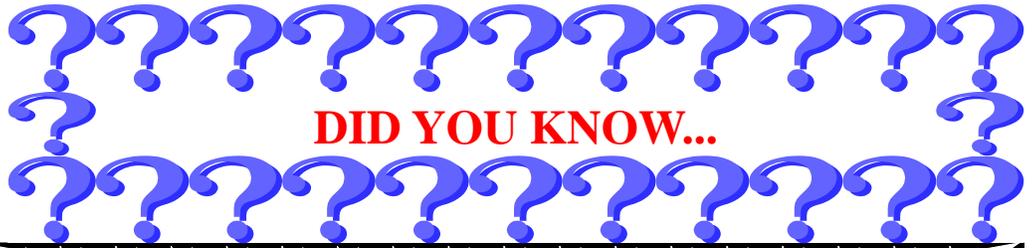




THE Arizona Department of Real Estate BULLETIN

August 2005

Volume 31, Issue 3



DID YOU KNOW...

- Only [ADRE-approved](#) courses qualify for license renewal.
- The Department may select [YOUR renewal application for audit](#). If so, you are required to produce the course certificates you received for the continuing education (CE) requirement for license renewal.
- That the [On-Line Renewal System](#) is not just for renewals. You can save time, money and gasoline by using it to make changes to business and personal information, as well as to request to be hired and sever employment.
- The Department will only grant a [continuing education waiver](#) if it is a compelling, unavoidable, and unanticipated event or circumstance that prevents you from completing your CE hours. This is not something that occurs in the last month before your renewal!
- You may substitute another Legal Issues category course hours for [Fair Housing](#) if the following apply:
 - a) The licensee's business is exclusively in a specialty field in which the fair housing law does not apply;
 - b) The licensee provides proof (or has previously provided proof) of attendance at a Department-approved fair housing course; and
 - c) The substitute course proposed is more applicable to the licensee's real estate activities.

Note: The Department's Online System is not capable of processing this course substitution.

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Our Mission

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

KUDOS FOR ADRE



Education Advisory Committee

In April 2005 the Commissioner announced she was re-convening the long-standing Education Advisory Committee. The individuals appointed to the Committee are:

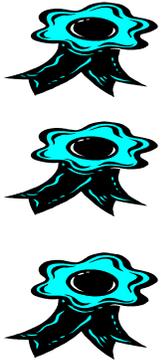
- William Gray (Phoenix)
- James Hogan (Tucson)
- Gina Hudson (Tucson)
- Stu Israel (Glendale)
- Cec Daniels (Peoria)
- Barbara Freestone (Phoenix)
- Jack Shomenta (Bisbee)
- Samatha Kelley (Gilbert)
- Mary Lee Greason (Tucson)
- Karen Potts (Phoenix)
- Robert Blanchard (Phoenix)

As the Director of the Licensing and Professional Education Division, Cindy Wilkinson is the Chair for the Committee. The Committee has met several times and is reviewing pre-licensing curricula and instructors' qualifications. ☐

Cross-Borders Transaction Committee

Commissioner Richardson announced the establishment of a Cross-Borders Transaction Committee. The group met on June 28, 2005. The mission statement is to "Protect public interest while facilitating bi-national real estate transactions."

Individuals appointed to the Committee are: Mike Patterson, K. Michelle Lind, Juan Francisco Moreno, Michael McCalley, John Slattery, Doug Groppenbacher, Judy Lowe, Steve Barger, Jose Padilla, John Gerard, Roger Breckenridge, and Jeff Peterson. The alternates are: Thomas DeSollar, Cindy Ferrin and Mary Utley. Ed Ricketts is the Consultant/Coordinator. ☐



JON SALAK

A suggestion box has been made available for employees to submit ideas, creative solutions, etc. beneficial to the Department. The employee whose idea is chosen will be rewarded. Jon's suggestion was chosen. His idea allowed for the elimination of filing and printing of receipts, saving time and paper. Congratulation Jon! ☐

As of 9/1/05, the Department's new Public Database web site has been launched at :

<http://159.87.254.2/publicrealm>

This replaces the old Public Realm web site. All links on the Department's main web site and the online renewal web site have been updated.

You will be able to obtain licensing, education, subdivision Public Reports and download lists of data that can be imported into your own applications for creating reports, generating statistics, etc. ☐

Richard Barry "Nick" Nicolls

Richard Barry "Nick" Nicholls passed away peacefully on 8/8/2005 in Phoenix, AZ. Mr. Nicholls was hired in 1977 by ADRE after having retired as Assistant Commissioner for the California Department of Real Estate. In 1978, Gov. Babbitt appointed him as Commissioner of Real Estate in which capacity he served until his retirement in 1986. Our deepest condolences go out to his family and friends.



Commissioner's Corner

By Commissioner Elaine Richardson

Yesterday was a horrendous day for me at ADRE. I felt like Desi going home after work and saying, "Lucy, I'm home" and the part where she would ask him how was his day, I would have to respond that my day has been filled with such interesting items as fissures in Pinal County; not enough employees to handle the increasing number of applications; and, oh yes, today we had to deal with the continuum of illegal subdivisions where there are over 80 respondents in one case alone. If that weren't enough, the creative scams that predatory agents continue to devise, not to mention the folks attempting to obtain or retain their real estate licenses even though convicted of felonies and misdemeanors for a variety of reasons—and by the way, no matter how much we stretch our budget, we're short of money. But of course Lucy's response would have been, "That's nice dear" and continue to tell Desi about her hectic day.

It dawned on me that while I am dealing with some of the issues above on a daily basis, it is so easy for me to forget each of the unique employees that keep ADRE running as smoothly as it does I personally have been involved in state government for a number of years, yet I do not believe I have ever seen the level of commitment that I experience daily with the employees at ADRE. Yes, I am tooting their horns for them, not because they complain or ask for recognition, but because I feel the dedication and loyalty they show to each other, to each person who walks in the door or calls on the telephone, equaled by none. Are we perfect—no; outstanding—yes.

Every month at the Governor's Cabinet meeting, three or more employees from various state agencies are recognized. It is quite an honor to be singled out and recognized for doing an exemplary job and be recognized for that exceptional standard by "the boss". My first thought was to try to figure out how to honor ALL the employees at ADRE. With the burgeoning real estate market and the extra demands that puts on each specific employee, I realize each person goes above and beyond what should be expected of them.

For instance, Our Director of Licensing could say that we have 20,000 more licensees than we had in 2003; however, we have

1.5 fewer employees in the Licensing Division.

Our Director of Subdivisions could say we have received approximately **400 more applications** per year since 2003, yet we have been asked to do the job with 1 less employee. Each of our other Directors of Investigations, Administrative Actions and Business Services could have similar numbers and complain about it—but they're not complaining. They continue to hope that next year will be better and continue to give the level of service that I find exemplary. I may not be able to have each and every employee honored by the Governor on a formal basis, but this is my meager attempt to let you, the folks we serve, know that sometimes a kind word from you could make their response at the end of the day be something like, "Lucy, I had a great day!"



A typical day for the Licensing Division . Licensees wait in the Division lobby and overflow into the lobby of the building.

"Success is the sum of small efforts, repeated day in and day out."
-Robert Collier

Mexico's Real Estate Market Working for your Protection

By: Raul P. O'Farrill, Attorney-At-Law



With the administration of President Fox in place south of the border there is a new financial and political stability and more legal certainty for foreign investors in Mexico. The demand for properties in Mexico has been increasing significantly year after year; from the Yucatan Peninsula to the Baja Peninsula, the entire country, including Mexico City, is experiencing a boom in the real estate market.

Years ago we noticed this trend and the expectation is that every year an increasing number of Arizona residents and US citizens will either be buying a vacation home or retire on one of the gorgeous beaches of our neighbor country. Rocky Point is becoming in an International destination due the investments of local and federal governments as well as private investors, like the Mayan Palace Resorts, and 17 other Mexican and American groups. Rocky Point has become a benchmark, not only for the State of Sonora government, but for Mexico's federal government and large Mexico City and Guadalajara developers and investors.

This particular integration and the important flow of investments into the market prompted Arizona's Governor to create what was known as the "Governor's task force" now the "Ad-Hoc Real Estate Committee," formed by 11 members appointed by the Governor and now elected by the group. I am honored and proud to be a part of this committee. This group was formed to educate and protect the Arizona consumer buying in our brother state of Sonora; the committee was successful in promoting manuals and literature about how to buy property in Sonora.

A short time ago, Governor Janet Napolitano, highly interested in the protection of the Arizona Consumer, appointed Real Estate Commissioner Elaine Richardson as Co-Chair of the commonly known "task force." The results of the group under her leadership have been observable and appreciated by the consumer. When Sonora's Governor Eduardo Bours, an experienced and successful businessman in his own right, took office, it presented a big opportunity for our group to work harder and improve on what had already been done in the past.

About a year and a half ago, I was honored to introduce our

group to the newly appointed Secretary of Economic Development, Raymundo Garcia de Leon, who was quite receptive to our ideas to create uniformity in the real estate market. Since this initial meeting we have been able to make it happen, with Governor Bours and Governor Napolitano as our driving force.

Commissioner Richardson's targets at that time were: 1) to have a counterpart in the State of Sonora with who to work and communicate; 2) create a Real Estate agents registry; 3) create a continuing education program for the real estate agents in Sonora; 4) extend the title insurance awareness in the region; and very importantly 5) to work on a process to issue Arizona Public Reports for developments south of the border. Today, 9 months after we presented our plan to Governor Bours, all but one of these points is in practice. They were implemented in only a few months because of the leadership of the Commissioner and Edmundo Chavez, her counterpart in Sonora.

What has been accomplished is amazing: 1) In less than 8 months the real estate agents registry is a reality and is working under the direction of Mr. Rodolfo Elias Calles; 2) the continuing education program is working now in a very innovative way. The Sonora Real Estate Agents Registry is coordinating the education for them in the State, but is also working together with the new AMPI (National Association of Real Estate Professionals) chapter for Rocky Point, inaugurated only 4 months ago. It has designed and implemented a program in English, specializing in real estate for foreign investors in Mexico. Being able to present this program in English is important if you consider the fact that most of the agents for that market are US nationals, I am very proud to be in charge of this program; 3) Commissioner Richardson's counterpart in Sonora was appointed only 10 days after we asked Governor Bours to do it on December 6, 2004 during the Plenary Session of the Arizona-Mexico Commission in Alamos Sonora. Governor Bours appointed a group of talented people to work with us, and because of that, now we have been able to observe



An Update on the Subdivision Division By Cindy Ferrin

*Mexico Real Estate... Working for your Protection
Continued from page 4*

and because of that, now we have been able to observe these results; 4) An Arizona Public Report is in the process of being implemented in order for consumers to learn about the legality of a particular development in that State, to verify that is legal and in compliance in Mexico. By filling out a special application the developer will disclose the necessary information for buyers including its financial situation. The committee is also analyzing the possibility of a bond on behalf of buyers when the development is under construction; 5) An extra result not even contemplated a year ago is the securing of mortgages in the Mexican market due the considerable interest of US buyers and US lenders to have a mortgage market in that region. We have been working and supporting the efforts of the National Law Center for Inter-American Trade based in Tucson, Arizona, headed by Dr. Boris Kozolchyk who appointed Mr. Pablo Silva, a talented and experienced Mexico City attorney, to lead the project with a great audience and critical support from people of both countries committed to the objective.

This month the committee has elected three new members to improve our expertise by integrating experienced persons in development, finance and community service work in Mexico, all of them fluent in Spanish, enriching the current disciplines represented in the group (real estate, taxes, appraisals, title insurance and law).

Our new target is to expand these results to the rest of the Mexican states, including those where Puerto Vallarta, Cancún, Los Cabos, Ixtapa, Acapulco, and Mazatlán are located and where other up-and-coming investment destinations are flourishing at this time.☐

Editor's Note: Raul O'Farrill is a member of the AMC Real Estate Ad Hoc Committee. He is a partner of O'Farrill & Associates, P.A., real estate attorneys in Mexico.



Having worked for the Arizona Department of Real Estate since July 1974, and Deputy Director of Subdivisions since 2003, I've observed many changes in the Department. Some have been good and others not so good. One change that had a very significant impact was the insufficient funding allocated to the Department for FY 2004-05 by the State Legislature. As a result there was a cutback on employee positions.

The Subdivision Division took a hard hit! The Division had seven Subdivision Representatives that were reduced to four. Of those four, one is a recent hire and is still in training. Add to this the surge in the real estate industry and the subsequent increase in subdivision application filings. The end result has been a backlog in processing subdivision application filings that has created a hardship on the division, the developers and the consumers.

Another factor adding considerable stress to the situation are many developers contacting the Department to try to speed up the process. Some developers are even hiring lobbyists to assist in getting the process completed faster. Other developers are encouraging their prospective purchasers to contact the Department. It takes a lot of staff time to respond to these inquiries; time that could be better spent on processing the applications.

There is good news! The Division had a backlog of 130 unsigned files. That backlog is now averaging about 75-85 unsigned. Things are improving. However, recovery is a slow process.

Another bit of good news is that Department was appropriated funds for FY 2005-06 that will allow two vacant positions in Subdivisions to be filled. However, keep in mind, that there is still going to be some down time in which the new employees are trained and are brought up to speed. Training a new Subdivision Representative, depending on their background and experience, takes 6 months to a year or longer.

The Division's target is to pursue the goals of fifteen days processing for Expedited Filings, ten days processing for Amended Filings and thirty-two days processing for Regular Filings. The Division is working its hardest to reach those goals. So please be patient!☐

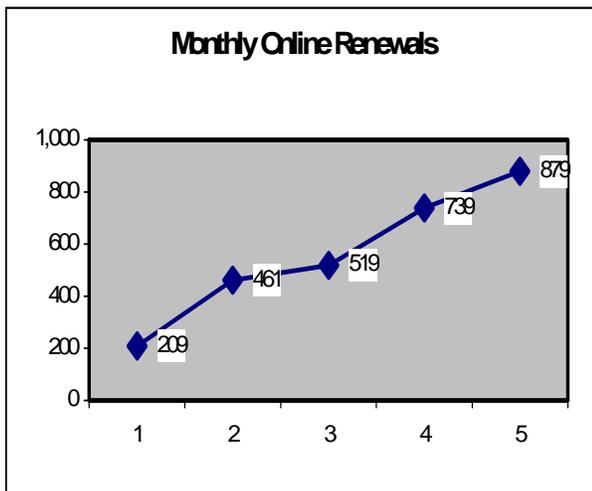
Editor's Note: Cindy Ferrin is the Deputy Director of Subdivisions.



Online Renewal System Update By Richard Simmonds



The Chart below tracks the number of renewals that were completed each month since we launched the Online License Renewal System on February 14, 2005. It shows the rapid acceptance of the system with a total of 2,807 renewals completed online through June 30, 2005.



This rapid increase in usage exceeds our estimates and is on track to be the fastest ramp-up of any state online system. Thank you for supporting the Department's efforts.

In late July, we began planning for Phase 2 and envision enhancement of some of the present features and addition of new features. This is expected to be a six-month project.

As those of you who have used the system know, there is a short, optional survey at the end of each session. Over 800 of you have taken advantage of this opportunity to comment about the system. I have read each one. The vast majority are very favorable comments like, "absolutely outstanding! A real time saver." Or "Love it" or "best thing since sliced bread." Some have also made good observations and recommendations for input to our Phase 2. Thank you. A very few indicate some confusion or misunderstanding about the process and I wish I could address these individually but the survey is anonymous. I hope for those few for whom the process was confusing the online system becomes clearer with time.

If not, please contact our help desk at [602-468-1414](tel:602-468-1414) extension 186.

I would like to take this opportunity to address one misunderstanding that I have heard numerous times. Brokers comment that they will not register to use the online system because they do not want their employees to be able to sever online. However, a salesperson or associate broker has the option of severing from the employing broker without the designated broker's approval by mail or in person, not just online. R4-28-303(G) provides for an administrative severance. I have also heard sales person licensees comment they cannot use the system at all because their broker is not registered. There are only two transactions that require the broker to be registered: license renewals for active salespersons or associate brokers and being hired by a broker. All other transactions, including changes to personal information, severs, and renewal of inactive licenses, do not require broker approval. I hope this clarifies rather than complicates the issue.

Again, thank you, and I hope many more of you will at least try the Online License Renewal System at www.az.gov/real-estate. ☐

Editor's Note: Richard Simmonds is the Business Services Director and Special Assistant to the Commissioner. He heads the On-Line Renewal Systems Team.





Deciding Where to Place APS Electric Transmission Facilities Is Lengthy and Involved Process By Paul Herndon

In response to Arizona's unprecedented growth and its corresponding demand for electricity, Arizona Public Service Co. (APS) continues to build transmission lines and substations. And though the growth rate may dip and spike year to year, there seems to be no end in sight to this growth in the foreseeable future.

The siting, or placement, of high-voltage transmission lines is a lengthy and involved process that typically takes several years to complete. At APS, a dedicated group of employees manages the *process* of siting new power lines and substations, while the ultimate decision makers on these high voltage facilities rests with two state entities: the Arizona Power Plant and Transmission Line Siting Committee (Siting Committee) and the Arizona Corporation Commission (ACC). The Siting Committee hears a siting case, presented in a quasi-judicial setting, and makes a recommendation to the ACC, which issues a ruling on each siting case.

Within APS, the Transmission and Facility Siting Department heads these efforts, but working closely with several other departments ensures that routes and locations ultimately recommended to the Siting Committee can deliver electricity in a safe, reliable, efficient manner at a reasonable cost and with the least impact to the community and the environment.

Typically, APS' siting efforts also include an extensive public input process utilizing a multi-media approach, such as newsletters, electronic posting of project information, advertising, advice from community-based groups, press briefings and information gathered from numerous one-to-one meetings with jurisdictional representatives and formal and informal leaders. If federal agencies are involved, another layer of coordination and input is needed. APS is currently working with the Arizona Department of Real Estate (ADRE) to improve the disclosure of these planned facilities to future home and property buyers. We hope to share more information on these efforts in future ADRE Newsletter articles.

After extensive evaluation and analysis is gathered, an application for a Certificate of Environmental Compatibility (CEC) is filed by APS with the Siting Committee. Hearings before the committee are public and carried on in much the same manner as a court proceeding. Public comments are also part of the proceedings.

Siting efforts today have their roots in the early 1970's when the State Legislature recognized growth and the need to sustain it with adequate electricity. Passage of the 1971 Arizona Revised Statute 40-360, required that any electric generating facility greater than 100 megawatts (100 million watts) or electric transmission lines greater than 115 kilovolts (115 thousand volts) must obtain a CEC before construction could begin.

The purpose of the law is to provide a single forum for the resolution of all matters concerning the location of electric generating plants and transmission lines and to allow an opportunity for individuals, local governments and other interested parties to participate in the siting process. The statute's intent is to balance the need, cost and environmental consequences of the construction of the new facilities.

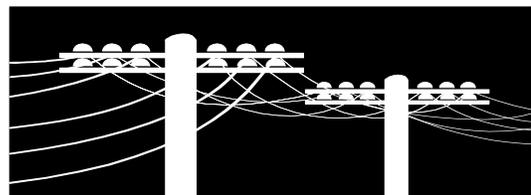
The statute also established the Arizona Power Plant and Transmission Line Siting Committee, chaired by the Arizona State Attorney General or their designee. Today Assistant State Attorney General Laurie Woodall chairs the committee. Other members of the siting committee represent various state and county agencies and the public-at-large.

The Siting Committee has the authority to grant, deny or amend a CEC to allow the construction of new facilities. Once the Siting Committee has held open hearings on the utility's application for a CEC and heard all the evidence from the utility and interested stakeholders they deliberate and render a decision by majority vote.

If the committee votes to approve a CEC the matter moves on to the ACC for their consideration. The ACC reviews the record of the siting committee proceedings and has the authority to approve, amend or deny the CEC. By statute the Siting Committee has up to 180 days to make a decision from the date the CEC application is filed. The ACC has up to an additional 60 days to make the decision on the CEC.

For more information on APS siting projects please visit our siting project Web site at <http://siting.apsc.com>. Or if you would like more information on the ACC and state siting processes or rules, please visit the ACC's Web site at <http://www.cc.state.az.us>.

Editor's Note: Mr. Herndon is the Project Manager for APS Transmission and Facility Siting.



Guest Column articles DO NOT necessarily reflect the opinions, policies or interpret actions of Law by ADRE. ADRE assumes no responsibility for the content in such guest articles.

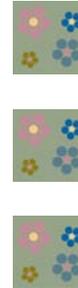
ARIZONA REAL ESTATE ADVISORY BOARD WELCOMES NEW MEMBERS!



Coleen Newman, Yuma
Broker Member
Term Expires: 1/31/11



Frank Dickens, Flagstaff
Residential Licensee
Term Expires: 1/31/11



Ann White, Tucson
Subdivision Member
Term Expires: 1/31/11



Arizona Real Estate Advisory Board

The Arizona Real Estate Advisory Board was established by the Legislature to provide the Real Estate Commissioner with "with such recommendation as it deems necessary and beneficial to the best interests of the public. The Board shall also provide recommendations on specific questions or proposals as requested by the Commissioner."

The Board is composed of nine members who are appointed by the Governor. Term of office for each member is six years. Members receive no compensation.

Currently the Board is meeting quarterly. R.L. Brown is the Chairperson. His term expires 1/31/07. Gary Brasher, from Tubac, is the Vice-Chairperson and his term expires 1/19/09. ☐



Avoid 'Rogue' Moving Scams

Moving is always stressful, but it can turn into a nightmare if you hire the wrong moving company. The Arizona Department of Weights and Measures has helped to save nearly \$40,000 for 18 consumers who were targeted by rogue moving companies in just the past two years.

Most movers are reliable, especially those that are members of the American Moving and Storage Association (<http://www.moving.org/>). But moving can be expensive, so many people search the Internet or local newspapers in an effort to save money. Interstate moves typically are based on the weight of all the items being moved. The truck is weighed when it is empty, and again after it's been loaded with your furniture. The cost is based on a price per pound, plus additional fees, for such things as packing, additional services or other items.

Scam artists typically give an unrealistically low estimate to reel in bargain hunters. Many of these companies are brokers who pass on the moving job to another company.

An unwary consumer makes a down payment on an unrealistic weight estimate. A crew shows up with a van and picks up the items to be moved. Then the moving company calls and says the actual weight was higher than estimated. Unless the consumer agrees to pay several thousand dollars more, they will not deliver the furniture. The driver must be paid in cash or with a money order. No checks or credit cards. They may also try to add on additional fees.

These are "rogue movers" who may be violating the law. The Federal Motor Carrier Safety Administration, <http://www.fmcsa.dot.gov/>, sets standards for interstate moves. They receive more than 4,000 complaints of moving scams each year. If the charges are based at least in part on weight, the Arizona Department of Weights and Measures can get involved on behalf of consumers from this state. Under federal rules, moving companies can give you two different types of estimates. If they give you a

charges will be due 30 days after delivery, based on an invoice from the moving company that transported your items.

A binding estimate specifies in advance the precise cost of the move, based on the services requested. If additional services were required, such as additional packing or unpacking, or a "shuttle" to or from a location that could not be reached with a full-size van, those payments will be due 30 days after delivery. None of these scenarios allow a moving company to refuse delivery until they are given full payment in cash. Typically, when this Department receives a valid complaint, an inspector will show up when the movers deliver the furniture. Often other agencies or the local law enforcement organization may be called in as well. The Department may inspect the driver's logbooks and other paperwork. They tell the driver to bring his vehicle to a weighstation when it is loaded and again after it has been unloaded to determine the weight of the items being delivered. Cases handled by Weights and Measures have saved consumers \$39,137 in 18 complaints in the last two years. ☐

Reprinted from June 2005 [ADWM Alert](#)
[What's new at the AZ. Department of Weights & Measures](#)





AVOID PLAYING THE NAME GAME

By
Cindy Wilkinson

People wanting to open a new brokerage as a limited liability company or corporation (or an LLC or corporation seeking licensure as a real estate school) have Articles of Organization or Incorporation prepared and filed with the Az Corporation Commission. They then order signs, have logos designed, etc., and only then apply for licensure --BEFORE making sure that the Department will approve the name. Under the Commissioner's Rules, the Department **SHALL NOT** license an employing broker or approve a dba name similar to that of any employing broker already licensed if the name would cause uncertainty or confusion to the public. The remedy if there is a conflict of names between two employing brokers is to require the employing broker seeking licensure to supplement or otherwise modify the broker's name. AAC R4-28-302 (H) (emphasis added)

A name that is too similar to the name of another licensee is confusing to consumers, to other licensees, and to the Department.

The Department will not issue a license under a name that is too similar to the name of a currently licensed entity, regardless of pleas that others have had similar names approved in the past, or that money has already been spent on advertising!

How can a licensee avoid this problem? By contacting the Department BEFORE filing Articles of Incorporation or Organization and BEFORE spending money on signs, logos or advertising. We will review a proposed name and, if not too similar to the name of a current licensee, will provide a "courtesy hold" on one name FOR UP TO THIRTY DAYS. At the end of the thirty-day period, the hold on the name is released. If the application isn't submitted by that time, then you're taking your chances that the name will still be available when you do apply for the license. ☐

Editor's Note: Cindy Wilkinson is the Director of Licensing/ Professional Education Division for ADRE.



Adverse Land Conditions Must be Disclosed

We have received a letter from a Queen Creek resident expressing concern that purchasers of land north of San Tan Mountain in southeastern Maricopa County and northern Pinal County, a region known as the San Tan Ranches Subdivisions created between 1962 and 1972, are not being provided with disclosure of fissure cracks, land subsidence, illegal dump sites and possible flood sites within the region.

Licensees are reminded that Commissioner's Rule R4-28-1101 requires that "a licensee participating in a real estate transaction shall disclose in writing to all other parties any information which the licensee possesses that materially and adversely affects the consideration to be paid by any party to the transaction."

Reprinted from Aug. 1999 ADRE Real Estate Bulletin originally authored by Roy Tanney, Director of Subdivisions.

COURTESY RENEWAL NOTICES

By Cindy Wilkinson

To take advantage of the advances in technology, the Arizona Department of Real Estate will be sending pink postcards to salespersons and brokers as a courtesy reminder that the person's license expiration date is approaching. The notice, replacing the pink renewal applications previously issued, will be sent to the business address of active-status licensees, and the residential mailing address when the license is on inactive status. The postcard will prompt the licensee to complete continuing education courses (required of real estate brokers and salespersons), go on-line and file for license renewal before the license expires. After license expiration, the on-line system is not available as a method to file for license renewal, it must be done by mail or in person and additional documentation and fees are required. The postcard also provides instructions to licensees for printing or requesting a renewal application form if they are unable to renew on-line or do not wish to do so.

Licensees are reminded that it is their responsibility to timely renew their license. They can check their license status at any time by logging onto the Department's website (www.re.state.az.us), and selecting Search Database, or by contacting the Department's offices Monday thru Friday, from 8:00 a.m. to 5 p.m. If a licensee continues to work as a real estate agent after license expiration, he or she faces disciplinary action, including license suspension and civil penalties. ☐

Editor's Note: Cindy Wilkinson is the Director of Licensing and Professional Education Division for ADRE.



Fulton Homes Sales Corporation, Inc.
File # 04F-SD-125-REL, Final Order 6/3/05
Fulton procured a public report by filing applications in violation of A.R.S § 32-2183 (C)(7) (by providing inaccurate information about the existing waste transfer station and planned expansion of the waste transfer station). Fulton did not provide a brief but comprehensive description of the land on and the locality in which the subdivision is located, and describe existing and proposed land uses in the vicinity of the subdivision that may cause a nuisance or adversely affect lot owners, in violation of A.R.S § 32-2181 (A)(7), and A.A.C. R4-28-A1203. Fulton is assessed a civil penalty of \$3,000.00.

Jeffery Bruning (Gilbert)
File # 05F-LI-120-REL, Final Order 6/9/05
After a hearing, the Department denied Bruning's application for real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (B)(7) based on two misdemeanor convictions for DUI and a driving on a suspended driver license, which indicates that Bruning lacked sufficient good character as recently as 2004.

Jeffery Abdin (Phoenix)
File # 04F-LI-184-REL, Final Order 6/27/05
After a hearing, the Department denied Abdin's application for renewal of a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (B)(7) based on four misdemeanor convictions for DUI. Abdin filed a false and misleading renewal application, when he responded "No" to the question whether he had been convicted of a felony, when he had been convicted of the Class 6 undesignated felony of Aggravated DUI, Minor Present in Vehicle, under A.R.S § 32-2153 (B)(1) and Abdin failed to provide the Department with all the required documentation regarding the 8/2/01 conviction, a violation of A.A.C. R4-28-301 and A.R.S § 32-2153 (A)(3).

Gary Haygood (Gilbert)
File # 05F-LI-149-REL, Final Order 5/25/05
The Department denied Haygood's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2), (7) and (9) based on felony convictions for Theft, Embezzlement his failure to demonstrate honesty, truthfulness and good character. After hearing, Haygood is granted a 2-year provisional license, subject to specified terms and

and conditions.

Nathan Wilkey (Scottsdale)
File # 05F-LI-079-REL, Final Order 5/18/05
After a hearing, the Department denied Wilkey's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on misdemeanor convictions for DUI and a conviction of a Class 6 undesignated offense for Aggravated DUI.

Randy Ballreich (Tempe)
File # 05F-LI-213-REL, Final Order 6/27/05
After a hearing, the Department denied Ballreich's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on a misdemeanor conviction's for DUI and Urinating in Public.

Christopher Self (Mesa)
File # 05F-LI-226-REL, Final Order 6/27/05
After a hearing, the Department denied Self's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2), (7) and (B)(10) based on a felony convictions for Forgery, Class 4 felony, and Criminal Possession of a Forgery Device, a Class 6 undesignated offense.

Rodney Smith (Phoenix)
File # 05F-LI-110-REL, Final Order 6/16/05
After a hearing, the Department denied Smith's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on misdemeanor conviction's for DUI and Possession of Marijuana, in 2004. Smith filed a request for Review or Rehearing of the Commissioner's Final Order, which was granted. The Commissioner modified her rejection of Conclusion of Law # 5, to conform to the evidence presented. The Commissioner declined to reconsider her order to deny the application, as the decision was not excessive and is warranted by the recency of Smith's conviction.

Melissa Linford (Chandler)
File # 05F-LI-175-REL, Final Order 5/24/05
After a hearing, the Department denied Linford's application for a real estate salesperson's license under A.R.S §§ 32-2130 (B), 32-2153 (A)(3), (22) and (B)(6) for submitting agent/client registration forms representing herself as an agent, when her license had expired.



William A. Pinnell II (Gilbert)

File # 05F-LI-193-REL, Final Order 6/23/05

The Department denied Pinnell's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on misdemeanor convictions for Intentionally Possessing a Quantity of Marijuana (1998), and two DUI's in 1999. After hearing, Pinnell is granted a 2-year provisional license, subject to specified terms and conditions.

Prakash Shah (Chandler)

File # 05F-LI-209-REL, Final Order 6/21/05

After a hearing, the Department denied Shah's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on misdemeanor convictions for DUI in 1998 and 2004 and a 2002 conviction for Inflicting Corporal Injury on a Spouse. Shah is currently probation for the 2004 DUI conviction.

Jesse Wasil (Prescott Valley)

File # 05F-LI-229-REL, Final Order 6/21/05

The Department denied Wasil's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2) and (7) based on misdemeanor convictions for Assault and Criminal Damage. After hearing, Wasil is granted a 2-year provisional license, subject to specified terms and conditions.

Chad Raine (Chandler)

File # 05F-LI-211-REL, Final Order 6/15/05

After a hearing, the Department denied Raine's application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2), (7) and (B)(10) based on a felony conviction for Possession or Use of a Controlled Substance, and the misdemeanor convictions of Possession of Drug Paraphernalia and Assault and Battery.

Christopher Sanders (Cave Creek)

File # 05F-LI-216-REL, Final Order 6/15/05

After a hearing, the Department denied Sanders' application for a real estate salesperson's license under A.R.S § 32-2153 (B)(2), (7), (9) and (B)(10) based on the following: 5/19/93, Kentucky convictions for seven felony counts of Theft By Deception, two felony counts of Theft By Unlawful Taking of Property Valued Over \$300.00, one felony count of Bail Jumping First Degree and five misdemeanor counts

of Theft.

Anthony Marinelli (Phoenix)

File # 04F-LI-044-REL, Final Order 5/9/05

After a hearing, the Department revoked Marinelli's real estate salesperson's license under A.R.S § 32-2153 (A)(3),(B)(1),(2), (7), (9), (10) because Marinelli applied for and was issued a real estate salesperson's license on 3/29/00, denying that any criminal charges were pending against him, although a criminal complaint for Aggravated Assault, Simple Assault and Recklessly Endangering Another Person had been issued in Philadelphia. On 2/9/01, Marinelli was convicted of felony Aggravated Assault and the misdemeanors of Simple Assault and Recklessly Endangering Another Person. On 11/13/01, Marinelli made early renewal application, which license was renewed on 4/1/02, and in that renewal application, Marinelli denied that he had been ever convicted of a felony, although Marinelli was sentenced to nine months incarceration (work release eligible), five years probation, with sentence to be served in the Maricopa County Jail. On 3/30/04, Marinelli submitted a renewal application, in which he denied being on probation for any conviction. Marinelli is also assessed civil penalties of \$500.00 for violating A.R.S § 32-2153 (B)(1), and \$500.00 for violating 32-2153 (B)(2).

Sean Ferris (Mesa)

File # 05F-LI-272-REL, Final Order 6/15/05

After a hearing, the Department denied Ferris' application for a real estate salesperson's license under A.A.C.R4-19-119 based on Ferris' having the burden of proof and Ferris' appeal of that denial is dismissed for failure to appear.

John Cote (Phoenix)

File # 05F-LI-151-REL, Final Order 4/25/05

After a hearing, the Department denied Cote's application for renewal of a real estate salesperson's license under A.R.S § 32-2153 (A)(3),(B)(2), (7), (10) and A.A.C.R4-28-301 (F) based on a 6/17/02 felony conviction for Theft and failure to notify the Department within ten days of that conviction.



Malcolm Riley (Los Angeles, CA)
Malcolm Riley (Los Angeles, CA)
File # 05F-LI-172-REL, Final Order 4/21/05
After a hearing, the Department denied Riley's application for a real estate salesperson's license under A.R.S. § 32-2153 (B)(2) and (7) based on two misdemeanor convictions for DUI and a conviction of two counts of child abuse, for having his children in the car while driving impaired. Riley is on probation for the 2003 DUI and Child Abuse convictions.

Boertrick Mark Davis (Chino Valley)
File # 05F-LI-150-REL, Final Order 4/19/05
After a hearing, the Department denied Davis' application for a real estate salesperson's license under A.R.S. § 32-2153 (B)(2) and (7) based on a felony conviction for Possession of Marijuana. After a 5/16/05 appeal, which Davis argued that despite the felony conviction respondent has had no other negative interactions with law enforcement, showing sufficient rehabilitation, Davis is granted a 2-year provisional license, subject to specified terms and conditions.

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Robert L. Stapley (Mesa)
File # 05F-LI-302-REL, Consent Order 5/26/05
On January 28, 2005, Stapley applied for renewal of his license, which was denied. Stapley admitted in his renewal that he had been convicted for misdemeanor disorderly conduct in December, 2003. Stapley failed to notify the Department within 10 days of that conviction, in violation of A.R.S. § 32-2153 (A)(3) and A.A.C. R4-28-301(F). Stapley's renewal was granted as a term of settlement and he is assessed a civil penalty of \$1,000.00.

Kevin O'Keefe (Phoenix)
File # 05F-LI-325-REL, Consent Order 5/31/05
On April 6, 2005, O'Keefe applied for a renewal of his salesperson's license. O'Keefe admitted on his application that he had been convicted of a misdemeanor

DUI, in September, 2004. O'Keefe failed to notify the Department within 10 days of that conviction, in violation of A.R.S. § 32-2153 (A)(3) and A.A.C. R4-28-301(F). O'Keefe is issued a 2-year provisional license, subject to specified terms and conditions.

William A. Imparato, Jr. (Phoenix)
File # 05F-LI-351-REL, Consent Order 5/24/05
On March 31, 2004, Imparato applied for an original salesperson's license. On May 20, 2005, the Department denied Imparato's application because he admitted on his application that the Arizona Registrar of Contractors had revoked his contractor's license August, 2001, and that the ROC Recovery Fund made two payments on his behalf regarding workmanship issues, in violation of A.R.S. § 32-2153 (B)(10). Imparato timely filed a notice of appeal. Imparato is issued a 2-year provisional license, subject to specified terms and conditions.

Raymond Greeley (Green Valley)
File # 05F-DI-235-REL, Consent Order 6/15/05
Gary and Jacqueline Brasher, each at separate times the designated broker for Greeley, allowed Greeley to continue to be employed by Brasher Realty, to operate as a salesperson after his license expired and after he failed to timely renew his license in April, 2005, in violation of A.R.S. §§ 32-2122 (B), 32-2153 (A)(22), (B)(6). Greeley real estate salesperson's license is suspended for thirty (30) days effective June 20, 2005.

Keith Reading Black, Jr. (Scottsdale)
File # 05F-LI-350-REL, Consent Order 6/16/05
On February 11, 2005, Black applied for an original salesperson's license. The Department denied Black's application because he admitted on his application that the Arizona Registrar of Contractors had revoked his contractor's license, January, 2005, and that the ROC Recovery Fund made one (1) payment, with five pending (5) on his behalf regarding workmanship issues, in violation of A.R.S. § 32-2153 (B)(10). Black timely filed a notice of appeal. Black is issued a 2-year provisional license, subject to specified terms and conditions.



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Nicole Everson (Scottsdale)

File # 05F-LI-363-REL, Consent Order 6/27/05

On March 29, 2005, Everson applied for renewal of her salesperson's license. On May 19, 2005, the Department denied that application. Everson timely appealed. Everson admitted on her application that she had been convicted in May, 2003, of the misdemeanor of furnishing liquor to a minor, as well as the July, 2003 misdemeanor convictions of Reckless Endangering, Reckless Driving and Failure to Perform Duties of a Driver (Hit and Run), in violation of A.R.S § 32-2153 (B)(7). Everson is issued a 2-year provisional license, subject to specified terms and conditions.

Jose Luis Salazar (Goodyear)

File # 05F-LI-346-REL, Consent Order 6/27/05

On April 1, 2005, Salazar applied for a salesperson's license. On May 20, 2005, the Department denied that renewal. Salazar timely appealed. Salazar admitted on his application that he had been convicted in 1999, of the misdemeanor of Public Intoxication, as well as the January, 2000, misdemeanor conviction for DUI and a misdemeanor conviction in March, 2000, Driving While Suspended in violation of A.R.S § 32-2153 (B) (7). Salazar is issued a 2-year provisional license, subject to specified terms and conditions.

Erica West & Co./Erica West/Stanley West (Fountain Hills)

File # 05F-DI-425-REL, Consent Order 6/15/05

On April 10, 2001, the Department issued a real estate broker's license to Erica West & Co., which license expired on April 30, 2005. On April 5, 1991, the Department issued a broker's license to Stanley West and he was at all times material to this matter, the designated broker for Erica West & Co. From May 1, 2005 through June 24, 2005, Erica West & Co. continued to employ real estate licensees and conduct activity that required a real estate license even though Erica West & Co's. license had expired, in violation of A.R.S § 32-2122 (B) and 32-2153 (A)(10). Erica West & Co's. renewal application for a broker's license was first denied then granted as settlement and subject to a twenty (20) days suspension retroactive to June 24, 2005. Erica West & Co. is jointly and severally assessed a civil penalty of \$1,500.00.

Alicia Asher (Scottsdale)

File # 05F-LI-262-REL, Consent Order 7/7/05

On 8/5/94, Asher applied for and received a real estate salesperson's license. On 8/31/00, Asher was convicted of Endangerment, a felony. On 10/1/99, Asher was arrested for Aggravated Assault and convicted of Endangerment, on 8/31/00. In a renewal application on 9/10/02, Asher failed to disclose that she had been convicted of a felony, by failing to answer question four (4) on the renewal application. The Department renewed her real estate license. On 8/4/04, Asher submitted another renewal application and disclosed her 8/31/00 felony conviction for Endangerment. On 8/31/04, the Department requested further documentation to explain the conviction and when Asher failed to comply, the Department by letter on 10/14/04, informed Asher that her application was incomplete and her file was closed. On 2/8/05, Asher submitted a late renewal application. The Department denied Asher's renewal application. Asher filed a timely appeal on 5/18/05. Asher failed to notify the Department within 10 days of a conviction, in violation of A.R.S § 32-2153 (A)(3), (B)(7)(10) and A.A.C. R4-28-301(F). Asher is issued a 2-year provisional salesperson's license, subject to specified terms and conditions. Asher is assessed a civil penalty of \$1,500.00.

Michael Woolsey (Carefree)

File # 05F-DI-423-REL, Consent Order 6/28/05

Christopher Crane, the designated broker for Woolsey's employing broker, allowed Woolsey to continue to be employed by Liberty Property, to operate as a salesperson after his license expired and after he failed to timely renew his license in April, 2005, in violation of A.R.S §§ 32-2122 (B), and 32-2153 (A)(10)(22), (B)(6). Woolsey's application for renewal of his real estate salesperson's license is granted and his license is suspended for fifteen (15) days retroactive to June 10, 2005 and he is assessed a civil penalty of \$1,000.00.

W. Caldwell Bowers (Scottsdale)

File # 05F-LI-377-REL, Consent Order 7/11/05

On 2/2/05, Bowers applied for renewal of a salesperson's license. On 6/21/05, the Department denied that renewal. Bowers timely appealed. Bowers admitted on his application that he had been convicted of DUI in June, 2002, and

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he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3),(B)(7) and A.A.C.R4-28-301(F). Bowers is issued a 2-year provisional license, subject to specified terms and conditions and assessed a civil penalty of \$1,000.00.

John Bezik (Scottsdale)

File # 05F-LI-388-REL, Consent Order 7/5/05

On 4/21/05, Bezik applied for a salesperson's license. On 6/22/05, the Department denied that renewal. Bezik timely appealed. Bezik admitted on his application that he had been convicted of an undesignated felony for False Statement, in 1997, and that felony conviction was designated a misdemeanor in October, 2001. That conviction revealed that Bezik is not a person of honesty, truthfulness and good character in violation of A.R.S § 32-2153 (B)(7). Bezik is issued a 2-year provisional license, subject to specified terms and conditions.

Michael Dominic Snep (Scottsdale)

File # 05F-LI-349-REL, Consent Order 7/12/05

On 3/24/05, Snep applied for renewal of a salesperson's license. On 6/27/05, the Department denied that renewal. Snep timely appealed. Snep admitted on his application that he had been convicted of DUI in May, 2002, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3),(B)(7) and A.A.C.R4-28-301(F). Snep is issued a 2-year provisional license, subject to specified terms and conditions and assessed a civil penalty of \$2,000.00.

Cynthia Marie Ross (Phoenix)

File # 06F-DI-002-REL, Consent Order 6/12/05

Pattakos, the designated broker for Ross's employing broker, allowed Ross to continue to be employed by Nexus Arizona, to operate as a salesperson after her license expired and after she failed to timely renew her license in February, 2005, in violation of A.R.S §§ 32-2122 (B), and 32-2153 (A)(10)(22), (B)(6). Ross' application for renewal of her real estate salesperson's license is granted and her license is suspended for twenty five (25) days retroactive to May 6, 2005 and she is assessed a civil penalty of \$1,000.00.

Apex Real Estate Services/John Georgelos (Tucson)

File # 05F-DI-413-REL, Consent Order 7/12/05

On 2/18/99, the Department issued a real estate broker's license to Apex Real Estate Services, which license expired on

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2/28/05. On 5/29/97, the Department issued a broker's license to Georgelos, which expired 5/31/05 and he was at all times material to this matter, the designated broker for Apex Real Estate Services. From 3/1/05 through 5/13/05, Georgelos and Apex Real Estate Services continued to employ real estate licensees and conduct activities that required a real estate license even though Apex Real Estate Service's license had expired, in violation of A.R.S § 32-2122 (B) and 32-2153 (A)(10). Apex Real Estate Service's and Georgelos renewal application for brokers license's are granted subject to a twenty-five (25) day license suspension retroactive to 5/13/05. Apex Real Estate Services and Georgelos are jointly and severally assessed a civil penalty of \$2000.00.

James Barker (Mesa)

File # 05F-LI-389-REL, Consent Order 7/12/05

On 5/2/05, Barker applied for renewal of his salesperson's license. On 6/30/05, the Department denied that renewal. Barker timely appealed. Barker admitted on his application that he had been convicted of DUI in October, 2004, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3),(B)(7) and A.A.C.R4-28-301(F). Barker is issued a 2-year provisional license, subject to specified terms and conditions and assessed a civil penalty of \$1,000.00.

Thomas Wayne Snyder, Jr. (Surprise)

File # 05F-LI-402-REL, Consent Order 7/11/05

On 5/6/05, Snyder applied for a real estate salesperson's license. On 7/1/05, the Department denied that application. Snyder timely appealed. Snyder admitted on his application that he had been convicted of DUI in September, 1998, in violation of A.R.S § 32-2153 (B)(7). Snyder is issued a 2-year provisional license, subject to specified terms and conditions.

Thomas Wayne Snyder, Jr. (Surprise)

File # 05F-LI-402-REL, Consent Order 7/11/05

On 5/6/05, Snyder applied for a real estate salesperson's license. On 7/1/05, the Department denied that application. Snyder timely appealed. Snyder admitted on his application that he had been convicted of DUI in September, 1998, in violation of A.R.S § 32-2153 (B)(7). Snyder is issued a 2-year provisional license, subject to specified terms and conditions.

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Casey Derosier (Phoenix)
File # 05F-LI-387-REL, Consent Order 7/12/05
On 4/28/05, Derosier applied for a real estate salesperson's license. On 6/28/05, the Department denied that application. Derosier timely appealed. Derosier admitted on his application that he had been convicted of DUI in March and June, 2000 and had misdemeanor convictions for Disorderly Conduct and Failure to Obey a Police Officer in 2002, in violation of A.R.S § 32-2153 (B)(7). Derosier is issued a 2-year provisional license, subject to specified terms and conditions.

David Kohner (Flagstaff)
File # 05F-LI-379-REL, Consent Order 7/13/05
On 3/24/00, the Department issued Kohner an original broker's license. That license expires 3/31/06. On 2/16/01, the Department issued Summit Park Realty an original broker's license. That license expired 2/28/05. On 3/1/05, Kohner applied for renewal of Summit Parks broker license. The Department denied Kohner's application because he admitted on his application that the Arizona Registrar of Contractors had revoked the license of two entities for which he was the Qualifying Party, which Kohner failed to report to the Department within 10 days, in violation of A.R.S § 32-2153 (A) (3)(22) and A.A.C. R4-28-301 (F). Kohner timely filed a notice of appeal. Summit Park's application for renewal of its broker license is approved and Summit Park and Kohner are jointly and severally assessed a civil penalty of \$1,000.00.

Sylvia Quintero (Phoenix)
File # 05F-DI-410-REL, Consent Order 7/15/05
McLean, the designated broker for Quintero's employing broker, allowed Quintero to continue to be employed by Century 21 Metro Alliance, to operate as a salesperson after her license expired and after she failed to timely renew her license in January, 2005, in violation of A.R.S §§ 32-2122 (B), and 32-2153 (A)(10)(22), (B)(6). Quintero's application for renewal of her real estate salesperson's license is granted and her license is suspended for thirty five (35) days retroactive to 5/11/05 and she is assessed a civil penalty of \$1,500.00.

Olga Cervantes (Mesa)
File # 05F-LI-401-REL, Consent Order 7/15/05
On 5/10/05, Cervantes applied for a real estate salesperson's license. On 7/11/05, the Department denied that

application. Cervantes timely appealed. Cervantes admitted on her application that she had been convicted of DUI and Endangerment in November, 2000, in violation of A.R.S § 32-2153 (B)(7). Cervantes is issued a 2-year provisional license, subject to specified terms and conditions.

Larry Reed Nelson (Show Low)
File # 05F-LI-350-REL, Consent Order 7/15/05
On 12/30/04, Nelson applied for an original salesperson's license. On May 20, 2005, the Department denied Nelson's application because he admitted in his application that the Arizona Registrar of Contractors had revoked a contractor's license, for which he was the Qualifying party, August 6, 2004, in violation of A.R.S § 32-2153 (B)(10). Nelson timely filed a notice of appeal. Nelson is issued a 2-year provisional license, subject to specified terms and conditions.

Greg H. Krasnow (Coronado, CA)
File # 05F-LI-362-REL, Consent Order 7/19/05
On 1/31/05, Krasnow applied for renewal of his salesperson's license. On 5/17/05, the Department denied that renewal application. Krasnow timely appealed. Krasnow admitted on his application that he had been convicted of DUI in 7/9/03, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3),(B) (7) and A.A.C.R4-28-301(F). Krasnow is issued a 2-year provisional license, subject to specified terms and conditions and assessed a civil penalty of \$1,000.00.

Matthew W. Decker (Phoenix)
File # 05F-LI-429-REL, Consent Order 8/1/05
On 5/17/05, Decker applied for renewal of a salesperson's license. On 7/15/05, the Department denied that renewal. Decker timely appealed. Decker admitted on his application that he had been convicted of misdemeanor Trespassing in 9/04, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A) (3) and A.A.C.R4-28-301(F). Decker's application for renewal of his license is approved and he is assessed a civil penalty of \$1,000.00.

Lari W. Long (Prescott Valley)
File # 06F-LI-003-REL, Consent Order 8/8/05
On 5/27/05, Long applied for an original salesperson's



license. The Department denied Long's application because she admitted in her application that the Arizona Registrar of Contractors had revoked a contractor's license, for which she was the Qualifying Party, 3/25/05, in violation of A.R.S § 32-2153 (B)(10). Long timely filed a notice of appeal. Long is issued a 2-year provisional license, subject to specified terms and conditions.

Scott Edward Crawford (Higley)

File # 05F-LI-324-REL, Consent Order 8/10/05

On 4/6/05, Crawford applied for late renewal of his salesperson's license. On 5/12/05, the Department denied that renewal application. Crawford timely appealed. Crawford admitted on his application that he had been convicted of DUI on 9/15/03, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3) and A.A.C.R4-28-301(F). Crawford is issued a 2-year provisional license, subject to specified terms and conditions and he is assessed a civil penalty of \$1,000.00.

Kathleen Brent (Bullhead City)

File # 05F-DI-025-REL, Consent Order 8/8/05

On 5/3/00, the Department issued a broker's license to Brent, which expired 5/31/04 and she was at all times material to this matter, the designated broker for All In One Realty. From 6/1/05 through 7/7/05, Brent and All In One continued to employ real estate licensees and conduct activities that required a real estate license even though Brent's license had expired and was not timely renewed, in violation of A.R.S §§ 32-2122 (B) and 32-2153 (A)(3)(10)(22). Brent's license is suspended for fifteen (15) days, effective 8/8/05. Brent is assessed a civil penalty of \$1000.00.

Kyle R. Riedy (Scottsdale)

File # 05F-LI-435-REL, Consent Order 8/2/05

On 5/17/05, Riedy applied for a salesperson's license. On 7/15/05, the Department denied that application. Riedy timely appealed. Riedy admitted on his application that he had been convicted of the misdemeanors of Endangerment and Solicitation to Possess a Dangerous Drug in 1999, in violation of A.R.S § 32-2153 (B)(7). Riedy is issued a 2-year provisional license, subject to specified terms and conditions.

Jay V. Rawson (Scottsdale)

File # 05F-LI-427-REL, Consent Order 8/17/05

On 5/31/05, Rawson applied for renewal of his broker's license. On 7/29/05, the Department denied that application. Rawson timely appealed. Rawson admitted on his application that he had been convicted of DUI in 2/04, and he did not timely disclose that conviction in violation of A.R.S § 32-2153 (A)(3), (B)(7) and A.A.C.R4-28-301(F). Rawson's application for renewal of his broker's license is approved and he is assessed a civil penalty of \$1,000.00.

Kelly Winiesdorffer (Chandler)

File # 05F-LI-065-REL, Consent Order 8/15/05

On 3/11/99, the Department issued a real estate license to Winiesdorffer, which expires on 3/31/07. Winiesdorffer represented Ms. Jane Hrubes in the purchase of 809 E. Melody Dr., Gilbert, AZ 85234 in 3/02. Winiesdorffer placed the signature of her client on one or more documents relating to the sale of 809 E. Melody Dr., Gilbert, AZ 85234, without the client's written consent, in violation of A.R.S § 32-2153 (A)(25). Winiesdorffer is assessed a civil penalty of \$2,000.00.

Ronald J. Scholtens (Gilbert)

File # 06F-LI-035-REL, Consent Order 8/15/05

On 6/3/05, Scholtens applied for renewal of his salesperson's license. On 8/3/05, the Department denied that application. Scholtens timely appealed. Scholtens admitted on his application that he had been suspended by the Medical Radiologic Technology Board of Examiners in 10/04, and he did not timely disclose that suspension to the Department in violation of A.R.S § 32-2153 (A)(3). Scholtens's application for renewal of his license is approved and he is assessed a civil penalty of \$1,000.00.

DISCIPLINARY ACTIONS



DISCIPLINARY ACTIONS



Maury Ellerbusch (Mesa)
File # 05F-DI-419-REL, Consent Order 6/30/05
White, designated broker, allowed Ellerbusch to continue to be employed by 1st USA Realty, to operate as a salesperson after his license expired and after he failed to timely renew his license in March, 2005, in violation of A.R.S § 32-2122 (B), 32-2153 (A)(22), (B)(6). Ellerbusch license renewal application is granted and his license is suspended for twenty (20) days beginning May 20, 2005 and he is assessed a civil penalty of \$1,000.00.

John Regnier (Mesa)
File # 06F-DI-006-REL, Consent Order 7/26/05
White, designated broker, allowed Regnier to continue to be employed by 1st USA Realty, to operate as a salesperson, and allowed Regnier to receive compensation after he failed to timely renew his license in March, 2005, in violation of A.R.S § 32-2122 (B), 32-2153 (A)(10)(22), (B)(6). Regnier license renewal application is granted and his license is suspended for fifteen (15) days and he is assessed a civil penalty of \$1,000.00.

1st USA Realty Professionals, Inc./Raymond White (Mesa)
File # 05F-DI-289-REL, Consent Order 8/2/05
1st USA Realty Professionals and White, designated broker, allowed salespersons Maury Ellerbusch, John Regnier, and Olatunde Ayoola to continue to be employed by 1st USA Realty, paid compensation to them, and allowed them to operate as a salesperson's after their license's expired and after they failed to timely renew their licenses, in violation of A.R.S § 32-2153 (A)(6),(10),(22) and 32-2155 (A). 1st USA Realty Professionals and White are jointly and severally assessed a civil penalty of \$5,000.00.

Eric Fass (Tempe)
File # 06F-DI-034-REL, Consent Order 8/5/05
On July 5, 2005, Fass realized that his license had expired and he stopped performing real estate activities until he could renew his license on July 18, 2005. Fass admitted in his reapplication that he had conducted real estate activities while his license was expired, in violation of A.R.S § 32-2122 (B), 32-2153 (B)(6). Fass license renewal application is granted and his license is suspended for fifteen (15) days beginning May 31, 2005 and he is assessed a civil penalty of \$1,000.00.

Stephen Grunder (Tucson)
File # 05F-DI-221-REL, Consent Order 5/24/05
On June 14, 2004, Grunder applied for and received an original salesperson's license. Grunder denied on his application that he had ever been convicted of a felony. Subsequently it was determined that he was convicted of possession of stolen property in 1993, in Alaska. Grunder failed to disclose his felony conviction on his application, in violation of A.R.S § 32-2153 (B)(1),(2). Grunder is issued a 2-year provisional license, subject to specified terms and conditions.

Brasher Real Estate, Inc./Gary Brasher/Jacqueline Brasher (Tubac)
File # 05F-DI-235-REL, Consent Order 6/15/05
Gary and Jacqueline Brasher, each at separate times the designated broker for Brasher Real Estate employed salesperson Raymond Greeley, allowed Greeley to continue to be employed by Brasher Realty, to operate as a salesperson after his license expired and after he failed to timely renew his license in April, 2005, a period of 315 days, in violation of A.R.S §§ 32-2153 (A)(3) and 32-2155 (A). Brasher Real Estate is assessed a civil penalty of \$500.00. Gary Brasher is assessed a civil penalty of \$375.00. Jacqueline Brasher is assessed a civil penalty of \$125.00.

Charles Ray Shropshire (Phoenix)
File # 05F-LI-305-REL, Consent Order 6/15/05
On 9/25/01, Shropshire applied for and received a real estate broker's license. In that application Shropshire denied that he had been convicted of a misdemeanor and the Department issued his broker's license. On June 12, 2003, Shropshire notified the Department that he had been convicted of a misdemeanor, in California. In February, 1999, Shropshire was arrested for vehicle theft in Pacific Grove, CA. In December, 1999, Shropshire was charged with a felony count of failure to appear on a felony charge. Shropshire pled Nolo Contendere to a misdemeanor count of failure to appear. Shropshire failed to notify the Department within 10 days of that conviction, in violation of A.R.S § 32-2153 (A)(3), (B)(1)(7)(9) and A.A.C. R4-28-301(F). Shropshire is issued a 2-year provisional broker's license, subject to specified terms and conditions. Shropshire's license is suspended for one hundred twenty (120) days beginning five (5) days after entry of the consent order signed by the Commissioner and he is assessed a civil penalty of \$2,000.00.



Cease and Desist Orders Appealable Agency Action



Greer Ranch Illegal Subdivision

File # 05F-SD-242-REL, Cease & Desist Order 6/21/05

The Respondents are immediately ordered to Cease & Desist from selling or offering, advertising, facilitating, counseling, advising, directing, negotiating, assisting or attempting to sell lots, without first complying with all applicable laws and rules. Eighty-six (86) respondents, have divided, or proposed to divide Greer Ranch, into six or more lots and have created a subdivision while attempting to evade compliance with Arizona subdivision laws. The respondents, while acting in concert, have made misrepresentations to purchasers, have failed to demonstrate the availability of an assured water supply, suitability of the property for individual sewage disposal systems, legal and permanent access to the property, cost and availability of utilities, and compliance with all appropriate municipal, county and state requirements for a lawful subdivision. Respondents have acted in a manner to defraud the public by selling and continuing to offer for sale land after being notified by the Department that Greer Ranch was a subdivision, not in compliance with all local, county and state requirements in violation of A.R.S § 32-2181 (A), (D), and 32-2183 (F), A.A.C. R4-28-803 (A) and R4-28-805, which actions are contrary to the public health, safety and welfare.

Saddle Mountain Ranch Illegal Subdivision

File # 05F-SD-242-REL, Cease & Desist Order 6/21/05

The Respondents are immediately ordered to Cease & Desist from selling or offering, advertising, facilitating, counseling, advising, directing, negotiating, assisting or attempting to sell lots, without first complying with all applicable laws and rules. One hundred seven (107) Respondents, have divided, or proposed to divide Saddle Mountain Ranch, into six or more lots and have created a subdivision while attempting to evade compliance with Arizona subdivision laws. The Respondents, while acting in concert, have made misrepresentations to purchasers, have failed to demonstrate the availability of an assured water supply, suitability of the property for individual sewage disposal systems, legal and permanent access to the property, cost and availability of utilities, and compliance with all appropriate municipal, county and state requirements for a lawful subdivision. Respondents have acted in a manner to defraud the public by selling and continuing to offer for sale land after being notified by the Department that Saddle Mountain Ranch was a subdivision, not in compliance

with all local, county and state requirements in violation of A.R.S § 32-2181 (A), (D), and 32-2183 (F), A.A.C. R4-28-803 (A) and R4-28-805, which actions are contrary to the public health, safety and welfare. The real estate salespersons licenses of Matt Hiatt and Dore Pfaff and the broker's licenses of Kenneth Graham and Jay Roger Alquist are summarily suspended.



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