



Arizona Department of Real Estate



Bulletin

Volume 2017 • Issue 1



Judy Lowe
Commissioner

COMMISSIONER'S CORNER

TEAM

GOOD GOVERNMENT AWARD

The Arizona Department of Real Estate was given the “Good Government” award by Governor Doug Ducey for demonstrating value to the industry and public we serve by streamlining processes and delivering exceptional service.

The ADRE has achieved these results through the adoption of the Arizona Management System (AMS). [Click here](#) to read more about how we are delivering services through AMS.

How have we delivered results to the real estate industry, its nearly 83,000 Arizona real estate licensees, and to our investors the Arizona taxpayers?

TEAM WORK—Each team member is trained to “cross over” and help another team member do their job.

ADVANCING OUR TECHNOLOGY PLATFORM— We now have over 78% of our services online, or what we call “hybrid”. A new real estate licensee can complete their education, pass the exam, and hire on with a brokerage the same day. 83% of the 600/month new licensees apply online and 99% of the 2,800/month license renewals are done online.

SUCCESS STORIES INCLUDE

- New and renewal license applicants are approved in less than 1 day.
- Compliance audits of real estate brokerages are being completed 53% faster—from an average of 94 days in 2015 to 44 average days.
- Investigations of public complaints are being initially determined 34% faster—from 58 average days to 38 average days.
- Website enhancements allow all real estate licensees and candidates to search and register for continuing education and licensing requirements. Arizona constituents have the ability and access to information on knowledgeable, licensed real estate professionals who can help real estate investors. Buyers, sellers and businesses find the answers to their real estate needs, while driving recovery for the Arizona real estate economy.
- Developers and builders, whose business is booming can now submit their public report applications through an online portal reducing the timeframe for an expedited public report from 6 average days to less than 3 average days, and for an amended public report from 8 average days to less than 5 average days. The result is that new homes can be delivered to anxious buyers faster.

Governor Ducey has challenged each state agency to be the best in the nation. We are striving each and every day to do just that. When I pulled the staff together to discuss how we have accomplished efficiencies to get to where we are today, some of the answers were:

- **TEAM**—Together Everyone Achieves More
- Change is a good thing
- Continue to set solid goals and work toward achieving them everyday
- Achievement is contagious

Judy Lowe
Commissioner

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Q. What is the largest Indian reservation in Arizona?



A. The Navajo Nation



COMMISSIONER'S CORNER



Commissioner Lowe accepting the Good Government Award from Governor Ducey and Chief Operating Officer Henry Darwin.



Commissioner Lowe speaking to Real Living at Bill Ashker's office.



Juan Garcin, Commissioner Lowe, and Sidney Rosen at AMC Real Estate Committee in Scottsdale, Arizona.

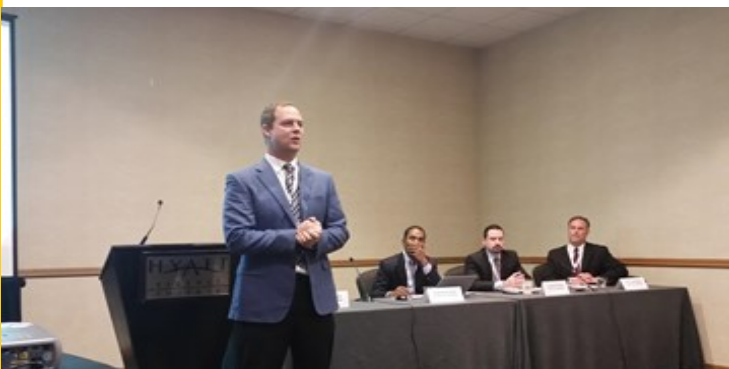


A packed room at the AMC Real Estate Committee in Scottsdale, Arizona.



ADRE staff donations to St. Mary's Food Bank.

Thanks TEAM!!



The Government Transformation Office, Dept. of Environmental Quality, Dept. of Real Estate, and Dept. of Transportation presented at the Digital Government Summit in Phoenix to share their journeys through adopting the Arizona Management System, and the efficiencies delivered to Arizona customers.

COMMISSIONER'S CORNER



Commissioner Lowe with the National Association of Residential Property Managers® after guest speaking.



ADRE's Wear Purple Day in recognition and support of the Governor's initiative to educate Arizonans on Domestic Violence Awareness Month.



ADRE attended the TAR Expo and provided brochures and information to attendees.



Commissioner Lowe and ICRESON Director Rafael Gastelum opening the Foreign Investment Office at the Arizona Mexico Commission Annual Meeting in Hermosillo, Mexico.



Commissioner Lowe sat down with Mark Weinstein at KTAR on "It's Business Time".



AAR 2017 President Paula Monthofer and Cindy Scott met at ADRE to discuss ways all real estate professionals can enhance their own personal safety.

ADRE TRACES ORIGINS TO STATE LAND DEPARTMENT

By Curt Leaf

In 1912 when Arizona became a state, real estate matters were handled by the State Land Department with the head of the Land Department also serving as the real estate "Commissioner". In 1947, House Bill 40 was passed creating the first Real Estate Board. The Board consisted of five licensees from around the State. O.C. Williams, the State Real Estate Commissioner, was the ex-officio member and chairman of the board. W.M. Cox, the Deputy Real Estate Commissioner, was also a member. The board held its first meeting on September 26, 1947. It appears a separate division within the State Land Department was formed to regulate the real estate industry.

In December 1947, the Board decided to end daily real estate license examinations and hold them twice a month, once in Phoenix on the second Tuesday of each month and once in Tucson on the fourth Tuesday of each month. Applicants were required to attend a "review course" offered each Monday preceding the examination "for special schooling and instructions." These classes were taught by Cavett Robert who was later to play a role in the development of the Department.

The Board decided to publish the first Real Estate primer at the December 1947 meeting. The minutes of the meeting state, "With the new application forms will be provided a primer or Book of Instructions which, when carefully studied will prepare the applicant for the new program of instruction and examination.

This new procedure is an educational program designated to eliminate the majority of complaints, due to infractions of the law. "Investigations have shown the 95 percent of the errors in real estate practice are due to a lack of information or ignorance of the law. It is believed that the new procedure will eliminate the major portions of such violations."

Another outcome of that meeting was the establishment of a Tucson branch office. In a July 24th 1948 meeting, O.C. Williams announced that Harry Ransom of Tucson had been appointed as the new deputy for the Tucson area.

At an October 8, 1948 meeting, James H. Hearon and Cavett Robert explained the provisions of the bill which the Board planned to submit to the next regular session of the Legislature. The bill provided

for a nine-member board and the Real Estate Department.

During a March 31, 1949 meeting, O.C. Williams said that his responsibilities as State Land Commissioner had increased to the extent that he could no longer actively supervise the Real Estate Department and that he was turning it over to Deputy Commissioner W.M. Cox. Although stricken from the record, these minutes record the first reference to J. Fred Talley as a special investigator.

It appears that when the board met on April 19, 1950, the Department was an independent agency. At this meeting, the Board appointed W.M. Cox as Real Estate Commissioner. His salary was \$5,400 per year.

VETERAN FRIENDLY MORTGAGE LOAN APPLICATION

Contributed by G-II Varrato II, Arizona State Director & Phoenix Chapter Director Government Affairs VAREP

As the Arizona State Director for VAREP I am very proud to announce that the new, and improved and veteran friendly, Fannie Mae Form 1003, (Uniform Residential Loan Application 'URLA') will soon be released for use nationwide to all real estate mortgage lenders.

Since the creation of the VA Loan, way back in 1944 when the G.I. Bill of Rights was signed into law by President Franklin D. Roosevelt, lenders have never been required to ask the applicant if he or she is a veteran. The sad reality of this missing loan application component is that more than 75% of all veterans, eligible to use their VA Loan Benefit, were never given the opportunity to explore this incredible loan option.

VAREP (Veterans Association of Real Estate Professionals) was the major and main driver to this addition. Every loan applicant will now be asked to respond to a question of service in the United States Armed Forces. By requiring the real estate mortgage loan officer to ask ALL loan applicants this questions, every veteran or active duty service member will be prompted to explore the benefits of the VA Loan. Those of us who have served and protected this great nation by wearing the uniform of the United States Armed Forces, have earned the right to use the VA Loan benefits. Sadly, and all too often veterans are not reminded, by their lender, that the VA Loan is a superior loan option for nearly every owner-occupant real estate purchase transaction. The new and improved Uniform Residential Loan Application Freddie Mac Form 65 / Fannie Mae Form 1003 was last revised 08/2016 and will become effective January 2018. [Click here](#) to get the new Veteran Friendly Fannie Mae form 1003

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ONLINE SYSTEM PASSWORD RESET THROUGH EMAIL — STEPS YOU CAN TAKE

ADRE has made it possible for all licensees to reset their Online System password by email. The Online License System is a way for licensees to manage their own Continuing Education, Personal Information, complete the Renewal Process, Print their License (Active Status Only), and so much more. **If a licensee has an invalid email address on file, there would be no way to receive the password reset link.**

That is why it's important to login to the Online Licensing System and keep all personal information updated, including your email address. If you should need to reset your password through email, please see instructions below:

- Visit www.azre.gov
- From the home page click Online Licensing and Renewal System
- Login on to the side side with your License Number, SSN Suffix and Birth Date and following the reset password instructions

Reminder... Once the Password Reset Link is sent to your email, you will have 15 minutes to comply before the link is invalid

Once the password has successfully been reset, the licensee may login and continue to enjoy the benefits of the ADRE online license system!

NORTH CAROLINA CLARIFIES VACATION RENTAL BROKER DUTIES

Excerpted from ARELLO's Boundaries magazine

Legislation recently enacted in North Carolina amends the state's Vacation Rental Act to clarify and expand the duties of licensed real estate brokers engaged in vacation property management.

The North Carolina Vacation Act (the "Act") was enacted in 1999 upon a finding by the state legislature that, "...the growth of the tourism industry in North Carolina led to a greatly expanded market of privately owned residences that are rented to tourists for vacation, leisure, and recreational purposes. Rental transactions conducted by the owners of these residences or licensed real estate brokers acting on their behalf present unique situations not normally found in the rental of primary residences for long terms." The Act therefore regulates the competing interests of landlords, real estate brokers and tenants in transactions involving vacation rentals, which the Act defines as "The rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return."

Among its provisions, the Act requires a written vacation rental agreement between the landlord or his/her broker and the tenant; mandates the deposit into a trust account of advance rents, security deposits and other fees; and regulates the amount of and circumstances under which advance moneys may be disbursed from the trust account prior to occupancy. The Act also provides standards for accounting for trust funds and making reimbursements to tenants, defines how the state's Residential Tenant Security Deposit Act applies to vacation rentals, establishes the respective rights and duties of sellers, buyers and tenants in a sale transaction involving a property that is subject to a vacation rental agreement, and provides for expedited eviction procedures.

North Carolina House Bill 151 complements the existing statutes defining the respective duties of vacation rental landlords and tenants, by also identifying the specific duties of real estate brokers not already contained in the Act. These include:

Managing the property in accordance with the terms of the written agency agreement signed by the landlord and real estate broker;

Offering vacation rental property to the public in compliance with all applicable federal and state laws, regulations, and ethical duties, including, but not limited to, those prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicapping condition, or familial status;

Notifying the landlord regarding any necessary repairs to keep the property in a fit and habitable or safe condition and following the landlord's directions in arranging for any such necessary repairs, upon written notification from the tenant that repairs are needed; and

Verifying that the landlord has installed operable smoke detectors and carbon monoxide alarms, the latter of which is a new landlord responsibility imposed by House Bill 151, and verifying that the landlord has annually placed new batteries in battery-operated detectors and alarms

House Bill 151 also eliminates potential legal liabilities for brokers who fail to identify landlords in vacation rental agreements, and negligence claims against brokers in the event that a tenant fails to replace alarm/detector batteries as needed.

Additional provisions of the new statutes provide needed definitions of "landlord" and "advance payments",

Continued as North Carolina on page 8

ADRE UPDATES SUBSTANTIVE POLICY STATEMENT RELATING TO UNLICENSED ASSISTANTS SPS No. 2017.01

This policy statement provides an update, and clarifies activities unlicensed assistant perform and how the individual is paid. Additionally, SPS 2017.01 Unlicensed Assistants provides general guidance of the activities an unlicensed assistant may and may not perform. The SPS provides references to Arizona Revised Statutes for consideration when hiring and compensating an unlicensed assistant.

[Click here to review SPS No. 2017.01](#)

HOW TO INCLUDE TECHNOLOGY AND SAFETY IN CONTINUING EDUCATION

By: Arizona Association of REALTORS® President Paula Monthofer

There are only five subjects which can be approved for CE right? Agency, Disclosure, Contract, Commissioner's Standards, and Fair Housing. Where does that leave Business Practices like Safety and Technology? We know it most certainly benefits the public to have REALTORS® and licensees well versed in technology; providing the current and expected level of customer service. We also know, without a doubt, it benefits our society as a whole to have our REALTORS® and licensees practicing their businesses safely and keeping their clients safer. Commissioner Lowe agrees.

Let's look at Agency. Classroom discussions around how to establish Agency and when agency disclosures are required offer many opportunities to discuss best business practices including safety and technology. We can create baseline safety and technology protocols and add these to our existing required agency protocol.

We have a requirement to have the consumer clearly understand where our agency lies and receive a copy of any form signed. Here are a few examples of safety and technology business practices which enable better adherence to our agency laws. Technology and safety protocol enable better adherence not only to Agency but also to our Commissioner's Standards, Fair Housing, Disclosure and the Contract. As educators we should take every opportunity to share our best Business Practices with our students which includes utilizing today's technology to provide effective service to clients and safety for ourselves.

FOLLOW ADRE ON TWITTER



Follow the Department on Twitter to receive updates, notices, and other Arizona related information! [click here](#)

SPREAD THE WORD... UPDATE YOUR EMAIL AT ADRE

If you are a real estate licensee and your contact information has changed, specifically your email address, you must update your profile on the Online License System immediately.

If your email address is not currently, you will not receive department notices, renewal reminders, and other department information.

Log in to the Online License System by [clicking here](#).



A very basic safety measure anyone can start taking advantage of right away is: Never meet a stranger in a private space. A very basic tech tool anyone can start taking advantage of right away is: The free CamScanner application which turns your cell into a scanner.

Now pull it all together into an applicable scenario for an agency discussion. "Ok Everyone - You are meeting a client for the first time. Where does this happen? How do you disclose agency? How do you deliver a copy of the Agency Disclosure and Election Form? How can you give a copy right away when not in the office?" See how it all fits? If you would like more examples of safe business practices via short videos and webinars or info on the Arizona REALTORS® Agent Safety Alert Program to include in your classes, please check out [AgentSafetyAlert.com](#).

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Commissioner comment: *The course application outline must connect safety and technology to statute and rules relating to Agency.*

ADRE... BY THE NUMBERS

The real estate industry and its professionals continue to be a pillar of the Arizona economy. Each real estate licensee plays an intricate and important role in the success of Arizona. We are pleased to share metrics that represent a gradual increase of practitioners entering the industry. With this stability, professionals are also drawn to the high regard and esteem that is promoted and encouraged for Arizona real estate.

Through the Arizona Management System the Department of Real Estate (ADRE) has adopted and embraced the management philosophy of seeking continuous improvement in all areas. The ADRE is working to streamline all processes to ensure the services it provides are as efficient and effective as possible. The real estate professional must be able to do what they do best for the people of Arizona. We continue to measure key metrics monthly to identify areas where we can improve. The ADRE processes most original and renewal salesperson and broker applications in an average of one day.

The ADRE celebrates a “Happy New Year” two times each year. One for the calendar year on January 1 and another for the Arizona state government fiscal year on July 1. During the month of July each year, the ADRE compiles and reviews statistics from the immediate past fiscal year to compare to prior years. As of June 1, 2017 the number of Original Real Estate licensees totaled 82,357, a 3% increase from the same month last year. Approximately 81 percent of original license applications and 88 percent of renewal applications are submitted online through www.azre.gov.

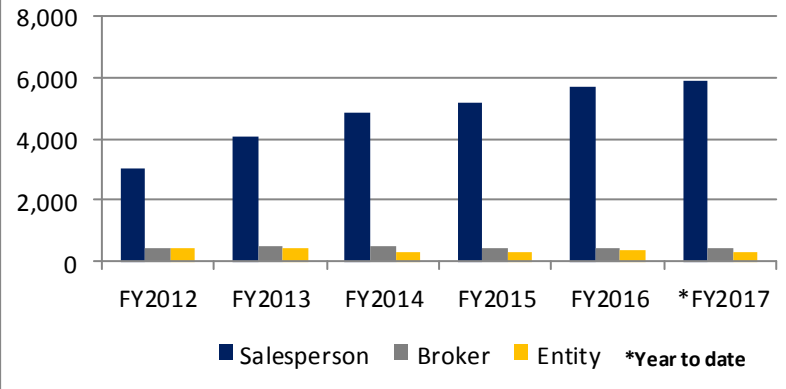
North Carolina Continued from page 6

specify the right of a broker to disburse earned rental commissions when a property subject to a vacation rental agreement is sold, and establishes early termination rights to vacation rental tenants who are U.S. Armed Forces personnel and receive deployment or permanent change of station orders.

According to the ARELLO® Digest of Real Estate License Laws and Current Issues, in 12 responding real estate regulatory jurisdictions a real estate salesperson or broker license “covers” vacation lodging rental activities.

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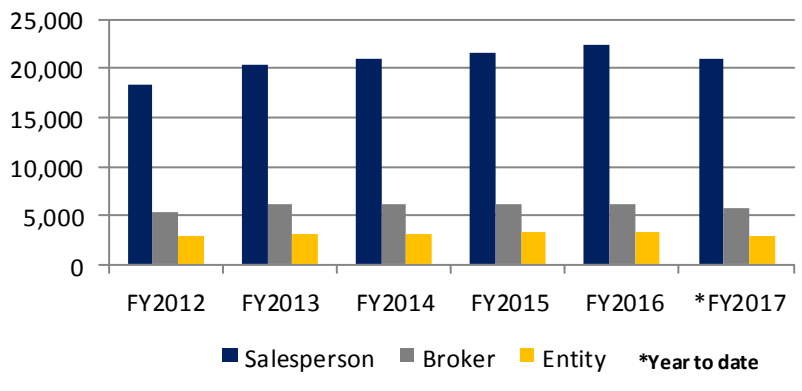
**Original License Applications Approved
FY2012 - *FY2017**



	FY2012	FY2013	FY2014	FY2015	FY2016	*FY2017
Salesperson	3,069	4,055	4,896	5,189	5,694	5,891
Broker	463	486	473	408	424	420
Entity	437	449	326	333	369	330
Total	3,969	4,990	5,695	5,930	6,487	6,641

* Year to Date — June numbers will be included in monthly licensing numbers online

**Renewal License Applications Approved
FY2012 - *FY2017**



	2012	2013	2014	2015	2016	*2017
Sales	18,406	20,460	20,938	21,528	22,420	20,936
Broker	5,406	6,212	6,235	6,259	6,244	5,715
Entity	2,859	3,187	3,151	3,234	3,259	2,881
Total	26,671	29,859	30,324	31,021	31,923	29,532

* Year to Date— June numbers will be included in monthly licensing numbers online

BROKER REVIEW

The Department's Auditing staff has been made aware of confusion on the part of some brokers regarding when documented broker review is to be performed. any document that may have a material effect upon the rights or obligations of a party to a transaction.

Is broker review completed throughout the course of a transaction or only after close of escrow? Unfortunately, many brokers incorrectly believe broker review occurs after close of escrow. Broker review is to be conducted as transaction documents are executed by the parties; therefore, transaction documents undergo broker review throughout the course of the transaction as the pertinent documents are executed.

Per the Commissioner's Rule, R4-28-1103, Broker Supervision and Control, the broker is required to establish and enforce written policies, procedures and systems to allow for timely broker review to be performed.

A.R.S. § 32-2151.01.G states, "The designated broker shall review each listing agreement, purchase or nonresidential lease agreement or similar instrument within ten business days of the date of execution by placing the broker's initials and the date of review on the instrument on the same page as the signatures of the parties. A designated broker may authorize in writing an associate broker who the designated broker employs to review and initial these instruments on the designated broker's behalf." The term "similar instrument" refers to



EDUCATION STATS

Average Passing Percentages for "First Time Exam Takers"

EXAM TYPE	6/16	7/16	8/16	9/16	10/16	11/16	12/16	1/17	2/17	3/17	4/17	5/17
REAL ESTATE BROKER	64%	69%	71%	79%	65%	81%	64%	56%	56%	79%	74%	81%
REAL ESTATE SALESPERSON	66%	68%	68%	66%	71%	61%	66%	65%	65%	67%	68%	66%
CEMETERY BROKER	0%	0%	100%	50%	0%	0%	0%	0%	0%	0%	0%	0%
CEMETERY SALESPERSON	89%	100%	83%	33%	80%	100%	100%	83%	50%	67%	88%	67%
MEMBERSHIP CAMPING BROKER	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
MEMBERSHIP CAMPING SALESPERSON	100%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%

Total Number of Licensees (Individual and Entity) as of June 1, 2017

82,357

Active Continuing Education (CE) Courses as of June 22, 2017

Live CE (Approximately) 2,273

Distance Learning CE (Approximately) 293

ADRE Licensee Online CE Course Submissions September 27, 2016 through June 12, 2017

Total courses entered 159,241

Distance Learning 83,910

Percentages Distance Learning 52.70%

EDUCATION ADVISORY COMMITTEE (EAC) MEETING

ADRE's Education Advisory Committee (EAC) has been in existence for over a decade. The EAC has been an integral part of ADRE's relationship with the real estate educator industry as a continual conduit and deliberative body to foster the communication and facilitate the relationship between the ADRE and the real estate educators in Arizona.

The EAC's task is to assist the ADRE in fulfilling 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 comprised of 14 members from an array of diverse backgrounds in real estate. The EAC holds regular meetings on a quarterly basis or more often as needed that are open to the public.

ADRE welcomes Laura Kovacs, A. Patrick Sheahan, and Kelly Zitlow as its newest member appointments! Commissioner Lowe recently reappointed Holly Eslinger, Scott Goddard, and Jon Kichen. Commissioner Lowe appreciates Andrew Jaffe, Mary Frances Coleman, and Jim Zirbes for their latest term of service that recently ended. Members serve two-year terms, with half of the member terms coming due in July of each year.

Visit the ADRE website www.azre.gov to view the EAC Calendar of meeting dates, minutes and agendas to follow the EAC. The EAC's next meeting is scheduled for September 7, 2017 at the ADRE, 2910 N. 44th Street, Phoenix, AZ from 10 a.m. to Noon.

EDUCATION ADVISORY COMMITTEE MEMBERS

- ◆ Marti Barnewolt, Realty Executives
- ◆ J. Robert Eckley, Esq., Eckley and Associates
- ◆ Holly Eslinger, Exclusive Homes and Land
- ◆ Barb Freestone, Arizona Association of Realtors®
- ◆ Evan Fuchs, Bullhead Laughlin Realty
- ◆ Scott Goddard, First American Title Insurance Company
- ◆ James Hogan, Hogan School of Real Estate
- ◆ Jon Kichen, Desert Sage Seminars
- ◆ Laura Kovacs, Scottsdale Area Association of Realtors
- ◆ Becky Ryan, Arizona Course Providers/Online Course Providers
- ◆ Mary Sand, Arizona Diversified Real Estate School
- ◆ A. Patrick Sheahan, Berry & Doyle LLC Commercial Real Estate Services
- ◆ Amy Swaney, Citywide Home Loans
- ◆ Kelly Zitlow, Chery Creek Mortgage Company

Commissioner Lowe, Carla Randolph, Assistant Commissioner of Licensing Services and ADRE appreciate the invaluable time and dedication the EAC committee members provide to ADRE as participants.



VOLUNTEER MONITOR PROGRAM

Have you been thinking of "volunteering" but do not know where to donate your time and energy? Are you a proponent of "raising the bar" for the real estate industry and an advocate of education?

If you have a background and awareness of real estate educational processes, you're a good candidate to be a Volunteer Monitor. If you are chosen to be a volunteer monitor, you will act as the eyes and ears of the Department around the state in our many scheduled real estate courses. Open to real estate licensees... no Educators please.

Send in your resume and a letter of interest to James Williams, Education Auditor at jwilliams@azre.gov.

As a licensee, you will receive continuing education credit.

EARNEST MONEY RECEIPTS

Is an Earnest Money Receipt a Required Document for a Transaction File?



The Department's Auditing staff has noted the lack of earnest money receipts in brokers' transaction files. In a sales transaction, both the seller's broker and the buyer's broker should obtain and include a copy of the earnest money receipt in the broker's transaction file. The earnest money receipt confirms that consideration has been paid by the buyer in the transaction. It also confirms the timely deposit of the buyer's earnest money.

If the seller's broker finds an earnest money receipt is not available because the money has not been deposited into escrow, a Cure Period Notice can be promptly issued in order to protect the seller's interests. Likewise, the buyer's broker can promptly notify the seller's broker that the buyer is or may be unable to perform in the contract, in accordance with the Commissioner's Rule, R4-28-1101.B.

A.R.S. § 32-2151.01.A states in part, "Each licensed employing broker shall keep records of all real estate ... transactions handled by or through the broker ... The records required by this section shall include copies of earnest money receipts, confirming that the earnest money has been handled in accordance with the transaction, closing statements showing all receipts, disbursements and adjustments, sales contracts and, if applicable, copies of employment agreements."

Yes — earnest money receipts are a required document in the transaction file.

REFRESHER ON TRANSACTION DOCUMENTS

Note: R4-28-802(C)

R4-28-802 (C) specifically addresses retention of transaction statements and states that in addition to the requirements of A.R.S. §§ 32-2151.01 and 32-2174, the broker shall retain true copies of all receipts and disbursements, or copied of the executed and delivered escrow closing statements that evidence all receipts and disbursements in the transaction.

COMMISSIONER LOWE APPOINTED AS VICE-PRESIDENT OF DISTRICT 4 2017 ARELLO BOARD OF DIRECTORS

Judy Lowe, Arizona Department of Real Estate Commissioner, proudly accepted appointment as Vice-President of District 4 to the 2017 ARELLO Board of Directors Association of Real Estate License Law Officials (ARELLO) Conference in Vancouver, British Columbia.

Commissioner Lowe has served on the District 4 Board of Directors since 2015. In this capacity, Commissioner Lowe will continue to work collaboratively with agencies from across the U.S. and the world to further the mission of protecting the public.

"Involvement with ARELLO has provided Arizona the ability to learn from other jurisdictions around the country, as well as internationally. I am honored to accept this appointment and for the renewed opportunity to share why Arizona is the best place to practice real estate" said Commissioner Lowe.

Commissioner Lowe is proud to accept this duty and looks forward to continuing to represent the State of Arizona on the 2017 ARELLO Board of Directors.



LOGGING ONTO THE ADRE ONLINE LICENSE SYSTEM

Please visit www.azre.gov

1. You will then bring up the Real Estate Licensing Login Screen page
2. Once on the Home Page Locate the Green tab—Online License System.
3. Click on the tab (Online License System).
4. To log in as a Licensee go to the left with your license number and password.
5. Various functions are located under the quick links tab such as (Updating Personal Information, enter continued education, add and request to be hired on by broker, sever from current broker, etc.).
6. To Reset your Password login on the right side
7. You will need your license number, last four of your Social Security Number, and Date of birth.
8. Once you have entered you will receive a series of questions to follow and answer accordingly to proceed onto the next step.

“STRANGE” NEVADA HOA “SUPERIOR PRIORITY” LIEN NOTICE STATUTE STRICKEN AS UNCONSTITUTIONAL

Excerpted from ARELLO's Boundaries magazine



In a decision of interest to home owners associations (HOAs) and their managers, mortgage lenders and other common interest community stakeholders, the United States Court of Appeals for the Ninth Circuit recently struck down as unconstitutional a since-amended “opt-in” notice provision of Nevada’s “super priority” HOA lien statutes.

Over 20 U.S. states have enacted laws that confer super priority status to common interest community dues/assessment liens. The scope of such liens and their respective enforcement processes vary among jurisdictions, but generally permit HOAs to commence foreclosure proceedings and be paid out of the resulting proceeds ahead of most other lien holders. The general policy behind such statutes is that unpaid dues and assessments threaten the viability of common interest communities, unfairly cause increased assessments against remaining homeowners, and lead to more foreclosures.

In *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, the U.S. Court of Appeals for the Ninth Circuit considered a quiet title action involving residential property that was acquired by its owner with a \$174,000 mortgage loan. The mortgage was secured by a recorded note and deed of trust later acquired by Wells Fargo Bank. The owner fell behind on her HOA dues, the HOA foreclosed, and the property was purchased at auction for \$4,145 by an investor that subsequently transferred its interest to Bourne Valley Court Trust. The property allegedly had an assessed value of over \$90,000 at the time of the HOA foreclosure.

Foreclosure proceedings based on nonpayment of the mortgage loan had also been commenced, so Bourne Valley brought a quiet title action against Wells Fargo. Bourne Valley argued that Nevada Revised Statutes section 116.3116 provides an HOA with a “super priority” lien that is superior to Wells Fargo’s first deed of trust. Bourne Valley relied in part on *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 334 P.3d 408 (Nev. 2014) in which the Nevada Supreme Court held that the statutory super priority

lien extinguishes all junior interests, including a first deed of trust. The federal district court agreed and granted summary judgment in favor of Bourne Valley. Wells Fargo appealed, arguing among other things that the notice provisions of the Nevada HOA super priority statute, which have since been amended, were unconstitutional. The U.S. Court of Appeals reversed the district court decision.

As described by the federal appellate court, before its later amendment the Nevada HOA super priority statute employed a “peculiar” scheme for providing mortgage lenders with notice that a homeowners’ association intended to foreclose on a lien. Even though the foreclosure forever extinguishes the mortgage lenders’ property rights, the statute contained “opt-in” provisions requiring HOAs to provide notice of the foreclosure only when it had already been requested. The court found that the opt-in provisions were “not only just strange” but also violated lenders’ due process rights under the Fourteenth Amendment to the U.S. Constitution. The court reasoned that the statutory scheme unconstitutionally shifted the notice burden from foreclosing HOAs to mortgage lenders regardless of whether lenders were aware that homeowners had defaulted on their HOA dues, whether lender’s interests had been recorded and thus were easily discoverable, or whether the foreclosing HOA made any effort to contact lenders.

In 2015 Nevada’s legislature eliminated the “opt-in” provision of the super priority lien notice statutes to require foreclosing HOAs to affirmatively provide notices of default and sale to holders of first deeds of trust and other recorded interests. Nonetheless, the Bourne decision is an example of the continuing legal battles and legislative policy disputes that surround HOA super priority lien statutes. In response to arguments in their favor, mortgage industry stakeholders assert that the core real property concept of “first in time, first in right” lien priority is critical to U.S. housing markets. Thus, private liens recorded after origination of a first lien mortgage/deed of trust “...should not be able to move ahead of the first position mortgagee in foreclosure priority, nor extinguish the mortgage.”*

[*Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 2016 U.S. App. LEXIS 14857 (Aug 12, 2016).

*Source: Mortgage Bankers Association, www.mba.org, “Homeowners and Condominium Associations Should Not Be Granted ‘Super Lien’ Priority”.]

Editor Note: 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.

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 (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 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

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?

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.

Note that the Arizona Office of the Attorney General also has telemarketing guidelines that must be adhered to, [click here](#) for more information.



DEVELOPMENT INDUSTRY LEARN & LUNCH

The sixth Learn and Lunch (L&L) with ADRE's Development/Builder Services Division and the Development / Builder Industry was another success. There was positive dialogue amongst the participants, which included an array of industry representatives. At this event Commissioner Lowe gave the opening presentation followed by the Development Services/Builder Division presentation on ADRE's new online application filing process and other topics of interest.

ADRE would like to give special thanks to Old Republic Title and Gammage and Burnham for sponsoring the past lunches at these events!

The next L&L event is tentatively scheduled for July 20, 2017. Representatives from the development industry are welcome to attend; due to limited seating and to receive a detailed invitation, please pre-register through the ADRE Message Center on the home page at www.azre.gov

SOUTH CAROLINA TO REGULATE REAL ESTATE TEAMS

ARELLO®. Excerpted from ARELLO's Boundaries magazine.

Legislation implementing a major overhaul of South Carolina's real estate licensing laws that will take effect on January 1, 2017 includes new standards for real estate teams operating in the state.

The concept of creating teams within a real estate brokerage is not new, of course, but the business model has reportedly grown significantly over the last several years. Proponents assert that teams provide advantages to both consumers and real estate licensees. For example, teams offer multiple licensees working together to provide various property marketing and transaction management functions at the same time, and thus concentrated services and enhanced client/customer communications that arguably cannot be provided as effectively by a single real estate agent. For licensees, teams are said to offer enhanced income opportunities, new agent mentoring, shared expertise, and the ability to designate team members to focus on specific tasks such as transaction tracking, listing presentations, lead generation, etc.

“The broker-in-charge must adopt a written company policy that identifies and describes the types of real estate brokerage relationships in which associated licensees may engage, including teams.”

Statistics vary, but it is certain that many thousands of real estate teams are currently operating in the Real estate regulators in many jurisdictions have adopted policies, promulgated rules and/or enacted statutes addressing team operations; one of the latest of which is South Carolina's Senate Bill 1013.

Under the new statutes, “team” is defined to mean “...two or more associated licensees working together as a single unit within an office established with the “Commission and supervised by a broker-in-charge” [the broker designated to have responsibility over the actions of all associated licensees and the responsibility and control over and liability for a real estate trust account]. The broker-in-charge must adopt a written company policy that identifies and describes the types of real estate brokerage relationships in which associated licensees may engage, including teams.

Senate Bill 1013, codified as Act 0170 of 2016, also enacts a new South Carolina Code section 40-57-360, which requires that:

- The broker-in-charge must be responsible for supervising the team and all licensed members of the team, may not delegate supervisory responsibilities to the team members or team leader, and the required written office policy must address team relationships in which associated licensees may engage;
- The team may act as disclosed dual agents only and with the prior informed and written consent of all parties and as addressed in the broker-in-charge's written office policy;
- Team members must conduct all real estate brokerage activities from their commission-established office under the supervision of a broker-in-charge;
- Team advertising must contain the team name and the full name of the real estate brokerage firm displayed in a conspicuous way;
- No team may imply that the team is a separate entity from the brokerage firm of its employment. Team names may not include the terms “realty”, “real estate”, “realtors”, or similar terms suggesting a brokerage; and the team, and any and all team members, must display and promote that they are directly connected to the brokerage firm under which the team works. The brokerage firm name under which the team works is to be displayed prominently and visibly in a meaningful and conspicuous way on all methods of advertising.

The South Carolina Real Estate Commission is authorized to promulgate regulations regarding the creation and operation of real estate teams, as well as other aspects of the licensing law changes enacted by Senate Bill 1013. Among many other matters, the legislation amends provisions relating to brokerage relationships; revises pre-license and continuing education requirements; amends nonresident licensing requirements; clarifies trust account responsibilities, and adds a disciplinary provision addressing transactions delays or failures caused by disputes between licensees. The Commission is in the process of interpreting and implementing Senate Bill 1013 and, to that end, has formed a task force, called a special public meeting and invited written comments.

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REAL ESTATE, A NOBLE PROFESSION... CONTRIBUTED BY JOHN FOLTZ , BROKER



"I pledge allegiance ... to the flag and to the republic for which it stands..... With liberty and justice for all"

Whenever I say the Pledge of Allegiance or sing the Star-Spangled Banner, I feel the emotion of pride for this country. I will bet you do, too! Our emotion and pride is based on a sense of liberty and freedom for ourselves, our families and for those we love. There is also a huge sense appreciation for those who have gone before us to protect our country.

One of the greatest values we have is the right to own private property. Ask any immigrant, from almost anywhere in the world, and they will tell you how exciting it is for them to actually own their own home.

As Real Estate Professionals, we have the unique honor and responsibility of helping the American family buy and sell the property in which that family lives, works, or holds investments.

A study by the National Association of Realtors has shown that the American family does significantly better when they own the home in which they live ... Education levels are higher, delinquency rates are lower, and communities experience less crime. These positive benefits to the American family have inertia, meaning that the positive benefits last for several generations.

So, as Real Estate Professionals, we have a noble goal and responsibility to serve the American family as a cornerstone of the principles and values of our great country. This is a high calling and a great honor.

Each of us has an opportunity to give our sincere commitment of knowledge, experience, and trustworthiness to American families, one at a time. In this way, we are contributing to the American way of life in a positive way and can genuinely feel the pride of involvement every time we say the Pledge of Allegiance or sing the National Anthem.

Ours is a high calling and we are grateful to be trusted with it. This is a noble profession constantly contributing to the American Dream.

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AUDIT CHECKLIST

What is the purpose of a Broker Compliance Audit conducted by the Department's Auditing staff? To confirm regulatory compliance with the Arizona Revised Statutes and Commissioner's Rules.

Audit procedures may vary depending on the type of real estate activities performed, as well as the individual business operations, procedures and processes utilized by the Broker and Entity. When applicable, the Broker Audit will include both the main and branch office(s).

In general, the Auditing staff will review **but are not limited** to reviewing the following:

Office signage and license display	A.R.S. §32-2126.B A.R.S. § 32-2127.B A.R.S. § 32-2128	
Employee files	A.R.S. § 32-2151.01	
Broker's operating and/or commission account	A.R.S. §32.2155 A.R.S. § 32-2163.A & B	
Broker's Policy and Procedure Manual	R4-28-1103.A	
Delegations of Authority for Broker duties and Broker Temporary Absences	A.R.S. § 32-2151.01.G A.R.S. § 32-2127.D R4-28-304.B	
Sales, Leasing and/or Property Management Logs	A.R.S. § 32-2151.01 A.R.S. § 32-2175.E	E
Sales files for completeness and timely documented broker review	A.R.S. § 32-2151.01	
Transactions in which licensees acted as a principal	R4-28-1101.E	
Property Management Agreements	A.R.S. § 32-2173	
Broker Trust bank accounts, including bank statements and monthly trust account reconciliations	A.R.S. § 32-2151	
Client and Tenant Ledgers, Liability Balances and Monthly Reports	A.R.S. § 32-2175.C	
Checkbook register (receipts and disbursement journal)	A.R.S. § 32-2151.A.2	
Trust Account signature cards	A.R.S. §32-2174	

BROKERS IN SUBSTANTIVE COMPLIANCE
Broker Audit Honor Roll - JUNE thru May 2017

<u>License #</u>	<u>Broker's Name</u>	<u>Brokerage</u>	<u>Type of Audit</u>	<u>Brokerage Location</u>
BR093463000	Allyn, James E.	Allyn & Associates	Onsite	
BR023569000	Baker, Byron D.	B. D. Baker Company	Onsite	
BR111129000	Baker, Jonna C.	Jonna Baker & Associates Realty, LLC	Onsite	
BR577176000	Baker, Tao	Red Rock Equities	Onsite	
BR648432000	Bauman, David W.	TM Realty Services Arizona, LLC	Onsite	
BR526735000	Beckman, Kristi M.	Orion Fine Homes, LLC	Onsite	
BR005060000	Bell, George H.	Land Research & Development, Inc.	Onsite	
BR039527000	Benavidez, Marcia K.	Power Property, Inc.	Onsite	
BR034762000	Benjamin, Christopher P.	City to City Commercial	Onsite	
BR036276000	Bennett, Mary	Desert Horizons Group, LLC	EBAR	
BR528362000	Berman, Vanessa A.	Caliber Realty	Onsite	
BR019401000	Bernstein, David	The Bernstein Murphy Companies, LLC	Onsite	
BR548326000	Blank, David A.	National Realty Brokers	Onsite	
BR028502000	Bongiorno, Kim S.	Buyers Information Service, Inc.	Onsite	
BR528401000	Bosse, Tammy L.	Boss Properties	Onsite	
BR632960000	Boyd, Joann	Boyd Realty & Investments	Onsite	
BR511008000	Brice, Lesley A.	MC Residential	Onsite	
BR625024000	Brodeur, Marc A.	Trillium Properties, LLC	Onsite	
BR009600000	Burgener, Clifton W. "Will"	Sherlock Homes Realty	Onsite	
BR007241000	Burns, Timothy P.	PPR Referral	Onsite	
BR529957000	Burrell, Aimee A.	Elpis Real Estate Boutique	Onsite	
BR511157000	Callaway, Kelly E.	Those Callaways	Onsite	
BR551451000	Campbell, Douglas R.J.	Campbell & Associates (Inactive)	Onsite	
BR634706000	Caparros, Agustin D.	VLP Realty	Onsite	
BR007140000	Cardwell, Michael A.	Homechoice Properties, LLC	Onsite	
BR539215000	Castro, Theodore "Teddy"	Home Execs Realty	Onsite	
BR113578000	Chandler, Dale B.	Above and Beyond Realty	Onsite	
BR583358000	Chapman, Jacob R.	Desert North Realty	Onsite	
BR101762000	Chipman, Linda L.	KRE Arizona, LLC	Onsite	
BR013958000	Chua, Perla	Smart Referral Network, LLC	Onsite	
BR105952000	Clark, Phillip B. "Phil"	Phil Clark Land, LLC	Onsite	
BR537300000	Cleman, Frederick A.	Full House Realty	Onsite	
BR561065000	Conway, Michael W. Jr.	Conway Real Estate	Onsite	
BR540321000	Cook, Philip N.	Neighborhood Experts	Onsite	
BR571806000	Coon, Robert E.	Majestic Real Estate & Investments, Inc.	Onsite	
BR512652000	Daniell-Marshall, Janet M.	Robison Land & Realty	EBAR	
BR554651000	De Augustine, Anthony	Avant Garde	Onsite	

BROKERS IN SUBSTANTIVE COMPLIANCE
Broker Audit Honor Roll - JUNE thru MAY 2017

<u>License #</u>	<u>Broker's Name</u>	<u>Brokerage</u>	<u>Type of Audit</u>	<u>Brokerage Location</u>
BR005211000	De Bernardi, R.C. "Duke"	DD Properties	Onsite	
BR528459000	Dearien, Dana L.	Montebello Fine Properties	Onsite	
BR008886000	Decosmo, Richard A.	Cozland Corporation	Onsite	
BR522843000	Deglane, Juan M.	Zipworld Realty, LLC	Onsite	
BR031821000	Deutch, Matthew E.	DPR Commercial	Onsite	
BR011860000	Don Francesco, Patricia	Metropolitan Real Estate	Onsite	
BR629350000	Doyle, Perry P.	Black Belt Realty	Onsite	
BR577367000	Duck, Charles E. III	Blackwing Real Estate	Onsite	
BR580899000	Farber, Paul S.	Vim Residential Management, LLC	Onsite	
BR552177000	Farhat, Deborah A.	Farhat & Associates	Onsite	
BR627810000	Figueroa, Jose "Joe" R. Jr.	Yuma Property Management, LLC	EBAR	
BR104971000	Fillipi, Terry L.	Aspen Country Realty	EBAR	
BR026446000	Frye, Donna L.	Christian Real Estate	Onsite	
BR526216000	Gaston, Jacob D.	Be Home Realty	Onsite	
BR522712000	Giannopoulos, William	I Home Real Estate, LLC	Onsite	
BR520884000	Gordon, James J.	Homecor Realty	Onsite	
BR013786000	Green, Margaret A.	Aufmuth Fine Properties	Onsite	
BR531539000	Gutierrez, Michael V.	Douglas Realty Group	EBAR	
BR504797000	Hall, Michael T.	ERA - Matt Fischer, Realtor	EBAR	
BR625997000	Harrington, Richard P. "Rich"	My Arizona Realty, LLC	Onsite	
BR101141000	Haugen, George R.	Haugen Commercial Real Estate, Inc.	Onsite	
BR007099000	Hogan, Joseph E.	The Hogan Group	Onsite	
BR562135000	Holliday, Roger L.	Tri State Realty, Inc.	EBAR	
BR528226000	Hudson, Dale R.	Sonoran Fine Properties	Onsite	
BR006260000	Hulvey, Dale L.	Christopher Robert Corporation	Onsite	
BR529524000	Hune, Pat S.	1st Southwest Realty	Onsite	
BR527288000	Hunt, Jeffrey L.	Rider's Realty	Onsite	
BR043906000	Jackson, Rick	Hunter Jack	Onsite	
BR021269000	Kerley, Robert D.	Silver Key Realty	Onsite	
BR517246000	King, Nancy A. "Angel"	Custom Homes and Lots Investments	Onsite	
BR026694000	Klei, Kelly L.	Discovery Realty	Onsite	
BR516568000	Kopp, Richard L. Jr.	Assist-2-Sell Buyers and Sellers	Onsite	
BR010615000	Ladamato, A. Gene	Home Management Associates	Onsite	
BR565063000	Leefers, Kimber	Solterra Realty, LLC	Onsite	

BROKERS IN SUBSTANTIVE COMPLIANCE
Broker Audit Honor Roll - JUNE thru MAY 2017

<u>License #</u>	<u>Broker's Name</u>	<u>Brokerage</u>	<u>Type of Au- dit</u>	<u>Brokerage Location</u>
BR510346000	Lucero, Martha J.	Casa Lucero Realty, LLC	EBAR	
BR008101000	Marshall, Marie	Marie Marshall & Associates	Onsite	
BR116494000	Martin, Debra L.	Bullhead City Property Management Sales	EBAR	
BR507628000	Martinet, Pierre F.	Net Land Realty	Onsite	
BR519816000	Martinez, Mary Ellen	Strategy Realty, LLC	Onsite	
BR570713000	Martinez, Tina L.	No Stress Properties	Onsite	
BR007509000	May, Gary	Real Living Success Realty	Onsite	
BR517953000	McDonald Andrew "Andy"	Homesmart Advantage Group	Onsite	
BR006095000	Messenger, Michael R. "Mike"	GHE Realty	Onsite	
BR564190000	Mijac, John P.	Long Realty Company	Onsite	
BR516107000	Miller, Nicole C.	Zion Realty	Onsite	
BR626580000	Miller, Ryan T.	RBR & Associates	Onsite	
BR006028000	Morland, Johnnie R.	Southwest Management of Arizona	EBAR	
BR008037000	Nabers, Michael L.	RE/MAX Sun Properties	Onsite	
BR570002000	Ochoa, George	Golden Properties Management, LLC	Onsite	
BR561428000	Pechersky, Scott R.	Alliance Communities, LLC	Onsite	
BR109400000	Pepping, Kathleen C.	Tucson Management, Inc.	Onsite	
BR574801000	Perera, Toni R.	Infinity Realty Arizona	Onsite	
BR515035000	Phelps, Robert B. "Bob"	Bob Phelps Realty Co.	Onsite	
BR526289000	Phillips, Mark V.	Newmark Grubb Levy Strange Beffort	Onsite	
BR558719000	Plato, Raymond J. "Ray"	Viza Realty	Onsite	
BR013106000	Popa, Thomas J.	Thomas Popa & Associates	Onsite	
BR006986000	Quatraro, Paul R.	Great Southwest Realty	Onsite	
BR516382000	Ramras, Tatiana	Ramras Realty, LLC	Onsite	

BROKERS IN SUBSTANTIVE COMPLIANCE
Broker Audit Honor Roll - JUNE thru MAY 2017

BR006383000	Ramundo, Mark	Mark Ramundo	Onsite
BR525881000	Rich, Danielle C.	Tucson's Choice Property Management & Real Estate Group LLC	Onsite
BR025700000	Robers, Jerald L.	Triple Net America, LLC	Onsite
BR533244000	Rollnick, Richard D.	Allegiant Properties, LLC	Onsite
BR573786000	Roulette, Charles K.	Montezuma Realty	Onsite
BR641439000	Salyer, Angela K.	Mattamy Tucson, LLC	Onsite
BR105185000	Schlosser, Lucas W.	Southwest Land Associates, LLC	Onsite
BR628744000	Shiner, Michael G.	CXT Realty	Onsite
BR037150000	Shrader, J. B.	Shrader Realty & Associates	EBAR
BR007056000	Siddons, George	Key Management Co., Inc.	Onsite
BR633507000	Stern, Negin	Lemark Realty	Onsite
BR012375000	Stevens, Julie A.	Stevens Realty & Investment Co. Inc.	EBAR
BR037123000	Thibault, John H. "Tebo"	State Territory Realty, LLC	Onsite
BR522286000	Thompson, Gary T.	Arizona Central Land & Home	Onsite
BR504755000	Titche, Megan K.	MEB Rental Homes	Onsite
BR518832000	Tobian, Michael P.	GetArizonaProperty.com	Onsite
BR114305000	Tokoph, Thomas J.	Urban Realty & Development, LLC	Onsite
BR102326000	Trevino, Karen L.	ERA Four Feathers Realty, L.C.	EBAR
BR513924000	Tyrrell, John T.	Tycor Realty Company	Onsite
BR528450000	Vance, Leonard B. "Len"	Vance Realty	Onsite
BR546609000	Weaver, Keith A.	Exit Realty - Realty Place	Onsite
BR524832000	Weekes, Euphemia L.	Crest Premier Properties	Onsite
BR006009000	Weller, Gary L.	Weller Realty & Management	Onsite
BR542027000	White, Sandra E.	Hunt Commercial Real Estate	Onsite
BR014024000	Winward, William J.	CPA Advantage Realty, LLC	Onsite
BR042781000	Yamauchi, Kathleen	Kathleen Yamauchi Group Real Estate	Onsite
BR007903000	Ziff, Laura S.	AAM, LLC	Onsite

DISCIPLINARY ACTIONS

ABBREVIATIONS USED IN DISCIPLINARY ACTIONS

ASA = Accelerated Settlement Agreement	BA = Broker Acknowledgement	C&D = Cease and Desist	CFO = Commissioner Final Order
CO = Consent Order	CONV = Conviction	CP = Civil Penalty	ED = Additional Education
FEL = Felony	J & S = Joint & Several	LG = License Granted	MISD = Misdemeanor
PL = Provisional License	PM = Practice Monitor	UA = Unlicensed Activity	

Correction: The ADRE Bulletin Volume 2016 Issue 2 erroneously listed Coldwell Banker Residential as the Brokerage at the Time of Violation by Cal-Pacific Properties Corp. The field should have been left blank. Coldwell Banker Residential has never been affiliated with Cal-Pacific Properties Corp.

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Fisher, Aaron	SA642267000	Inactive	Oro Valley, AZ	Convictions	CO - 2 Yrs. PL/PM; Sworn Quarterly affidavits
Bestine, Daniel	SA661127000	Applicant	Mesa, AZ	Convictions	CFO- After hearing - License Denial upheld.
Mansour, Majo	BR642157000	Sterling Fine Properties, LLC	Scottsdale, AZ	Property Management Irregularities	ASA - \$500 CP, 6 hrs CE
Siqueiros, Raul B	SA553109000	Walt Danley Realty LLC	Phoenix, AZ	Failure to timely disclose conviction	ASA - \$400 CP
Huerta, Melissa	SA627029000	Fazio & Associates LLC	Mesa, AZ	Failure to timely disclose conviction	ASA- \$750 CP
West, Ken	SA664971000	Applicant	Prescott, AZ	Convictions	CO- 2 Yrs. PL/PM
Barber, Gail A	SA115286000	Applicant	Phoenix, AZ	Convictions	CO- 2 Yrs. PL/PM
Lewis, William Phillip	SA535172000	Sterling Fine Properties, LLC	Scottsdale, AZ	Violation of Rules & Regulations	CO- \$1000 CP, 2 Yrs. PL/PM, 9 hrs CE
Connolly, Channing Morgan	SA665345000	Applicant	Lake Havasu City, AZ	Convictions	CO-2 Yrs. PL/PM
Adams, Barbara	SA024906000	Suspended	Phoenix, AZ	Conviction	CO- License Suspension, 2 yr. PL/PM, 12 hrs CE
Michelle, Angelique	SA661509000	Applicant	Lake Havasu City, AZ	Convictions	CO - 2 Yrs. PL/PM
Hardin, Scott	BR116446000	Keyland Fine Properties, LLC	Scottsdale, AZ	Trust Irregularities - shortage	CFO-License Revoked
Venezia, James H.	SA574989000	Keyland Fine Properties, LLC	Cave Creek, AZ	Trust Irregularities - shortage	CFO-License Revoked
Keyland Fine Properties, LLC	LC625010000		Cave Creek, AZ	Trust Irregularities - shortage	CFO-License Revoked
Rogers, Letitia	SA661228000	Re/Max Prestige Properties	Kingman, AZ	Failure to disclose conviction	ASA-\$750 CP, 6 hrs CE
Yost, Shawna	SA573567000	Applicant	Mesa, AZ	Failure to complete CE while previously licensed	ASA - \$500 CP, 6 hrs CE
Moyer, James	SA634126000	Homesmart LLC	Gilbert, AZ	Failure to disclose - Conviction	ASA - \$1500 CP
Joaquim, Hilda	BR007262000	S. J. Flower Real Estate	Phoenix, AZ	Misrepresentation Conversion of client funds	CFO - License Revoked
Frankenfield, Cori	SA665330000	applicant	Tucson, AZ	Convictions	CO - 2 Yrs. PL/PM
Walters, Lindsay	SA564559000	Mojica & Associates Real Estate LLC	Scottsdale, AZ	Late disclosure - Conviction	CO - \$2000 CP, 2 Yrs. PL/PM, 9 hrs CE
Cohen, Deborah	BR572424000	Custom Keys Realty & Property Management	Gold Canyon, AZ	Abandonment of office	FINDING OF FACT, CONCLUSIONS OF LAW & ORDER - License revoked
Custom Key Realty & Property Management	LC644620000		Gold Canyon, AZ	Abandonment of office	FINDING OF FACT, CONCLUSIONS OF LAW & ORDER - License revoked
Arizona Homes Realty	LC575173000		Gilbert, AZ	Violation or Rules and Regulations - illegal compensation	ASA - \$1000 CP

DISCIPLINARY ACTIONS CONTINUED

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Carroll, Shannon Marie	BR535504000	Arizona Homes Realty	Gilbert, AZ	Violation of Rules and Regulations - illegal compensation	ASA - \$1000 CP, 6 hrs CE
Montijo, Edna	SA653786000	Arizona Homes Realty	Gilbert, AZ	Violation of Rules and Regulations - illegal compensation	ASA - \$1000 CP, 6 hrs CE
Koenig, Yvonne	SA653161000	Arizona Homes Realty	Gilbert, AZ	Violation of Rules and Regulations - illegal compensation	ASA - \$500 CP, 6 hrs CE
Gilbaugh, Patricia	SA115655000	West USA Realty Inc.	Phoenix, AZ	Late Disclosure	ASA - \$400 CP
Brown, Kelly	SA045688000	Inactive	Scottsdale, AZ	Late Disclosure	CO - \$400 CP, 2 Yrs. PL/PM, 6 hrs CE
Green, Lynne	SA660575000	Applicant	Phoenix, AZ	Convictions	CO - 2 Yrs. PL/PM
McNulty, Laura	SA580715000	Homesmart LLC	San Tan Valley, AZ	Property Management Irregularities	CFO- License Revoked, \$2000 CP
Martin, Aaron	SA662870000	N/A	Scottsdale, AZ	Surrender in lieu of disciplinary hearing	Surrender License
Sypkens, Dennis	SA644363000	Suspended	Scottsdale, AZ	Conviction	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER - Licensed Revoked
Talbot, Dawn	SA655356000	TENNEY REALTY SERVICES	SHOW LOW, AZ	Failure to disclose - Conviction	ASA - \$450 CP
Martinez, Ruben	SA668176000	Applicant	Casa Grande, AZ	Conviction	CO-2 Yrs. PL/PM
Bechtel, Alison	BR521148000	Keller Williams Legacy One	Phoenix, AZ	Failure to supervise	CO-\$2000 CP, 6 hrs CE
McNicol, Cynthia	BR557817000	Keller Williams Legacy One	Phoenix, AZ	Failure to supervise	CO-\$2000 CP, 6 hrs CE
Dawson, Mark	SA44420000	Realty Executives LLC	Scottsdale, AZ	Unlicensed Activity	CO - \$2000 CP, 2 Yrs. PL/PM, 6 hrs CE
Hieber, Craig	SA626564000	ERA_ Matt Fischer Realtor LLC	Yuma, AZ	Failure to disclose a material fact- Violation of Rules and Regulations	CO - \$2000 CP, 2 Yrs. PL/PM, 12 hrs CE
Genteman, Nathan	SA655285000	VDH Investment Corp.	Chandler, AZ	Failure to Disclose- Convictions	ASA - \$750 CP
Murray, Stephen	BR564024000	MURRAY TIERRA ESTARE COMPANY	Maricopa AZ	Failure to review transactions	ASA - \$1000 CP, 6 hrs CE
Keckler, Tammi	Unlicensed	JGL Consulting LLC	Peoria, AZ	Unlicensed Activity - property management	Cease & Desist
JGL Consulting LLC	Unlicensed		Peoria, AZ	Unlicensed Activity - property management	Cease & Desist
Taylor, Joy Darlene	BR008124000	Leon-Taylor Management LLC	Tucson, AZ	Unlicensed Activity	ASA - \$1000 CP, 6 hrs CE
Johnson, Randall	SA516901000	Valley Vistas Management Company	Scottsdale, AZ	Unlicensed Activity	CFO - license revoked
Valley Vistas Management Company	Unlicensed		Scottsdale, AZ	Unlicensed Activity	CFO - cease and desist affirmed
Dubon, Tiberius	SA668002000	Applicant	Phoenix, AZ	Conviction	CO- 2 Yrs. PL/PM
Pafford, Nicholas	SA577842000	Bluebonnet t Ventures	Flagstaff, AZ	Convictions	CO-2yrs. PL/PM
Sjulstad, Paula	SA513790000	NRT Arizona LLC	Tucson, AZ	Conviction	CO- 2 yrs. PL/PM

DISCIPLINARY ACTIONS CONTINUED

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Lawson, Aaron	SA636399000	Applicant	Phoenix, AZ	Convictions	CO - 2 Yrs. PL/PM, 6 hrs CE
Rivera, Jose	SA624430000	Uptown Realty LLC	Phoenix, AZ	Convictions	CFO
Means, Kimberly	SA038437000	Inactive	Scottsdale, AZ	Failure to Disclose - Convictions	ASA - \$750 CP
Devorkin, Jeffrey	BR573645000	I GO URBAN REALTY	Chandler, AZ	Trust Account Irregularities	CO -\$3000 CP, 2 yrs. PL/PM, 12 hrs CE, 2 yrs. acct reconciliations
I GO URBAN REALTY	LC634388000		Chandler, AZ	Trust Account Irregularities	CO -\$3000 CP, 2 yrs. PL/PM, 12 hrs CE, 2 yrs. acct reconciliations
Decesare, Dean	BR547365000	OCOTILLO PROPERTIES	Maricopa AZ	Failure to maintain records - Violation or Rules and Regulations	ASA - \$1000
Smith, Duane	SA656211000	HOMESMART, LLC	Glendale, AZ	Other Jurisdiction Sanction	ASA - \$750 CP
Carr, Terrell	SA665337000	Applicant	Tempe, AZ	Convictions	CO - 2 Yrs. PL/PM,
Singer, Richard	SA66124000	Applicant	Flagstaff, AZ	Convictions	CO - 2 Yrs. PL/PM
Danovic, Jacob	SA583819000	Reliance Commercial Real Estate	Scottsdale, AZ	Failure to Disclose - convictions	ASA - \$1000, 6 hrs CE
Starich, Kenneth	BR638603000	Kenneth Starich	Mesa, AZ	Other jurisdiction sanctions- False/ Misleading Application	CFO - Revoked
Schoff, J Dillon	SA580671000	Tierra Antigua Realty LLC	Tucson, AZ	Convictions	CFO-Revoked
Holcomb, Michelle	BR5414455000	FORE PEAKS SALES GROUP	Rio Verde, AZ	Failure to Respond to a Department Investigations/Audit - Violation or Rules and Regulations	Cease & Desist
Fore Peaks Sales Group	LC641582000		Rio Verde, AZ	Failure to Respond to a Department Investigations/Audit - Violation or Rules and Regulations	Cease & Desist
John N. Wenzlau	BR12964000	Agenors Partners Realty LLC	Litchfield, AZ	Violation or Rules and Regulations	CO - \$1,500 CP, 12 hrs CE
Espinoza, Mario T	BR509316000	SLP Realty	Phoenix, AZ	Surrender in lieu of hearing	Surrender License
Freyling, Glenn	SA668410000	Applicant	Camp Verde, AZ	Failure to Disclose - Convictions	CO - 2 yrs. PL/PM
Dow, Darin	SA542779000	MY HOME GROUP REAL ESTATE	Tempe, AZ	Surrender in lieu of hearing to revoke	Surrender License
Flores, James	SA649106000	Inactive	Mesa, AZ	Conviction	ASA - \$750 CP,
Willoughby, Dan	SA576122000	Homesmart LLC	Peoria, AZ	Convictions	Summary Suspension
Yu, Min	SA631054000	Inactive	Phoenix, AZ	Conviction	Summary Suspension
Chin, Tom	SA588263000	Homesmart LLC	Chandler, AZ	Convictions	Summary Suspension
Erran, David	SA659627000	Inactive	Mesa, AZ	Convictions	Summary Suspension
Foley, John	SA564682000	Real Estate Marketing Professionals Of Tucson	Glendale, AZ	Conviction	CFO- Revoked
Wisneski, Natalie	SA666229000	Applicant	Tempe, AZ	Disclosure - Conviction	CFO - after hearing- Grant 2 year PL
Wisneski, Natalie	SA666229000	Applicant	Tempe, AZ	Conviction	CO - 2 Yrs. PL/pm issued after hearing
Yu, Min	SA631054000	Inactive	Phoenix, AZ	Convictions	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, Licensed REVOKED

DISCIPLINARY ACTIONS CONTINUED

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Andrews, Dallas	SA669105000	Applicant	Peoria, AZ	Convictions	CO - 2 yrs. PL/PM
Zimmerman, Mary Ann	SA629611000	Realty One Group Inc.	Peoria, AZ	Failure to Disclose- False or Misleading Application	ASA - \$1000
Cheetham, Russell	SA530740000	Inactive	Scottsdale, AZ	Failure to Disclose - Convictions	ASA - \$750
Smith, Margaret	BR564185000	Valley Executives Real Estate and Property Management	Scottsdale, AZ	Property management and trust account violations	CO -\$3000 CP, 2 yrs. PL/PM, 15 hrs CE, 2 yrs acct reconciliations
Valley Executives Real Estate and Property Management	LC639959000		Scottsdale, AZ	Property management and trust account violations	CO-\$3000 CP, 2yrs PL/PM, 15hrs CE, 2 yrs. acct reconciliations
Schmitz, Cristy	SA669102000	Applicant	Apache Junction, AZ	Convictions	CO -2 yrs. PL/PM
Wier, Anthony	BR007361000	Pro-Property Management	Phoenix, AZ	Trust Account Irregularities- failure to reconcile	ASA - \$1000 CP, 6 hrs CE
Friedman, Alan	BR002963000	American Property Exchange Inc.	Tucson, AZ	Illegal Subdivision	CO - \$2000 CP CEASE & DESIST
Meade, Clyne	Unlicensed		Tucson, AZ	Illegal Subdivision	CO - \$2000 CP CEASE & DESIST
Race Track Development	Unlicensed		Tucson, AZ	Illegal Subdivision	CO - \$2000 CP CEASE & DESIST
Liechti, Timothy	SA631830000	Summit Land Consultants LLC dba Summit Home Consultants	Scottsdale, AZ	Failure to exercise reasonable care-disclosure	CO - \$500 CP, 9 hrs CE
Bortman, Oleg	BR63686400	Biltmore Lifestyles Real Estate Company	Phoenix, AZ	Violation or Rules and Regulations- - Advertising	ASA - \$500 CP, 6 hrs CE
Balock, Tucker	BR642462000	Biltmore Lifestyles Real Estate Company	Phoenix, AZ	Violation or Rules and Regulations- - Advertising	ASA - \$500 CP, 6 hrs CE
Stockwell, Cynthia	BR021871000		Phoenix, AZ	Violation or Rules and Regulations- - Advertising	ASA - \$400 CP
Planeta, Mary	SA669372000	Applicant	Phoenix, AZ	Convictions	CO - PL/PM
Barnes, Dana	BR524813000	Above and Beyond Realty	Glendale, AZ	Failure to Disclose	CO - \$1,000 CP, 9 hrs CE
Laakso, Anton	SA669154000	Applicant	Tempe, AZ	Convictions	CO - 2 Yrs. PL/PM, 6 hrs CE
Rivera, Joey	SA661198000	Applicant	Phoenix, AZ	Convictions	CFO- Denial of license upheld
Lopez, Rosita	BR569509000	Golden Globe Investments LLC	Mesa, AZ	Violation or Rules and Regulations	CFO- License Revoked
Gunderson, Jesse	SA527264000	Golden Globe Investments LLC	Phoenix, AZ	Violation or Rules and Regulations	CFO- License Revoked \$5,000 CP
Gunderson, Colleen	BR518894000	Golden Globe Investments LLC	Phoenix, AZ	Violation or Rules and Regulations	CFO- License Revoked
Golden Globe Investments LLC	LC583868000		Phoenix, AZ	Violation or Rules and Regulations	CFO- License Revoked
Griffith, Hannah	SA669832000	Applicant	Scottsdale, AZ	Convictions	CO - PL/PM
Caravella, Steven	SA668898000	Applicant	Chandler, AZ	Convictions	CO-PL/PM
Erran, David	SA659627000	Inactive	Mesa, AZ	Convictions	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, Licensed REVOKED

DISCIPLINARY ACTIONS CONTINUED

Name	License Number	Brokerage at time of violation	Location	Summary	Order
Chin, Tom	SA588263000	Homesmart LLC	Chandler, AZ	Convictions	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, Licensed REVOKED
Garner, Brandon	SA665861000	Applicant	Apache Junction, AZ	Convictions	CO-PL/PM
Van Sickle, Brittany	SA670290000	Applicant	San Tan Valley, AZ	Convictions	CO-PL/PM
Parsons, John	SA515736000	Empire Commercial Real Estate	Phoenix, AZ	Convictions	CO-\$750 CP, PL/PM
Rosenstein, Kimberley	SA637354000	Applicant	Phoenix, AZ	Convictions	CO-PL/PM
Hernandez, Jesus	SA642066000	Daniel Covarrubias Valdez	Phoenix, AZ	Convictions	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, Licensed REVOKED
Simpson, Darrick	SA641817000	Homesmart LLC	Mesa, AZ	Convictions	ASA -\$750 CP
Mann, Ginger	SA635661000	Homesmart Success	Maricopa AZ	Violation or Rules and Regulations	CO- \$2000 CP, CE
Armenta, Michael	SA504976000	Homesmart LLC	Phoenix AZ	Convictions	ASA - \$750 CP
Waldbillig, Tiffanii	SA575739000	AZ Real Estate & Property Management LLC	Mesa, AZ	Convictions	OSS - License Suspended
Willoughby, Dan	SA576122000	Homesmart LLC	Peoria, AZ	Convictions	CFO- License Revoked
Rodriguez, Fabio	BR502567000	Realty One Group Inc.	Glendale, AZ	Misrepresentation	CFO- License Revoked
Linnerson, Dalen	SA653841000	Realty Executives LLC	Phoenix, AZ	Unlicensed Activity	CO-\$3000 CP, CE
Windham, Joseph	SA654558000	Conway Real Estate LLC	Phoenix, AZ	Convictions	CFO-\$250 CP
Hollister, Charles	SA563150000	Applicant	Las Vegas, NV	Convictions	CO- PL/PM
Trupiano, Joseph	SA666130000	Applicant	Northville, MI	Convictions	CO-PL/PM
Stanton, Jaron	SA670463000	Applicant	Scottsdale, AZ	Convictions	CO-PL/PM, COUNSELING
Volland, Melanie	SA671170000	Applicant	Peoria, AZ	Convictions	CO-PL/PM
House, Wanda	SA535449000	Russ Lyon LLC	Phoenix, AZ	Convictions	OSS - License Suspended
Minardi, Kimberly	SA660438000	Foothills Property Management LLC	Cottonwood, AZ	Convictions	CO-License Suspended, PL/PM
Linnerson, Dalen	SA653841000	Realty Executives LLC	Phoenix, AZ	Unlicensed Activity	Cease and Desist
Linnerson, Steven	Unlicensed		Phoenix, AZ	Unlicensed Activity	Cease and Desist
DDL Management Inc.	Unlicensed		Phoenix, AZ	Unlicensed Activity	Cease and Desist
Landon, Carolyn	SA514744000	The Solvere Group LLC	Phoenix, AZ	Other Jurisdiction Sanction	CO - \$3000 CP, PL/PM, CE
Holcomb, Michelle	BR544455000	FORE PEAKS SALES GROUP	Rio Verde, AZ	Violation or Rules and Regulations	CFO - License Revoked

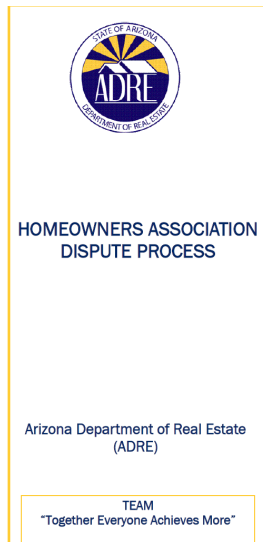
DISCIPLINARY ACTIONS CONTINUED

Fore Peaks Sales Group	LC641582000		Rio Verde, AZ	Violation or Rules and Regulations	CFO - License Revoked
Yashar, Elizabeth	SA112345000	Applicant	Tempe, AZ	Convictions	CO-PL/PM
Gum, Anmarie	SA529260000	Applicant	Gilbert, AZ	Convictions	CO-PL/PM
Ruiz, Gisela	SA522989000	Tambes Holding LLC	Tucson, AZ	Unlicensed Activity	CO- \$3000 CP, 60 day LICENSE SUSPENSION, LICENSE REINSTATEMENT, PL/PM, CE
Mantovani, Vanessa	BR572853000	Montovani Properties LLC	Mesa, AZ	Failure to Disclose	ASA - \$750 CP
Yurkovic, Gregory	BR579899000	Platinum Realty Group	Phoenix, AZ	Violation or Rules and Regulations, Property Management violations, Trust account shortage.	CO- \$3000 CP, PL, CE, Monthly accounting
Platinum Realty Group LLC	LC6422985000		Phoenix AZ	Violation or Rules and Regulations, Property Management violations, Trust account shortage.	CO- \$3000 CP, PL, CE, Monthly accounting
Frietz, Guillermo	BR012956000	Guillermo A. Frietz	Phoenix, AZ	Convictions	CO -PL, COUNSELING, ELECTRONIC SUBMISSIONS
Kahlich, Mark	BR011555000	Mark T. Kahlich	Tucson, AZ	Failure to Disclose	ASA - \$400 CP
Lyons, Michael	SA668871000	Inactive	Gilbert, AZ	Convictions	OSS - License Suspended
Kinas, David	Unlicensed		Tucson, AZ	Unlicensed Activity	Cease and Desist
Blazanovic, Brankica	BR579179000	Basin Capital properties LLC dba BC Prperites1	Phoenix, AZ	Property Management violations. Trust Account Shortage	CO-\$4,000 CP, PL, TRUST ACCTS, SURETY BOND
Richard, Ivan	SA637013000	Breakthrough Real Estate & Property Management LLC	Phoenix, AZ	Failure to Respond	Surrender License
Thomason, Jamie	SA654294000	D & D Follies LLC	Prescott, AZ	Convictions	OSS - License Suspended
Dery-Chaffin, Alexander	SA669026000	Applicant	Tucson, AZ	Convictions	CO-PL,PM
Israel, James	SA643888000	Cluff Property Management LLC	Gilbert, AZ	Conversion of Client Funds	CFO-ALJ - License Revoked
Roberts, James	SA671280000	Applicant	Flagstaff, AZ	Convictions	CO-PL/PM
Joyner, Joseph	SA664475000	Applicant	Tucson, AZ	Convictions	CO-PL/PM
Waldron, Scott	SA663670000	Inactive	Chandler, AZ	Convictions	Surrender License
881 home LLC	Unlicensed		Tucson, AZ	Unlicensed Activity	Cease and Desist
Basin Capital properties LLC dba BC Prperites1	LC640963000		Phoenix, AZ	Property Management violations. Trust Account Shortage	CO-\$4,000 CP, PL, TRUST ACCTS, SURETY BOND
Roth, Sara	SA561243000	Applicant	Peoria, AZ	Convictions, failure to disclose	CO-PL/PM
Hendrix, Suzanne	SA647262000	Homesmart LLC	Scottsdale, AZ	Convictions, failure to disclose	ASA- \$750 CP
Ashley, Eugene	BR533116000	Eugene B. Ashley Realtors	Scottsdale, AZ	Failure to provide records and cooperate with a Department audit.	CFO- License Revoked

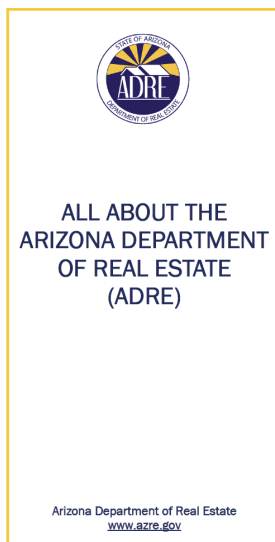


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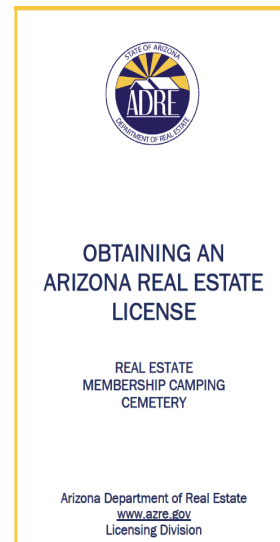
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The purpose of the department is to protect the public interest through licensure and regulation of the real estate profession

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An official publication of the State of Arizona

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