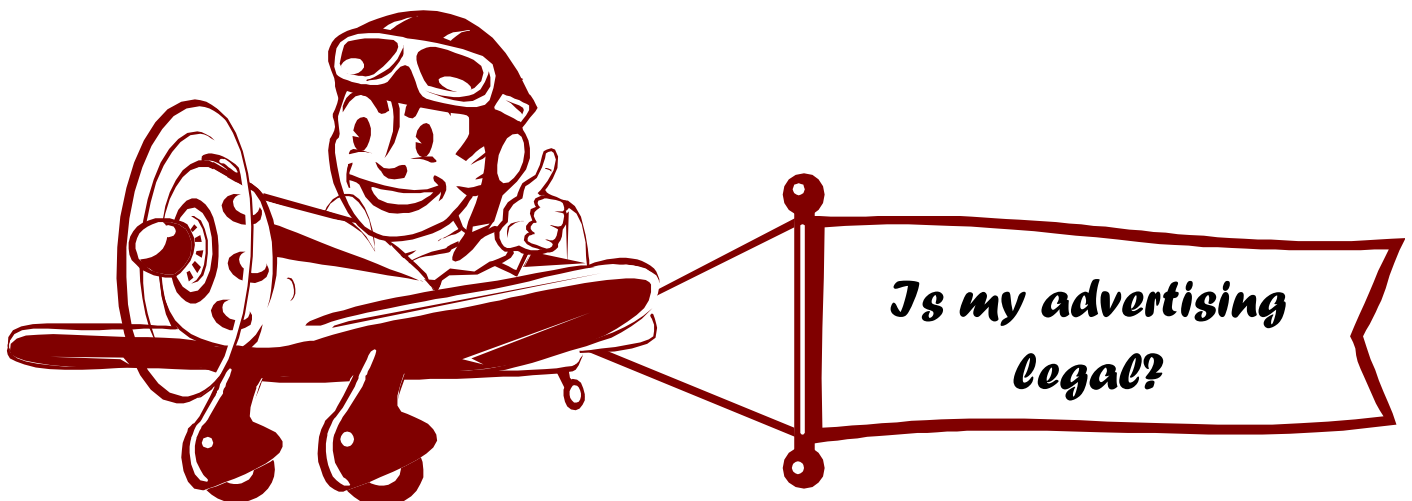
- The zoning is not as portrayed in the advertisement.
- The property is advertised as being in Sun City, when it is actually in Surprise.
- The roof is being advertised as 1 year old, when in fact it is 10 years old.

The department usually receives these types of complaints in conjunction with other allegations of statute or rule violations. Whether the misleading advertisement is intentional or by neglect, if the Department receives a complaint, the Investigation Division will prepare a case to be forwarded to the Administrative Actions Division, regardless of intent.

Broker/Firm Name in Advertisements -- R4-28-502(E) states "All advertising shall include either the name in which the employing broker's license is held or the fictitious name contained on the license certificate. The lettering used for the name of the employing broker shall appear in a clear and conspicuous manner." This means you must have either the entity name or the dba ("Doing Business As") name of your firm in all advertisements. The entity or dba names may not be abbreviated. *They must be spelled out in full as they are on the license!*

Broker Supervision of Advertising --R4-28-502(F) states "The designated broker or the school owner shall supervise all advertising, as applicable." This is

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# Commissioner's Corner

By Commissioner Elaine Richardson

In the late 70's and most of the 80's, we could often hear stories of Mayor Ed Koch walking through neighborhoods in New York City and asking folks "How'm I doin'?" Logistically I cannot walk though our state, but we are traveling around our state in order to ask a very similar question, "How are we doing?"

To date we have traveled and met with real estate professionals in Tubac, Yuma, Scottsdale, Tucson, Mesa and Phoenix. Our next trip will include Douglas, Bisbee, Green Valley, Santa Cruz County and Sierra Vista.

Everyone has been very responsive to our visits and have thanked us for taking the time to visit their respective communities—the truth of the matter is we, as a Department, have gained more from our visits and it is

we who should thank the communities for being so responsive. By listening to concerns, we have been able to compile a list of suggested subcommittees that were addressed at our Stakeholders meeting on June 26<sup>th</sup>.

Some of the issues addressed were review of subdivision, cemetery, timeshare and condominium statutes; property management trust accounts; VOW's (Virtual Office Websites); illegal license activity; business broker licensure; suggested fee review; and increasing professionalism. We will report on the results of these subcommittees' recommendations in future Bulletins.

Whether we are traveling throughout the state via automobile, via website or via the Bulletin, I will continue to ask, "How are we doing?" and I look forward to your continued input. ☐

## Commissioner Kicks Off Outreach Effort in Yuma, then Tucson

By Liz Carrasco

When Commissioner Elaine Richardson promised that the Arizona Department of Real Estate was going to be available in providing information to all areas in Arizona, and not just the proverbial "state of Maricopa," she meant business. Making good on her promise to reach outlying parts of the state, Commissioner Elaine Richardson kicked off her statewide outreach program with a visit to Yuma on May 22. She first spoke at a professional training that the Department provided for the Yuma County Planning and Zoning Department staff.

Cindy Ferrin, Director of Investigations, and Roy Tanney, Director of Subdivisions, facilitated a training for roughly 25 people. They discussed information that county staff would need when preparing and reviewing allegations of illegal subdividing, to forward to the Department.

"I want to thank Monty Stansbury, Director of the Yuma County Planning and Zoning Department, for inviting us to come and talk about these very important issues," said Tanney.



From left: Supervisor Lenore Stuart, Monsignor O'Keefe, Supervisor Bob McLendon, Supervisor Lucy Shipp, Commissioner Elaine Richardson, and Mayor Larry Nelson.

Ferrin added, "It is very important to have an open dialogue between the Department and county staff. We want the counties to know that we are very sympathetic to the problems that illegal subdivisions create and we are willing to come out and help."

Commissioner Richardson also addressed community leaders, licensees, and professionals in the real estate industry at a luncheon at the Yuma Golf and Country Club. She discussed the state of current affairs at the Department and her plans for improvements as the

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# What Subdividers Should Know About Groundwater Law

By Roy Tanney

When Arizona's groundwater law was written and adopted in 1980, enforcement provisions were included in subdivision law, A.R.S. 32-2181(C) and 32-2183(F). These provisions provide that no public report can be issued on land located within a groundwater active management area (AMA) without a demonstration of assured water supply. In fact, groundwater law provisions prohibit the recordation of a subdivision plat without an assured water supply.



The Arizona Department of Water Resources (ADWR) administers the groundwater law. For subdivisions located within an AMA, a Certificate of Assured Water Supply (CAWS) is required, unless water service is committed to the subdivision by a city, town or private water company designated as having an assured water supply. The CAWS issued by ADWR specifies the subdivision name, number of lots included in the assured water supply designation, and the subdivider's name.

**Certificates are not transferable between subdividers.**

In summary, the application for subdivision public report must contain a CAWS issued in the name of the subdivider who is the applicant for public report, unless there is a designated provider. This requirement also applies to the issuance of Conditional Sales Exemptions and Subsequent Owner Exemption Notices. Applications should not be filed without satisfaction of the assured water supply requirements. ☐

## WHAT IS THE 10-DAY RULE?

**Arizona Administrative Rule R4-28-301 (F)** states that every licensee shall, **within 10 days of each occurrence**, notify the Commissioner, **in writing**, of any change in information contained in their license certification questionnaire, specifically for:

- Any conviction, deferral of a judgment, or sentencing for a misdemeanor or felony.
- Any order, judgment, or adverse decision entered against the license involving fraud or dishonesty.
- Any restriction, suspension, civil penalty imposed under a license, denial, or revocation of **any** professional or occupational license.
- Any order, judgment, or decree permanently or temporarily preventing the licensee from engaging in the sale or purchase of real estate or cemetery property, time-share intervals membership camping contracts, campgrounds, or securities.
- Any order, judgment, or decree issued involving consumer fraud or racketeering laws.

Failure to timely notify the Department within the 10-day period of any of the above occurrences could result in disciplinary action, including, license revocation or suspension, the denial of the renewal of the license, and a civil penalty. ☐

# Should We Have a Specialized Business Broker License?

Guest Column By Keith McLeod, Broker, Certified Business Intermediary, and IBBA Fellow.

Owning your own business is the American dream. There are 651,317 small business owners living their dream in Arizona – 62% reside in Maricopa County and 17% reside in Pima County. These statistics from a May 2002 Department of Commerce/Arizona State University study define small businesses as those with fewer than 100 employees.

What avenue exists for business buyers and for owners transferring these businesses? Allowing real estate licensees to handle the sale of a business is no different than allowing the general public to handle the sale. Currently, the Arizona Department of Real Estate does not require, and Arizona real estate schools do not teach, train or test licensees in the area of business sales. The lack of a proper education, and managers' failure to shut down incompetent licensees in this area falls short of protecting the public. Some could argue malfeasance or liability exists from institutional inaction.

There are numerous, significant differences between selling businesses, and selling land, buildings, or houses:

- Many emotional, psychological and practical business issues exist in a sales transaction. Just remember, many business owners spend more waking hours at their business than with their loved ones.
- Confidentiality is crucial to a selling business owner. Fear of suppliers requiring all cash, employees dusting off their resumes, worried customers, and competition making inroads on company sales forbids prominent signs advertising the business for sale. Confidentiality agreements are required.
- Determining a value is markedly different as well. Whereas cost and market comparables weigh heavily in homes and buildings - an income

approach dominates the value of business. Generally a multiple of the adjusted earnings provides a selling price.

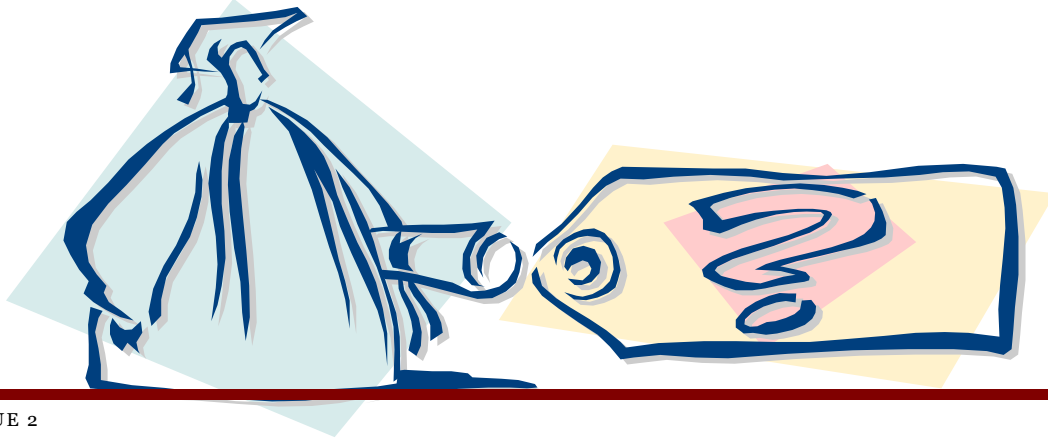
- Ownership of businesses varies greatly; C or S corporations, partnerships, sole proprietors and limited liability companies exist in the marketplace.
- Each variety of ownership creates different tax issues for the seller. In addition, the allocation of the selling price's tangible and intangible assets will tend to be a burden for either the buyer or the seller. Further negotiations are required.

A business brokerage license should be restrictive. It should require mandated courses, tests and a comprehensive examination within a limited time period to obtain the designation. Continuing education and recertification should also be a requirement.

Such rules, regulations and administrative governing already exist with the International Business Broker Association (IBBA). Upon completion of IBBA requirements, candidates earn the Certified Business Intermediary (CBI) designation.

I recommend the following change: Once Broker and CBI status are obtained; the Department should replace our current license with a State of Arizona Business Broker license. Every two years thereafter, the Business Broker licensee may satisfy the Department's 18 required credit hours for renewal. The remaining 6 optional credit hours should be IBBA courses.

Requiring the CBI designation to obtain an Arizona Department of Real Estate Business Broker license protects the public. This new symbol provides credibility, a professional standard, peace of mind and a trust factor to the unsuspecting public. ▣



## ***Advertising Rules Address More Than Just Hanging a Shingle (continued ...)***

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extremely important to keep in mind, because when a complaint is filed, the Department holds accountable both the designated broker and the salesperson for any violations of state law or Commissioner's Rules.

Use of the Term 'Acre' -- R4-28-502(G) states "A licensee shall not use the term acre, either alone or modified, unless referring to an area of land representing 43,560 square feet." This term should only be used when there is a verifiable acre or acres for sale.

Placing a For Sale Sign -- R4-28-502(H) states "Before placing or erecting a sign giving notice that specific property is being offered for sale, lease, rent, or exchange, a salesperson or broker shall secure the written consent of the property owner, and the sign shall be promptly removed upon request of the property owner."

Web Site Advertising -- R4-28-502(L) states "The use of electronic media, such as the Internet or web site technology, which targets Arizona residents with the offering of a property interest constitutes the dissemination of advertising as defined in A.R.S. §32-2101(2)." If advertising on the Internet, the web site must

comply with all applicable state statutes and Commissioner's Rules. If it does not, the Department will require that the advertising be modified to remove the target for Arizona residents. Also, in the event that an out-of-state person is hosting a site that targets Arizona residents, the Department will require that the agent obtain an Arizona license.

Contests and Drawings -- R4-28-503(C) reads "Unless otherwise provided by law, a person shall not solicit, sell, or offer to sell an interest in a development by conducting a lottery contest, drawing, or game of chance to influence a purchaser or prospective purchaser." This means that if you are a licensed salesperson or broker, you cannot conduct a contest or lottery with current, past or prospective clients.

Business Phone Number -- Lastly the Department receives many phone calls asking us if we require that the business phone number be placed in advertisements. Our rules do not require that the business phone number be placed in advertisements. We leave this up to the individual employing/designated broker to decide for his/her firm. ▣

## ***Advisory Board Welcomes Three New Members (continued...)***

*(Continued from page 1)*

the Commissioner and the Real Estate Department.

Gary Brasher is the newest subdivision member, hailing from the beautiful city of Tubac. A fourth generation Arizonan and single father of two daughters, Brasher obtained his B.A. from Arizona State University after attending the University of Colorado on a football scholarship. A man of many talents, Brasher is president of Brasher Real Estate Incorporated and is responsible for developing the beautiful master-planned community called Barrio de Tubac. In addition, he has been a licensed real estate salesperson for 22 years, a broker for 19 years and has a pilot's license.

Lisa Suarez is the newest residential member, hailing from Tucson. Suarez is the owner of EMS Realty, one of Southern Arizona's leading property management companies. She has been a residential real estate salesperson for the past 17 years and has been very active in various professional organizations in the real estate industry.

Felipe Zubia is the newest public member of the Advisory Board. A planning consultant with the law firm

of Beus Gilbert, Zubia was the former Director of Development Services for the City of Avondale and a previous planner for the City of Peoria. He obtained his B.A. from the University of Arizona. Zubia prides himself on volunteering for a number of different non-profit organizations, is happily married to his wife Emily, and is the proud father of three children.

The Department is thrilled to have the opportunity to work with these new members. ▣



# Arizona-Mexico Commission's Real Estate Task Force a Hit!

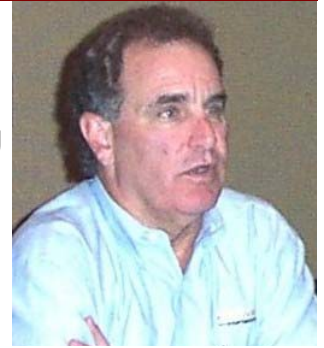
Guest Column By Mitch Creekmore, Stewart Title Guaranty de México

In 2002, former Arizona Governor Jane Hull created the first ever Real Estate Task Force in participation with the Arizona-Mexico Commission and the Comisión Sonora-Arizona. New Governor Janet Napolitano has reinstated the task force to continue their work in developing and implementing bilateral initiatives and creating greater public awareness concerning the real estate industry in the state of Sonora, Mexico.

The committee is comprised of professionals from the legal, development, appraisal, tax, title insurance and real estate salesperson sectors as well as Arizona's Department of Real Estate, Association of Realtors®, Office of Tourism, and the National Law Center for Inter-American Free Trade. During a ten-month period of joint effort and work, the task force produced the largest and most comprehensive body of information to date concerning the acquisition and disclosure of realty in Mexico. All of the information can be found on the internet at [www.azmc.org/realestate](http://www.azmc.org/realestate).

All of the members of the Task Force are appointees of Governor Napolitano. Your new Commissioner for the Arizona Department of Real Estate, former State Senator Elaine Richardson, has been appointed Co-Chair of the task force along with myself, being from the Houston Office of Stewart Title Guaranty de México.

The Task Force has prepared a wealth of information on this site for U. S. citizens interested in buying real estate in Mexico and has assisted in improving the current legal and regulatory framework in Sonora. The Task Force will continue to refine and enhance these educational tools and promote regulatory reform throughout 2003 and beyond, in support of Governor Napolitano's vision for Arizona-Mexico relations. This is all for one simple reason: buying real estate in Mexico involves complexities of which most buyers are simply unaware. As a result, it is critically important that buyers have access to current information at all stages of real estate transactions. It is also critical that local lawmakers provide a regulatory framework designed to protect foreign investments and foster sound economic growth. Owning a home or condo on the beach in Mexico should be an enjoyable, safe, secure and potentially profitable acquisition. The Task Force will continue to strive for reform and transparency as well as to create greater public awareness about the issues concerning Mexican real estate. ▣



Mitch Creekmore of Stewart Title Guaranty de México, and Co-Chair for the Arizona Mexico Commission's Real Estate Task Force

## John Gerard, Deputy Director of Subdivisions, Leaves ADRE

John S. Gerard, Deputy Director of Subdivisions, has announced his plans to leave the Arizona Department of Real Estate to accept a new position of Builder Services Manager with LandAmerica Title Company. A native of Arizona, Gerard began his real estate career in 1978, working for over 12 years in the title insurance industry for such companies as Minnesota Title & Trust and Stewart Title Agency.

In 1990, Gerard left the title insurance field to pursue a career in state regulatory investigations and was hired by the Department first as an Investigator and later promoted several times until becoming the current Deputy Director of Subdivisions. Gerard's current duties include the direct supervision of subdivision staff and overseeing the regulation of subdivided lands, un-subdivided lands, and timeshare, campground and

cemetery properties.

Gerard is also considered one of the Department's specialists in the area of timeshare and international land registration. Gerard served on the Arizona Mexico Commission's Real Estate Task Force.

Gerard will be missed and Department staff wishes him the best of luck in his new endeavor. ▣



John Gerard, Deputy Director of Subdivisions

## Rise in Hispanic Victim Complaints Spurs ADRE Employee to Action (continued...)

(Continued from page 1)

not deposit it in escrow or trust accounts, and some fail to submit offers or contracts,” stated Soza.

He also describes a rise in the area of unlicensed activity, where many unsuspecting persons believe they are purchasing a home, when in reality the paperwork they have signed says otherwise. Soza maintains that predatory licensees as well as some predatory lenders are primarily targeting Mexican immigrants.

Due to his knowledge in this area, Soza received a call to action and was asked to participate as a panelist for a seminar that will address issues relating to the multi-cultural consumer and the real estate industry, with a focus on fraud. The conference was held in Phoenix in late June, and included invited national keynote speaker Henry Cisneros, former Secretary of Housing and Urban Development under President Bill Clinton.

Henry Soza has also been part of an ongoing dialogue with other agencies at the state, federal and local levels to find ways to address the increasing problem of real estate fraud, especially with new citizens

who emigrate from other countries. There is a lack of public awareness, especially among those immigrants who are following the American dream by becoming US citizens and wanting to buy a home, only to have their dreams turn into a nightmare at the hands of an unscrupulous licensee engaging in illegal activity.

“Our job as investigators is to try to protect the public by investigating sound allegations, and educating the public by providing information about how to file a complaint for an issue that falls within our jurisdiction,” says Soza.

Undaunted, Soza continues, “Although I want to help anyone that walks through my door, regardless of ethnicity, it troubles me that I have seen an increase in the number of Hispanic victims. They are being targeted because they are vulnerable.”

The Department continues to investigate all complaints filed against licensees or unlicensed individuals and continually works with the Arizona Attorney General’s Office to prosecute substantiated cases. ☐

## Commissioner Kicks Off Outreach Effort in Yuma, then Tucson (continued...)

(Continued from page 3)

new Commissioner. She announced the creation of an online licensing renewal process that the Department currently is creating. She also mentioned the formation of various stakeholders’ committees to give various players within the real estate industry the opportunity to sit at the same table and address numerous issues. This was Commissioner Richardson’s first visit to Yuma since she was confirmed by a Senate vote on May 8, 2003.

Richardson also saved taxpayers’ money by taking advantage of her trip to Yuma not only to train county staff and speak with community leaders, but to also perform several subdivision inspections while on the road.

“I decided it would be better for us to do as much work as we could all at once, so that we could get more bang for our buck and save taxpayers’ money by having one trip instead of three separate ones,” Richardson stated.

Richardson also headed to Tucson in June to attend

a special roundtable meeting with the local Tucson Association of Realtors, while also attending the Arizona-Mexico Commission’s Summer Plenary Session. Richardson plans on continuing her visits to outlying areas to speak with real estate professionals, to gather information from the industry and to educate different communities about the services available in the Department. She is planning her next trip in August to southeastern Arizona. ☐





## Administrative Actions

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### COMMISSIONER'S FINAL ORDERS Disciplinary Actions

#### **Patrick Joseph Logue (Scottsdale)**

No. 01A-145, Order March 12, 2003, and Amended Order April 15, 2003

Logue, designated broker for Urban Investment Corporation, was found to have converted and commingled client funds, and performed specified licensed activities in an incompetent manner, in violation of A.R.S. § 32-2153 (A)(16) and (B)(8). Logue is subject to audits with specified terms, required to surrender his current broker's license and shall be issued a two-year provisional license whereby he is prohibited from being a manager, partner, owner, co-owner, or officer of any licensed entity; shall only be licensed as an associate broker and not as a designated broker; shall not act as a branch manager for any licensed entity; and is prohibited from being a signatory on or having access to any account that contains client funds.

#### **Bob M. Snyder, doing business as Advanced Broker Services (Prescott)**

No. 00A-124, Order dated March 25, 2003, amended March 26, 2003

Snyder, a self-employed broker, was found to have violated A.R.S. §§ 32-2151 (A), (B)(1) and (2), 32-2153 (A)(3), (16), and (B)(7), 32-2174, 32-2175, R4-28-1101 (A) and (C), when he converted and commingled trust funds, violated his fiduciary duties, failed to immediately deposit all funds held in trust into a trust account, used trust funds for other than the purpose for which they were deposited, and failed to keep his journals and ledgers in balance. The Commissioner denied Snyder's Motion for Reconsideration or Rehearing on May 23, 2003. Snyder is assessed a civil penalty of \$1,500, and shall be issued a three-year provisional license, subject to specified terms and conditions, including, without limitation, that he is prohibited from being a designated broker; that he not be a manager, partner, owner, co-owner or officer of any licensed entity; may not be a branch manager for a licensed entity, is prohibited from being a signatory to or having access to or authority over any account that contains client funds; and requiring a \$5,000 surety bond.



### Appealable Agency Actions

#### **Cynthia Herr (Scottsdale)**

No. 02A-172-REL, Order dated May 2, 2003

Herr's original application for salesperson's license was denied pursuant to A.R.S. § 32-2153 (B)(7) and (10), based on a February, 2001 conviction for Aggravated Assault, a class 6 undesignated offense which was designated a misdemeanor in August, 2002, and the Department's August, 2001 denial of her April 2001 license renewal application.

### SETTLEMENTS BY CONSENT ORDERS Disciplinary Actions

#### **William G. Anastopoulos (Tucson)**

No. 03A-022-REL, consolidated with The Estate of Carter D. Wertheim; Gus Dussias; George S. Petropoulos; ARC Development Group, L.L.C., The City Group, Ltd., Peyton Taylor Realty, L.L.C., formerly known as Arizona Real Estate Club; and Retract Funding Group, L.L.C. (Tucson)

No. 02A-161, Consent Order May 28, 2003

Respondents were the subjects of a prior Consent Order, No. 99A-145, for violations of the subdivision laws. In the instant Consent Order, Respondents were found to have violated statutory provisions, including A.R.S. §§ 32-2153 (A)(3), (24), and (B)(9), and 32-2185.09, as a result of their failure to comply with the terms of the prior Consent Order. This disciplinary proceeding was initiated and consolidated with Anastopoulos's appeal of the Department's denial of his application for license

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## Administrative Actions

(Continued from page 9)

renewal. Respondents are assessed a civil penalty of \$5,000, Anastopoulos's renewal application is denied, and Respondents are ordered to comply with the prior Consent Order including, among other things, to: bring the subdivided lots into compliance with county planning and zoning statutes, including plat approval, easements, engineering of roads and building sites, and meeting county standards for road construction, water, and utilities; provide financial assurances for the improvements; obtain a certificate of assured water supply; and apply for and obtain a public report before transferring/selling any interests or lots in the subdivision.

### Lawrence Russell Chapman (Tucson)

No. 03A-060, Consent Order June 3, 2003  
Chapman violated statutory provisions, including A.R.S. § 32-2153 (A)(3), (B)(2), (5), (7), and (10) and A.A.C. R4-28-301 (F) based on his felony convictions for Taking the Identity of Another, and Forgery, and his failure to notify the Department of these convictions. Chapman's salesperson's license is revoked.

### William L. Conaway, doing business as Conaway Land & Cattle Co. (Elfrida)

No. 00A-120, Consent Order May 16, 2003  
Conaway, a self-employed broker, was found to have violated statutory provisions including A.R.S. § 32-2153 (A)(3) and A.A.C. R4-28-1101 (C) when he failed to expeditiously perform all acts authorized by his holding of a real estate license. Conaway is assessed a \$1,000 civil penalty, and required to complete 6 additional hours of approved continuing education courses.

### Craig Engen (Phoenix)

No. 03A-040, Consent Order June 10, 2003  
Engen filed a false and misleading application for licensure and violated statutory provisions, including A.R.S. § 32-2153 (A)(3) and (B)(1) and A.A.C. R4-28-301(F), based on his failure to disclose his 1996 misdemeanor conviction for Theft. His real estate salesperson's license is revoked.

### Homer "Steve" Hatton (Chandler)

No. 03A-024, Consent Order June 10, 2003  
Hatton violated statutory provisions, including A.R.S. §

32-2153 (A)(3) and (25), and A.A.C. R4-28-802 (A) and R4-28-1101 (C) when he failed to obtain the buyer's express written consent to sign her name to a contract addendum, failed to provide a copy of the signed contract addendum to all parties, and did not expeditiously perform acts authorized by his holding of a real estate license. Hatton was assessed a civil penalty of \$1,500 and required to attend 12 additional hours of continuing education classes.

### Richard R. Holcomb (Scottsdale)

No. 03A-061, Consent Order May 29, 2003  
Holcomb filed a false and misleading application for licensure and violated statutory provisions, including A.R.S. § 32-2153 (A)(3) and (B)(1), and A.A.C. R4-28-301 (F) based on his failure to disclose his 1996 misdemeanor conviction for Theft. His salesperson's license is suspended for 90 days, he is assessed a civil penalty of \$1,000, and issued a 2-year provisional license, subject to specified terms and conditions, including that he shall not be a branch manager or supervise any licensees, and shall not be a manager, partner, owner, co-owner or officer of any licensed entity.

### Martin Luther Massengale (Tucson)

No. 03A-037, Consent Order May 22, 2003  
Massengale filed a false and misleading application for licensure and violated statutory provisions including A.R.

(Continued on page 11)



## Administrative Actions

(Continued from page 10)

S. § 32-2153 (A)(3), (B)(1), (3), (7), and (10), and A.A.C. R4-28-301 (F) based on his failure to disclose his 1992 misdemeanor convictions for Assault-Intent/Reckless/Injure, and Assault; 1995 misdemeanor conviction involving possession of a controlled substance; 1997 misdemeanor conviction for Driving While Suspended; 1998 misdemeanor conviction for Driving with License Suspended for Failure to Appear; and 1998 misdemeanor convictions for Assault-Intent/Reckless/Injure and Disorderly Conduct-Fighting. Massengale's salesperson's license is revoked.

### Gene R. Monteleone (Phoenix)

No. 03A-027, Consent Order June 10, 2003  
Monteleone filed a false and misleading application for licensure and violated statutory provisions including A.R. S. § 32-2153 (B)(1), (5), (7), and (10) based on his failure to disclose his 1990 misdemeanor conviction for Unlawful Failure To Return Rental Property. Monteleone is issued a 2 year provisional license, subject to specified terms and conditions, including without limitation, that he not be a manager, partner, owner, co-owner or officer of any licensed entity and may not be a branch manager for a licensed entity; his license is suspended for 120 days, and he is assessed a civil penalty of \$1,500.

### Edward Robert Sodeman (Phoenix)

No. 03A-044, Consent Order May 28, 2003  
Sodeman filed a false and misleading application for licensure and violated statutory provisions including A.R. S. § 32-2153 (A)(3), (B)(1), (5), (7), and (10) and A.A.C. R4-28-301 (F) when he failed to disclose his 1983 felony conviction for Robbery and the Court's revocation of his probation in 1985 when he was found to have intentionally struck a person with a hammer and caused injury to the person while committing theft of property. His salesperson's license is revoked.



### Appealable Agency Actions

(See Anastopoulos, consolidated, under Disciplinary Actions, above)

### Sylvia Guillen, doing business as Rontori Realty and Development (Tucson)

No. 02A-125, Order Summarily Suspending Real Estate Broker's License, June 6, 2003  
The Department summarily suspended the real estate broker's license of Sylvia Guillen, a self-employed broker. The order alleged that files were incomplete, contained documents that had not been initialed and dated by Guillen to reflect her review, were not properly maintained, and were not retained in her principal office or a designated off-site location; that she failed to properly supervise her licensed salesperson; and that Guillen is currently unable to meet her responsibilities as and perform the tasks of a real estate broker. The Department determined it was necessary and appropriate to issue this order to protect the public. The order is an appealable agency action, and Guillen may file a request for hearing within 30 days of the order. ☐

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**Submissions must be in MS Word format and less than 500 words.**

**Submissions of guest writers may not necessarily reflect the opinion of the Department.**

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