



Arizona Department of Real Estate Bulletin Volume 2021 - Issue 2



Commissioner's Corner

THE REAL ESTATE PROFESSIONAL'S FIDUCIARY DUTY TO THE CLIENT = VALUE



As everyone is focusing on the VALUE a Licensee brings to the real estate transaction, let's address "Fiduciary Duty". We have all heard the term "Fiduciary" relating to the real estate professional's duty to their client. However, what does this word mean to you? What value does it bring to the consumer as the licensee counsels them through what is many times the largest financial investment of their life? Many would say that holding a fiduciary duty to a client is the highest responsibility a professional owes to their client. The Duties to the Client listed in the

Arizona Administrative Code (A.A.C. R4-28-110) state that a real estate licensee owes a fiduciary duty to the client and shall always protect and promote the client's interests, while dealing fairly with all other parties to a transaction. The Duties to the Client can be summarized in the overarching responsibilities that must be met by an Arizona real estate licensee. To read the entire "Duties to the Client", [click here](#), or visit the ADRE website www.azre.gov. Let's briefly review these fiduciary duties.

Disclosure – "A real estate licensee participating in a real estate transaction shall disclose in writing to all other parties any information the licensee possesses that materially or adversely affects the consideration to be paid by any party to the transaction". This includes, but is not limited to, all disclosures, made in writing, relating to a personal or

THE REAL ESTATE PROFESSIONAL'S FIDUCIARY DUTY TO THE CLIENT = VALUE

(Continued)

family conflict of interest, including a present or prospective financial interest in a transaction , and a disclosure if a salesperson or broker has a license and is acting as a principal in the transaction.

Performance - A real estate licensee shall expeditiously perform all acts required by the holding of a license. A licensee shall not delay performance, either intentionally or through neglect. A licensee shall not allow a controversy with another licensee to jeopardize, delay, or interfere with the initiation, processing, or finalizing of a transaction on behalf of a client. A Listing Agent must present ALL offers promptly to the Seller. Upon execution of any transaction a licensee shall, as soon as practical deliver a legible copy of the signed document and final agreement to each party signing the document.

Dual Agency / Compensation - A real estate salesperson or broker shall not accept compensation from, or represent more than one party to a transaction without the prior written consent of all parties. A salesperson or broker shall not accept any compensation, including rebate or other consideration; directly or indirectly for any goods or services provided to a person if the goods or services are related to or result from a real estate transaction, without that person's prior written acknowledgement of the compensation.

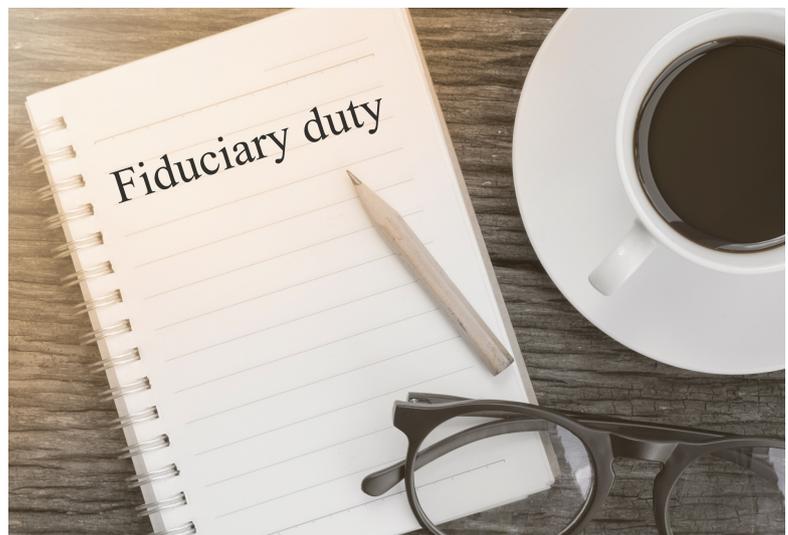
Standards of Practice - The services that a real estate licensee provides to a client or a customer, shall conform to the standards of practice and competence recognized in the professional community for the specific real estate discipline in which the salesperson or broker engages. A licensee shall not undertake to provide professional services concerning a type of property or service that is outside the licensee's field of competence without engaging the assistance of a person who is competent to provide those services.

Appropriate Counsel - A licensee shall recommend to a client that the client seek appropriate counsel from insurance, legal, tax and accounting professionals, including the risks of prepossession or post-possession of a property.

The Arizona real estate licensee who adheres to these concepts brings a Fiduciary Value to their real estate services, and to the client(s) they serve.

Sincerely,

Judy Lowe
Commissioner
Arizona Department of Real Estate



Oklahoma Tackles Real Estate Wholesaling

Excerpted from the ARELLO Boundaries Magazine



On May 3, 2021, Oklahoma Governor Kevin Stitt signed the Predatory Real Estate Wholesaler Prohibition Act, aimed at addressing real estate wholesaling in Oklahoma. With a seller friendly real estate market, the practice of wholesaling has become more prevalent, and thus its associated problems. The practice of wholesaling occurs when an individual enters into a real estate purchase contract with a seller and subsequently markets and sells an assignment of that contract to a third party. According to the Oklahoma Real Estate Commission's Executive Director, Grant Cody, Oklahoma has seen increasing numbers of complaints from the public about wholesaling. Complaints submitted to the Oklahoma Commission include issues with predatory contracts, misleading sales tactics, clouding title to properties, and often impact some of Oklahoma's most vulnerable citizens. With a motto of "simplicity breeds compliance," Mr. Cody established a small taskforce to review wholesaling laws in other jurisdictions to evaluate the regulatory landscape. The end result was a modest change to Oklahoma's license law requiring anyone marketing an equitable interest in a contract for real property to obtain an Oklahoma real estate license. According to Cody, "requiring wholesalers to have a license increases accountability and protection for the public and provides a free avenue to resolve disputes that may arise in a given transaction." The legislation also provides authority for Oklahoma's Real Estate Commission to promulgate administrative rules on an emergency or permanent basis to address wholesaling trends and issues impacting the public. "If we see there are new techniques, we can address them more quickly with an administrative rule change," Cody went on to explain.



Cody believes the commonsense approach that is easy to understand and enforce contributed to the legislation's swift passage. "Requiring licensure assures there is a minimum level of competency, practitioners will have to pass a felony background check and achieve a minimum level of education with respect to real estate transactions and Oklahoma's laws designed to protect consumers," he said. Cody sees the next step as educating both real estate licensees and the public on wholesaling licensure requirements and the laws, regulations and duties that will now govern such transactions, in a way that is simple and straight forward. Oklahoma's Predatory Real Estate Wholesaler Prohibition Act becomes law November 1, 2021.



Wholesaling is on the Rise. Can you Answer These Top 10 Questions?

Article published by Scott Drucker- a licensed AZ attorney, General Counsel & Assistant CEO for the Arizona REALTORS® serving as the primary legal advisor for the association

Real estate wholesaling is the process through which an individual, the “wholesaler,” enters into a purchase contract with the seller of real property and assigns, for profit, that same contract to an end buyer. Notably, the process of wholesaling differs from “fixing and flipping” real property in that the wholesaler does not close escrow, performs no renovations, and incurs no carrying costs. Rather, the wholesaler assigns their contract rights to a third-party buyer who ultimately purchases the property directly from the seller.

Upon entering into a purchase contract, a wholesaler obtains equitable title, which is the interest retained by a person who has contracted to purchase a property but has not yet closed the transaction. This is different than legal title, which is actual ownership of the real property. Wholesalers must therefore remember that they cannot sell the property itself and must therefore market and sell only their equitable interest. Stated differently, the wholesaler is selling their contractual rights, which is their sole interest in the property.

The process of wholesaling exposes real estate licensees to a great deal of potential liability. Disclosure and transparency are absolutely critical, yet even with full disclosure, sellers are often dismayed to learn that the wholesaler was able to assign the purchase contract to an end buyer who is ultimately paying more money than the contract price between the seller and wholesaler. To mitigate the risk, fully understanding the process is critical and real estate licensees are therefore encouraged to consider the below frequently asked questions and corresponding answers.

Q1. If an agent is contacted by a wholesaler seeking to retain the agent to represent their interests in the acquisition of equitable title to real property, what is the first step the real estate licensee should take?

A1. It is critical that agents talk to their broker before agreeing to represent a wholesaler! This cannot be stressed enough. First, some brokerages do not permit their agents to represent wholesalers so the agent must determine whether their proposed representation is even permitted. Second, by seeing so many transactions, brokers understand the perils associated with wholesaling and can guide agents through the transaction, steering clear of pitfalls that often result in litigation.

Q2. Is the purchase contract assignable, or must the wholesaler write into the contract terms like “and assignee” when identifying the buyer?

A2. Generally speaking, in Arizona rights and duties under a contract are freely assignable. More specifically, a party can assign its contractual rights to a third party unless:

(a) the substitution of a right of the assignee for the right of the assignor would materially change the duty of the obligor, or materially increase the burden or risk imposed on him by his contract, or materially impair his chance of obtaining return performance, or materially reduce its value to him, or
(b) the assignment is forbidden by statute or is otherwise inoperative on grounds of public policy, or
(c) the assignment is validly precluded by contract. See Restatement (Second) of Contracts § 317(2). Consequently, terms like “and assignee” are not legally required for a contract to be assignable.

Q3. Must wholesalers and their agent disclose in their marketing materials the wholesaler’s lack of legal title?

A3. Yes. Because wholesalers lack legal title, they must disclose in all marketing material that they solely hold an equitable interest in the property and are therefore not the owner on title. This disclosure should not leave any questions as to the wholesaler’s role in the transaction. Furthermore, if the wholesaler holds a real estate license, that too must be disclosed under Arizona law.

Q4. Following the wholesaler’s assignment of the Purchase Contract to an end buyer, does the wholesaler remain liable if the end buyer fails to perform?

A4. Yes. The wholesaler’s assignment of the Purchase Contract does not change the terms of the underlying purchase contract, nor does it negate the wholesaler’s contractual obligations owed to the seller.

Wholesaling is on the Rise. Can you Answer These Top 10 Questions? (Cont.)

Q5. Must the wholesaler notify the seller of their intent to assign their equitable title to an end buyer?

A5. Arizona case law holds that a buyer must disclose to the seller all facts materially affecting the buyer's ability to perform and pay the agreed upon purchase price. See *Lombardo v. Albu*, 199 Ariz. 97, 14 P.3d 288 (2000). In other words, a buyer cannot present themselves as "ready, willing, and able" if they know that there is a significant risk that they will be unable to perform their contractual obligations. Many wholesalers have no intention of ever purchasing the property, which means they are not "ready, willing, and able" purchasers. If the wholesaler does not intend to perform if they are unable to assign their equitable rights, their intentions must be disclosed upfront to the seller.

Q6. If accepting a purchase offer from a wholesaler, can the seller request a substantial earnest money deposit in an effort to better protect their own financial interests?

A6. Yes. As mentioned above, many wholesalers do not intend to purchase the property if they are unable to assign their contractual rights, even if that means forfeiting their earnest money deposit. Requesting a substantial earnest money deposit is one way sellers can better protect themselves in the event the wholesaler breaches the contract by failing to close escrow.

Q7. Does the Arizona REALTORS® Residential Resale Real Estate Purchase Contract contain a contingency by which a wholesaler can cancel the contract without penalty if they are unable to assign their equitable interest prior to close of escrow?

A7. No. If the wholesaler desires to insert an assignment contingency into the contract, that must be negotiated via an Addendum or in Section 8a of the contract under Additional Terms and Conditions. Otherwise, no such contingency exists.

Q8. Upon assigning their equitable interest to a third-party end buyer, what steps should the wholesaler take?

A8. If and when the wholesaler has assigned their contractual interest, they should immediately notify both the seller and title company.

Q9. If representing a seller who receives a purchase offer from a wholesaler, what information should the agent convey to their seller?

A9. The majority of sellers have little knowledge of the process of wholesaling real estate and rely on their agent to help them understand what can be a complicated transaction. However, real estate licensees are prohibited from offering legal advice and should therefore advise their seller, in writing, to seek independent legal counsel to fully understand their rights and obligations should they accept the offer. With that said, there is information that the agent can and should convey. First and foremost, the agent should explain to their seller that if the wholesaler is able to assign their contractual rights, they will do so at a profit. In other words, the wholesaler intends to find a buyer who will ultimately pay more money than the contract price between the seller and wholesaler. If the seller is uncomfortable with this, they should decline the offer and seek a buyer willing to purchase the property for a greater sum. Second, if there is a risk that the wholesaler will fail to close escrow if they are unable to assign their equitable interest, that too should be explained to the seller so that they understand the risks associated with accepting the wholesaler's purchase offer.

Q10. If the listing agent learns that the buyer is a wholesaler who intends to assign their contractual rights prior to close of escrow, must the listing agent disclose this information to the seller?

A10. Yes. An agent's disclosure obligation to the client arises from their fiduciary duty. Part of that fiduciary duty is the obligation to make a complete and full disclosure of all known material facts that might affect the client's decision to sell the property.



ADRE Calendar of Events - 2021

The Arizona Department of Real Estate will be closed on the following holiday:

Labor Day - Monday September 6, 2021

ADVISORY BOARD MEETING (Public Meeting)

The next Real Estate Advisory Board Meeting will be held on **July 21, 2021**

by Virtual Meeting from 10:00am - 12:00pm

Arizona Department of Real Estate

100 N. 15th Ave. Suite 201

Phoenix, AZ 85007

EDUCATION ADVISORY COMMITTEE MEETING (Public Meeting)

The next Education Advisory Committee Meeting will be held on **September 8, 2021**

at ADRE or by Virtual Meeting from 10:00am - 12:00pm

Arizona Department of Real Estate

100 N. 15th Ave. Suite 201

Phoenix, AZ 85007

DEVELOPMENT SERVICES LUNCH AND LEARN

The next Development Services Lunch & Learn will be held on **July 22, 2021**

at ADRE or by Virtual Meeting from 11:30am - 1:00pm

Arizona Department of Real Estate

Pre-register with ADRE by emailing ahansen@azre.gov

REAL ESTATE PARTNERS MEETING

The next Real Estate Partners Meeting will be held on **October 7, 2021**

at ADRE or by Virtual Meeting from 10:00am - 12:00pm

Arizona Department of Real Estate

Pre-register with ADRE by emailing ahansen@azre.gov

ADRE General Reminders/Updates



The Arizona Department of Real Estate is open for walk-in business. A majority of services can be completed online, such as applying for an original license, submitting forms, and renewing a license. Please search the ADRE website for answers to common questions. If you are an Arizona real estate licensee, you can complete many services through your personal page on the [Licensee Login](#), located under "[Contact](#)". Questions, applications, or complaints can be submitted on the website through the ADRE [Message Center](#).

Below is a list of exceptions approved since March 2020 that have now ended:

- Appointment only service has ended. Walk-in service is available as of July 1, 2021.
- New license applications with disclosures and all 10 day disclosures with certified documents must be received in person or by mail. Certified documents must be provided as received by the courts.
- Licensees/Brokers under a consent order requiring statements at required time periods must have the statements notarized.
- Licensees issued an Accelerated Settlement Agreement (ASA) or Consent Order requiring education will be required to complete the education in a classroom.
- All Schools approved to teach an Arizona 90 hour pre-licensing course or an Arizona Broker Pre-licensing course through online, in-classroom or Host Remote methods utilizing an online proctor to facilitate students taking the final school exam can continue to do so until **September 1, 2021**. After this date, school final exams are required to be taken in person, with the "in person proctor form" used, and process followed, as stated in [SPS 2019.01](#).



ARIZONA DEPARTMENT OF REAL ESTATE

NEW LICENSEE PACKET

To better serve you, our customer, ADRE created a "[Welcome New Licensee Packet](#)" with information all new licensees should know to navigate the [online portal](#) and perform necessary tasks associated with holding a real estate license.

The ADRE staff has worked hard to put together this guide to help Arizona's new licensees. This 9-page welcome guide covers everything from how to contact ADRE, logging in, entering continuing education hours and much more! **Please share this with your pre-licensing students and instructors! It's a good reminder for long time real estate licensees as well!** **Thanks for all you do to support the real estate profession in the state of Arizona!**



ADRE Commissioners Past and Present

Name	Appointment
Judy Lowe	2009 - Present
Sam Wercinski	2007 - 2009
Elaine Richardson	2003 - 2007
Richard Simmond (Interim)	2002 - 2003
Jerry Holt	1991 - 2002
Patricia E. Cooper (Acting)	1991 - 1991
Joe Sotelo	1986 - 1991
Richard B. Nichols	1978 - 1986
William Penn	1975 - 1978
Victor M. David (Acting)	1974 - 1975
J. Fred. Talley	1960 - 1974
William Cox	1950 - 1959
D. C. Williams	1947 - 1950

PC/PLLC Application Process Simplified

Real Estate Licensees may wish to seek the assistance of legal counsel and/or a tax professional prior to registering with the Arizona Corporation Commission and the ADRE.

Employing Brokers may engage the services of salespersons and associate brokers who act through and on behalf of Professional Corporations (PC) or Professional Limited Liability Companies (PLLC). **This license type is to be strictly used only by the Employing Broker for the purpose of paying commission, or real estate service monies to the cemetery, membership camping, or real estate licensee who is a natural person holding an active status salesperson or associate broker license. All real estate activity by the holder of the PC or PLLC must still be done under the Employing Broker. Compensation cannot be paid to a real estate licensee by a PC or PLLC.** Designated brokers may apply as a PC or PLLC license provided the membership in the PC or PLLC is limited to the designated broker. Self-employed brokers may not apply for licensure as a PC or PLLC.

To become licensed through a PC or PLLC or to report changes within 10 days to a PC or PLLC, review and complete the Professional Corporation (PC) or Professional Limited Liability Company (PLLC) Form LI-231 after reviewing the Application Instructions located on the ADRE website at www.azre.gov.

Most Common Application Deficiency

When ADRE reviews the Professional Corporation (PC) or Professional Limited Liability Company (PLLC) applications, the most common deficiency is the wording of the listed sole purpose in the Articles of Incorporation (PC) or Articles of Organization (PLLC), which should read, as applicable:

**“to provide professional real estate services” or
“to provide professional cemetery services” or
“to provide professional membership camping services”**



PC/PLLC Name Guidelines

The PC or PLLC name shall:

- Consist of all, and only, the full or last name(s) of its real estate licensed shareholder(s) or member(s)
- Contain the words Professional Corporation or Professional Limited Liability Company or the abbreviations authorized by the Arizona Corporation Commission
- Reflect whether it comprises one or more licensees (single or plural as in John Smith, P.C. or Smith & Smith, P.C.)
- Not consist of a fictitious name

Designated Broker Review

Designated Brokers can help reduce the deficient applications and their workload by reviewing the articles to make sure the purpose is properly stated and the PC or PLLC name is in compliance as described above before the application is filed with the Arizona Corporation Commission and/or ADRE. The broker review is a great opportunity for the broker to meet with the licensee to make sure the licensee understands the brokerage policy on licensees with PCs or PLLCs. The Designated Broker (DB) must sign the application and must not pay compensation to a PC or PLLC until there are ADRE approved documents in the DB's possession.

What are Real Estate Licensees Required to do with Multiple Offers... Rejected Offers?



In the current housing market, Arizona buyers are receiving multiple offers on their properties, while sellers are experiencing high competition on limited inventory.

Arizona consumers should work closely with their Arizona real estate licensee to understand their rights and options for home inspection and property appraisal. Buyers should be responsible for determining the requirements of their offer to the seller, based on solid business principles.

Present All Offers

All Arizona real estate licensees are required by Commissioner's Rule to promptly submit to the salesperson's or broker's client all offers to purchase or lease listed property ([A.A.C. R4-28-802](#)).

Retention of Rejected Offers

Designated Brokers are required to retain an original or copy of any document evidencing a rejected offer to purchase real property for at least one year, and in instances that result in binding contracts, the broker shall retain prior rejected offers for at least five years ([A.R.S. § 32-2151.01\(I\)](#)). Real Estate licensees should receive all rejected offers in writing. Signed and dated by the seller.

Is Real Estate Licensing Necessary? What the Research Tells Us

Excerpt from ARELLO

Over the past several years, the number of occupations requiring licensure has grown exponentially. A research project was undertaken to identify the origins of professional licensing, the concerns occasioned by the growth of licensing, the standards that should govern a decision to license or deregulate a given occupation, and more specifically, the need for licensure of real estate professionals. This research culminated in a significant report entitled "Is Real Estate Licensing Necessary? What the Research Tells Us."

- As market complexities made it more difficult to access information needed in order to avoid being cheated or misled, licensing was adopted to signal professional competence. Properly designed and implemented licensing benefits consumers through higher-quality and improved professional standards.
- While true that most all occupations pose equivalent threats to health, safety and pocket books of the public, as early as 1912 states began to see the need to license real estate salespeople and brokers. By 1950 two-thirds of the states had real estate license laws and by the early 1970's all states had adopted license laws and implemented licensing for salespeople and brokers.
- Foreseeable harms attendant to real estate transactions are primarily financial, although when a property sale involves a residence, personal risks can also arise. Foreseeable financial harms include, but are not limited to, purchase of properties that are noncompliant with local laws, have latent defects or that will otherwise necessitate considerable unanticipated expenses due to failure to understand the requirements or operation of state and local law, or failure of a contract to properly specify terms and conditions.
- Real estate licensure imposes important fiduciary duties meant to minimize the danger of financial harm: The duty to fully disclose all material facts to the client; a duty to fully disclose all purchase offers to sellers; a duty to handle client information and affairs with loyalty and confidentiality; and the duty to act honestly and in good faith, and without self-dealing and conflicts of interest.
- The education and examination requirements for real estate licensing are both minimal and germane. The number of hours required, on average, is much less than the number currently required of many similarly complex professions, and the curricula are rigorously monitored and calibrated to the entry-level professional. *Continued on page 14*

In Case You Missed It



ADRE
@AZDeptRE

Monthly Arizona real estate licensee statistics and trends are updated and posted on the ADRE website.



ADRE
@AZDeptRE



Arizona-Mexico Commission
@AzMxCom

TODAY: Govs @dougducey & @ClaudiaPavlovic are meeting w/ our 16 binational committees.

They are highlighting the cross-border work & achievements led by our committees over the past 6 years that have strengthened our AZ-SON region.

Committee Co-Chairs & Delegates — ¡GRACIAS!



Arizona Commerce Authority @azcommerce · Jun 1
Arizona's booming manufacturing industry has diversified the state's economy, creating more than 177,700 jobs and contributing \$56.6 billion to the state's GDP.



Arizona manufacturing muscle flexes for growing boom
For the Valley today, the economic policy put into play after the Great Recession worked. Manufacturing is one of the four advanced industry...
bizjournals.com



ADRE @AZDeptRE · Apr 23

Over the last 6 years, our region has benefited from the partnership and collaboration between Arizona & Sonora. It's been an honor to be a part of it. Look forward to joining Gov @dougducey and Gov @ClaudiaPavlovic on May 20! #AZSON2021



Arizona-Mexico Commission @AzMxCom · Apr 23

JOIN US! "Arizona-Sonora: Transcendent Leadership" – A dialogue highlighting our shared success featuring Gov @dougducey and Gov @ClaudiaPavlovic. 🇺🇸🇲🇽🇲🇪 #AZSON2021

DETAILS ➡ azmc.org/events/



FEATURING
Arizona Governor Doug Ducey
Sonora Governor Claudia Pavlovich

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Tucson Association of Realtors Celebrates 100 Years

BizTUCSON, June 10, 2021, By Tom Leyde

The Tucson Association of Realtors celebrated its 100th anniversary on the date of its founding, April 27, at the group's building on Tucson Boulevard.

A century from its origin in 1921, TAR is the largest trade association in Southern Arizona. It has 6,500 members involved in the sale, lease, appraisal and development of residential and commercial properties. It also is involved in the mortgage and lending industry.

"Realtors know that the work we do is important to strengthening our community," said Randy Rogers, TAR's CEO. "What a huge milestone for the association. I'm proud to be a part of it." The day began with a press conference, followed with a drive-through event with more than 300 members who picked up goodies bags and celebrated this milestone day. The Pima County Board of Supervisors marked the occasion by reading a proclamation. A purple ribbon was cut to celebrate the anniversary and to usher the group into its next century. Diane Marzonie, TAR's president, and Judy Lowe, commissioner of the Arizona Department of Real Estate, did the honors.

As a guest speaker, Lowe said the accomplishments of TAR are amazing. "Realtors are a pillar of every community in Tucson, Arizona, the United States and the world," she said. Lowe added that one of her toughest decisions was giving up her Realtor's license, a move required for her to serve on the Arizona Department of Real Estate. She said Realtors are not only professionals – they are miracle workers. "The real work is pulling the strings of the miracle of the (sale) closing and making friends for life with the customers."

Lowe challenged Realtors to do it – complete real estate transactions – the right way. "And the Arizona way is the right way," she said.

Ret. Major Gen. Ted Maxwell, former commander of the Arizona Air National Guard, pointed out that TAR does more than deal in real estate. As president and CEO of the Southern Arizona Leadership Council, he has high regard for TAR. "TAR is in the engagement of making our community a better place to live," he said. "They take a stand and they get involved." TAR, he said, has played a large role in the passage of local and state propositions aimed at improving the community. It also makes political endorsements and takes a stand against propositions it feels would be a detriment to the community.

"Congratulations," Maxwell said. "One hundred years is one heck of an achievement." Former Tucson Mayor Jonathan Rothschild said members of TAR are a diverse group. "It's a group that spends its day talking to the community. TAR is a group that has the pulse of the community."

You can read the full article at [BizTucson, click here...](#)

HOA Petition Process Update

In 2016, the Arizona Legislature passed legislation moving the Homeowners Association (HOA) Dispute Process to the Arizona Department of Real Estate (ADRE) [Link to Legislation](#). The Arizona Office of Administrative Hearings (OAH) will accept all cases as referred by the ADRE and schedule a Hearing Date before an Administrative Law Judge (ALJ).

The chart (right) provides information relating to the HOA Dispute Process for Fiscal Year 2021, Fourth Quarter (April - June 2021).

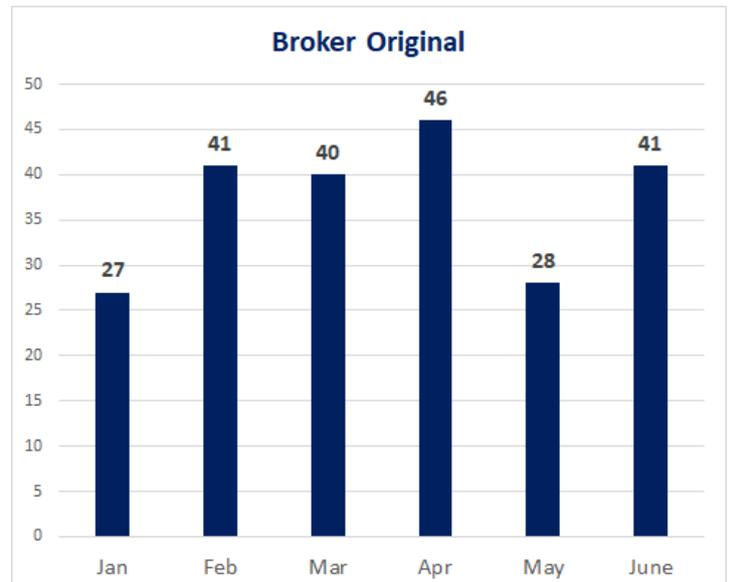
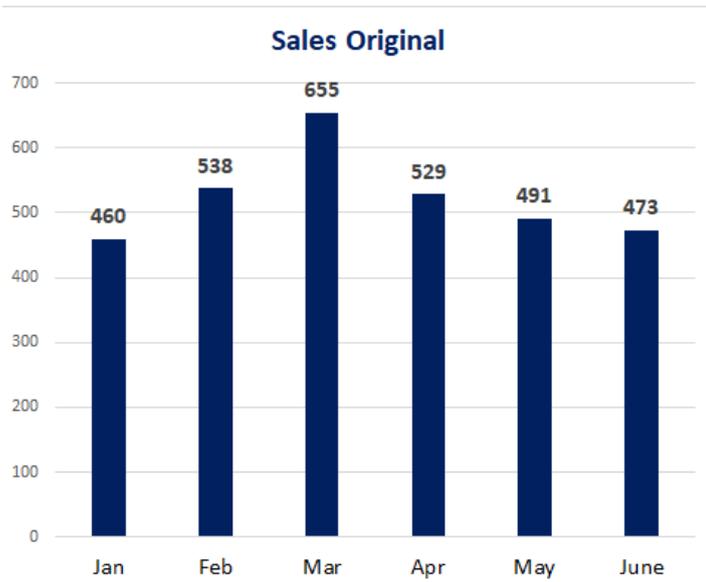
Further information on the HOA Dispute Process can be reviewed on the ADRE website, www.azre.gov.

	Apr	May	June	FY2021
# of Petitions Filed	4	9	8	65
# of Petitions Closed	3	4	4	52
# of Decisions Issued	6	2	6	67
# of Petitioners Prevailed	2	0	1	10
# of Respondents Prevailed	4	1	2	41
# Settled after Hearing Scheduled	0	1	3	6
# Withdrawn Prior to Referral	0	0	0	10

Top 5 Issues Ending 4th Quarter	
#1	Board not Following Community Documents or Proper Procedure
#2	Records Request
#3	Tie Between: Common Property Maintenance & Open Meeting
#4	Architectural/Design Review
#5	Notice of Violation/Penalties

Licensing Statistics

The Department of Real Estate started the month of July 2021 with 90,367 total Arizona real estate licensees (includes active, inactive, and grace period). Of that total there are 69,945 active salespersons, broker, and entities. [View the fully updated real estate licensee totals each month on www.azre.gov](#). ADRE continues to see a steady number of original real estate license applications from individuals pursuing a career in the real estate profession.



What Are The Most Common Violations Found By The Auditing And Investigations Staff?

In general:

- Failure to perform documented broker review of transaction documents within ten (10) business days.
- Failure to maintain required transaction documents in the broker's file or failing to back-up electronic records.
- Advertising Violations – failure to clearly and prominently display the name of the employing broker and/or the name of the listing broker when advertising another broker's listing.
- Failure to account for and/or timely deposit earnest money in a broker trust account, or with escrow. This includes misrepresenting to the seller in a purchase contract that earnest money has been collected and will be timely deposited when such is not the case.
- Failure to make appropriate disclosures regarding owner/agent status, including being a member / manager of an entity buying or selling a property.
- Breach of fiduciary duty or being unfair to all parties to a transaction.
- Acting as a dual agent, as well as part of the buying entity, and placing the interests of the buyer over that of the seller.
- Licensees conducting real estate activities outside of their employment with their broker, and/or on behalf of an unlicensed entity.



For residential property management:

- Trust account deficiencies.
- Trust accounts not in balance, i.e., unexplained overages.
- Failure to perform and/or maintain monthly trust account reconciliations in which the adjusted trust account bank balance is reconciled with the owner/tenant liabilities.
- Negative owner balances being used to offset broker liabilities.
- Trust accounts that are not clearly designated as such.
- Online banking websites inappropriately being used as “offsite storage” for banking information (monthly statements, canceled checks, etc.).
- Property Management Agreements that fail to contain all required clauses, most often disposition of interest and non-assignment clause.
- Automatic PMA renewal without written 30-day notice to property owners.
- General lack of understanding of accounting basics, the property management software being used and the requirements for a property management broker.
- Changing property management accounting software programs and failing to maintain a copy of the data.

National Do Not Call Registry

Before making calls to consumers do you or your company verify the number you're calling is not registered on the National Do Not Call Registry? Here are some FAQ's from the Federal Trade Commission (FTC) - (The government agency that protects consumers). More information is available at: <https://www.ftc.gov>

What is the National Do Not Call Registry? The National Do Not Call Registry is a list of phone numbers from consumers who have indicated their preference to limit the telemarketing calls they receive. The registry is managed by the Federal Trade Commission (FTC), the nation's consumer protection agency. It is enforced by the FTC, the Federal Communications Commission (FCC), and state officials.

What calls are covered? The do not call provisions of the Telemarketing Sales Rule (TSR) cover any plan, program or campaign to sell goods or services through interstate phone calls. This includes calls by telemarketers who solicit consumers, often on behalf of third party sellers. It also includes sellers who are paid to provide, offer to provide, or arrange to provide goods or services to consumers.

What types of calls are not covered by the National Do Not Call Registry? The do not call provisions do not cover calls from political organizations, charities, telephone surveyors, or companies with which a consumer has an existing business relationship.

How does the established business relationship provision work for a consumer whose number is on the registry? A company with which a consumer has an established business relationship may call for up to 18 months after the consumer's last purchase or last delivery, or last payment, unless the consumer asks the company not to call again. In that case, the company must honor the request not to call. If the company calls again, it may be subject to a fine of up to \$16,000.

If a consumer makes an inquiry or submits an application to a company, the company can call for three months. Once again, if the consumer makes a specific request to that company not to call, the company may not call, even if it has an established business relationship with the consumer. A consumer whose number is not on the national registry can still prohibit individual telemarketers from calling by asking to be put on the company's own do not call list.

How can I access the registry to verify? The registry can be accessed only through the fully automated and secure website at www.telemarketing.donotcall.gov. The first time you access the registry, you must set up a profile and provide identifying information about you and your organization.



The registry can be accessed only through the fully automated and secure website at www.telemarketing.donotcall.gov. The first time you access the registry, you must set up a profile and provide identifying information about you and your organization. If you are a telemarketer or service provider accessing the registry on behalf of your seller-clients, you will be required to identify your seller-clients and provide their unique Subscription Account Numbers (SANs). The only consumer information available from the registry is telephone numbers. After you (or the company telemarketing on your behalf) have accessed the registry and downloaded telephone numbers the first time, you'll have the option of downloading only changes in the data that have occurred since the last time you accessed the registry.

Is Real Estate Licensing Necessary?

What the Research Tells Us

Excerpt from ARELLO - Continued from page 9

- Real estate requires considerable specialized knowledge. Applicants for real estate licenses must demonstrate proficiency in the principles and practices of the profession; state real estate and license law; professional standards; state agency law; real estate financing; real estate settlement procedures; escrow; responsibilities; state record-keeping requirements; government regulations applicable to real estate; the basics of real estate appraisal and a familiarity with state contract law.
- The Federal Trade Commission has determined that licensing real estate professionals does not increase cost to the consumer. From the FTC website: "Because buying a home is the single most important purchase many consumers will make, the Federal Trade Commission has enforced antitrust rules in the real estate business to make sure that increased competition continues to lead to more choices, better prices and stepped-up services for buyers and sellers."
- Policymakers considering substantial revisions of their state's occupational licensing laws cannot avoid the often-tedious process of applying separate cost/benefit analyses to each occupation currently subject to licensure. Rest assured that these analyses, along with license recognition between states, will support real estate licensure for the protection of the public interest.

This material is excerpted from the full report entitled, "Is Real Estate Licensing Necessary? What the Research Tells US." prepared by The Association of Real Estate License Law Officials.



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Education Update

As of June 30, 2021

- Number of Active Schools (including branches): 231
- Total number of active courses: 2,325
- Number of instructors: 714
- Total number of Broker Exams administered in June: 48
- Total number of Salesperson Exams administered in June: 987
- Examination Passing Rates for First-Time Test Takers in June:
 - Broker: 76%
 - Salesperson: 58%
- Out-of-State License Examinations Administered June: 56
 - Broker: 46% (Passing Rate for First-Time Test Takers)
 - Salesperson: 42% (Passing Rate for First-Time Test Takers)

Reminders For All Schools

Instructor Qualifications: Check the ADRE website for the NEW Instructor Approval Application (Form ED-101).

14 Day Course Notices - Real Estate Statute requires Schools to properly schedule the course event location in the "14 day Notice" pursuant to A.R.S. §32-2135, including if, the course is held at a location other than the school location.

Real Estate Exam Performance Summaries by School (pass/fail rates for 1st time test takers) are available on the ADRE website. These summaries are updated monthly.

- [Click here](#) for more information.
- [Click here](#) to view the **May Educator Update** on the ADRE website.

Number of "First Time Exam Takers"

EXAM TYPE	APR	MAY	JUNE
Real Estate Broker	38	36	34
Real Estate Salesperson	534	483	483
Cemetery Salesperson	3	4	3
Cemetery Broker	1	1	0
Membership Camping Broker	0	0	0
Membership Camping Salesperson	0	0	0
Universal License Recognition - Broker	8	8	13
Universal License Recognition - Salesperson	45	29	43

Between March - May 2021

Total CE Courses Entered by Renewing Licensees: 320,396

Distance Learning Courses Entered by Renewing Licensees: 239,431

Percentage Distance Learning Courses Entered by Renewing Licensees: 75%

VOLUME 2021 - ISSUE 2

The Periodic Bulletin from
the Arizona Department of
Real Estate

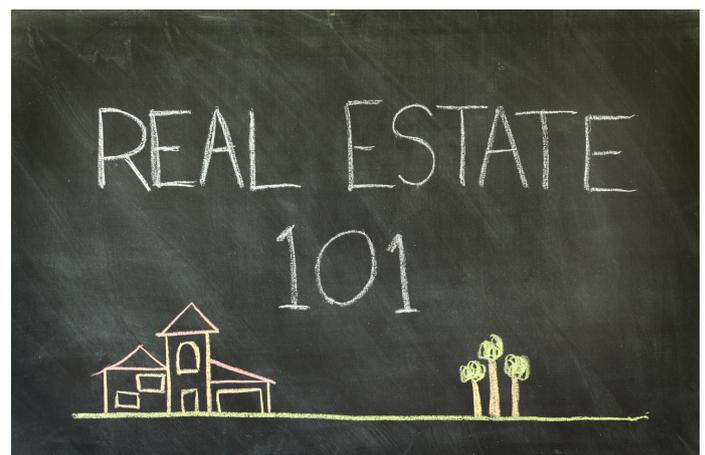
An official publication of
the State of Arizona

DOUGLAS A. DUCEY
GOVERNOR

JUDY LOWE
COMMISSIONER

PLANNING A COMPANY EVENT?

To stay up-to-date with what's happening in real estate, and to hear "What's Making the Phone Ring at ADRE?", invite Commissioner Judy Lowe or Deputy Commissioner Louis Dettorre to speak to your group. For scheduling a potential date, email ahansen@azre.gov.



Education Advisory Committee Update



The ADRE’s Education Advisory Committee’s task is to offer support to the ADRE to fulfill its mission of: “Protecting the public interest by raising the level of professionalism in the real estate sector without increasing barriers to entry into the sector.” Membership of the EAC is composed of members that participate in public meetings at the ADRE on a quarterly basis. The EAC members are valued volunteers and are not compensated for their time, nor reimbursed for expenses. Over the past several years, the EAC has worked diligently to provide ADRE with recommendations on an array of education issues pertaining to real estate licensees and the real estate industry. Visit the ADRE website www.azre.gov to view the EAC Calendar of meeting dates, past and current minutes and meeting agendas.



The current EAC members and terms are:

(July 2019 - July 2021)

Marti Barnewolt	Barb Freestone
Debbie Shields	Mary Sand
Cheryl Terpening	Betty Winn
Kim Horn	

(July 2020 - July 2022)

Jenny Hogan-Lizarraga	Patrick Sheahan
Greg Muir	
Theresa Barnabei	

ADRE sincerely thanks outgoing EAC members Barb Freestone, Marti Barnewolt, Mary Sand, and Debbie Shields for their many years of service to the EAC

EAC Member Applications Open

The Department of Real Estate will receive applications for four (4) open seats on the Education Advisory Committee. ADRE sincerely thanks outgoing EAC members Barb Freestone, Marti Barnewolt, Mary Sand, and Debbie Shields for their many years of service to the EAC. Members can serve two consecutive two year terms, and are eligible to reapply after being off the EAC for one year.

Individuals interested in serving on the Education Advisory Committee (EAC) should submit a resume and interest statement to **Liz Hill at lhill@azre.gov by July 26, 2021**. Individuals that have submitted or stated their interest before this notice should resubmit through the email address above to ensure your interest is considered.



DISCIPLINARY ACTIONS

March, 2021 TO July 6, 2021

ABBREVIATIONS USED

ASA	ACCELERATED SETTLEMENT AGREEMENT	ED	ADDITIONAL EDUCATION
BA	BROKER ACKNOWLEDGEMENT	FEL	FELONY
C&D	CEASE & DESIST	J&S	JOINT & SEVERAL
CFO	COMMISSIONER FINAL ORDER	LG	LICENSE GRANTED
CO	CONSENT ORDER	MISD	MISDEMEANOR
COA	CERTIFICATE OF AUTHORITY	PL	PROVISIONAL LICENSE
CONV	CONVICTION	PM	PRACTICE MONITO
CP	CIVIL PENALTY	UA	UNLICENSED ACTIVITY

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Sherman, Neil	BR026438000	Insignia CRE LLC	Phoenix, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 6hrs ED
O'Sullivan Patrick	BR634211000	Get Multifamily LLC	Gilbert, AZ	Trust Account Irregularities	CO—\$4,000 CP, 12hrs CE
Richards, J'Wain Alexander	SA685831000	Homesmart LLC	Phoenix, AZ	Conviction	CO-Summary Suspension
Mitchell, James Phillip Applicant	SA693057000		Scottsdale, AZ	Convictions	CFO—Denial of License
Canada Partners LP	Unlicensed		Scottsdale, AZ	Violation of Rules & Regulations	ASA-\$1,000 CP
Rodrigues, Fabio Applicant	SA502567000		Scottsdale, AZ	Prior ADRE License Revocation	CO w/2yr. PL/PM
Coleman, Willie Lee Applicant	SA693770000		Tucson, AZ	Convictions	CO w/2yrs. PL/PM
Arnold, James	SA676051000	Tierra Antigua Realty LLC	Sahuarita, AZ	Violation of Rules and Regulations	ASA—\$500 CP, 12hrs ED
Coconino Ridge at Pine Canyon LLC	Unlicensed		Scottsdale, AZ	Illegal Subdivision	ASA—\$2,000 CP
Gillham, Brian	BR572504000	Gillham Team Real Estate LLC	Goodyear, AZ	Convictions	CFO-Revocation
Mendoza, Jason	BR641200000	My Rental Superstore LLC	Scottsdale, AZ	Property Management Irregularities	CO- \$2,000 CP, 12hrs ED, C&D
Smith, Luke & Petobego LLC	Unlicensed		Encinitas, CA	Illegal Subdivision	C&D
Moe, Brittany, Applicant	SA693136000		Chandler, AZ	Convictions	CO w/ 2ys PL/PM
Johnson-McGarry, Lynn	SA646327000	Homesmart, LLC	Phoenix, AZ	Civil Judgment	ASA-\$500 CP 6hrs CE
Mcintosh Durrell, Stacy Applicant	SA695115000		Mesa, AZ	Convictions	CO w/ 2yrs PL/PM
Hadnot, Raymond Applicant	SA694569000		Peoria, AZ	Convictions	CO w/ 2yrs PL/PM
Walker, Krista Applicant	SA694066000		Lake Havasu City, AZ	Convictions	CO w/ 2yrs PL/PM
Jacobs, Kevin	SA564866000		Lake Havasu AZ	Non-Compliance	CFO—Revocation
Slaughter William	BR536271000	Client's First Realty	Peoria AZ	Failure to Maintain Records	CFO—Revocation
Stocks, Austin Applicant	SA694365000		Phoenix AZ	Convictions	CO w/ 2ys PL/PM
Lopez, Angel Applicant	SA694554000		Phoenix AZ	Convictions	CO w/ 2ys PL/PM
Lipphardt Jr., George Applicant	SA560135000		Tucson AZ	Convictions	CO w/ 2yrs PL/PM
Morgan, Jeremy Applicant	SA694112000		Phoenix	Convictions	CO w/2yrs PL/PM
Reideman, Douglas	SA686996000		Tucson AZ	Convictions	Order-Summary Suspension
Gaffney Shea Applicant	SA694941000		Tucson AZ	Convictions	CO w/ 2yrs PL/PM
Madsen, Josh Applicant	SA583387000		Green Valley, AZ	Convictions	CO-2yrs PL/PM
Tew, Eddy Applicant	SA693823000		Driggs, ID	Other Jurisdiction Sanction	CO-3yrs PL/PM

DISCIPLINARY ACTIONS

March, 2021 TO July 6, 2021

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Vargas, Hunter Applicant	SA695182000		Mesa, AZ	Convictions	CO-2yrs PL/PM
Foushee, Briana	BR626517000	Lincoln Eastern Management Corporation	Mesa AZ	Failure to Supervise	ASA—\$3,000 CP, 12hrs ED
Lincoln Eastern Management Corporation	CO545463000		Phoenix AZ	Unlicensed Activity	ASA—\$3,000 CP
Dessaint, Kyle Applicant	SA690599000		Mesa, AZ	Convictions	CO-2yrs PL/PM
Russ III, Richard Applicant	SA693721000		Phoenix, AZ	Convictions	CO-2yrs PL/PM
Delgado, Champaigne Applicant	SA695251000		Mesa, AZ	Convictions	CO-2yrs PL/PM
Imhauser, Melissa Applicant	SA695121000		Tucson, AZ	Convictions	CO-2yrs PL/PM
Morrissey, Kevin and Cynthia	Unlicensed Individuals		Tucson, AZ	Subdivision (Violations)	ASA—\$1,000 CP
McCaughey, Thomas	SA644239000		Winslow AZ	Convictions	ASA—\$500, 6hrs CE
Struse, Robert	BR647109000		Tucson AZ	Failure to Supervise	Order-Revocation
Adams, Beth	BR545537000	EXP Realty	Peoria AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Johnson, Curtis	BR512932000	EXP Realty	Peoria AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Kautz, Kathryn	SA117185000	Homesmart	Scottsdale, AZ	Late Disclosure—Conviction	ASA \$1,000 CP, 12 hrs CE
Phillips, Michael Applicant	SA695102000		Goodyear, AZ	Convictions	CO-2yrs PL/PM
Watters, Edgar	SA646115000	Southern AZ Brokerage	Tucson, AZ	Late Disclosure—Conviction	ASA \$1,000, 12 hrs CE
Beyer, Patricia Applicant	SA695027000		Phoenix, AZ	Convictions	CO-2yrs PL/PM
Garrison, Charles Applicant	SA694810000		Phoenix, AZ	Convictions	CO-2yrs PL/PM
Bond, Tyler Applicant	SA695384000		Phoenix, AZ	Convictions	CO-2yrs PL/PM
Wilhelmsen, Thomas Applicant	SA694435000		Peoria, AZ	Convictions	CO-2yrs PL/PM
Lent, Tabatha	BR631987000	Kingman High Desert Realty LLC	Kingman AZ	Failure to Supervise	CO-\$7,000 CP, 2yrs PL. 18 hrs CE
Biggs, Travis M	SA576719000		Scottsdale, AZ	Conviction	Revocation
Carter, William and Camp Verde Realty INC	BR521454000 and CO584345000	Camp Verde Realty INC	Camp Verde AZ	Trust Account Irregularities	CO—\$4,000 CP, 2yrs PL, 12hrs CE, Trust Acct.
Ramundo, Mark	BR006383000	Mark Ramundo	Buckeye AZ	Violation of Rules and Regulations	ASA—\$1,000, 9hrs CE
Davis, Heather	SA680881000	Southern Arizona Brokerage LLC	Tucson AZ	Violation of Rules and Regulations	CO—\$3,000 CP, 2yrs PL/PM, 12hrs CE
Winski, Amy	SA046708000	1st Dream Realty	Scottsdale, AZ	Violations of Rules and Regulations	ASA-\$4,000 CP, 18 hrs. CE
Cooper, Scott	SA638721000	3CB Investments, LLC	Phoenix, AZ	Violations of Rules and Regulations	ASA-\$1,000 CP, 12 hrs CE
Olvera Jr., Angel	BR033235000	Realty Marketing Group	Phoenix, AZ	Convictions w/Multiple Prior Convictions	CO-2yrs. PL/PM
Baker, Jane Applicant	SA695026000		Miami, AZ	Convictions	CO-2yrs. PL/PM
Stevens-Baker, Pamela	SA574769000		Gilbert AZ	Failure to Disclose	Surrender of License
Meredith, Steven Applicant	SA693756000		Mesa, AZ	Convictions	CO-2yrs PL/PM
Bardyga, Nicholas	SA646748000	EXP Realty LLC	Scottsdale AZ	Convictions	ASA—CP \$500, 6hrs CE
McLean, Charles	BR007464000	Americana Arizona LLC	Scottsdale AZ	Failure to Supervise	ASA— CP \$1,000, 9hrs CE
Finzer, Charles	SA681497000	Americana Arizona LLC	Scottsdale AZ	Violation of Rules and Regulations	ASA—CP \$1,000, 9hrs CE
Nunley, Denise Marie	SA689836000		Mesa AZ	Convictions	CFO-Revocation
Glascok, Earl Scott Applicant	BR678397000		Phoenix AZ	Other Jurisdiction Sanction	CFO—w/1yr PL/PM

DISCIPLINARY ACTIONS

March, 2021 TO July 6, 2021

WName	License Number	Brokerage at time of violation	Location	Summary	Order
Dougherty, Angela Marie Applicant	SA694325000		Tucson, AZ	Convictions	CO-2yrs. PL/PM
Mountjoy-Zwisler, Jennifer	BR110076000	Prime Time Properties Inc	Mesa AZ	Failure to Remit	CFO-Revocation
Huff, Jeffery	SA629305000	Americana Arizona LLC	Anthem AZ	Violation of Rules and Regulations	ASA—CP \$1,000, 9hrs CE
Jorjani, Ardavan	SA555188000	Homesmart LLC	Scottsdale AZ	Advertising	ASA—CP \$1,000, 9hrs CE
Jorjani, Maral	SA670563000	Homesmart LLC	Scottsdale AZ	Advertising	ASA—CP \$1,000, 9hrs CE
McCracken, Kerry	BR008808000	McCracken Realty	Flagstaff AZ	Unlicensed Activity	ASA—CP \$1,000, 9hrs CE
Alderidge, Ray	BR519320000	Mountain View Cemetery Association	Kingman AZ	Unlicensed Activity	ASA—CP \$2,000, 12hrs CE
Chavez, John Freeman Applicant	SA693070000		Tucson, AZ	Convictions	CO-2yrs. PL/PM
Buffington, Ryan Applicant	SA694665000		Buckeye, AZ	Convictions	CO-2yrs PL/PM
Wang, Daniel	SA678996000	Altus Realty LLC	Chandler AZ	Unlicensed Activity	CO—\$2,500 CP, PL/PM, 21hrs CE, C&D
Salgado-Jackson, Holly Applicant	SA696146000		Tucson, AZ	Convictions	CO-2yrs PL/PM
Puckett, Autumn Marie Applicant	SA696190000		Buckeye, AZ	Convictions	CO-2yrs. PL/PM
Johnson, Jordan Applicant	SA694987000		Gilbert, AZ	Convictions	CO-2yrs. PL/PM
Parada, Alexis Nicole Applicant	SA695853000		Nogales, AZ	Convictions	CO-2yrs. PL/PM
Pearson, Brandon Applicant	SA693575000		Scottsdale, AZ	Convictions	CO-2yrs. PL/PM
Jacobson, Karl Roy Applicant	SA695528000		Flagstaff, AZ	Convictions	CO-2yrs. PL/PM
Wallace, Elissa Applicant	SA696454000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Trevorrow, Troy Applicant	SA581050000		Phoenix, AZ	Unlicensed Activity	CO— \$1,000 CP, 2yrs. PL/PM
Thomas, James	BR518245000	Sares Regis Management Company L.P.	Huntington Beach, CA	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Eckhardt, William	BR581926000	Mountain Valley Premier Real Estate LLC	Show Low , AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
McKee, Elyse Nicole Applicant	SA695994000		Glendale, AZ	Convictions	CO-2yrs. PL/PM
Norman, Stephany Ann Applicant	SA686863000		Surprise, AZ	Convictions	CO-2yrs. PL/PM
Jackson, Keith Alan and Keith Jackson Realty LLC	BR534657000 and LC626458000	Keith Jackson Realty LLC	Gilbert, AZ	Trust Account Irregularities	CO—\$5,000 CP, PL, 12hrs CE and C&D
Delgado, Daniel	SA659562000	Realty One Group, Inc.	Glendale, AZ	Conviction	ASA—\$1,000 CP, 9 hrs CE
Marconi, Michelle	SA662604000	EXP Realty	Peoria, AZ	Conviction	ASA—\$1,000 CP, 9 hrs. CE
Segura, Noel Yanez Applicant	SA693613000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Peters, Blake Thomas Applicant	SA694487000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Headings, Jonathan Ryan Applicant	SA695763000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Brooks, James Marcus	SA671777000	My Home Group Real Estate LLC	Scottsdale AZ	Convictions	ASA— \$1,000, 12hrs CE
Mell, Gordon F.	SA676770000	Home Centric Real Estate LLC	Queen Creek AZ	Violation of Rules & Regulations	ASA— \$1,000, 9hrs CE
Richardson, Sarah	BR580923000	Tru Realty LLC	Scottsdale, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Miachika, Julie	SA671054000	Tru Realty LLC	Scottsdale, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Lauren, Alyse	SA019517000		Scottsdale, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Sutton, Damon Applicant	SA573797000		Phoenix, AZ	Conviction	CO-2yrs. PL/PM
De La Cruz, Justo	SA685566000		Mesa, AZ	Conviction	Order-Revocation

DISCIPLINARY ACTIONS

March, 2021 TO July 6, 2021

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Koffler, Amy	SA681798000	Homesmart LLC	Tempe, AZ	Failure to Disclose	ASA—\$1,000 CP, 6hrs CE
Osby, Joshua	SA681098000		Phoenix, AZ	Failure to Disclose	ASA—\$1,000 CP, 9hrs CE
Crotts, Denise	SA633386000	Balboa Realty LLC	Queen Creek, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 6hrs CE
Lane, Denver	BR643200000	Balboa Realty LLC	Queen Creek, AZ	Violation of Rules & Regulations	ASA—\$2,000 CP, 12hrs CE
Orio, Christopher	SA694751000		Peoria, AZ	Conviction	CO-2yrs. PL/PM
Hagberg, Theodore	SA656333000	Arizona Foothills Referral	Phoenix, AZ	Conviction	ASA—\$1,000 CP, 12hrs CE
Adriano,, George Applicant	SA695769000		Mesa, AZ	Convictions	CO-2yrs. PL/PM
Kane, Adam Applicant	SA696504000		Phoenix, AZ	Convictions	CO-3yrs. PL/PM
Huczel, Troy Applicant	SA696831000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Royle, Kelly Applicant	SA696593000		Phoenix, AZ	Convictions	CO-2yrs. PL/PM
Cerasuolo, Ashley Applicant	SA696886000		Kingman, AZ	Convictions	CO-2yrs. PL/PM
Bennett, Adam Applicant	SA696681000		Bullhead City, AZ	Convictions	CO-2yrs. PL/PM
Sork, Patrick Applicant	SA695579000		Flagstaff, AZ	Convictions	CO-3yrs.. PL/PM
Vidrine, Nathan	BR645133000		Las Vegas, NV	Failure to Disclose	ASA—\$2,000 CP, 12hrs CE
Murray, Matthew	SA669910000	Realty One Group Inc.	Queen Creek, AZ	Failure to Disclose	ASA—\$2.000 CP, 12hrs CE
Snyder, Heather	SA694690000		Victorville CA	Convictions	CO-2yrs. PL/PM
Adamo, Benedict	SA563996000		Phoenix, AZ	No Violation	Vacate Cease & Desist
Mousetis, Traci	SA563999000		Phoenix, AZ	No Violation	Vacate Cease & Desist
Affordable Business Concepts	Unlicensed		Phoenix, AZ	No Violation	Vacate Cease & Desist
Blair, Tyler	SA648180000	My Home Group Real Estate LLC	Gilbert AZ	Violation of Rules and Regulations	ASA—\$2,000 CP, 12hrs CE
Young,, Julie Ann	SA104303000		Chino Valley, AZ	Prior Department Action	ASA-\$600 LG
Widdecke, Adam	SA686319000		Cornville, AZ	Conviction	Order— Revocation
Guzman, David Christopher Applicant	SA696302000		Phoenix, AZ	Convictions	CO-3yrs. PL/PM
LaRandeau, Morgan Applicant	SA695799000		Buckeye, AZ	Convictions	CO-2yrs. PL/PM
Houk, Darin Applicant	SA696902000		Surprise, AZ	Convictions	CO-3yrs. PL/PM
Jones, Mackenzie Applicant	SA695229000		Scottsdale, AZ	Convictions	CO-3yrs. PL/PM
Cushing, Robert	SA654369000	Home Centric Real Estate LLC	Queen Creek, AZ	Violation of Rules & Regulations	ASA—\$1,000 CP, 9hrs CE
Patterson, Clark M Applicant	SA552523000		Miami Beach FL	Convictions	CO-2yrs. PL/PM
Kaley, Timothy	SA6472473000	Realty One Group, Inc	Gilbert, AZ	Conviction	ASA—\$1,000 CP, 12hrs CE
Torres, Emanuel	SA688013000		Yuma, AZ	Convictions	Order— Revocation
De Porzi, Mauro	SA686124000	DPR Realty LLC	Scottsdale AZ	Convictions	ASA—\$1,000, 9hrs CE
Volmar, Joseph Applicant	SA697156000		Las Vegas, NV	Convictions	CO-2yrs. PL/PM
Angle Homes, Inc			Kingman, AZ	Subdivision Violation	ASA- \$1000 CP
J’Wain A. Richards	SA685831000	Homesmart	Phoenix, AZ	Conviction	Order-Revocation
Leathers, Melissa Applicant	SA696748000		Phoenix, AZ	Convictions	CO-3yrs. PL/PM
Tischer, Thomas	BR074090000	ReMax Fine Properties	Phoenix, AZ	Compensation violations, failure to promote client’s interests, violation of rules and regulation	CO-\$4000 CP; 3 yr PL/PM, 21 hrs CE
Plum, Christopher	SA689758000		Tucson, AZ	Conviction & violation of rules	License Surrendered
Costales, Robert John III	BR674156000	HomeSmart LLC	Mesa, AZ	Advertising Violations	ASA—\$1,000 CP, 9hrs CE
Mosier, Darin Applicant	SA696077000		Prescott Valley	Convictions	CO-2yrs. PL/PM
Bermudez, Rene	SA668991000	Pulse Realty & Associates LLC	Phoenix, AZ	Violation of Rules & Regulations	ASA—\$1,500 CP, 9hrs CE
Myers, Andrew	SA691266000	International Integrity First LLC	Gilbert, AZ	Advertising Violations	ASA—\$1,000 CP, 9hrs CE

BROKER AUDIT HONOR ROLL

MARCH, 2021 TO JULY, 2021
Brokers in Substantive Compliance

License No.	Broker Last Name	Broker First Name	Brokerage	Type of Audit	Location
BR520875000	Bisnar	Andrew R.	Along the River Properties	EBAR w/ Sales	Bullhead City
BR546166000	Byun	Ann H.	Gliance Realty	EBAR w/ Sales	Chandler
BR640613000	Conway	Robert G.	Charity Realty AZ	Remote Sales	Litchfield Park
BR014018000	Hickey	Brent E	Central Real	EBAR w/ Sales	Chandler
BR042991000	Hunt	Robert D. Jr.	Property Watch	EBAR w/ Sales	Mesa
BR011517000	Hyndman	Gareth	Hanover Management	EBAR w/ Sales	Mesa
BR584891000	Johnson	Henry Steven	Lynx Realty	EBAR w/ Sales	Gilbert
BR517678000	Kallas	Nancy A.	Treasured Real Estate, LLC	EBAR w/ Sales	Gilbert
BR566864000	Lopez	Christopher "Chris" R.	World Class Properties	EBAR w/ Sales	Mesa
BR635414000	Lueck	Beatrice M.	Coldwell Banker Rox LLC	EBAR w/ Sales	Casa Grande
BR506573000	Martinez	Juan Carlos C. Jr.	Denmar Realty	Remote Sales	Mesa
BR504137000	Swann	Catherine J.	United Brokers Group	EBAR w/ Sales	Gilbert

