



T H E
Arizona Department of Real Estate
B U L L E T I N

November 2003

Volume 29, Issue 4

**You Are Cordially Invited to Attend
a Special Stakeholders' Meeting...**

Come one, come all – please join us for an upcoming meeting to hear the presentation from Stakeholder Committee Chairs on their recommendations to ADRE.

Date: *Thursday, November 13th, 2003*
Time: *10:30 am – 12noon*
Location: *2910 N. 44th Street, Phoenix,
3rd floor conference room*

Committees and Chairs

<i>Subdivision Rewrite</i>	<i>Vince Pellerito</i>
<i>Cemetery Statute Review</i>	<i>Bill Aaron</i>
<i>Timeshare/Condominium Laws Review</i>	<i>Mike Doyle</i>
<i>Property Management</i>	<i>Gina Hudson Suzanne Gilstrap</i>
<i>Virtual Office Websites</i>	<i>R.L. Brown</i>
<i>Department Rules Rewrite</i>	<i>Patty Richardson Ron Passarelli</i>
<i>Illegal License Activity</i>	<i>Doug Groppenbacher</i>
<i>Business Brokers</i>	<i>Keith McLeod</i>
<i>Suggested Fee Review</i>	<i>Pat Sheahan Todd Madeksza</i>
<i>Increasing Professionalism</i>	<i>Judy Lowe Ed Ricketts</i>

Please RSVP your attendance by sending an email to: crandolph@re.state.az.us.

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Our Mission

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

Certificate of Assured Water – Subsequent Owners Must Go With the Flow

By Guest Columnist John Gerard, Builder Service Manager for LandAmerica

For a number of years, developers purchasing 6 or more lots in an existing, already-registered subdivision (with a public report issued,) could simply notify the Commissioner pursuant to the guidelines and provisions set forth under A.R.S. 32-2181.02 (B)(2), that they qualified for a “Subsequent Owner Exemption.” If qualified, the subsequent owner uses the existing public report instead of obtaining a new public report. In most cases no other paperwork was necessary to begin lot sales using the existing public report.

Recently, however, changes within the Arizona Department of Water Resources (ADWR) have resulted in new procedures that have left some developers high and dry. The problem exists when a developer acquires lots in an existing subdivision, and the original developer was required to obtain a “Certificate of Assured Water Supply” (Certificate.)

Generally, the certificate is required if the water provider is a private company that has not been designated as having an assured water supply by ADWR. If the provider were a municipality, the Certificate in most cases would not be necessary. There are municipalities that are not designated providers.

So what does this mean to a developer acquiring land in an existing subdivision? It may be necessary for the new developer to obtain a Certificate in their name before they qualify for a “Subsequent Owner Exemption.” Unfortunately, this process could take a number of weeks and cost the developer in lost revenues, since no sales can legally be made without the public report or exemption.

Specifically, a Certificate is issued to the applicant, does not run with the land, and is non-transferable. Therefore, a new owner – in this case the subsequent owner– must apply for and obtain a new Certificate in their name prior to qualifying for the “Subsequent Owner Exemption.”


In order to aid the industry, the Arizona Department of Real Estate has agreed to allow the subsequent owner the option of applying for a “Conditional Sales Exemption.” This would allow the subsequent owner the ability to conduct sales under the conditional sales program and enter into purchase



contracts with buyers during the time in which they are awaiting issuance of the new Certificate.

Due to the fact that the conditional sales program is only being used while the new owner is awaiting his or her qualification for a “Subsequent Owner Exemption,” the existing public report, if current, may be given to prospective purchasers. Normally a copy of the questionnaire is given to a prospective buyer under the conditional sales program, but in these types of cases, the existing public reports may be used if they are current. The conditional sales exemption application should request authorization to use the public report in lieu of the questionnaire.

This solution provides the developer the ability to begin sales while awaiting the new “Certificate of Assured Water” to be issued in their name. After the issuance of the new certificate and successful qualification for a “Subsequent Owner Exemption,” the conditional contracts then become binding.

Editor's Note: Mr. Gerard is the Builder Services Manager for LandAmerica, overseeing the Builder Services Operations for Lawyers Title, Transnation Title and Commonwealth Title companies. He is a former state regulator and a Zoning Commissioner for the City of Peoria. He may be emailed at: igerard@landam.com. 



Commissioner's Corner

By Commissioner Elaine Richardson

A Perfect World...

Could you envision a world where:

- Pipelines didn't erupt.
- Everyone could afford to buy a home and homeowner's insurance was reasonable.
- Every agent or broker received credit for his or her own listing.
- There was enough money to hire sufficient staff to run the ADRE properly.
- Everyone understood "agency."
- Everyone read their contracts.
- Everyone *understood* their contracts.
- Everyone paid their fair share.
- Everyone knew what to disclose and did it.
- Illegal license activity and illegal subdivisions didn't exist.

However, since we don't live in "Real Estate Heaven," we are trying to solve some of these and other problems that are prevalent in our industry with your help; hence, the Stakeholders' Meetings. Your recommendations and participation showed a willingness to look at our industry with a broad perspective. I feel we achieved success in finding many solutions and gaining consensus in many areas of discussion.

I personally thank the members of the committees. Everyone did a first class job of finding and sharing solutions to these and many other areas that need attention. I also thank *you* for participating and giving of your time and expertise. We live in a world dominated by the demands on our time. Those of you who gave part of that precious commodity for the good of all of us, certainly deserve to be commended for your input.

We are not unique in our challenges as was evidenced by much of the information I gleaned in my recent participation at the Association of Real Estate License Law Officials (ARELLO) annual conference held in Portland, Oregon. ARELLO is a multi-national organization made up primarily of regulators that promote better administration, the sharing of information and professional improvement. Other jurisdictions seem to face similar problems as Arizona. I feel we are ahead of the curve in finding positive solutions.

I look forward to an exciting Stakeholders' Meeting on the 13th of this month, where we are asking the chairs of the various committees to present their findings and ultimate recommendations to the full committee. These recommendations will become part of our legislative and rule-making proposal packages. Hopefully many of your ideas will become a reality.

See you on the 13th! ☞

Do you like to write?

Do you have an article idea?*

If you would like to submit an article to be considered for inclusion in The Bulletin, please send your article to the Editor via email at: lcarrasco@re.state.az.us.

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

*Submissions of guest writers may not necessarily reflect the opinion of the Department and may be edited due to space limitations.

A NOTE ABOUT GUEST COLUMN ARTICLES...

GUEST COLUMN ARTICLES DO NOT NECESSARILY 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.

Up in Smoke? The Listing and Selling of Second-Home Properties Affected by Forest Fires

Guest Column By Bruce D. Greenberg, Principal Appraiser for Bruce D. Greenberg Inc.

Unfortunately in the past three years, the Arizona region has had adverse devastation to various second-home communities caused by forest fires. Specifically, the White Mountains and Mount Lemmon have had substantial damage. Both areas can be designated as stigmatized.

As the real estate community is aware, Commissioner's Rule R4-28-1101 (A) states that a licensed real estate broker or sales person owes a fiduciary to the client and shall protect the client's interest. A salesperson or broker shall also deal fairly with all parties to the transaction. R4-28-1101 (B) states that these licensees participating in a real estate transaction should also disclose in writing to all other parties, any information which the licensee possess that materially and adversely affects a real estate transaction.

The majority of the real estate community within Arizona uses contracts and documents prepared by the Arizona Association of Realtors, including: the Exclusive Right to Sell, the Property Seller's Disclosure Statement, the Real Estate Purchase Contract and a Receipt for Deposit. These documents place the buyer, the seller and the real estate community on notice as to full disclosure.

Last year, this appraiser had the opportunity to travel to Mount Lemmon, the Heber/Overgaard area in the White Mountains, as well as the Taos, Los Alamos and Ruidoso, New Mexico areas which were all adversely affected by forest fires. What I learned, is that a property, either charred, or non-charred is still adversely affected by the effects of the forest fire.



The marketplace demonstrates a loss of value to both damaged and undamaged and charred or non-charred recreational home sites in the proximity of the area affected by forest fires. The most adversely affected properties that are charred in proximity to forest fires, may suffer: diminished views, loss of vegetation, the loss of site improvements, including infrastructure; the loss of habitat, increased danger of erosion, a diminished social and esthetic living environment, less water recharge, the loss of physical access to the area, and potential contamination.

I recently attended a public hearing where various governmental agencies were educating property owners as to the effects suffered in Mount Lemmon. Some of the issues of contamination included: fire asbestos, dispersement of diesel, propane, lead, and septic/sewer; and elements along with electrical line debris. All of these factors must be considered in the disposition and acquisition of second-home properties in the above-mentioned communities.

This appraiser is deemed an expert, not only in

Summary Suspensions Stop Extreme Offenders in Their Tracks

By Liz Carrasco

It is no secret that the mission of the Arizona Department of Real Estate is to protect the public interest. The Department receives thousands of calls per year, some of which pertain to complaints that constituents may have about licensees, whether their license is held as a real estate salesperson or broker, a subdivision developer with an issued public report, a cemetery salesperson or broker, or a membership campground salesperson or broker.

Upon receiving these complaint calls, for those that fall under the jurisdiction of ADRE, callers are directed to complete a formal complaint form and document, in writing, the nature of the complaint. When the complaint form and documentation are received, the Department then assigns the case to an investigator and a case is opened. Then begins the evidence gathering stage, at which point both the complainants and the respondents have the opportunity to provide information, documentation and a response to the allegations. If there is enough evidence of a violation of state statutes, the case is then referred to the Administrative Actions Division and further pursued with the assistance of the Attorney General's Office.

But what happens in cases where the allegations are so outrageous, and the alleged violations are so shocking that there is great potential risk to consumers if the person continues practicing with their license? In the criminal justice system, people who present a threat to the public are locked up and bail may be withheld. In our system, the Commissioner of the Arizona Department of Real Estate may issue a "Summary Suspension" of a license or public report, in cases where the health, safety or welfare of the public require immediate action.

If a licensee or developer receive a "Summary Suspension," this indicates that their license and/or



public report has been immediately suspended and that they are not allowed to engage in any real estate, cemetery, or membership campground transactions, as appropriate. Arizona Revised Statute 32-2157 gives the Commissioner such authority and spells out the procedure for the issuance of these types of suspensions. In these cases, the respondents would receive a written order of the charges filed, and an explanation of the reasons for the issuance of the suspension. This *becomes a matter of public record* upon its issuance. Respondents then have the right to appeal the suspension within 30 days. Because of the immediate nature of these orders, they are used sparingly, for only the most appalling cases, and in consultation with the Attorney General's Office. Not just anyone will receive this type of order.

The Department is available as a resource for professionals wanting to clarify the meanings of the law or rules that are within ADRE's jurisdiction. As a Department, we want to help licensees do the right thing if they are unsure. However, there will be no misgivings about issuing a "Summary Suspension" if a licensee or developer intentionally tries to defraud or harm the public.

There is a new cop in town, her name is Commissioner Richardson, and she takes threats to the public very seriously. ☒

Up in Smoke?... (continued...)

the area of disclosure, but in the valuation of stigmatized real estate as well. The Uniform Standards of Professional Appraisal Practice have also put real estate appraisers on notice. They too identify and adjust for adversities affecting real estate, including the above-mentioned factors. The appraiser should only be valuing scarred real estate if they meet the Competency

Provisions/Statement of the Uniform Standards of Professional Appraisal Practice. Therefore, the appraiser may: assist in measuring said damage, help the public in valuation issues dealing with forest fires, (including reduction of full cash values in the various assessor organizations,) identify the losses available


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through income tax write-offs, conduct full damage assessments, and deal either with litigation and/or insurance issues.

One of my other concerns, most recently with the Mount Lemmon dilemma is, where are the governmental agencies disposing of property waste from the fires? Are the damaged remnants going to go to a designated landfill that supports hazardous waste? Will property owners be rebuilding their recreational residences? It is important to get a "Phase I Environmental Report" prior to construction, to see if the sites are clean. Are Phase I Environmental Reports going to be required by the real estate community on resale-charred holdings? In today's world of full disclosure on items which affect all parties to the transaction, including the buyer, seller, real estate broker or salesperson, lender, title company, insurance company and the like, are proper steps being taken to protect all the parties in a transaction from the

repercussions of forest-fire-damaged real estate? One would hope so.

Editor's Note: Mr. Greenberg is the principal appraiser for Bruce D. Greenberg, Incorporated in Tucson, Arizona and Valuaciones Montaña Verde, (SA de CV,) with an office in San Jose del Cabo, Baja California Sur, México. Mr. Greenberg also is a member of the Arizona-Mexico Commission's Real Estate Task Force; the Finance, Real Estate and Legal Committee, and the National Law Center of Inter-American Free Trade. He is a partner in International Consulting Service, a Mexican due diligence firm; and has also joined the Alpha Group, a consortium of business and real estate professionals in Arizona and Sonora, and may be emailed at: bgreenberg@brucedgreenberginc.com. His web site is www.brucedgreenberginc.com. 



Administrative Actions

SUMMARY SUSPENSION ORDERS

Thomas Clay Baldwin (Phoenix)

File No. 03A-071-REL

On 9/23/2003, the Department issued an order summarily suspending Baldwin's real estate salesperson's license. The order alleged that Baldwin acted fraudulently by fabricating the existence of buyers and purchase offers and presenting these to his clients; creating false receipts and closing statements in furtherance of the misrepresentations; and that Baldwin is currently unable to meet his responsibilities as, to and perform the tasks of, a real estate salesperson.

The Department determined it was necessary and appropriate to issue this order to protect the public interest. Baldwin did not appeal the Summary Suspension.

Stanley S. Stobierski and Marilyn G. Stobierski; Sunwest Cemetery & Crematory, Inc. (El Mirage); Bennie B. Farrar, dba Graves Unlimited (Sun City); Heritage Memorial Park, Inc. (Dewey); and Darwin

Ray Crouch, aka Dan Crouch (Prescott Valley)

File No. 03A-089-REL

On 9/24/2003, the Department issued an order to the respondents to cease and desist the sale of cemetery property without first complying with the cemetery laws of the state, and an order summarily suspending the cemetery broker's license of Farrar and the cemetery salesperson's license of Crouch. The order alleged that the Stobierskis, principals of Sunwest Cemetery and Crematory, operated the cemetery without first providing notice to and obtaining a Certificate of Authority from the Department, in violation of cemetery laws and in violation of a previous consent order; that the Stobierskis, principals of Heritage Memorial Park, operated the cemetery without first providing notice to and obtaining a Certificate of Authority from the Department, in violation of cemetery laws; that Farrar and Crouch sold or offered to sell cemetery property in a cemetery that had not been issued a Certificate of Authority; and that Crouch was employed by Heritage Memorial Park and/or the Stobierskis, who are not licensed real estate or cemetery

brokers, in violation of Department statutes and rules.

The Department determined it was necessary and appropriate to issue this order to protect the public interest. The order is an appealable agency action, and the respondents may file a request for hearing within 30 days of the order.

Harold V. Fields, aka Hal Fields; Valley Home Experts, Inc., and Robert Solomon (Glendale)

File No. 04F-034

On 9/18/2003, the Department issued an order summarily suspending the real estate brokers' licenses of Valley Home Experts, Inc., and Solomon, and of Fields' real estate salesperson's license. The order alleged that respondents Solomon and Valley Home: failed to account for or to remit monies to the prospective purchasers; had unlicensed persons perform activities requiring a real estate license and paid compensation to them for those activities; failed to keep an escrow or trust account or other record of funds deposited with respondents relating to a real estate transaction; failed to exercise reasonable supervision over the activities of salespersons and others under the broker's employ or over the activities for which a license is required of a corporation on behalf of which the broker acts; and that they demonstrated negligence. The order further alleged that respondent Fields made misrepresentations, directly or through others, concerning HUD properties for which he would submit bids on behalf of prospective purchasers; disregarded or violated Department statutes or rules, including R4-28-1101 (A) and (B); failed to account for or to remit monies to the prospective purchasers; employed unlicensed persons to perform activities requiring a real estate license; failed to keep an escrow or trust account or other record of funds deposited with respondents relating to a real estate transaction; failed to maintain a complete record of real estate transactions; signed the name of another person on a document or form without the express written consent of the person; conducted himself in a fraudulent or dishonest manner, and not shown that he is a person of honesty, truthfulness and good character.

The Department determined it was necessary and appropriate to issue this order to protect the public interest. The order is an appealable agency action, and the respondents may file a request for hearing within 30

days of the order.

COMMISSIONER'S FINAL ORDERS

Appealable Agency Actions

Benjamin Beauchaine (Mesa)

File No. 03A-023-REL, Order July 15, 2003

The Department denied Beauchaine's application for real estate salesperson's license based on his plea agreements and two DUI convictions, class 1 misdemeanors, in 1998 and 2000, and the court's 4/26/2000 order suspending prosecution for possession of marijuana, a class 6 felony, for one year subject to the successful completion of the Maricopa County TASC Drug Diversion Program, subsequently dismissed, in violation of the statutory provisions of A.R.S. § 32-2153 (B)(7). After a hearing before an administrative law judge, his application for license is denied.

Baron H. Campbell (Tempe)

File No. 03A-014-REL, Order July 1, 2003

The Department denied Campbell's application for real estate salesperson's license based on his 1999 conviction for Attempted Theft Of A Credit Card Or Attempting To Obtain A Credit Card By Fraudulent Means, a class 1 misdemeanor, in violation of A.R.S. §§ 32-2123 and 32-2153 (B)(2), (7), and (10). After a hearing before an administrative law judge, Campbell's application is denied.

Brian Litzner (Chandler)

File No. 03A-017-REL, Order July 29, 2003

The Department denied Litzner's application for real estate salesperson's license based on his 1993 conviction for drug paraphernalia, a class 6 felony, DUI convictions in 1998 and 2002, and his failure to fully comply with the court's order to complete a substance abuse treatment program, in violation of A.R.S. § 32-2153 (B)(2), (7) and (9). After a hearing before an administrative law judge, Litzner's application is denied.

Germaine D. Murray, fka Germaine Daniele Kornegay (Tucson)

File No. 03A-031-REL, Order August 11, 2003

The Department denied Murray's application for real estate salesperson's license based on her 1997 conviction for Theft

by Control or Misrepresentation or Controlling Stolen Property, a class 6 felony, in violation of A.R.S. § 32-2153 (B) (2), (3), (7), and (10). After a hearing before an administrative law judge, Murray is granted a provisional license for 2 years, subject to specified terms and conditions.

Richard Romero Valencia (Tucson)

File No. 03A-032-REL, Order July 31, 2003

The Department denied Valencia's application for real estate salesperson's license under A.R.S. § 32-2153 (B)(1),(2), (7) and (10) based on his four DUI convictions; his 1990 conviction for Theft by Control, a class 6 undesignated offense; his 1990 misdemeanor conviction for Unlawful Possession of Narcotic Paraphernalia; convictions for Possession of Marijuana, Domestic Violence Assault, and Carrying a Concealed Weapon; his failure to disclose the extent of his criminal record to the Department on his 1990 license application; the Department's subsequent 1992 revocation of his license, and the Department's denial of his 1998 application for licensure. After a hearing before an administrative law judge, Valencia's application is denied.

Virginia A. Zimmerle (Phoenix)

File No. 03A-026-REL, Order July 29, 2003

The Department denied Zimmerle's application for real estate salesperson's license based on her 1991 conviction for Conspiracy to Offer to Sell Narcotic Drugs, a class 2 felony, in violation of A.R.S. § 32-2153 (B)(2) and (7). After a hearing before an administrative law judge, Zimmerle's application is denied.

SETTLEMENTS BY CONSENT ORDERS

Disciplinary Actions

Marc L. Beecher (Glendale)

No. 03A-077, Consent Order October 2, 2003

Beecher filed a false and misleading application for licensure and violated statutory provisions including A.R.S. § 32-2153 (B)(1), and (10), based on his 1990 deferred sentencing for Bank Robbery, and his failure to disclose this offense on his application for licensure. Beecher's real estate salesperson's license is suspended for five months and he is granted a provisional license for 2 years, subject to specified terms and conditions.

Douglas Fega (Carefree)

No. 03A-036, Consent Order August 12, 2003

Fega filed a false and misleading application for licensure and violated statutory provisions including A.R.S. § 32-2153 (B)(1) and (2), based on his 1985 conviction for Attempted Criminal Possession of a Controlled Substance in the 4th Degree, and his failure to disclose this conviction on his application for licensure. Fega's real estate salesperson's license is revoked.

Linda D. Hardy (Lake Havasu City)

No. 03A-091, Consent Order August 29, 2003

Hardy filed a false and misleading application for licensure and violated statutory provisions including A.R.S. § 32-2153 (B)(1) and (2) based on her 1995 conviction for Possession of Drug Paraphernalia, a misdemeanor, and Possession of Controlled Substance, a class C felony, and her failure to disclose these convictions on her application for licensure. Hardy is assessed a civil penalty of \$1,000; her license is suspended for 90 days following which she will be issued a 2-year provisional license, subject to specified terms and conditions.

Pamela A. Pacheco (Flagstaff)

No. 03A-064, Consent Order October 2, 2003

Pacheco and her husband entered a contract providing for lease to purchase on a property where Pacheco was the listing agent. As incentive to Sellers, Pacheco signed a promissory note for an additional \$10,000 to be paid outside escrow, and failed to disclose the note to her broker. The Pachecos moved into the residence in March 2002, failed to perform according to the agreement, and defaulted on the note. They refused to vacate the premises until the end of September 2002. In addition, Pacheco failed to timely respond to the Department's requests for information about this transaction. Pacheco also violated a January 2001 Consent Order with the Department when she failed to make court-ordered restitution payments to victims in criminal case. Pacheco's conduct constitutes violations of statutory provisions, including A.R.S. § 32-2153 (A)(1) and (B)(5) and (9), and her license is revoked.

Pulte Home Corporation (Scottsdale)

Pulte made misleading statements and failed to

adequately disclose information in public report applications filed with the Department from 1995 to 1998, regarding Williams Gateway Airport ("WGA"). Pulte's applications for six developments in Gilbert, Arizona, known as the Holliday Farms subdivisions did not disclose that Holliday Farms was within the overflight district and FAA traffic pattern airspace of WGA, and Pulte continued home sales after it knew or should have known the airport's impact on the surrounding area. This conduct violates statutory provisions, including A.R.S. §§ 32-2181 (A)(7), 32-2183 (C)(7), 32-2183.03 (C)(2), and 32-2184 (A). Pulte is assessed a civil penalty of \$30,000.

Yuma Municipal Government Complex, L.L.C. and Lankford and Associates (San Diego, CA)

Lankford & Associates agreed to develop a new governmental complex in Yuma for the City of Yuma, and entered a development agreement with an Arizona non-profit corporation created, among other reasons, for the assembly of property for ownership by the City. The agreement provided for a site acquisition assistance fee of 4% of the total acquisition costs, not to exceed \$90,000 for all parcels, to be paid to Lankford & Associates. Lankford & Associates assigned the agreement to Yuma Municipal Government Complex and, upon completion of the complex, respondents were paid the site acquisition fee. Neither Lankford & Associates nor Yuma Municipal Government Complex are licensed brokers in Arizona, and their conduct is in violation of A.R.S. §§ 32-2155 (B), 32-2153 (A)(3) and (10). Respondents agree not to engage in activities requiring an Arizona real estate license until such time as they hold such licenses, and to make restitution to the City of Yuma in the amount of \$74,710.70.

Appealable Agency Actions

Suzanne L. Buck (Tempe)

No. 01A-156-REL, Consent Order August 28, 2003
The Department denied Buck's application for renewal of her real estate salesperson's license under A.R.S. § 32-2153 (A)(3) and (7), and § 32-2151.01 (D) based on her conduct in a real estate transaction. Buck appealed the denial and is assessed a civil penalty of \$2,000, ordered to attend an additional 9 hours of real estate continuing

education classes, and is granted a 2-year provisional license, subject to specified terms

Heather T. Crise (Lakeside)

No. 03A-105, Consent Order September 4, 2003
The Department denied Crise's application for real estate salesperson's license under A.R.S. § 32-2153 (B) (2) based on her October 1998 conviction for Shoplifting. Crise appealed the denial and is issued a 2-year provisional license, subject to specified terms.


Martha F. Duncan (Prescott Valley)

No. 03A-045, Consent Order September 22, 2003
The Department denied Duncan's application for renewal of her real estate salesperson's license under A.R.S. § 32-2153 (B)(1) based on her 1985 felony conviction for 2 counts of False Statements to Arizona Farmers Production Credit Association, felonies, and her failure to disclose the convictions on her original application for licensure, resulting in a false and misleading application. Duncan appealed the denial and the renewal is granted. She is assessed a \$1,000 civil penalty, and her license is suspended for 3 months, following which she shall be issued a 2 year provisional license, subject to specified terms and conditions.

Garth A. Gunsch (Scottsdale)

No. 03A-073-REL, Consent Order August 11, 2003
The Department denied Gunsch's application for real estate salesperson's license under A.R.S. § 32-2153 (B) (7) based on his 1999 conviction for Possession of Marijuana and Possession of Drug Paraphernalia, subsequently designated misdemeanors. Gunsch appealed the denial and is issued a 2-year provisional license, subject to specified terms and conditions.

Gregory P. Howard (Phoenix)

No. 03A-053-REL, Consent Order August 12, 2003
The Department denied Howard's application for real estate salesperson's license under A.R.S. § 32-2153 (B) (9) based on his 1972 felony conviction for growing marijuana and a 1998 voluntary cancellation of his Arizona Class B General Contractor's License. Howard appealed the denial and is issued a 2-year provisional license, subject to specified terms and conditions. 

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REAL ESTATE**

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Next Stakeholders' Meeting

Thursday, November 13th

10:30am, ADRE Phoenix Office

We are on the web:
<http://www.re.state.az.us>

THE BULLETIN

AN OFFICIAL PUBLICATION OF THE STATE OF
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