



DID YOU KNOW, The number of Arizona real estate licenses is at an all time high !



Despite a relative cooling of the real estate market, there continues to be a steady increase in applications for real estate licenses.

As of **August 31st, 2006**, ADRE recorded the following:

- **13,614 Broker Licenses**
- **68,987 Salesperson Licenses**
- **10,051 Entities**

GRAND TOTAL: 92,652!

Compare those numbers to **2000** when there were:

- **12,547 Broker Licenses**
- **41,259 Salesperson Licenses**

NOTE: The number of entities was not recorded in 2000.

Over those 6 years, the number of brokers increased by **8.5%** while the number of salespersons increased by **67.2%**. That represents an overall growth of **53.5%** !

WOW! That's impressive!

At this time the Department continues to feel "warm and toasty"-no "cooling" here!

The Arizona Business Brokers Association

The Arizona Department of Real Estate received notice on Sept. 5, 2006 that the Valley Board of Business Brokers (VBBB), a 25 year old organization of Business Brokers located in Phoenix, and the Arizona Association of Business Brokers (AABB), a 20 year old organization based in Tucson, joined forces to create a new statewide Business Broker Association. The Arizona Business Brokers Association (to be known as "AZBBA") is comprised of regional chapters located in the major metropolitan areas of the state.

For further information visit the AZBBA website: www.azbba.org

Inside this issue:

A.D.R.E.: Fiscal '06 Year End Up-Date	2
Streamlined License Process	3
Tips for Licensees	4
Compliments about ADRE & Staff	5-6
News from the Department	7-8
Commissioner's Corner	9
Title Insurance	10
Real Estate in Mexico	10
Disciplinary Decisions	11-23
Huh?	23
New H.O.A. Legislation	23

THE ADRE MISSION

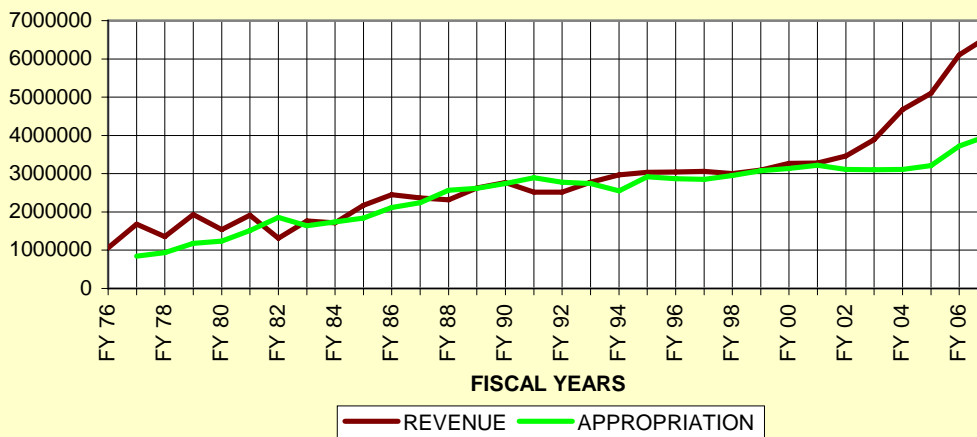
The purpose of the department is to protect the public interest through licensure and regulation of the real estate profession in the State of Arizona.

Updated Figures: end of Fiscal Year '06

In the June Issue of The ADRE Bulletin, on page 2, Richard Simmonds' article entitled "Final Thoughts As I Retire" projected that at the end of Fiscal Year '06, "...the income we bring into the state will exceed our appropriation by 45% ..."

However, after the final Fiscal Year '06 year end report was compiled, the actual year-end figures look like this: **ADRE's Income** (Revenue to General Fund of \$6,106,092) exceeded **ADRE's Appropriation** of \$3,718,800 by **64.2%**. ☐

ADRE Revenue vs. Appropriation History



A.D. R. E. to present at A. R. E. L. L. O. International Conference

Mary Utley, Communications Director for ADRE, was invited to facilitate a panel at the ARELLO (Association of Real Estate License Law Officials) Annual Conference on September 26, 2006 in San Antonio, Texas. The panel is titled "Languages, Cultures and Treaties: Immigration and Cross-Border Transactions and the Regulator".

Commissioner Elaine Richardson will provide information on the Arizona-Mexico Commission and its relationship with the Arizona Department of Real Estate. Others in the panel are: Kevin O'Shea (National Law Center for Inter-American Free Trade); Pablo Silva (National Law Center for Inter-American Free Trade); Rodolfo Elias Calles (Secretary of Economy for Sonora, Mexico); and, Benjamin Torres (Baker & McKenzie). Discussion will range on a variety of areas regarding real estate transactions in Mexico such as NAFTA, securitization project in Mexico, Sonora Agent Registry and ADRE Sonora, Mexico Subdivision Application for Public Report. ☐

ADRE Has Streamlined the License Process

by Connie Johnson, Deputy Director, Licensing

The Licensing Division continues to streamline and expedite application processing. This was especially helpful to a Prescott broker, who recently shared the following with the Commissioner, "... The new office arrangement seems to be working great. Certainly is the fastest processing that I have ever experienced."

Until recently, licensees lined up in the lobby and foyer of the ADRE office building. Now with service available online for timely filed renewals, hire requests, employment severs, and home and email address changes, the long waiting lines have diminished and the convenience to the licensee has dramatically increased.

To ensure smooth and prompt processing of your license renewal, log on **before** you need to renew your license. In some cases there have been incorrect dates of birth or Social Security numbers in our records that need to be corrected before you can use the Online System.

You can make changes to your residential mailing address and your email address online at any time. Remember, too, that you are required to report a change of address within 10 days of the change. Doing so online is quick, easy, and free! Employment changes--hires and severs--can also be completed on line if your broker is registered with the System.

Applications for renewal can be filed **up to 90 days before your license expiration date**, and we recommend that you not wait until the last minute. When filing by mail, too often licensees fail to submit a complete application, the application is returned and the processing of the application is delayed. To avoid this, double check your application for signatures, forms required, and fees. With very few exceptions, applications filed by mail or in person are processed in the order received. Exceptions to this policy, which are processed promptly, include original applications, em-

ploying broker change of designated brokers and branch managers, provided that the applicant or licensee is not the subject of a pending investigation or disclosing a criminal conviction, adverse judgment or denial of or disciplinary action against a professional or occupational license.

We have also instituted a more convenient and efficient method for employing brokers to make changes to the entity's broker license. Now, designated brokers (or prospective designated brokers) for an entity may call (602) 468-1414 ext 101 and make an appointment to meet with a licensing specialist. These employees are experienced and trained to handle the complexities involved with licensure of an entity.

As the volume of phone calls to Licensing continues to be heavy, we encourage all licensees with questions regarding their license to search our informative web site at www.azre.gov. If the information you are searching for cannot be found in the web site, use the convenient email system to send in your question. It's fast, easy, and stress free, plus most emails are responded to within 24 hours!

The e-mail address is: licensing@azre.gov. ☐

ADRE's On-Line License Renewal System is Secure.

Not only is it convenient and easy, the On-Line ADRE License Renewal System is a secure site that uses industry standards implemented by IBM that meet State of Arizona standards for securing and transferring personal information over the Internet. Payment and other screens handling sensitive information utilize encryption to keep your personal information safe.

Go to: www.azre.gov and click on the "Online Licensing" link.

TIPS for Licensees

Renew Early !

by Cindy Wilkinson, Director of Education & Licensing
and Connie Johnson, Deputy Director of Licensing.

ADRE currently administers over 92,000 licenses, and has 9 staff members to process all of the original applications, renewal applications, changes, hires, severers, and respond to inquiries. This is in addition to activities such as processing the fingerprint cards, opening mail, copying, filing, stocking forms, reconciling receipted fees, and more.

A license holder may file an application for license renewal up to 90 days before license expiration. Someone who files a "timely and sufficient" application for renewal may continue to practice under the existing license until the Department has acted upon the renewal application. AAC R 4-28-303.

ADRE recommends that you and your employees carefully review your renewal applications and attachments **before** filing, and that you file them as early as possible - up to 90 days before license expiration. ☐

Staff Cannot Accept Gifts

Staff members of the Arizona Real Estate Department strive to provide the best service possible and appreciate kind words from licensees and citizens. However, employees of the State of Arizona cannot accept or solicit any gift, gratuity, favor, entertainment, loan, or anything of value. If you would like to express your support of service provided by one or more of the staff members, please send a card or letter to Commissioner Richardson letting her know about your feelings.

See Examples on page 5 & 6. ☐

A Tip About

Employing Broker Licenses

by Cindy Wilkinson, Director of Education & Licensing
and Connie Johnson, Deputy Director of Licensing.

Any applications involving an entity's Broker License require the attention of one of two ADRE Licensing Service Specialists. Designated Brokers who are responsible for keeping the entity's Broker License current, and all related information up to date and correct, are encouraged to set an appointment when filing applications for any of the following:

- New Employing Broker License (for an Entity)
- Changes to an Employing Broker License
 - Changing the Designated Broker
 - Adding or closing a Branch Office
 - Changing the address for the Employing Broker

Designated Brokers can call or e-mail to set up an appointment. You may telephone:

- Diane at 602.468.1414, ext. 345; or
- Monica at 602.468.1414, ext. 675; or
- send an e-mail requesting an Employing Broker License appointment to licensing@azre.gov.

Diane or Monica will schedule a date and time for the Designated Broker to meet one of the ADRE Licensing Specialists who is specially trained to review and process these potentially complex applications.

By setting an appointment, you will insure that one of the two trained specialists will be available to process the Entity's Broker License application correctly and as promptly as possible. The Designated Broker will also be able to meet the Licensing Specialist who is working on the Entity application! ☐

License Renewals are a snap
when you use the ADRE On-Line License Renewal System.

go to: www.azre.gov and click on the
"Online Licensing" link.

Compliments about ADRE & Staff

Dear Commissioner Richardson,
“...I am frequently reminded of the outstanding service (despite limited resources) that the Arizona Department of Real Estate provides to those of us in the real estate industry. The Department’s implementation of the Online License Renewal System (OLRS) in February 2004 has been a time-saver for us in many ways. We are now able to do timely renewals (24-7) from ... our homes or offices.... (For the) tremendous influx of new licensees ... the Concierge idea has been fantastic! ...

You have my sincere thanks and gratitude for the services that the Department continues to provide in an efficient and effective manner.”

Judy Lowe
Associate Broker
Realty Executives of Tucson, Inc.

Dear Elaine

“... I know I receive so many letters of criticism about how my department handled a constituent’s application, and I always appreciate a rare instance when a compliment especially about staff comes across my desk.

Well, my hats off to your staff and the Arizona Department of Real Estate for all of their assistance....”

Sincerely,
Jeff Davi
Real Estate Commissioner
Department of Real Estate
State of California

Janet A. Blair
Deputy Director, Auditing Division

Dear Ms. Blair:

“Thank you immensely for all your hard work setting up our branch office. You did an excellent job auditing and getting the office situated. If your assistance is needed in the future, I will definitely give you a call. Once again, thank you for everything you have done; it is greatly appreciated.”

Sincerely,
Jay Kinkade, Consultant
AZ Businesses, LLC
Phoenix

Dear Elaine:

“As a small business owner in Arizona involved in the real estate field, I would like to congratulate you on the professional, courteous and competent service the Arizona Department of Real Estate is providing under your leadership. I am sending this note as a way to recognize your efforts at providing such efficient and effective service to Arizona and its residents.”

Sincerely,
Rick Renzi
United States Congressman
First District of Arizona

Mr. Roy Tanney
Director of Development Services

Dear Roy,

“Now that the National Land Council’s 37th annual seminar has concluded, I wanted to tell you how much we appreciate your willingness to participate in our program. The report from ARELLO and the regulatory updates featuring reports from your agency and the other state regulators...are always vitally important segments of our business program. We continue to believe that open lines of communication are key to effective regulation and consumer protection.

I hope you will make plans to again attend and participate in our seminar next spring.... We will keep you advised.

Yours very truly,
Tom Bell, President
National Land Council, Inc.

To Commissioner Richardson:

“How nice to see you at the Real Estate Dept. offices while I was there on Wednesday. The new office arrangement seems to be working great. Certainly is the fastest processing that I have ever experienced.”

Brian Harron
Sunbelt Business Brokers, Prescott

continued on page 5.

"...Commissioner Elaine Richardson and her staff are innovative and efficient administrators, who focus on appropriate objectives, ... Her 'traffic ticket' program ...sounds like a great enforcement tool which, as she says: '...more time and effort can be spent on more serious cases.'

Read the attached article (*from the April 2006 issue of The Arizona Journal of Real Estate & Business*). It demonstrates a refreshing attitude from a lady who is a major benefit to government and to the State of Arizona. Her programs have greatly improved the Arizona Department of Real Estate,"

Ricardo Small
Certified General Real Estate Appraiser
Tucson

Dear Governor,
"I would like to take this opportunity to thank the Real Estate Department for a great job in helping us provide our reports in both Tucson and Phoenix. I was told that this program could take several months. In our case, it only took 20 days including one red line correction. You don't know how helpful this was to us. I would like to publicly thank Elaine Richardson and her team for such an expedited process and the extra work effort. The people of the State of Arizona have a lot to be proud of for providing this kind of service to the community."

Sincerely,
Louis Marson III, President
Louis Marson & Sons, Inc.
Scottsdale

Dear Elaine,
"Just a note to say thank you for speaking at our commercial marketing group today. It was a pleasure to have both you and Mary (Utle) as our guests. I look forward to having you speak to our group in the future."

Sincerely,
Jack Fowler, CCIM
Prescott

Janet Blair
Deputy Director, Auditing Division

Dear Ms. Blair,
"This letter is to provide you with feedback on our recent audit experience with your office and personnel. Sharp Homes Realty, Inc. was audited by Jim Napier... Since we are a fairly new Company...we were a bit anxious about what to expect. Mr. Napier was very courteous and respectful of our time and efforts...He explained the procedure we would follow and then went through our documents accordingly. Mr. Napier was both knowledgeable and informative, he explained different rules and policies as he went along...The overall service received: Excellent.

We were thankful to have such a calm easy going auditor who educated us as he went along....
Thanks for a good learning experience."

Sincerely,
Kenneth W Lyding, Designated Broker
Sharp Homes Realty, Inc.
Phoenix

Dear Elaine,
"Thank you so much for your help with that difficult issue last week. Not only were you very responsive but the folks on your staff were great as well. Have not heard back from the constituent but I should hear soon. Again, Thanks for your help."

Martha Rothman
Governor's Office of Constituent Services

News from the Department

ADRE Revises Two Substantive Policy Statements

Two Substantive Policy Statements (SPSs) were revised on August 21, 2006.

SPS 2005.09 rev. "Non-Commercial Requests to Inspect Department Records & Fees for Copies" was revised to more accurately reflect the time required to obtain copies of the various categories of documents often requested. It also indicates that the charges for copies are reflected in the ADRE fee schedule.

SPS 2006.16 rev. "Pre-Licensure DVD" revised the identification number for sequential consistency. This SPS became effective on May 11, 2006 and confirms the Department Policy that all candidates for licensure by ADRE are to view the new DVD featuring Commissioner Richardson who explains the Department's enforcement of the Qualifications of Licensees as stipulated at ARS §32-2124 that says "... the commissioner shall require proof... as to the honesty, truthfulness, good character, and competency of the applicant..."

To read these two revised SPSs, as well as the other fourteen SPSs, go to the ADRE web site at: www.azre.gov. ☐

Watch for the Launch
of the improved
ADRE web site !
www.azre.gov
Coming Soon.

New Members of Team ADRE

Tory Anderson fills the new position of Chief Financial Officer at ADRE. She is responsible for all things budget related and will also serve as the agency's legislative liaison. Tory comes from Governor Napolitano's Office of Strategic Planning and Budgeting where she was responsible for making budget recommendations to Governor Napolitano regarding several state agencies, including the Office of the Attorney General, the Secretary of State, the Department of Revenue, the Department of Veteran Services, the Department of Housing, and several regulatory agencies. Prior to her time at OSPB, Tory had the pleasure of interning for Phoenix Mayor Phil Gordon. She holds a Master's Degree in Public Administration from ASU and Bachelor of Science from the University of Arizona. Tory is a new mom and spends her free time playing with her 7-month-old daughter, Audrey. ☐



David Lewis serves as the Deputy Director of Investigations under Tom Adams, who has assumed the position of Director of Regulation which oversees Administrative Actions, Investigations, Audits, and Development Services. Dave came to ADRE after a long career in the federal government, most recently serving as a Deputy Director at USDA where he was responsible for nationwide regulatory enforcement programs. Dave was particularly proud of one of his alma maters, George Mason University, when their men's basketball team went to the Final Four last March. He moved to Arizona to be near his 2 year-old granddaughter whom he is in the process of "spoiling rotten." ☐





Shawn Heggen

joins the ADRE Investigations Staff as a Development Investigator, specializing in investigations involving subdivisions and other land development complaints.

Shawn comes to ADRE with a 13 year background in retail and corporate fraud. He worked for several major retailers and for a Fortune 100 company. Shawn enjoys the interview process. He says "Getting information by interviewing people is my favorite part of working cases". ☐



Felix Cervantes

is ADRE's new Senior Investigator having recently moved to Arizona. Originally from California, Felix has been a homicide and major crimes detective in Maryland. Five years ago he volunteered to help his public safety comrades in New York City in the aftermath of the 9/11 attack on the World Trade Center. Felix considers that a major accomplishment in his public service career, as well as in his life. ☐

April Ellis

fills the position of Commissioner Richardson's Assistant that was vacated by Carla Randolph who now serves as Manager of Administrative Actions. April came to the Department

last June, shortly after moving to Phoenix from California where she was the assistant to an Area Manager for the Chevron Corporation. In that capacity, she managed an oil well data base. She will also be serving as the recording secretary for the Real Estate Advisory Board. April grew up in Bakersfield, California and majored in Child Psychology and Business Administration at Cal State University. She is a diehard baseball fan. "Go Yankees!" ☐



June Marshall

was hired as the Legal Assistant in the Administrative Actions Division in July 2006. June worked as a legal assistant previously with the Criminal Justice Commission and the Arizona Industrial Commission. She is a native of Michigan, lived and worked in Chicago, and moved to Arizona over twenty-seven years ago. She has recently become engaged and will marry in the Spring. ☐





The Commissioner's Corner

By Commissioner Elaine Richardson

This month's message contains a "sneak preview" of the Special Edition of The Bulletin that will be distributed later this month. The summary below is self-explanatory and is an index of sorts to inform you, our valued licensees and others, regarding the progress that the Department of Real Estate is proud to present.

It is meant to show how the Department has met some tough challenges, but in no way means that we do not continue to make improvements on a daily basis.

Even though our real estate market has "slowed", we cannot say that this slowdown has impacted the Department in any meaningful manner.

ADRE continues to issue licenses to NEW licensees at the phenomenal rate of 800 to 900 per month.

Our number of staff remains the same. Without some of the innovations presented here, our lines would extend from 44th Street to Payson!

On a serious note, I personally thank each and every one of you who helped with ideas, served on Stakeholder Committees, and arranged speaking venues where I have met many of you which has helped our positive and open dialog. ☐

ADRE: A Three Year Review Executive Summary

The Arizona Department of Real Estate is committed to efficient work practices. Since her appointment in 2003, Commissioner Elaine Richardson initiated many changes that have resulted in:

- 1 Reduced license application backlog
- 2 Streamlined investigations
- 3 Shorter lobby wait times
- 4 Stronger regulation
- 5 Clearer education standards
- 6 Simplified Public Report process

These changes have made the Department more efficient than ever before. Efficiency is a necessity because while the real estate industry has experienced tremendous growth, the Department's staffing levels have remained stagnant. The Department could not have managed the growth without these changes.

REDUCED LICENSE APPLICATION BACKLOG

The application backlog for a license was reduced from 9 weeks in July 2005 to 4 weeks in July 2006 due to the implementation of the On-line License Renewal System (OLRS). OLRs allows licensees to perform many tasks on-line which would have otherwise taken the time of Department staff.

continued on page 10.

ADRE: A Three Year Review

Executive Summary

continued from page 9

SHORTER LOBBY WAIT TIMES

Wait time in the licensing lobby decreased from 2-3 hours to less than 15 minutes due in part to the implementation of the Concierge and Drop Box System. This innovative idea streamlines services in the lobby.

CLEARER EDUCATION STANDARDS

The newly created Education Advisory Committee standardized course content for real estate license candidates, and published this information on the Department's website. School administrators and instructors can easily access this information.

STREAMLINED INVESTIGATIONS

The Department reduced the time cases are open by almost 100 days between 2003 and 2006. This is the result of improved investigation techniques, prioritizing cases, and better case management.

IMPROVED AUDITING EFFICIENCY

The Auditing Division implemented a Broker Audit Declaration (self audit) program assisting both Brokers and Auditors in ensuring Brokers are in compliance with the real estate laws and rules applicable to Brokers.

STRONGER REGULATION

The Department completed 191 Accelerated Settlement Agreements (aka "Traffic Tickets") that, in the past, would have been handled through the regular disciplinary process. This voluntary program has been tremendously successful because civil penalties have a great impact on licensees.

SIMPLIFIED PUBLIC REPORT PROCESS

The Department revised the Subdivision Public Report application form, filing procedures, and established minimum filing requirements for Public Report applications. The Department also modified the review process for properties located in the United States and Sonora, Mexico that are marketed to Arizonans by streamlining the Public Report process. This benefits the consumer, the Department, and the state. ☐

Title Insurance

By **Christina Urias,**
Director
Arizona Department
of Insurance



Over the past year, Arizona joined several states in investigating allegations of improper practices in the sale of title insurance across the country.

Arizona participated in some multi-state settlements and negotiated separate settlements in others. Part of the Arizona Department of Insurance's (ADOI's) separate settlement with the LandAmerica title companies required Land America to fund a consumer education program in Arizona. Our investigation revealed a need to educate consumers on their rights when it comes to purchasing title insurance. Many consumers are simply not aware that they have the right to choose their own title insurer in a home purchase transaction. Although real estate professionals may recommend a particular title insurer, **they may not dictate which title insurer or title agency home buyers must use.** (*emphasis added*) We also wanted consumers to know about the benefits of comparison shopping, since rates, services, costs, and fees, vary between the various title insurers doing business in Arizona.

The LandAmerica settlement provided the funding for ADOI's new title insurance brochure entitled, "Answers to Your Questions about Title Insurance" (available on the ADOI website, www.id.state.az.us, or by calling (602) 364-2499). The brochure provides a basic consumer friendly explanation of the purpose of title insurance and is available to consumers, title agencies and real estate professionals who would like to distribute the publication to their clients (contact Erin Klug, eklug@id.state.az.us, to request a supply of brochures).

To further educate consumers and encourage informed comparison shopping, ADOI added new title insurance information to its website and developed a Title Insurance Resources webpage (<http://www.id.state.az.us/consumerautohome.html#titleresource>), which includes:

- A list of licensed Arizona title insurers
- Tips for shopping for title insurance
- Search features to verify Arizona licensure of title insurers and title agencies
- Links to other title related resources.

In addition to the new title insurance brochure, the consumer education program includes ADOI publication of *A Message to Home Buyers* in various Arizona newspapers throughout the coming year. The entirety of the Director's *Message* is available on the webpage referenced above and the Director is available to speak to groups interested in learning more about title insurance and the importance of comparison shopping. Please contact Erin Klug, eklug@id.state.az.us, to arrange for the Director to speak to your group or association on this important topic. ☐

A NOTE ABOUT GUEST COLUMN ARTICLES

Guest column articles do not reflect the policies or interpretations of law by the Arizona Department of Real Estate. They are meant to inform the public and provide variety to ADRE's Bulletin. All articles are edited for space limitations. ☐

The Arizona Department of Real Estate and
The Arizona-Mexico Commission /

Real Estate Ad Hoc Committee

will facilitate an educational workshop:

TOPIC: "Ethics, A.M.P.I. & Realtor Organizations in Mexico"

DATE: September 28, 2006 TIME: from 8 a.m. to Noon

PLACE: Thunderbird/Garvin School of Int'l Management

15249 N. 59th Ave, Glendale, AZ.

COST: \$35.00

For further information contact Robert Russell,
Tri-Vista Partners 480.704.4749.





CONSENT ORDERS

Name Nola Jean Anderson
License Number BR004855000
Violation Unlicensed Activity
Summary From May of 2003 through May of 2005, respondent employed an unlicensed individual who conducted real estate activities.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (A)(3), (A)(10), (A)(21), (B)(6); A.A.C. R4-28-1103
Order Date June 7, 2006
Order Type Consent Order
Order Terms \$5,000 Civil Penalty

Name Ernest Marty Atencio
License Number SA104218000
Violation Convictions - Other (Misdemeanor)
Summary November 2005, Respondent convicted of Resisting Arrest and Possession of Drug Paraphernalia, both Class 1 Misdemeanors. Respondent did not notify the Department of the convictions in a timely manner.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(7), (B)(10), A.A.C. R4-28-301 (F)
Order Date June 5, 2006
Order Type Consent Order
Order Terms License renewal granted; \$2,000 Civil Penalty; 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing; 6 hour CE in Commissioner's Standards.

Name Shanon Michelle Bailey
License Number SA526658000
Violation Convictions - Violence against another person
Summary In June of 2005, Respondent disclosed a May 2005 misdemeanor conviction for Disorderly Conduct/Domestic Violence. Respondent did not disclose the conviction in a timely manner.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(7), (B)(10)
Order Date June 5, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty; 2 year Provisional License with Broker Acknowledgment

Name Joseph Dale Bourland
License Number SA531657000
Violation Convictions - Moral Turpitude (DUI)
Summary Respondent was convicted in January of 2006 for DUI. Respondent did not provide timely notice of the conviction.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7); A.A.C. R4-28-301 (F)
Order Date June 28, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty

Name Daniel James Byrnes
License Number SA554659000
Violation Convictions - Moral Turpitude (DUI)
Summary In February of 2005, Respondent was convicted of Extreme DUI and, in March of 2005, was convicted of DUI. Respondent disclosed the convictions in a timely manner to the Department.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7)
Order Date July 24, 2006
Order Type Consent Order

Order Terms \$2,000 Civil Penalty; 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing, Sobriety Monitor and AA attendance.

Name John Glenn Copyak
License Number Unlicensed Individual
Violation Unlawful Sales (Development)
Summary Respondent purchased multiple lots in 3 different subdivisions located in Coconino County, Arizona and resold lots without complying with public report requirements.

Statutes/Rules A.R.S. §32-2181 (A), §32-2183 (F); A.A.C. R4-28-803 (A), R4-28-804 (A), R4-28-805

Order Date July 25, 2006
Order Type Consent Order
Order Terms Cease and Desist sales; \$30,000 Civil Penalty (joint and severally); offer rescission to purchasers; apply for public report.

Name Samuel E. & Brenda L. Crissman
License Number Unlicensed Individuals
Violation Unlawful Sales (Development)
Summary Respondents advertised parcels for sale and possible splitting without applying for and receiving a Public Report and without written notice to the Commissioner of an intention to offer parcels for sale.

Statutes/Rules A.R.S. §32-2195.03 (A), (B)(6) (D) & (G), §32-2195.05 (F)

Order Date July 26, 2006
Order Type Consent Order
Order Terms Cease and Desist sales; \$1,000 Civil Penalty; Obtain an unsubdivided public report within 12 months; modification of CC&R

Name Silver Days
License Number SA038893000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary Respondent used complainant's lease deposits for closing funds towards the purchase of the property in issue; failed to inform the complainant in writing that Respondent was a licensed real estate agent as well as a principal in the transaction; failed to inform the complainant that complainant's lease was contingent upon the successful purchase of the property by the Respondent.

Statutes/Rules A.R.S. §32-2153 (A)(1), (A)(3), (A)(9), (A)(15) and (A)(16); A.A.C. R4-28-1101 (E)

Order Date July 5, 2006
Order Type Consent Order
Order Terms \$1,500 Civil Penalty; 2 year Provisional License with Broker Acknowledgment; 6 hours CE in Commissioner's Standards

Name Michael O. Dearing
License Number BR515383000
Violation Dishonest Dealings
Summary Respondent paid compensation to an unlicensed entity.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(10), (A)(21); §32-2155 (A)&(B)

Order Date June 2, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty (jointly and severally); 6 hours CE in Commissioner's Standards

DISCIPLINARY DECISIONS

Consent Orders continued



Name Donald Dempsey
License Number BR011487000 and SE011487000
Violation Trust Account Irregularities
Summary A department audit, conducted in May of 2006 revealed (1) Failure to maintain a trust fund account reconciliation and client ledger balance on a monthly basis, (2) commingled funds (3) Employed unlicensed individuals to perform work requiring a license.
Statutes/Rules A.R.S. §32-2151 (B)(2); §32-2153 (A)(3), (A)(10), (A)(16), (A)(21), (A)(22); §32-2155 (B); A.A.C. R4-28-1103 (A).
Order Date July 14, 2006
Order Type Consent Order
Order Terms \$5,000 Civil Penalty ; 6 hours CE in Commissioner's Standards and 3 hour Broker Management Clinic; 30-day suspension of licenses; 2 year Provisional License; make trust accounts whole within 90 days.

Name William Walter Drevyanko
License Number Unlicensed individual
Violation Convictions - Theft
Summary As part of an original license application, Respondent disclosed two 1998 Petty Theft misdemeanor convictions in the State of Ohio.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(10)
Order Date June 12, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor, \$15,000 Surety Bond

Name Martha F. Duncan
License Number SA526530000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary On multiple occasions, Respondent failed to disclose a familial relationship with one of the parties involved in sales transactions (did not disclose on sales contracts that Respondent's father was the seller of property). Respondent also signed documents on behalf of buyers without having written authorization to do so.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(25); A.A.C. R4-28-1101 (E)(2)(4)
Order Date June 23, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty; 12 hours CE in Commissioner's Standards; 2 year Provisional License with Practice Monitor

Name Wyatt Allen Duncan
License Number SA568871000
Violation Convictions - Moral Turpitude (DUI)
Summary In December of 2005, Respondent was convicted of DUI and Possession of Marijuana, Class 1 Misdemeanors. Respondent failed to disclose the convictions in a timely manner to the Department.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date July 25, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty, 6 hrs CE in Commissioner's Standards, 2 yr Provisional License.

Name Sabrina Marie Ernst
License Number Unlicensed Applicant
Violation Convictions - Other (Misdemeanor)

Summary Respondent disclosed a January 2002 undesignated conviction for Possession of Drug Paraphernalia. Placed on 12 month probation, conviction reduced to a Class 1 misdemeanor.
Statutes/Rules A.R.S. §32-2153 (B)(7)
Order Date July 18, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor; \$5,000 surety bond

Name Mark Robert Flores
License Number SA537268000
Violation Convictions - Moral Turpitude (DUI)
Summary In November 2005, Respondent was convicted of misdemeanor Extreme DUI. Respondent notified the Department in a timely manner.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2) and (B)(7)
Order Date June 27, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty; 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing, Sobriety Monitor and AA attendance.

Name Full Service Realty, Inc.
License Number CO563298000
Violation Broker Supervision
Summary Department audit of respondent found numerous violations, respondents failed to keep sales records and utilize property management agreements in compliance with statutes and rules.
Statutes/Rules A.R.S. §32-2151.01 (A)(E)(G); §32-2153 (A)(3), (A)(18), (A)(21); §32-2173 (A), §32-2173 (A)(1)(b), (c), (f); A.A.C. R4-28-1103 (A).
Order Date June 19, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty (jointly and severally).

Name Herman Phillip Harris
License Number BR010176000
Violation Multiple violations
Summary Failed to submit a Broker Audit Declaration, failed to respond to Department requests, lack of signage at office
Statutes/Rules A.R.S. §32-2126 (B), §32-2153 (A)(3), (A)(17), (B)(11); A.A.C. R4-28-301 (G) and R4-28-303 (A)(2)(f)
Order Date June 7, 2006
Order Type Consent Order
Order Terms License renewal granted, \$2,000 Civil Penalty, 3 hr CE in Commissioner's Standards, 3 hr CE in Business Brokerage, compliance with signage Requirements

Name Susan Elaine Jackson
License Number SA559694000
Violation False Application
Summary Respondent failed to disclose a 1996 misdemeanor conviction for Assault when applying for initial salesperson licensure in March of 2005.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(1), (B)(7), (B)(10)
Order Date July 27, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty; 6 hours CE in Commissioner's Standards; 2 year Provisional License with Broker Acknowledgment

DISCIPLINARY DECISIONS

Consent Orders continued



Name Heather Denae Johnson
License Number SA548646000
Violation Convictions - Moral Turpitude (DUI)
Summary Petitioner notified the Department of a 2004 conviction for DUI and a 2005 conviction for DUI when applying for license renewal in March of 2006. Petitioner failed to notify the Department of the convictions in a timely manner.

Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7); A.A.C. R4-28-301 (F)
Order Date July 5, 2006
Order Type Consent Order
Order Terms License renewal granted; \$2,000 Civil Penalty, 6 hours CE in Commissioner's Standards, 2 year Provisional License with Practice Monitor.

Name Abby Johnson
License Number SA567452000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary Internet advertisement for rental indicated electricity was included in rent and no definite cost for pet deposit. When Complainant met with salesperson, was told that electricity was not included. Complainant was also told that pet deposit would be \$200, depending on the pet as well as the number of pets, which was not included in the ad. Complainant placed a \$500 deposit on the rental but requested a refund and was denied. Broker eventually refunded the deposit.

Statutes/Rules A.R.S. §32-2153 (A)(1), (A)(3), (A)(22); A.A.C. R4-28-502 (C)
Order Date July 5, 2006
Order Type Consent Order
Order Terms \$500 Civil Penalty; 3 hour CE in Commissioner's Standards and 3 hours CE in Disclosures; 2 year Provisional License with Broker Acknowledgment

Name Rick W. Katt
License Number SA116942000
Violation Multiple violations
Summary Respondent failed to complete continuing education courses as required, filed a false or misleading license renewal application and failed to respond to multiple written communications from the Department.

Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(1)
Order Date July 28, 2006
Order Type Consent Order
Order Terms 2 year Provisional License with Broker Acknowledgment; \$1,000 Civil Penalty; compliance with education requirements within 30 days

Name Terry Kozell
License Number BR026436000
Violation Broker Supervision
Summary Internet advertisement for rental indicated electricity was included in rent and no definite cost for pet deposit. When Complainant met with salesperson, was told that electricity was not included. Complainant was also told that pet deposit would be \$200, depending on the pet as well as the number of pets, which was not included in the ad. Complainant placed a \$500 deposit on the rental but requested a refund and was denied. Broker eventually refunded the deposit. Broker failed to adequately supervise a salesperson.

Statutes/Rules A.R.S. §32-2153 (A)(1), (A)(3), (A)(22); A.A.C. R4-28-502 (C), R4-28-1103 (A)
Order Date July 5, 2006
Order Type Consent Order
Order Terms \$500 Civil Penalty; 3 hour CE in Commissioner's Standards and 3 hours CE in Disclosures; 2 year Provisional License

Name Liberty Properties & Associates, Inc.
License Number CO531760000
Violation Unlawful Sales (Development)
Summary Respondents advertised parcels for sale and possible splitting without applying for and receiving a Public Report and without written notice to the Commissioner of an intention to offer parcels for sale. Broker failed to properly supervise salesperson.

Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(22); §32-2195.03 (A), (B)(6) (D) & (G), §32-2195.05 (F)
Order Date July 31, 2006
Order Type Consent Order
Order Terms Cease and Desist sales; \$1,000 Civil Penalty

Name Adrian Luna
License Number Unlicensed Individual
Violation Convictions - Other (Misdemeanor)
Summary Petitioner, as part of original salesperson's license application, disclosed a February 2006 Class 1 misdemeanor conviction for False Statement. Conviction resulted from receiving unemployment benefits in 2004 while employed.

Statutes/Rules A.R.S. §32-2153 (B)(10)
Order Date June 21, 2006
Order Type Consent Order
Order Terms 2 year Provisional License with Practice Monitor; \$15,000 surety bond.

Name Thomas Mallaro
License Number BR113607000
Violation Broker Supervision
Summary Department audit of respondent found numerous violations, respondents failed to keep sales records and utilize property management agreements in compliance with statutes and rules. Respondent DB failed to properly supervise.

Statutes/Rules A.R.S. §32-2151.01 (A)(E)(G); §32-2153 (A)(3), (A)(18), (A)(21); §32-2173 (A), §32-2173 (A)(1)(b), (c), (f); A.A.C. R4-28-1103 (A).
Order Date June 19, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty (jointly and severally); 6 hour CE in Commissioner's Standards and a 3-hour Broker Management Clinic.

Name Kevin Michael Martin
License Number Unlicensed Applicant
Violation Convictions - Other (Misdemeanor)
Summary In July of 2005, petitioner for an original license disclosed an 1999 felony charge for Possession of a Controlled Substance and misdemeanor conviction for Possession of Drug Paraphernalia.

Statutes/Rules A.R.S. §32-2153 (B)(7)
Order Date July 5, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Broker Acknowledgment

DISCIPLINARY DECISIONS

Consent Orders continued



Name Alfred Leroy Mathena
License Number BR005557000
Violation Trust Account Irregularities
Summary Respondent has not maintained appropriate trust account records, does not have a written policy manual, has shown negligence and a lack of proper supervision.
Statutes/Rules A.R.S. §32-2151 (B)(2), §32-2153 (A)(3), (A)(21) & (A)(22), §32-2173 (A)(1)(c); A.A.C. R4-28-1103
Order Date June 26, 2006
Order Type Consent Order
Order Terms 1 year Provisional License; \$5,000 Civil Penalty; make trust accounts whole within 90 days; 9 hours CE in General Real Estate with emphasis on Property Management and Trust Account Procedures and a 3-hour broker management class.

Name James Harris Meredith
License Number BR012170000 and SE012170000
Violation Convictions - Moral Turpitude (DUI)
Summary In October of 2005, Respondent timely reported a conviction for Extreme DUI, a Class 1 Misdemeanor.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7)
Order Date July 25, 2006
Order Type Consent Order
Order Terms Renewal of license granted; 2 year Provisional License; \$1,500 Civil Penalty, 2 year Sobriety Monitor and AA attendance.

Name Faith Elizabeth Michaels
License Number Unlicensed Applicant
Violation Convictions - Other (Misdemeanor)
Summary Applicant disclosed a March 2005 California misdemeanor conviction for Cultivation of Spores and Mycelium.
Statutes/Rules A.R.S. §32-2153 (B)(7)
Order Date July 6, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor.

Name Dalbert Miller
License Number BR006142000
Violation Unlicensed Activity
Summary Broker conducted real estate activity for approximately 3 months while entity license was expired.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(10), (A)(14), (A)(21), and (B)(6)
Order Date July 6, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty (jointly and severally); 6 hours CE in Commissioner's Standards and 3 hour Broker Management Clinic; 2 year Provisional License.

Name Miller & Associates Realty, Inc.
License Number CO521662000
Violation Unlicensed Activity
Summary Entity conducted real estate activity for approximately 3 months while license was expired.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(10), (A)(14), (A)(21), and (B)(6)
Order Date July 6, 2006

Order Type Consent Order
Order Terms \$1,000 Civil Penalty (jointly and severally)

Name Kay J. Moore
License Number SA505491000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary In October of 2003, Respondent allowed a purchase contract to be transmitted to a seller but did not immediately advise the seller that the buyer decided not to go through with the purchase. Respondent also signed a receipt for deposit of earnest money when the deposit had not been received.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(22); A.A.C. R4-28-1101 (C)
Order Date June 8, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty; 12 hours CE in Commissioner's Standards.

Name Patricia L. Morrison
License Number BR100122000
Violation Unlicensed Activity
Summary Respondent continued to act as Designated Broker for an entity for approximately 3 months while broker's license was expired.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (A)(3), (A)(14), (B)(6), (B)(10)
Order Date July 5, 2006
Order Type Consent Order
Order Terms \$500 Civil Penalty; 6 hours CE in Commissioner's Standards and 3 hour Broker Management Clinic; 2 year Provisional License.

Name Pacific Forest Land, Inc.
License Number Unlicensed Entity
Violation Unlawful Sales (Development)
Summary Respondent purchased multiple lots in 3 different subdivisions located in Coconino County, Arizona and resold lots without complying with public report requirements.
Statutes/Rules A.R.S. §32-2181 (A), §32-2183 (F); A.A.C. R4-28-803 (A), R4-28-804 (A), R4-28-805
Order Date July 25, 2006
Order Type Consent Order
Order Terms Cease and Desist sales; \$30,000 Civil Penalty (joint and severally); offer rescission to purchasers; apply for public report.

Name Nathan Pattee
License Number Unlicensed Individual
Violation Convictions - Other (Misdemeanor)
Summary Respondent disclosed multiple misdemeanor convictions from August of 1998 through August of 2003 as part of original license application.
Statutes/Rules A.R.S. §32-2153 (B)(7)
Order Date June 12, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor.

DISCIPLINARY DECISIONS

Consent Orders continued



Name Timothy John Piegari
License Number Unlicensed Applicant
Violation Convictions - Felonies
Summary In October of 1998, Respondent was convicted for Possession of Marijuana for Sale, a Class 3 Felony. Respondent was sentenced to 2.5 years incarceration, assessed fines and fees of \$16,000 and, upon release from incarceration, placed on Probation. In September of 2005, a court order was issued vacating the judgment of guilt.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7), (B)(10)
Order Date July 21, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor; \$25,000 surety bond; 2 year Body Fluid Testing.

Name Prime Realty Network, LLC
License Number LC541732000
Violation Dishonest Dealings
Summary Respondent paid compensation to an unlicensed entity.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(10), (A)(21); §32-2155 (A)&(B)
Order Date June 2, 2006
Order Type Consent Order
Order Terms \$2,000 Civil Penalty (jointly and severally)

Name Khaled Sawaked
License Number SA547136000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary Respondent failed to return phone calls to complainant regarding placement of complainant's name on a prospective buyer's list. As a result, complainant was removed from the list and subsequent placement resulted in additional costs to buyer.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-1101 (A), (C), (I)
Order Date July 25, 2006
Order Type Consent Order
Order Terms Renewal application approved; \$1,000 Civil Penalty; 6 hours CE in Commissioner's Standards; 2 year Provisional License with Broker Acknowledgment

Name Thomas Michael Scallon
License Number SA041912000
Violation Convictions - Moral Turpitude (DUI)
Summary In January 2006, Respondent convicted of misdemeanor DUI in City of Phoenix Municipal Court. Respondent's Original License issued in 2003 with 2 year Provisional License status; Practice Monitor, BFT. Based upon prior misdemeanor convictions for DUI.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7)
Order Date June 6, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty; 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing, Sobriety Monitor and AA attendance.

Name Bradley J. Schmidt
License Number Unlicensed Individual
Violation Other Jurisdiction Sanction
Summary As part of original license application, petitioner disclosed a May 2004 judgment entered by U.S. District Court ordering petitioner pay a \$30,000 civil penalty involving a civil action filed by the US Securities and Exchange Commission ("SEC"). Petitioner was also suspended from practicing before the SEC for 5 years. In October of 2005, Petitioner was placed on 3-year probation by the California Board of Accountancy.
Statutes/Rules A.R.S. §32-2153 (B)(7), (B)(10)
Order Date July 5, 2006
Order Type Consent Order
Order Terms 2 year Provisional License with Practice Monitor; \$25,000 Surety Bond

Name Donald Schmitt
License Number BR009055000
Violation Breach of Fiduciary Duty/Fail to Deal Fairly
Summary Respondent provided property keys to a purchaser before being authorized to do so by seller.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-1101 (A)
Order Date June 5, 2006
Order Type Consent Order
Order Terms \$1,000 Civil Penalty.

Name Marilyn Lee Stepp
License Number Unlicensed Applicant
Violation Convictions - Felonies
Summary Respondent disclosed a January 1994 felony conviction for Grand Theft Property. Sentenced to 60 days incarceration, pay restitution and placed on 5 year probation
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(10)
Order Date June 5, 2006
Order Type Consent Order
Order Terms License granted; 2 year Provisional License with Practice Monitor; \$15,000 surety bond

Name James Scott Watson
License Number SA509293000
Violation Convictions - Moral Turpitude (DUI)
Summary May 2004, Respondent convicted of DUI, a Class 1 Misdemeanor. Respondent did not notify the Department of the convictions in a timely manner.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7); A.A.C. R4-28-301 (F)
Order Date June 7, 2006
Order Type Consent Order
Order Terms License renewal granted; \$1,000 Civil Penalty; 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing, Sobriety Monitor and AA attendance.



COMMISSIONER'S FINAL ORDERS

Name Andrew D. Blank
License Number Unlicensed Individual
Violation Convictions - Theft
Summary As part of an original license application, Petitioner disclosed a 2004 misdemeanor conviction for Burglary.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7) and (B)(10)
Order Date June 27, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Mark A. Brencick
License Number Unlicensed individual
Violation Convictions - Moral Turpitude (DUI)
Summary As part of an original license application, Petitioner disclosed a 1998 DUI conviction and a 2000 DUI conviction.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7)
Order Date June 2, 2006
Order Type Commissioner's Final Order
Order Terms 2 year Provisional License with Practice Monitor, \$20,000 surety bond

Name Stephen C.P. Carroll
License Number Unlicensed Individual
Violation Other Jurisdiction Sanction
Summary Petitioner no longer licensed to practice law in Oregon and is not eligible for reinstatement. Failed to file 1998 and 1999 income tax returns; 2 complaints involving criminal conduct, lawyer' honesty or fitness; dishonesty, fraud, deceit or misrepresentation; illegal or excessive fees; failure to deposit and maintain client funds in a trust account; failure to render appropriate accounts to clients for client funds.
Statutes/Rules A.R.S. §32-2153 (B)(5) and (7)
Order Date June 27, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Angel Xavier Garcia
License Number Unlicensed Individual
Violation Convictions - Felonies
Summary As part of an original license application, Petitioner disclosed 1995 and 1996 felony convictions.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(9)
Order Date June 2, 2006
Order Type Commissioner's Final Order
Order Terms 2 year Provisional License with Practice Monitor; \$15,000 surety bond

Name Mark Goldstone
License Number Unlicensed Individual
Violation Convictions - Other (Misdemeanor)
Summary As part of an original license application, Petitioner disclosed multiple misdemeanor convictions for DUI, Domestic Violence/Assault, Bad Check violations, unlawful dumping and Biting Animal/Leash Law offense.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7), (B)(9) and (B)(10)
Order Date July 5, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Scott S. Hayes
License Number Unlicensed Applicant
Violation Convictions - Felonies
Summary 1993 - felony conviction for Possession of Cocaine While Armed with a Loaded Operable Firearm; 1994 felony convictions for Sale of a Controlled Substance and Giving False Information to a Police Officer; 1997 - misdemeanor conviction for DUI; 1998, felony conviction for Unlawful Flight from Pursuing Law Enforcement Vehicle; 2002 - misdemeanor conviction for Resisting Arrest and 2004 - misdemeanor conviction for Disorderly Conduct
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7), (B)(10)
Order Date July 17, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Todd Headlee
License Number Unlicensed individual
Violation Convictions - Felonies
Summary As part of an original license application, Petitioner disclosed a 2001 felony conviction in California for Possession for Sale of a Controlled Substance and a 2001 conviction in California for DUI.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7)
Order Date June 12, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name William Larkin
License Number Unlicensed Individual
Violation Convictions - Felonies
Summary Petitioner, when applying for licensure, disclosed a previous felony conviction for Aggravated Assault.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7) and (B)(10)
Order Date July 5, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Darren M. Mercier
License Number Unlicensed Individual
Violation Convictions - Felonies
Summary As part of an original license application, Petitioner disclosed 1990 felony convictions for aggravated battery and grand theft in the State of Florida.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7) and (B)(10)
Order Date June 14, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Tiffany Nelson
License Number SA514253000
Violation Convictions - Moral Turpitude (DUI)
Summary Petitioner was convicted of Extreme DUI in November of 2003 and did not report the conviction in a timely manner.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7); A.A.C. R4-28-301 (F)
Order Date July 5, 2006
Order Type Commissioner's Final Order
Order Terms 2 year Provisional License with Practice Monitor; 2 year Body Fluid Testing, Sobriety Monitor and AA attendance; \$1,000 Civil Penalty

DISCIPLINARY DECISIONS

Commissioner's Final Orders continued



Name Kenneth Pinson
License Number SA541440000
Violation Convictions - Violence against another person
Summary As part of an renewal license application, Petitioner disclosed a 2005 misdemeanor conviction for Assault.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(7), (B)(10)
Order Date June 5, 2006
Order Type Commissioner's Final Order
Order Terms 2 year Provisional License with Practice Monitor

Name Veronica Salter
License Number Unlicensed Applicant
Violation Convictions - Moral Turpitude (DUI)
Summary Petitioner disclosed misdemeanor convictions in 2004 and 2005 for driving on a suspended license and a 2005 misdemeanor conviction for Extreme DUI.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7)
Order Date July 12, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Robert Paul Stevens
License Number Unlicensed Applicant
Violation Convictions - Felonies
Summary 1998 felony conviction in California for Possession of a Controlled Substance; multiple misdemeanor convictions in California for Disorderly Conduct, Possession of Open Container, DUI, Reckless Driving and Disorderly Conduct.
Statutes/Rules A.R.S. §32-2153 (B)(2), (B)(7), (B)(9)
Order Date July 12, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

Name Makeda Sulce
License Number Unlicensed Applicant
Violation Convictions - Other (Misdemeanor)
Summary June and July 2004 convictions for False Information to a Law Enforcement Officer
Statutes/Rules A.R.S. §32-2153 (B)(3), (B)(7)
Order Date July 10, 2006
Order Type Commissioner's Final Order
Order Terms Denial of license

SUMMARY SUSPENSIONS

Name Joshua Allen Ahern
License Number SA549916000
Violation Convictions - Moral Turpitude (DUI)
Summary January 2005 conviction for DUI. Failure to notify the Department in a timely manner. Failure to respond to Department requests for information.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(7), (B)(11); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date July 5, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Robert M. Clendenning
License Number BR522362000
Violation Convictions - Felonies
Summary In April of 2006, Respondent was convicted of Aggravated Forgery, a Class B felony in the State of Maine. Respondent was sentenced to 18 months imprisonment and 1 year probation. Respondent failed to disclose the conviction to the Department as required.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(3), (B)(5), (B)(7), (B)(10); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date June 15, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of broker's license

Name William Mervyn Dominguez, Jr.
License Number SA537708000
Violation Convictions - Felonies
Summary In March of 2005, Respondent convicted of Theft, a class 3 felony and sentenced to 1 year incarceration with work release, placed on 5 years probation, ordered to pay restitution and fines totaling \$276,034.68. Respondent failed to notify the Department of the felony conviction as required.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(5), (B)(7), (B)(10); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date July 17, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Rick W. Katt
License Number SA116942000
Violation Multiple violations
Summary Respondent failed to complete continuing education courses as required, filed a false or misleading license renewal application and failed to respond to multiple written communications from the Department.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(1), (B)(7), (B)(11)
Order Date June 30, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license. 07/28/2006 - Summary Suspension lifted.

Name Robert David Levison
License Number SA520560000
Violation Convictions - Moral Turpitude (DUI)
Summary Multiple convictions for DUI; actions taken by a regulatory entity (Dental Board) against Respondent; failure to disclose convictions and regulatory actions; failure to respond to Department request.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(1), (B)(3), (B)(7), (B)(11); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date June 16, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

DISCIPLINARY DECISIONS

Summary Suspensions continued



Name Richard James McGee
License Number SA540263000
Violation Dishonest Dealings
Summary In November of 2005, Respondent cashed commission checks made out to brokerage. Respondent failed to respond to multiple requests for information from Department
Statutes/Rules A.R.S. §32-2153 (A)(1), (A)(3), (A)(7), (B)(2), (B)(5), (B)(7), (B)(10); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date July 13, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Jason Mongeau
License Number SA546310000
Violation Non-compliance with Order
Summary In March of 2006, Respondent entered into a Consent Order with the Department, part of which Respondent agreed not to consume alcohol, illegal drugs or controlled substances not prescribed by a treating physician. In June of 2006, the Department received a report that Respondent had tested positive for alcohol.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(24), (B)(9)
Order Date June 28, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Mayra Nogales
License Number SA556412000
Violation Convictions - Felonies
Summary In May of 2005, Respondent convicted of Theft, a class 4 felony and sentenced to 2.5 years incarceration. Respondent failed to notify the Department of the felony conviction as required.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(5), (B)(7), (B)(10); A.A.C. R4-28-301 (A)(1)(a) and R4-28-301 (F)
Order Date June 6, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Timothy John Parker
License Number BR106366000 and SE106366000
Violation Convictions - Felonies
Summary March 2005 conviction for Forgery, a Class 4 felony. Sentenced to 3 months probation. April 2006 conviction affirmed by Arizona Court of Appeals
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(5), (B)(7), (B)(10)
Order Date July 19, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of broker's licenses

Name Kyle Richard Riedy
License Number SA564037000
Violation Non-compliance with Order
Summary In August of 2005, Respondent entered into a Consent Order with the Department, part of which Respondent agreed not to consume alcohol, illegal drugs or controlled substances not prescribed by a treating physician. In April of 2006, the Department received a report that Respondent had tested positive for alcohol.
Statutes/Rules A.R.S. §32-2153 (A)(3), (A)(24), (B)(9)
Order Date June 29, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Veronica Staron
License Number SA545919000
Violation False Application
Summary Respondent had not completed required CE courses, filed a false application, and failed to respond to Department requests for information
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(1) and (B)(7)
Order Date June 8, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

Name Celeste Ann Thompson
License Number SA556075000
Violation Convictions - Felonies
Summary In March of 2005, Respondent convicted of Theft, a class 3 felony and placed on 4 years probation, ordered to pay restitution and fines totaling \$33,178.30. Respondent failed to notify the Department of the felony conviction as required.
Statutes/Rules A.R.S. §32-2153 (A)(3), (B)(2), (B)(5), (B)(7), (B)(10); A.A.C. R4-28-301 (F) and R4-28-303 (D)
Order Date July 13, 2006
Order Type Summary Suspension
Order Terms Summary Suspension of salesperson's license

ACCELERATED SETTLEMENT AGREEMENTS

Name Vera Anderson
License Number SA531762000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 23, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

Name David F. Ateah
License Number SA530928000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 12, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name Bradley Baird
License Number BR531285000
Violation Advertising
Summary Salesperson's advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E), R4-28-1103 (A), (A)(5)(b), (B)
Order Date May 22, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

DISCIPLINARY DECISIONS

Accelerated Settlement Agreements continued



Name	Kristen K. Behn	Statutes/Rules	broker. A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
License Number	SA550747000	Order Date	May 11, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$500 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	James G. Coyne / Univest Commercial, LLC
Order Date	June 2, 2006	License Number	LC102928000
Order Type	Consent Order (ASA)	Violation	Unlicensed Activity
Order Terms	\$1,000 C. P.	Summary	Conducted sales activities without an active license.
Name	Sheri A. Best	Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)
License Number	SA520806000	Order Date	June 14, 2006
Violation	Failure to Disclose in a Timely Manner	Order Type	Consent Order (ASA)
Summary	Failed to disclose, within 10 days, January 2005 misdemeanor conviction for Operating While Intoxicated.	Order Terms	\$4,000 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)	Name	Patrick T. Cunningham
Order Date	May 25, 2006	License Number	SA548800000
Order Type	Consent Order (ASA)	Violation	Failure to Disclose in a Timely Manner
Order Terms	\$1,000 C. P.	Summary	Failed to disclose, within 10 days, March 2006 misdemeanor conviction for DUI and change of address.
Name	Durmond R. Blatnik	Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
License Number	SA038253000	Order Date	July 18, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$1,200 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	Margaret Carann Dixon
Order Date	April 24, 2006	License Number	BR112590000
Order Type	Consent Order (ASA)	Violation	Broker Supervision
Order Terms	\$2,000 C. P.	Summary	Failed to properly supervise; allowing sales activities by an unlicensed person.
Name	Jorge Calvo	Statutes/Rules	A.R.S. §32-2153 (A)(6), (A)(21)
License Number	SA533798000	Order Date	June 8, 2006
Violation	Failure to Disclose in a Timely Manner	Order Type	Consent Order (ASA)
Summary	Failed to disclose, within 10 days, November 2004 misdemeanor conviction for DUI.	Order Terms	\$1,500 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)	Name	Michael Dunlevy
Order Date	June 19, 2006	License Number	SA535247000
Order Type	Consent Order (ASA)	Violation	Advertising
Order Terms	\$1,000 C. P.	Summary	Advertisement did not include name of employing broker.
Name	Rolf W. Christiansen / Kris Properties, LLC	Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
License Number	BR116461000	Order Date	July 13, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$1,000 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	Michael Patrick Embry / Pin Point Properties, LLC
Order Date	April 19, 2006	License Number	LC547434000
Order Type	Consent Order (ASA)	Violation	Unlicensed Activity
Order Terms	\$4,000 C. P.	Summary	Conducted sales activities without an active license.
Name	Shawn Coats	Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)
License Number	SA503837000	Order Date	June 13, 2006
Violation	Advertising	Order Type	Consent Order (ASA)
Summary	Advertisement did not include name of employing broker.	Order Terms	\$4,000 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)	Name	Douglas Coats
Order Date	May 4, 2006	License Number	SA503863000
Order Type	Consent Order (ASA)	Violation	Advertising
Order Terms	\$500 C. P.	Summary	Advertisement did not include name of employing

DISCIPLINARY DECISIONS

Accelerated Settlement Agreements continued



Name Geoffrey Foster
License Number SA566153000
Violation Advertising
Summary Advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
Order Date May 17, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Duane B. Fouts
License Number BR032120000
Violation Broker Supervision
Summary Failed to properly supervise; allowing sales activities by an unlicensed person.
Statutes/Rules A.R.S. §32-2153 (A)(6), (A)(21)
Order Date July 17, 2006
Order Type Consent Order (ASA)
Order Terms \$4,000 C. P.

Name Estela R. Garcia
License Number SA545952000
Violation False Application
Summary Failed to complete Continuing Education requirements required for license renewal.
Statutes/Rules A.R.S. §32-2130, §32-2153 (B)(1); A.A.C. R4-28-402
Order Date February 23, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P. and proof of completion of continuing education courses.

Name Jeffrey Gary
License Number SA529033000
Violation Advertising
Summary Advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
Order Date May 15, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Marvin Green
License Number SA523652000
Violation Advertising
Summary Advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
Order Date May 17, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Robert "Bob" Gutierrez
License Number SA509413000
Violation Failure to Disclose in a Timely Manner
Summary Failed to disclose, within 10 days, June 2005 misdemeanor conviction for Assault and Criminal Damage.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
Order Date June 30, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

Name Pamela Danley Hushek / Danley Real Estate Services, Inc.
License Number CO001404000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 2, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name Lawrence Keith Hutter / Hutter Real Estate Services, Inc.
License Number CO545467000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 2, 2006
Order Type Consent Order (ASA)
Order Terms \$6,000 C. P.

Name Jeri P. Hyland
License Number BR036599000
Violation Broker Supervision
Summary Failed to properly supervise; allowing sales activities by an unlicensed person.
Statutes/Rules A.R.S. §32-2153 (A)(6), (A)(21)
Order Date April 18, 2006
Order Type Consent Order (ASA)
Order Terms \$2,500 C. P.

Name Kip Erwin Johnson / Diamond Foothills Properties, LLC
License Number LC510150000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 8, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name James R. Kelder
License Number BR005420000
Violation Failure to Disclose in a Timely Manner
Summary Failed to disclose, within 10 days, November 2004 misdemeanor conviction for Driving Under the Influence.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
Order Date June 21, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

Name Steven M. Luckett
License Number BR115801000
Violation Broker Supervision
Summary Failed to properly supervise; allowing sales activities by an unlicensed person.
Statutes/Rules A.R.S. §32-2153 (A)(6), (A)(21)
Order Date June 2, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

DISCIPLINARY DECISIONS

Accelerated Settlement Agreements continued



Name	Stacy A. Martinat	Statutes/Rules	A.R.S. §32-2153 (A)(6), (A)(21)
License Number	BR522797000	Order Date	June 14, 2006
Violation	Failure to Disclose in a Timely Manner	Order Type	Consent Order (ASA)
Summary	Failed to disclose, within 10 days, September 2005 misdemeanor conviction for DUI.	Order Terms	\$2,000 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)	Name	Charles O'Dell
Order Date	July 6, 2006	License Number	SA541738000
Order Type	Consent Order (ASA)	Violation	Advertising
Order Terms	\$1,000 C. P.	Summary	Advertisement did not include name of employing broker.
Name	Charles G. McCord III	Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
License Number	SA506794000	Order Date	May 23, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$500 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	Andrew J. Ogan
Order Date	April 20, 2006	License Number	SA525585000
Order Type	Consent Order (ASA)	Violation	Unlicensed Activity
Order Terms	\$2,500 C. P.	Summary	Conducted sales activities without an active license.
Name	Brian McKernan	Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)
License Number	SA527658000	Order Date	June 28, 2006
Violation	Advertising	Order Type	Consent Order (ASA)
Summary	Advertisement did not include name of employing broker.	Order Terms	\$500 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)	Name	Jason J. Ordean
Order Date	May 23, 2006	License Number	SA548042000
Order Type	Consent Order (ASA)	Violation	Convictions - Moral Turpitude (DUI)
Order Terms	\$500 C. P.	Summary	September 2005 conviction for misdemeanor DUI
Name	Timothy J. McMahon / McMahon Realty	Statutes/Rules	A.R.S. §32-2153 (B)(2), (B)(6)
License Number	PA521591000	Order Date	April 26, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$1,000 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	Michael T. Poturalski
Order Date	June 29, 2006	License Number	SA113586000
Order Type	Consent Order (ASA)	Violation	Failure to Disclose in a Timely Manner
Order Terms	\$3,000 C. P.	Summary	Failed to disclose, within 10 days, November 2005 misdemeanor conviction for DUI.
Name	Kenneth Owen McQueen	Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
License Number	SA112250000	Order Date	June 20, 2006
Violation	Unlicensed Activity	Order Type	Consent Order (ASA)
Summary	Conducted sales activities without an active license.	Order Terms	\$1,000 C. P.
Statutes/Rules	A.R.S. §32-2130 (B), §32-2153 (B)(6)	Name	James T. Purvis
Order Date	June 28, 2006	License Number	BR004434000
Order Type	Consent Order (ASA)	Violation	Broker Supervision
Order Terms	\$500 C. P.	Summary	Failed to properly supervise; allowing sales activities by an unlicensed person.
Name	Timothy Murphy	Statutes/Rules	A.R.S. §32-2153 (A)(6), (A)(21)
License Number	SA543935000	Order Date	July 20, 2006
Violation	Advertising	Order Type	Consent Order (ASA)
Summary	Advertisement did not include name of employing broker.	Order Terms	\$2,000 C. P.
Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)	Name	James Reynolds
Order Date	May 23, 2006	License Number	SA552820000
Order Type	Consent Order (ASA)	Violation	Advertising
Order Terms	\$500 C. P.	Summary	Advertisement did not include name of employing broker.
Name	Darrell L. Obert	Statutes/Rules	A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
License Number	BR004930000	Order Date	May 17, 2006
Violation	Broker Supervision	Order Type	Consent Order (ASA)
Summary	Failed to properly supervise; allowing sales activities by an unlicensed person.	Order Terms	\$500 C. P.

DISCIPLINARY DECISIONS

Accelerated Settlement Agreements continued



Name Bill Rimsza / Rimsza Realty, Inc.
License Number CO103129000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date April 25, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name Bonnie M. Ring / Sun Lakes Homeowners' Association #1, Inc.
License Number CO001203000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date July 5, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name Sharon Rodgers
License Number SA544977000
Violation Advertising
Summary Advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
Order Date June 5, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Frank W. Sciascia / F&J Home Services, Inc.
License Number CO531998000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 30, 2006
Order Type Consent Order (ASA)
Order Terms \$3,000 C. P.

Name Mark A. Seale
License Number BR024402000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date June 29, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Dianne Sikel
License Number SA109214000
Violation Advertising
Summary Advertisement that offered to pay unlicensed persons for performing real estate activity.
Statutes/Rules A.R.S. §32-2155 (B)
Order Date April 26, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name Jerry J. Tuzil
License Number BR102306000
Violation Broker Supervision
Summary Failed to properly supervise; allowing sales activities by an unlicensed person.

Statutes/Rules A.R.S. §32-2153 (A)(6), (A)(21)
Order Date May 30, 2006
Order Type Consent Order (ASA)
Order Terms \$2,500 C. P.

Name Jeffrey D. Unverferth
License Number SA113142000
Violation Failure to Disclose in a Timely Manner
Summary Failed to disclose, within 10 days, June 2004 misdemeanor conviction for DUI.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
Order Date April 19, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

Name Lynford Walters
License Number SA104877000
Violation Advertising
Summary Advertisement did not include name of employing broker.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-502 (E)
Order Date June 26, 2006
Order Type Consent Order (ASA)
Order Terms \$500 C. P.

Name James B. Watkins
License Number BR021813000
Violation Broker Supervision
Summary Failed to properly supervise; allowing sales activities by an unlicensed person.
Statutes/Rules A.R.S. §32-2153 (A)(6), (A)(21)
Order Date June 28, 2006
Order Type Consent Order (ASA)
Order Terms \$2,000 C. P.

Name Stephen C. Weber / Peak PM LLC
License Number LC547263000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date April 24, 2006
Order Type Consent Order (ASA)
Order Terms \$3,000 C. P.

Name Susan Marie Wester / Adobe Property Management, Inc.
License Number CO001139000
Violation Unlicensed Activity
Summary Conducted sales activities without an active license.
Statutes/Rules A.R.S. §32-2130 (B), §32-2153 (B)(6)
Order Date April 28, 2006
Order Type Consent Order (ASA)
Order Terms \$6,000 C. P.

Name Donald Zgierski
License Number SA044272000
Violation Failure to Disclose in a Timely Manner
Summary Failed to disclose, within 10 days, January 2006 misdemeanor conviction for DUI.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
Order Date July 20, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.



Name Timothy A. Zubey
License Number SA549742000
Violation Failure to Disclose in a Timely Manner
Summary Failed to disclose, within 10 days, November 2004 misdemeanor conviction for DUI.
Statutes/Rules A.R.S. §32-2153 (A)(3); A.A.C. R4-28-301 (F)
Order Date June 7, 2006
Order Type Consent Order (ASA)
Order Terms \$1,000 C. P.

END OF DISCIPLINARY DECISIONS
August / September 2006 Listings



HUH?



Some things that come to the Department just cause us to say “HUH?” Here are a few examples.

A broker, responding to a complaint, said “No, I didn’t tell the buyer that buying a house on a golf course might result in his house being hit by golf balls. I also didn’t tell him standing in the street might result in being hit by a car.”

A pest inspection form said the inspector checked “for 9 foot tall ants in the back yard.” (*Editor’s note: Heck, if they are 9 feet tall they can go anywhere they want!*)

A broker responded to a complaint saying “we **created and** documented the damages and vandalism that occurred...” (emphasis added).

A buyer, filing a complaint, said her agent did not tell her that removing the furnace would result in the house not having any heat.

A Complainant, in part of the LONG narrative of her complaint, said while her neighbor was out of town she “fed her dog a Golden Retriever.” (*Editor’s note: If she fed her dog a Golden Retriever it must be a pretty big dog – that’s quite a meal.*) □

Until recently, people having issues with their Home Owner’s Association (HOA) had few, if any, options for settling them, short of civil court action. Many people file complaints with the Department of Real Estate (ADRE) about disputes with their HOA. However, the ADRE has no jurisdiction in these situations and, until now, had no real option for a place to refer the complaint.

Although not providing specific oversight for HOAs, the 2006 Legislature passed House Bill 2824 addressing some HOA issues. This bill provides a process for an owner to follow if the owner wishes to contest a notice of violation, effective Sept. 21, 2006. It sets out specific requirements the HOA must include in the notice of violation. Additionally, the bill provides that the Department of Fire, Building and Life Safety (DFBLS) is responsible for assisting owners in obtaining a hearing in front of an Administrative Law Judge to adjudicate any disputes within the jurisdiction of the bill.

The DFBLS is not responsible for conducting investigations or regulating HOAs. However, it is responsible for assisting owners in obtaining and scheduling hearings before an Administrative Law Judge to adjudicate disputes. The DFBLS may be reached at
1110 West Washington, Suite 100
Phoenix, AZ 85007

Phone: 602.364.1003
Fax: 602.364.1052.



REMINDERS

Abbreviations Used In The Bulletin

AAC	Arizona Administrative Code (<i>usually citing the Rules promulgated by the Arizona Department of Real Estate, often referred to as "The Commissioner's Rules"</i>)
AAR	Arizona Association of REALTORS®
ADRE	Arizona Department of Real Estate
ARS	Arizona Revised Statutes
ICRESON	<i>Instituto Catastral y de Servicios Registrales</i> This is the agency within the Government of the State of Sonora, Mexico that maintains the public registry (<i>catastral</i>) of titles and deeds, and the voluntary registry of real estate agents working in Sonora.

ADRE's On-Line License Renewal System is Secure.

Not only is it convenient and easy, the On-Line ADRE License Renewal System is a secure site that uses industry standards implemented by IBM that meet State of Arizona standards for securing and transferring personal information over the Internet.

Payment and other screens handling sensitive information utilize encryption to keep your personal information safe.

Go to: www.azre.gov and click on the "Online Licensing" link.

License Renewal Is a Snap

when you use the ADRE On-Line License Renewal System.

go to: www.azre.gov and click on the "Online Licensing" link.

Watch for the
Launch
of the improved
ADRE web site !
www.azre.gov
Coming Soon.

Main Office:

2910 North 44th Street, 1st Floor
Phoenix, Arizona 85018
Phone: 602.468.1414
Fax: 602.468.0562

Southern Arizona Office:

400 W. Congress, Suite 523
Tucson, Arizona 85701
Phone 520.628.6940
Fax 520.628.6941

We are on the web:
<http://www.azre.gov>

THE BULLETIN

AN OFFICIAL PUBLICATION OF THE STATE OF ARIZONA,
DEPARTMENT OF REAL ESTATE.

JANET NAPOLITANO
GOVERNOR

ELAINE RICHARDSON
COMMISSIONER

RONALD PASSARELLI
DEPUTY COMMISSIONER

MARY C. UTLEY
COMMUNICATIONS DIRECTOR

REAL ESTATE ADVISORY BOARD

GARY BRASHER, CHAIR
LISA A. SUAREZ, VICE-CHAIR
R.L. BROWN, PAST CHAIR
VICKI L. COX-GOLDER
FRANK DICKENS
THOMAS J. PANCAZI
VINCE PELLERITO
FELIPE ANDRES ZUBIA
ANN WHITE



Note: Please check your mailing label and if the date above your name is more than 1 year old, you must subscribe for another year. Send your request along with a check for \$10 payable to ADRE and note on your envelope: Attention: Bulletin Subscription.

© 2006 ARIZONA DEPARTMENT OF REAL ESTATE. THE ARIZONA DEPARTMENT OF REAL ESTATE BULLETIN, OR "THE BULLETIN," IS SCHEDULED TO BE PUBLISHED 6 TIMES A YEAR AND IS AVAILABLE FROM THE WEB SITE ABOVE. FIRST-CLASS MAIL SUBSCRIPTIONS ARE AVAILABLE FOR \$10 PER YEAR. ARTICLES REPRINTED FROM OTHER PUBLICATIONS DO NOT NECESSARILY REFLECT THE POLICIES OR INTERPRETATIONS OF LAW BY THE ARIZONA DEPARTMENT OF REAL ESTATE.

ADRE is an
EQUAL EMPLOYMENT OPPORTUNITY
and REASONABLE ACCOMMODATION
AGENCY.