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**BEFORE THE  
DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

Case Nos. C 080917-08, C 081103-06, and  
C110909-17)

OAH No. 2012050796

**STEVEN S. RIVIERA**  
3807 West Sierra Highway, No. 4411  
Acton, CA 93510  
Real Estate Appraiser License No.  
AR011519

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about August 2, 2011 and May 2, 2012, Elizabeth Seaters, in her official capacity as the Chief of Enforcement of the Office of Real Estate Appraisers (Complainant), filed an Accusation and First Amended Accusation respectively against Steven S. Riviera (Respondent) before the Director of the Office of Real Estate Appraisers. (First Amended Accusation attached as Exhibit A.)

2. On or about January 25, 1993, the Director of the Office of Real Estate Appraisers (Director) issued Real Estate Appraiser License No. AR011519 to Respondent. The Real Estate

1 Appraiser License was in full force and effect at all times relevant to the charges brought in First  
2 Amended Accusation (Case Nos. C 080917-08, C 081103-06, and C110909-17) and will expire  
3 on June 22, 2013, unless renewed.

4 3. On or about August 16, 2011, Respondent was served by Certified and First Class  
5 Mail copies of the Accusation (Case Nos. C 080917-08 and C 081103-06), Statement to  
6 Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government  
7 Code sections 11507.5, 11507.6, and 11507.7) at Respondent's mailing address which, pursuant  
8 to Title 10, California Code of Regulations, section 3527, is required to be reported and  
9 maintained with the Director. The mailing address was and is: 3807 West Sierra Highway, No.  
10 4411 Acton, CA 93510. On or about May 14, 2012, Respondent was served by Certified and  
11 First Class Mail copies of First Amended Accusation (Case Nos. C 080917-08, C 081103-06, and  
12 C110909-17), Supplemental Statement to Respondent, Notice of Defense, Request for Discovery,  
13 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
14 Respondent's mailing address.

15 4. On a date uncertain, Respondent signed and returned a Notice of Defense, requesting  
16 a hearing in this matter. A Notice of Hearing was served by mail at Respondent's mailing address  
17 as well as his address of record and it informed him that an administrative hearing in this matter  
18 was scheduled for October 26, 2012. Respondent failed to appear at that hearing.

19 5. Government Code section 11506 states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
21 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
22 of the accusation not expressly admitted. Failure to file a notice of defense shall  
23 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
24 may nevertheless grant a hearing.

25 6. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the  
27 hearing, the agency may take action based upon the respondent's express admissions  
28 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

7. Pursuant to its authority under Government Code section 11520, the Director finds  
Respondent is in default. The Director will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
3 file at the Director's offices regarding the allegations contained in the First Amended Accusation  
4 (Case Nos. C 080917-08, C 081103-06, and C110909-17), finds that the charges and allegations  
5 contained therein are separately and severally, found to be true and correct by clear and  
6 convincing evidence.

7 8. Taking official notice of its own internal records, pursuant to Business and  
8 Professions Code section 11409, it is hereby determined that the reasonable costs for  
9 Investigation and Enforcement are \$8,784.56 as of November 2, 2012.

10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Steven S. Riviera has subjected  
12 his Real Estate Appraiser License (No. AR011519) to discipline.  
13 2. The agency has jurisdiction to adjudicate this case by default.  
14 3. The Director of the Office of Real Estate Appraisers is authorized to revoke  
15 Respondent's Real Estate Appraiser License based upon the following violations alleged in the  
16 First Amended Accusation which are supported by the evidence contained in the Default Decision  
17 Evidence Packet in this case:

- 18 a. Business and Professions Code sections 11313 and 11319 in conjunction with  
19 California Code of Regulations, title 10, section 3701 (Misleading and Inaccurate  
20 Appraisal Reports.)  
21 b. Business and Professions Code section 11328 (Failure to Submit Complete Work  
22 Files.)

23 ORDER

24 IT IS SO ORDERED that Real Estate Appraiser License No. AR011519, heretofore issued  
25 to Respondent Steven S. Riviera, is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
27 written motion requesting that the Decision be vacated and stating the grounds relied on within  
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seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 12-21-12

It is so ORDERED 11-20-12

**Original Signed**

~~FOR THE DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS~~

51194092.DOC  
DOJ Matter ID:LA2011501959

Attachment:  
Exhibit A: First Amended Accusation

# Exhibit A

First Amended Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

Case Nos. C 080917-08, C 081103-06, and  
C110909-17

13 **STEVEN S. RIVIERA**  
14 **3807 West Sierra Highway, No. 4411**  
**Acton, CA 93510**

**FIRST AMENDED ACCUSATION**

15 **Real Estate Appraiser License No.**  
16 **AR011519**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Elizabeth Seaters, acting on behalf of the Office of Real Estate Appraisers  
21 (“Complainant”) brings this First Amended Accusation solely in her official capacity as the Chief  
22 of Enforcement.

23 2. On or about January 25, 1993, the Director of the Office of Real Estate Appraisers  
24 issued Real Estate Appraiser License Number AR011519 to Steven S. Riviera (Respondent). The  
25 Real Estate Appraiser License was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on June 22, 2013, unless renewed.

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1 **JURISDICTION**

2 3. This First Amended Accusation is brought before the Director of the OREA  
3 (Director), under the authority of the following laws.

4 **STATUTORY PROVISIONS**

5 4. Business and Professions Code (Code) section 11313 states, in pertinent part:

6 The office [Office of Real Estate Appraisers] is under the supervision and control of the  
7 secretary [secretary of the Business, Transportation and Housing Agency]. The duty of enforcing  
8 and administering this part is vested in the director [director of the Office of Real Estate  
9 Appraisers] and he or she is responsible to the secretary therefore. The director shall adopt and  
10 enforce rules and regulations as are determined reasonably necessary to carry out the purposes of  
11 this part.

12 5. Code section 11314 states, in pertinent part:

13 The office is required to include in its regulations requirements for licensure and discipline  
14 of real estate appraisers that ensure protection of the public interest.

15 6. Code section 11319 states:

16 Notwithstanding any other provision of this code, the Uniform Standards of Professional  
17 Appraisal Practice [USPAP] constitute the minimum standard of conduct and performance for a  
18 licensee in any work or service performed that is addressed by those standards. If a licensee also  
19 is certified by the Board of Equalization, he or she shall follow the standards established by the  
20 Board of Equalization when fulfilling his or her responsibilities for assessment purposes.

21 7. Code section 11328 states:

22 To substantiate documentation of appraisal experience, or to facilitate the investigation of  
23 illegal or unethical activities by a licensee, applicant, or other person acting in a capacity that  
24 requires a license, that licensee, applicant, or person shall, upon the request of the director, submit  
25 copies of appraisals, or any work product which is addressed by the Uniform Standards of  
26 Professional Appraisal Practice, and all supporting documentation and data to the office. This  
27 material shall be confidential in accordance with the confidentiality provisions of the Uniform  
28 Standards of Professional Appraisal Practice.

**REGULATORY PROVISIONS**

1  
2 8. California Code of Regulations, title 10, (Regulation) section 3701 states:

3 Every holder of a license under this part shall conform to and observe the Uniform  
4 Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto  
5 as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards  
6 are herein incorporated into these regulations by reference as if fully set forth herein.

7 9. Regulation 3705 provides in pertinent part that every appraisal report subject to the  
8 Uniform Standards of Professional Appraisal Practice upon final completion shall bear the  
9 signature and license number of the appraiser and of the supervising appraiser, if appropriate. The  
10 affixing of such signature and number constitute the acceptance by the appraiser and supervising  
11 appraiser of full and personal responsibility for the accuracy, content, and integrity of the  
12 appraisal under Standards Rules 1 and 2 of USPAP.

13 10. California Code of Regulations, title 10, section 3721 states:

14 (a) The Director may issue a citation, order of abatement, assess a fine or private or public  
15 reproof, suspend or revoke any license, and/or may deny the issuance or renewal of a license of  
16 any person who has:

17 . . . .

18 (2) Done any act involving dishonesty, fraud or deceit with the intent to benefit  
19 himself or another, or to injure another;

20 . . . .

21 (6) Violated any provision of USPAP [Uniform Standards of Professional Appraisal  
22 Practice];

23 (7) Violated any provision of the Real Estate Appraisers' Licensing and Certification  
24 Law, Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions  
25 Code, or regulations promulgated pursuant thereto; or any provision of the Business and  
26 Professions Code applicable to applicants for or holders of licenses authorizing appraisals; . . .

27 . . . .

28 ///



1 15. USPAP Standards Rule 1-5 states, in pertinent part:

2 When the value opinion to be developed is market value, an appraiser must, if such  
3 information is available to the appraiser in the normal course of business:

4 (a) analyze all agreements of sale, options, and listings of the subject property current as  
5 of the effective date of the appraisal; and

6 . . . . .

7 16. USPAP Standards Rule 1-6 states, in pertinent part:

8 In developing a real property appraisal, an appraiser must:

9 (a) reconcile the quality and quantity of data available and analyzed within the  
10 approaches used; and

11 (b) reconcile the applicability or suitability of the approaches, methods, and techniques  
12 used to arrive at the value conclusion(s).

13 17. USPAP Standards Rule 2-1 states, in pertinent part:

14 Each written or oral real property appraisal report must:

15 (a) clearly and accurately set forth the appraisal in a manner that will not be misleading.

16 (b) contain sufficient information to enable the intended users of the appraisal to  
17 understand the report properly; and

18 . . . . .

19 18. USPAP Standards Rule 2-2 states, in pertinent part:

20 Each written real property appraisal report must be prepared under one of the following  
21 three options and prominently state which option is used: Self-Contained Appraisal Report,  
22 Summary Appraisal Report, or Restricted Use Appraisal Report.

23 . . . . .

24 (b) The content of a Summary Appraisal Report must be consistent with the intended use  
25 of the appraisal, and, at a minimum;

26 . . . . .

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1 (iii) summarize information sufficient to identify the real estate involved in the  
2 appraisal, including the physical and economic property characteristics relevant to the  
3 assignment;

4 (vii) summarize the scope of work used to develop the appraisal;

5 (viii) summarize the information analyzed, the appraisal methods and techniques  
6 employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of  
7 the sales comparison approach, cost approach, or income approach must be explained;

8 19. The Ethics Rule of USPAP states, in pertinent part:

9 To promote and preserve the public trust inherent in professional appraisal practice, an  
10 appraiser must observe the highest standards of professional ethics. This ETHICS RULE is  
11 divided into four sections: Conduct, Management, Confidentiality, and Record Keeping.

12 Compliance with these standards is required when either the service or the appraiser is  
13 obligated by law or regulation, or by agreement with the client or intended users, to comply.

14 Conduct:

15 An appraiser must perform assignments ethically and competently in accordance with  
16 USPAP and any supplemental standards agreed to by the appraiser in accepting the assignment.  
17 An appraiser must not engage in criminal conduct. An appraiser must perform assignments with  
18 impartiality, objectivity, and independence, and without accommodation of personal interests.

19 An appraiser must not accept an assignment that includes the reporting of predetermined  
20 opinions and conclusions.

21 An appraiser must not communicate results in a misleading or fraudulent manner. An  
22 appraiser must not use or communicate a misleading or fraudulent report or knowingly permit an  
23 employee or other person to communicate a misleading or fraudulent report.

24 An appraiser must not use or rely on unsupported conclusions relating to characteristics  
25 such as race, color, religion, national origin, gender, marital status, familial status, age, receipt of  
26 public assistance income, handicap, or an unsupported conclusion that homogeneity of such  
27 characteristics is necessary to maximize value.

28 20. The Scope of Work Rule of USPAP states:

1 For each appraisal, appraisal review, and appraisal consulting assignment, an appraiser  
2 must:

- 3 1. identify the problem to be solved;
- 4 2. determine and perform the scope of work necessary to develop credible assignment  
5 results; and
- 6 3. disclose the scope of work in the report.

7 An appraiser must properly identify the problem to be solved in order to determine the  
8 appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work  
9 is sufficient to produce credible assignment results.

#### 10 **COST RECOVERY AND FINES**

11 21. Code section 11409, subdivision (a), states:

12 Except as otherwise provided by law, any order issued in resolution of a disciplinary  
13 proceeding may direct a licensee, applicant for licensure, person who acts in a capacity that  
14 requires a license under this part, course provider, applicant for course provider accreditation, or a  
15 person who, or entity that, acts in a capacity that requires course provider accreditation found to  
16 have committed a violation or violations of statutes or regulations relating to real estate appraiser  
17 practice to pay a sum not to exceed the reasonable costs of investigation, enforcement, and  
18 prosecution of the case.

19 22. Code section 11316, subdivision (a) states:

20 (a) The director may assess a fine against a licensee, applicant for licensure, person  
21 who acts in a capacity that requires a license under this part, course provider, applicant for course  
22 provider accreditation, or a person who, or entity that, acts in a capacity that requires course  
23 provider accreditation for violation of this part or any regulations adopted to carry out its  
24 purposes.

#### 25 **FIRST CAUSE FOR DISCIPLINE**

##### 26 **(Misleading and Inaccurate Appraisal Report-Charles Street)**

27 23. Respondent is subject to disciplinary action under Business and Professions Code  
28 sections 11313 and 11319, in conjunction with California Code of Regulations, title 10, section

1 3701, for violating Regulation, sections 3705 and 3721, subdivisions (a)(6) and (a)(7) in that on  
2 or about November 6, 2007, Respondent completed a real estate appraisal report for a single  
3 family residential home located at 19155 Charles Street, Tarzana, California. The report  
4 contained errors or omissions, in violation of the provisions of the Uniform Standards of  
5 Professional Appraisal Practice (USPAP), listed as follows:

6 (a) Respondent failed to perform an adequate scope of work by not obtaining and  
7 utilizing relevant data sources such as MLS, in order to produce a credible appraisal report (S.R.  
8 1-2(h), 2-2(b)(vii) and the Scope of Work Rule);

9 (b) Respondent created a misleading report by failing to collect, verify, and analyze all  
10 information necessary for credible assignment results via the Sales Comparison Approach.  
11 Specifically, Respondent applied condition ratings and adjustments that were unsupported by any  
12 relevant data. Respondent's use of Comparable Sale One was inappropriate because it was a high  
13 sale that was not an open market transaction. Respondent also provided a false photograph of  
14 Comparable Sale One. Additionally, Respondent failed to appropriately discuss and analyze  
15 Comparable Sale Three's significantly superior lot size (S.R. 1-4(a) and 2-2(b)(viii));

16 (c) Respondent failed to appropriately discuss and analyze the subject property's listing  
17 history and how the subject was marketed for sale. Respondent also failed to appropriately  
18 discuss and analyze the subject property's purchase price and sale concessions or, alternatively,  
19 to state what attempts were made to obtain this information, where the information was not  
20 available (S.R. 1-5(a) and 2-2(b)(viii));

21 (d) Respondent failed to appropriately reconcile his concluded value of the subject  
22 property, which was significantly higher and unsupported by the subject property's recent list  
23 price and marketing history. Respondent also failed to reconcile his concluded value with the  
24 disparity in adjusted sale prices of the comparable sales utilized in the Sales Comparison  
25 Approach (S.R. 1-6(a)(b) and 2-2(b)(viii));

26 (e) Based upon the findings set forth above in paragraphs a, b, c and d, Respondent failed  
27 to correctly employ those recognized methods and techniques that are necessary to produce a  
28 credible appraisal (S.R. 1-1(a));

1 (f) Based upon the findings set forth above in paragraphs a, b, c and d, Respondent  
2 committed substantial errors of omission or commission that significantly affected the appraisal  
3 (S.R. 1-1(b));

4 (g) Based on the findings set forth above in paragraphs a, b, c and d, Respondent failed to  
5 clearly and accurately set forth the appraisal in a manner that would not be misleading (S.R. 2-  
6 1(a));

7 (h) Based on the findings set forth above in paragraphs a, b, c and d, Respondent failed to  
8 provide sufficient information to enable the intended users of the report to understand it properly  
9 (S.R. 2-1(b)); and

10 (i) Based on the findings set forth above in paragraphs a, b, c and d, in addition to his  
11 overvaluation of the subject property, Respondent violated the Conduct section of the Ethics  
12 Rule.

### 13 SECOND CAUSE FOR DISCIPLINE

#### 14 **(Failure to submit complete work file to OREA-Charles Street)**

15 24. Respondent is subject to disciplinary action under Business and Professions Code  
16 11328, in that he failed to submit his complete appraisal file for the appraisal of the property  
17 located at 19155 Charles Street, Tarzana, California. The circumstances are that Respondent  
18 failed to submit all versions of the appraisal report, and supporting documentation to the Office of  
19 Real Estate Appraisers when requested to do so.

### 20 THIRD CAUSE FOR DISCIPLINE

#### 21 **(Misleading and Inaccurate Appraisal Report-Greenbush Avenue)**

22 25. Respondent is subject to disciplinary action under Business and Professions Code  
23 sections 11313 and 11319, in conjunction with California Code of Regulations, title 10, section  
24 3701, for violating Regulation, sections 3705 and 3721, subdivisions (a)(6) and (a)(7) in that on  
25 or about October 5, 2008, Respondent completed a real estate appraisal report for a single family  
26 residential home located at 4144 Greenbush Avenue, Sherman Oaks, California. The report  
27 contained errors or omissions, in violation of the provisions of the Uniform Standards of  
28 Professional Appraisal Practice (USPAP), listed as follows:

1 (a) Respondent grossly misrepresented the subject property's condition as average,  
2 whereas the subject suffered significant deferred maintenance (S.R. 1-2(e)(i) and 2-2(b)(iii));

3 (b) Respondent inappropriately stated the subject property's effective age at 35-40 years,  
4 whereas the subject property was 85 years old with significant deferred maintenance (S.R. 1-  
5 2(e)(i) and 2-2(b)(iii));

6 (c) Respondent failed to perform an adequate scope of work by not obtaining and  
7 utilizing relevant data sources such as MLS, in order to produce a credible appraisal report (S.R.  
8 1-2(h), 2-2(b)(vii) and the Scope of Work Rule);

9 (d) Respondent created a misleading report by failing to collect, verify, and analyze all  
10 information necessary for credible assignment results via the Sales Comparison Approach.  
11 Specifically, Respondent grossly misrepresented the subject property's condition, resulting in a  
12 value conclusion that was not credible. Respondent also applied condition ratings and  
13 adjustments that were unsupported by any relevant data. Additionally, Respondent provided a  
14 false photograph of Comparable Sale Two (S.R. 1-4(a) and 2-2(b)(viii));

15 (e) Based upon the findings set forth above in paragraphs a, b, c and d, Respondent failed  
16 to correctly employ those recognized methods and techniques that are necessary to produce a  
17 credible appraisal (S.R. 1-1(a));

18 (f) Based upon the findings set forth above in paragraphs a, b, c and d, Respondent  
19 committed substantial errors of omission or commission that significantly affected the appraisal  
20 (S.R. 1-1(b));

21 (g) Based on the findings set forth above in paragraphs a, b, c and d, Respondent failed to  
22 clearly and accurately set forth the appraisal in a manner that would not be misleading (S.R. 2-  
23 1(a));

24 (h) Based on the findings set forth above in paragraphs a, b, c and d, Respondent failed to  
25 provide sufficient information to enable the intended users of the report to understand it properly  
26 (S.R. 2-1(b)); and

27 (i) Based on the findings set forth above in paragraphs a, b, c and d, Respondent violated  
28 the Conduct section of the Ethics Rule.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to submit complete work file to OREA-Greenbush Avenue)**

3 26. Respondent is subject to disciplinary action under Business and Professions Code  
4 11328, in that he failed to submit his complete appraisal file for the appraisal of the property  
5 located at 4144 Greenbush Avenue, Sherman Oaks, California. The circumstances are that  
6 Respondent failed to submit all versions of the appraisal report, and supporting documentation to  
7 the Office of Real Estate Appraisers when requested to do so.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Failure to submit complete work file to OREA-Raven Court)**

10 27. Respondent is subject to disciplinary action under Business and Professions Code  
11 11328, in that he failed to submit his complete appraisal file for the appraisal of the property  
12 located at 367 Raven Court, Healdsburg, California. The circumstances are that Respondent  
13 failed to submit all versions of the appraisal report, and supporting documentation to the Office of  
14 Real Estate Appraisers when requested to do so on several occasions.

15 **DISCIPLINARY CONSIDERATIONS**

16 28. On or about January 25, 2002, a Decision was issued in the disciplinary action against  
17 Steven Riviera in Case Numbers C981119-02 and C010226-03 wherein Respondent had entered  
18 into a Settlement Agreement. Among other things, Respondent was issued a public reproof and  
19 was required to complete 45 hours of course work in Basic Education and 15 hours of USPAP  
20 training. He was also required to pay a \$2,000 fine and enforcement costs. The circumstances  
21 involved the failure to accurately disclose the actual physical condition and key improvement  
22 characteristics of multiple subject properties; failure to analyze current agreement of sales or prior  
23 transfers of the subject properties within 12 months of the date of the appraisal; incorrectly  
24 utilizing comparable sales dissimilar in location and amenities to the subject properties in the  
25 Sales Comparison Approach.

26 ///

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Office of Real Estate Appraisers issue a decision:

1. Revoking or suspending Real Estate Appraiser License Number AR011519, issued to Steven S. Riviera;

2. Ordering Steven S. Riviera to pay the Director of the Office of Real Estate Appraisers the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 11409;

3. Ordering Steven S. Riviera to pay the Director of the Office of Real Estate Appraisers a fine pursuant to Business and Professions Code section 11316.

4. Taking such other and further action as deemed necessary and proper.

DATED: 5/2/12

***Original Signed***

ELIZABETH SEATERS  
Chief of Enforcement  
Office of Real Estate Appraisers  
State of California  
*Complainant*

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