BEFORE THE

DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS

OFFICE OF REAL ESTATE APPRAISERS

STATE OF CALIFORNIA

In the Matter of the of the Real Estate Appraiser License of: Jeff Sorrell, Respondent.	Case Nos. C090930-05 & C110128-07

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Director of the Office of Real Estate Appraisers, as its Decision in this matter.

This Decision shall become effective on July 27, 2012.

It is so ORDERED July 27, 2012.

Original Signed

DEPUTY DIRECTOR, OFFICE OF REAL ESTATE APPRAISERS

Kamala D. Harris
Attorney General of California
Marc D. Greenbaum
Supervising Deputy Attorney General
Morgan Malek
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **JEFF S. SORRELL** **5301 Office Park Drive, No. 220** **Bakersfield, CA 93309** **Real Estate Appraiser License No. AR013194** Respondent.	Case Nos. C090930-05 and C110128-07 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Elizabeth Seaters acting on behalf of the Office of Real Estate Appraisers (Complainant) brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney General.

2. Jeff S. Sorrell (Respondent) is represented in this proceeding by attorney Kelly Allen Francisco, who address is:

Kelly Allen Francisco, Esq.
Law Offices of YOUNG WOOLDRIDGE, LLP
1800 – 30th Street, Fourth Floor
Bakersfield, CA 93301

3. On or about June 23, 2006, the Office of Real Estate Appraisers issued Real Estate Appraiser License No. AR013194 to Jeff S. Sorrell (Respondent). Respondent voluntarily allowed his Real Estate Appraiser License to lapse; the Real Estate Appraiser License expired on March 13, 2011.

JURISDICTION

4. Accusation No. Case Nos. C090930-05 and C110128-07 were filed before the Director of the Office of Real Estate Appraisers (Director), and is currently pending against the Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 9, 2012. Respondent is filing his Notice of Defense contesting the Accusation contemporaneously with this Stipulation. A copy of the Accusation Case Nos. C090930-05 and C110128-07 are attached as **Exhibit "A"** and incorporated by reference.

5. When deemed by the Director to be in the public interest, Complainant has the authority under Business and Professions Code § 11315.5 to enter into a settlement related to administrative allegations of violations of the regulations governing the conduct of licensed appraisers and appraisal management companies. The administrative allegations associated with Accusation No. Case Nos. C090930-05 and C110128-07 against Respondent are incorporated herein by reference.

6. The settlement of these administrative allegations is a resolution of disputed claims.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation Case Nos. C090930-05 and C110128-07. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to

present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above, if it were still in effect.

CULPABILITY

10. Respondent agrees that the Accusation No. Case Nos. C090930-05 and C11018-07, listed in attached Exhibit "A", if proven at a hearing, could constitute cause for discipline including revocation of his license.

11. Respondent understands that by signing this stipulation he enables the Director to issue his order accepting the surrender of his expired Real Estate Appraiser License without further process.

12. Respondent understands and agrees that, by signing this Stipulated Statement, the Director will treat any application for licensure, or certificate of registration as an appraisal management company, or petition for reinstatement as a new application for licensure.

13. Respondent understands and acknowledges that, pursuant to Business and Professions Code § 11409(c)(2), the Office of Real Estate Appraisers is not authorized to accept a new application from Respondent for licensure or certification until such time that payment of the costs of investigation, enforcement and prosecution of this case, as imposed by this order, is received in full.

RESERVATION

14. The admissions made by Respondent herein are only for the sole purposes of this proceeding, or any other proceedings in which the Director of the Office of Real Estate Appraisers and/or the Department of Real Estate is involved, and shall not be admissible in any other administrative, criminal or civil proceeding.

CONTINGENCY

15. This Stipulation shall be subject to approval by the Director of the Office of Real Estate Appraisers of his designee. Respondent understands and agrees that counsel for Complainant and the staff of the Office of Real Estate Appraisers may communicate directly with the Director and staff of the Office of Real Estate Appraisers regarding this Stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the Stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this Stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

16. The parties understand and agree that facsimile copies of this Stipulated Surrender of the expired License and order, including facsimile signatures thereto, shall have the same force and effect as the originals.

17. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

18. In consideration of the foregoing admission and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Real Estate Appraiser License No. AR013194, issued to Respondent Jeff S. Sorrell, is surrendered and accepted by the Director of the Office of Real Estate Appraisers.

1. The surrender of Respondent's Real Estate Appraiser License and the acceptance of the surrendered license by the Director shall constitute the imposition of discipline against Respondent. This stipulation, and its exhibits, constitute a record of the discipline and shall become a part of Respondent's license history with the Office of Real Estate Appraisers.

2. Respondent shall lose all rights and privileges as a California real estate appraiser as of the effective date of the Director's Decision and Order.

3. Respondent no longer has in his possession a pocket license or wall certificate to surrender on or before the effective date of the Decision and Order.

4. If Respondent ever applies for licensure or any certificate or registration as an appraisal management company to the Office of Real Estate Appraisers, or petitions for reinstatement in the State of California, the Director shall treat it as a new application for licensure or certification. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. Case Nos. C090930-05 and C110128-07 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.

5. Respondent shall not be eligible to apply for a new license or for a certification of registration as an appraisal management company until two (2) years from the effective date of this Stipulated Surrender.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of seven thousand two hundred thirty-seven dollars and twenty-two cents ($7,237.22) prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Kelly Allen Francisco. I understand the stipulation and the effect it will have on my Real Estate Appraiser License. I enter into this Stipulated Surrender of

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License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Office of Real Estate Appraisers.

DATED: 7/11, 2012

Original Signed

JEFF SORRELL
Respondent

I have read and fully discussed with Respondent Jeff S. Sorrell, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: July 11, 2012

Law Offices of YOUNG WOOLDRIDGE, LLP

By: Original Signed

KELLY ALLEN FRANCISCO
Attorney for Respondent

ENDORESEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Director of the Office of Real Estate Appraisers.

Dated: 7/19/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

Original Signed

MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

Accusation No. Case Nos. C090930-05 and C110128-07

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **JEFF S. SORRELL** **5301 Office Park Drive, No. 220** **Bakersfield, CA 93309** **Real Estate Appraiser License No. AR013194** Respondent.	Case Nos. C090930-05 C110128-07 **ACCUSATION**

Complainant alleges:

PARTIES

1. Elizabeth Seaters acting on behalf of the Office of Real Estate Appraisers (Complainant) brings this Accusation solely in her official capacity as the Chief of Enforcement of the Office of Real Estate Appraisers.

2. On or about June 23, 2006, the Director of the Office of Real Estate Appraisers issued Real Estate Appraiser License Number AR013194 to Jeff S. Sorrell (Respondent). The Real Estate Appraiser License expired on March 13, 2011, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Director of the Office of Real Estate Appraisers (Director), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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

"The office [Office of Real Estate Appraisers][1] is under the supervision and control of the secretary [secretary of the Business, Transportation and Housing Agency]. The duty of enforcing and administering this part is vested in the director [director of the OREA] and he or she is responsible to the secretary therefor. The director shall adopt and enforce rules and regulations as are determined reasonably necessary to carry out the purposes of this part."

5. Business and Professions Code section 11314 states, in pertinent part:

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

6. Business and Professions Code section 11316, subdivision (a) states:

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

7. Business and Professions Code section 11319 states:

"Notwithstanding any other provision of this code, the Uniform Standards of Professional Appraisal Practice constitute the minimum standard of conduct and performance for a licensee in any work or service performed that is addressed by those standards. If a licensee also is certified

[1] OREA

by the Board of Equalization, he or she shall follow the standards established by the Board of Equalization when fulfilling his or her responsibilities for assessment purposes."

8. Business and Professions Code section 11324, subdivision (a) states:

"An individual who is not a licensee may assist in the preparation of an appraisal under the following conditions:

(a) The assistance is under the direct supervision of an individual who is a licensed appraiser and the final conclusion as to value is made by a licensed appraiser.

(b) The final appraisal document is approved and signed, with acceptance of full responsibility, by the supervising individual who is licensed by the state pursuant to this part, identifies the assisting individual, and identifies the scope of work performed by the individual who assisted in preparation of the appraisal."

9. Business and Professions Code section 11325, subdivision (a) states:

"The director shall adopt regulations which determine the parameters of appraisal work which may be performed by licensed appraisers."

10. Business and Professions Code section 11328 states, in pertinent part:

"To substantiate documentation of appraisal experience, or to facilitate the investigation of illegal or unethical activities by a licensee, applicant, or other person acting in a capacity that requires a license, that licensee, applicant, or person shall, upon the request of the director, submit copies of appraisals, or any work product which is addressed by the Uniform Standards of Professional Appraisal Practice, and all supporting documentation and data to the OREA.".

REGULATORY PROVISIONS

11. California Code of Regulations, title 10, (Regulation) section 3701 states:

"Every holder of a license under this part shall conform to and observe the Uniform Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto

as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards are herein incorporated into these regulations by reference as if fully set forth herein."

12. Title 10, California Code of Regulations section 3702, subdivision (a) states that:

"The Director finds and declares as follows:

"(1) That the profession of real estate appraisal is vested with a fiduciary relationship of trust and confidence as to clients, lending institutions, and both public and private guarantors or insurers of funds in federally-related real estate transactions and that the qualifications of honesty, candor, integrity, and trustworthiness are directly and substantially related to and indispensable to the practice of the appraisal profession;

...

"(3) Every holder of a license to practice real estate appraisal, Registrant, Controlling Person of an Appraisal Management Company, or person or entity acting in a capacity requiring a license or Certificate of Registration shall be required to demonstrate by his or her conduct that he or she possesses the qualifications of honesty, candor, integrity, and trustworthiness.

13. California Code of Regulations, title 10, section 3705, subdivision (c) states:

"The license number of the appraiser, and of the review appraiser if the report is a review, shall appear with each signature throughout the appraisal or review document.

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

(a) The Director may issue a citation, order of abatement, assess a fine or private or public reproval, suspend or revoke any license or Certificate of Registration, and/or may deny the issuance or renewal of a license or Certificate of Registration of any person or entity acting in a capacity requiring a license or Certificate of Registration who has:

(1) Been convicted of a felony or any crime which is substantially related to the qualifications, functions, or duties of the profession of real estate appraisal;

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

(3) Been convicted for a commission or solicitation of a criminal act which involved or threatened bodily harm to others;

(4) Done any act which if done by the holder of a license to practice real estate appraisal would be grounds for revocation or suspension of such license;

...

(6) Violated any provision of USPAP;

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

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (EFFECTIVE JANUARY 1, 2008)[2]

15. **USPAP Standards Rule 1-1** states:

In developing a real property appraisal, an appraiser must:

(a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;

(b) not commit a substantial error of omission or commission that significantly affects an appraisal; and

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

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[2] USPAP is periodically revised: appraisers are responsible for adherence to the edition of USPAP in effect as of the date of report for an appraisal. The January 1, 2008, edition of USPAP (effective January 1, 2008, through December 31, 2009) is applicable to the allegations in this accusation (all of the report dates are December 19, 2008).

16. **USPAP Standards Rule 1-2** states:

In developing a real property appraisal, an appraiser must:

(a) identify the client and other intended users;

(b) identify the intended use of the appraiser's opinions and conclusions;

(c) identify the type and definition of value, and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:

(i) in terms of cash; or

(ii) in terms of financial arrangements equivalent to cash; or

(iii) in other precisely defined terms; and

(iv) if the opinion of value is to be based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contributions to or negative influence on value must be developed by analysis of relevant market data;

(d) identify the effective date of the appraiser's opinions and conclusions;

(e) identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal, including:

(i) its location and physical, legal, and economic attributes;

(ii) the real property interest to be valued;

(iii) any personal property, trade fixtures, or intangible items that are not real property but are included in the appraisal;

(iv) any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of similar nature; and

(v) whether the subject property is a fractional interest, physical segment, or partial holding;

(f) identify any extraordinary assumptions necessary in the assignment;

(g) identify any hypothetical conditions in the assignment; and

(h) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE.

17. **USPAP Standards Rule 1-3** states:

When necessary for credible assignment results in developing a market value opinion, an appraiser must:

(a) identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends; and

(b) develop an opinion of the highest and best use of the real estate.

18. **USPAP Standard Rule 1-4** states:

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

(a) When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.

(b) When a cost approach is necessary for credible assignment results, an appraiser must:

(i) develop an opinion of site value by an appropriate appraisal method or technique;

(ii) analyze such comparable cost data as are available to estimate the cost new of the improvements (if any); and

(iii) analyze such comparable data as are available to estimate the difference between the cost new and the present worth of the improvements (accrued depreciation).

(c) When an income approach is necessary for credible assignment results, an appraiser must:

(i) analyze such comparable rental data as are available and/or the potential earnings capacity of the property to estimate the gross income potential of the property;

(ii) analyze such comparable operating expense data as are available to estimate the operating expenses of the property;

(iii) analyze such comparable data as are available to estimate rates of capitalization and/or rates of discount; and

(iv) base projections of future rent and/or income potential and expenses on reasonably clear and appropriate evidence.

(d) When developing an opinion of the value of a leased fee estate or a leasehold estate, an appraiser must analyze the effect on value, if any, of the terms and conditions of the lease(s).

(e) When analyzing the assemblage of the various estates or component parts of a property, an appraiser must analyze the effect on value, if any, of the assemblage. An appraiser must refrain from valuing the whole solely by adding together the individual values of the various estates or component parts.

(f) When analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions.

(g) When personal property, trade fixtures, or intangible items are included in the appraisal, the appraiser must analyze the effect on value of such non-real property items.

19. **USPAP Standard Rule 1-5** states:

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

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

(b) analyze all sales of the subject property that occurred with the three (3) years prior to the effective date of the appraisal.

20. **USPAP Standard Rule 1-6** states:

In developing a real property appraisal, the appraiser must:

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

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

USPAP Standard 2 states:

In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

21. **USPAP Standards Rule 2-1** states:

Each written or oral real property appraisal report must:

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

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

(c) clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions, and limiting conditions used in the assignment.

22. **USPAP Standards Rule 2-2** states:

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

...

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

(i) state the identity of the client and any intended users, by name or type;

(ii) state the intended use of the appraisal;

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

(iv) state the real property interest appraised;

(v) state the type and definition of value and cite the source of the definition;

(vi) state the effective date of the appraisal and the date of the report;

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

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

(ix) state the use of the real estate existing as of the date of value and the use of the real estate reflected in the appraisal; and, when an opinion of highest and best use was developed by the appraiser, summarize the support and rationale for that opinion;

(x) clearly and conspicuously:

state all extraordinary assumptions and hypothetical conditions; and

state that their use might have affected the assignment results; and

(xi) include a signed certification in accordance with Standards Rule 2-3.

23. **USPAP Standards Rule 2-3** states:

Each written real property appraisal report must contain a signed certification that is similar in content to the following form:

I certify that, to the best of my knowledge and belief:

— the statements of fact contained in this report are true and correct.

— the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

— I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or the specified) personal interest with respect to the parties involved.

— I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

— my engagement in this assignment was not contingent upon developing or reporting predetermined results.

— my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

— my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

— I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)

— no one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

24. **The USPAP ETHICS RULE** states:

ETHICS RULE

To promote and preserve the public trust inherent in professional appraisal practice, an appraiser must observe the highest standards of professional ethics. This ETHICS RULE is divided into four sections: Conduct, Management, Confidentiality, and Record Keeping. The first three sections apply to all appraisal practice, and all four sections apply to appraisal practice performed under Standards 1 through 10.

Compliance with USPAP is required when either the service or the appraiser is obligated by law or regulation, or by agreement with the client or intended users, to comply. In addition to these requirements, an individual should comply any time that individual represents that he or she is performing the service as an appraiser.

An appraiser must not misrepresent his or her role when providing valuation services that are outside of appraisal practice.

Conduct:

An appraiser must perform assignments ethically and competently, in accordance with USPAP.

An appraiser must not engage in criminal conduct.

An appraiser must perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.

An appraiser must not advocate the cause or interest of any party or issue.

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

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

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

Management:

The payment of undisclosed fees, commissions, or things of value in connection with the procurement of an assignment is unethical.

It is unethical for an appraiser to accept an assignment, or to have a compensation arrangement for an assignment, that is contingent on any of the following:

1. the reporting of a predetermined result (e.g., opinion of value);
2. a direction in assignment results that favors the cause of the client;
3. the amount of a value opinion;
4. the attainment of a stipulated result; or
5. the occurrence of a subsequent event directly related to the appraiser's opinions and specific to the assignment's purpose.

Advertising for or soliciting assignments in a manner that is false, misleading, or exaggerated is unethical.

Confidentiality:

An appraiser must protect the confidential nature of the appraiser-client relationship.

An appraiser must act in good faith with regard to the legitimate interests of the client in the use of confidential information and in the communication of assignment results.

An appraiser must be aware of, and comply with, all confidentiality and privacy laws and regulations applicable in an assignment.

An appraiser must not disclose confidential information or assignment results prepared for a client to anyone other than the client and persons specifically authorized by the client; state enforcement agencies and such third parties as may be authorized by due process of law; and a duly authorized professional peer review committee except when the disclosure to a committee would violate applicable law or regulation. It is unethical for a member of a duly authorized

professional peer review committee to disclose confidential information presented to the committee.

Record Keeping:

An appraiser must prepare a workfile for each appraisal, appraisal review, or appraisal consulting assignment. The workfile must include:

the name of the client and the identity, by name or type, of any other intended users;

true copies of any written reports, documented on any type of media;

summaries of any oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification; and

all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with this Rule and all other applicable Standards, or references to the location(s) of such other documentation.

An appraiser must retain the workfile for a period of at least five (5) years after preparation or at

least two (2) years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.

An appraiser must have custody of his or her workfile, or make appropriate workfile retention, access, and retrieval arrangements with the party having custody of the workfile.

25. **The USPAP Competency Rule** states:

COMPETENCY RULE

Prior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently; or alternatively, must:

1. disclose the lack of knowledge and/or experience to the client before accepting the assignment;

2. take all steps necessary or appropriate to complete the assignment competently; and

3. describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report.

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

(EFFECTIVE JANUARY 1, 2010)

26. **USPAP Standards Rule 1-1**, states:

In developing a real property appraisal, an appraiser must:

(a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;

(b) not commit a substantial error of omission or commission that significantly affects an appraisal; and

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

27. **USPAP Standards Rule 1-2**, states:

In developing a real property appraisal, an appraiser must:

(a) identify the client and other intended users; [footnote omitted]

(b) identify the intended use of the appraiser's opinions and conclusions; [footnote omitted]

(c) identify the type and definition of value, and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:

(i) in terms of cash; or

(ii) in terms of financial arrangements equivalent to cash; or

(iii) in other precisely defined terms; and

(iv) if the opinion of value is to be based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contributions to or negative influence on value must be developed by analysis of relevant market data;

(d) identify the effective date of the appraiser's opinions and conclusions; [footnote omitted]

(e) identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, [footnote omitted] including:

(i) its location and physical, legal, and economic attributes;

(ii) the real property interest to be valued;

(iii) any personal property, trade fixtures, or intangible items that are not real property but are included in the appraisal;

(iv) any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature; and

(v) whether the subject property is a fractional interest, physical segment, or partial holding;

(f) identify any extraordinary assumptions necessary in the assignment;

(g) identify any hypothetical conditions necessary in the assignment; and

(h) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE. [footnote omitted]

28. **USPAP Standards Rule 1-3**, states

When necessary for credible assignment results in developing a market value opinion, an appraiser must:

(a) identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends; and

(b) develop an opinion of the highest and best use of the real estate.

29. **USPAP Standards Rule 1-4**, states

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

(a) When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.

(b) When a cost approach is necessary for credible assignment results, an appraiser must:

(i) develop an opinion of site value by an appropriate appraisal method or technique;

(ii) analyze such comparable cost data as are available to estimate the cost new of the improvements (if any); and

(iii) analyze such comparable data as are available to estimate the difference between the cost new and the present worth of the improvements (accrued depreciation).

(c) When an income approach is necessary for credible assignment results, an appraiser must:

(i) analyze such comparable rental data as are available and/or the potential earnings capacity of the property to estimate the gross income potential of the property;

(ii) analyze such comparable operating expense data as are available to estimate the operating expenses of the property;

(iii) analyze such comparable data as are available to estimate rates of capitalization and/or rates of discount; and

(iv) base projections of future rent and/or income potential and expenses on reasonably clear and appropriate evidence. [footnote omitted]

(d) When developing an opinion of the value of a leased fee estate or a leasehold estate, an appraiser must analyze the effect on value, if any, of the terms and conditions of the lease(s).

(e) When analyzing the assemblage of the various estates or component parts of a property, an appraiser must analyze the effect on value, if any, of the assemblage. An appraiser must refrain from valuing the whole solely by adding together the individual values of the various estates or component parts.

(f) When analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions.

(g) When personal property, trade fixtures, or intangible items are included in the appraisal, the appraiser must analyze the effect on value of such non-real property items.

30. **USPAP Standards Rule 1-5,** states:

When the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business: [footnote omitted]

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

(b) analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal. [footnote omitted]

31. **USPAP Standards Rule 1-6**, states:

In developing a real property appraisal, an appraiser must:

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

and

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

32. **USPAP Standards Rule 2**, states:

In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading. [footnote omitted]

33. **USPAP Standards Rule 2-1,** states:

Each written or oral real property appraisal report must:

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

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

(c) clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions, and limiting conditions used in the assignment.

34. **USPAP Standards Rule 2-2,** states:

Each written real property appraisal report must be prepared under one of the following

three options and prominently state which option is used: Self-Contained Appraisal Report, Summary Appraisal Report, or Restricted Use Appraisal Report. [footnote omitted]

...

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

(i) state the identity of the client and any intended users, by name or type; [footnote omitted]

(ii) state the intended use of the appraisal; [footnote omitted]

(iii) summarize information sufficient to identify the real estate involved in the appraisal, including the physical and economic property characteristics relevant to the assignment; [footnote omitted]

(iv) state the real property interest appraised;

(v) state the type and definition of value and cite the source of the definition;

(vi) state the effective date of the appraisal and the date of the report; [footnote omitted]

(vii) summarize the scope of work used to develop the appraisal; [footnote omitted]

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

(ix) state the use of the real estate existing as of the date of value and the use of the real estate reflected in the appraisal; and, when an opinion of highest and best use was developed by the appraiser, summarize the support and rationale for that opinion;

(x) clearly and conspicuously:

state all extraordinary assumptions and hypothetical conditions; and

state that their use might have affected the assignment results; and

(xi) include a signed certification in accordance with Standards Rule 2-3.

35. **USPAP Standards Rule 2-3**, states:

Each written real property appraisal report must contain a signed certification that is similar in content to the following form:

I certify that, to the best of my knowledge and belief:

— the statements of fact contained in this report are true and correct.

— the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

— I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or the specified) personal interest with respect to the parties involved.

— I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

— my engagement in this assignment was not contingent upon developing or reporting predetermined results.

— my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

— my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

— I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.) [footnote omitted]

— no one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

36. **USPAP Standards Rule 2-4**, states:

To the extent that it is both possible and appropriate, an oral real property appraisal report must address the substantive matters set forth in Standards Rule 2-2(b).

37. **USPAP Ethics Rule**, states:

ETHICS RULE

An appraiser must promote and preserve the public trust inherent in appraisal practice by observing the highest standards of professional ethics.

An appraiser must comply with USPAP when obligated by law or regulation, or by agreement with the client or intended users. In addition to these requirements, an individual should comply any time that individual represents that he or she is performing the service as an appraiser.

Conduct:

An appraiser must perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.

An appraiser:

- must not perform an assignment with bias;
- must not advocate the cause or interest of any party or issue;
- must not accept an assignment that includes the reporting of predetermined opinions and conclusions;
- must not misrepresent his or her role when providing valuation services that are outside of appraisal practice;
- must not communicate assignment results with the intent to mislead or to defraud;
- must not use or communicate a report that is known by the appraiser to be misleading or fraudulent;
- must not knowingly permit an employee or other person to communicate a misleading or fraudulent report;
- must not use or rely on unsupported conclusions relating to characteristics such as race, color, religion, national origin, gender, marital status, familial status, age,

receipt of public assistance income, handicap, or an unsupported conclusion that homogeneity of such characteristics is necessary to maximize value;

- must not engage in criminal conduct; and
- must not perform an assignment in a grossly negligent manner.

If known prior to accepting an assignment, and/or if discovered at any time during the assignment, an appraiser must disclose to the client, and in the subsequent report certification:

- any current or prospective interest in the subject property or parties involved; and
- any services regarding the subject property performed by the appraiser within the three year period immediately preceding acceptance of the assignment, as an appraiser or in any other capacity.

Management:

An appraiser must disclose that he or she paid a fee or commission, or gave a thing of value in connection with the procurement of an assignment.

An appraiser must not accept an assignment, or have a compensation arrangement for an assignment, that is contingent on any of the following:

1. the reporting of a predetermined result (e.g., opinion of value);
2. a direction in assignment results that favors the cause of the client;
3. the amount of a value opinion;
4. the attainment of a stipulated result (e.g., that the loan closes, or taxes are reduced); or
5. the occurrence of a subsequent event directly related to the appraiser's opinions and specific to the assignment's purpose.

An appraiser must not advertise for or solicit assignments in a manner that is false, misleading, or exaggerated.

An appraiser must affix, or authorize the use of, his or her signature to certify recognition and acceptance of his or her USPAP responsibilities in an appraisal, appraisal review, or appraisal consulting assignment (see Standards Rules 2-3, 3-6, 5-3, 6-9, 8-3, and 10-3). An

appraiser may authorize the use of his or her signature only on an assignment-by-assignment basis.

An appraiser must not affix the signature of another appraiser without his or her consent.

Confidentiality:

An appraiser must protect the confidential nature of the appraiser-client relationship.

An appraiser must act in good faith with regard to the legitimate interests of the client in the use of confidential information and in the communication of assignment results.

An appraiser must be aware of, and comply with, all confidentiality and privacy laws and regulations applicable in an assignment.

An appraiser must not disclose: (1) confidential information; or (2) assignment results to anyone other than:

- the client;
- persons specifically authorized by the client;
- state appraiser regulatory agencies;
- third parties as may be authorized by due process of law; or
- a duly authorized professional peer review committee except when such disclosure to a committee would violate applicable law or regulation.

A member of a duly authorized professional peer review committee must not disclose confidential information presented to the committee.

Record Keeping:

An appraiser must prepare a workfile for each appraisal, appraisal review, or appraisal consulting assignment. A workfile must be in existence prior to the issuance of a written or oral report. A written summary of an oral report must be added to the workfile within a reasonable time after the issuance of the oral report.

The workfile must include:

- the name of the client and the identity, by name or type, of any other intended users;
- true copies of any written reports, documented on any type of media (A true copy is a replica of the report transmitted to the client. A photocopy or an electronic copy of

the entire signed report transmitted to the client satisfies the requirement of a true copy.);

- summaries of any oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification; and
- all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documentation.

An appraiser must retain the workfile for a period of at least five years after preparation or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.

An appraiser must have custody of his or her workfile, or make appropriate workfile retention, access, and retrieval arrangements with the party having custody of the workfile.

An appraiser having custody of a workfile must allow other appraisers with workfile obligations related to an assignment appropriate access and retrieval for the purpose of:

- submission to state appraiser regulatory agencies;
- compliance with due process of law;
- submission to a duly authorized professional peer review committee; or
- compliance with retrieval arrangements.

38. USPAP Competency Rule, states:

An appraiser must: (1) be competent to perform the assignment; (2) acquire the necessary competency to perform the assignment; or (3) decline or withdraw from the assignment.

Being Competent

The appraiser must determine, prior to accepting an assignment, that he or she can perform the assignment competently. Competency requires:

1. the ability to properly identify the problem to be addressed; and
2. the knowledge and experience to complete the assignment competently; and
3. recognition of, and compliance with, laws and regulations that apply to the appraiser or to the assignment.

Acquiring Competency

If an appraiser determines he or she is not competent prior to accepting an assignment, the appraiser must:

1. disclose the lack of knowledge and/or experience to the client before accepting the assignment;

2. take all steps necessary or appropriate to complete the assignment competently; and

3. describe, in the report, the lack of knowledge and/or experience and the steps taken to complete the assignment competently.

When facts or conditions are discovered during the course of an assignment that cause an appraiser to determine, at that time, that he or she lacks the required knowledge and experience to complete the assignment competently, the appraiser must:

1. notify the client, and

2. take all steps necessary or appropriate to complete the assignment competently, and

3. describe, in the report, the lack of knowledge and/or experience and the steps taken to complete the assignment competently.

Lack of Competency

If the assignment cannot be completed competently the appraiser must decline or withdraw from the assignment.

39. **USPAP Standards Rule 3-1**, states:

In Developing an appraisal review, the reviewer must:

(a) be aware of, understand, and correctly employ those methods ad techniques that are necessary to produce a credible appraisal review;

(b) not commit a substantial error of omission or commission that significantly afftects an appraisal review;

...

40. **USPAP Standards Rule 3-2**, states:

...

(d) identify the work under review and the characteristics of that work which are relevant to the intended use and purpose of the appraisal review, including:

(i) any ownership interest in the property that is the subject of the work under review;

(ii) the date of the work under review and the effective date of the opinions or conclusions in the work under review;

(iii) the appraiser(s) who completed the work under review, unless the identity is withheld by the client; and

(iv) the physical, legal, and economic characteristics of the property, properties, property type(s), or market area in the work under review.

41. **USPAP Standards Rule 3-3**, states:

In developing an appraisal review, a reviewer must apply the appraisal review methods and techniques that are necessary for credible assignment results.

...

(c) when the scope of work includes the reviewer developing his or her own opinion of value, review opinion, or real property appraisal consulting coclusion, the reviewer must comply with the Standard applicable to the development of that opinion.

(i) The requirements of STANDARDS 1,6,7, and/or 9 apply to the reviewer's opinion or value for the property that is subject of the appraisal review assignment.

...

42. **USPAP Standards Rule 3-4**, states:

Each written and oral Appraisal Review Report must be separate from the work under review and must:

(a) Clearly and accurately set forth the appraisal review in a manner that will not be misleading;

(b) Contain sufficient information to enable the intended users of the appraisal review to understand the report properly;

...

43. **USPAP Standards Rule 3-5**, states:

The content of an Appraisal Review Report must eb consistent with the intended use of the appraisal review and, at the minimum:

...

(i) When the scope of work includes the reviewer's development of an opinion of value, review opinion, or real property appraisal consulting conclusion related to the work under review, the reviewer must:

...

(ii) At a minimum, summarize any additional information relied on and the reasoning for the reviewer's opinion of value, review opinion, or real property appraisal consulting conclusion related to the work under review.

COST RECOVERY

44. Business and Professions Code section 11409, subdivision (a) states:

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

MAGNOLIA AVENUE PROPERTY

45. On or about August 18, 2009, Respondent completed a real estate appraisal report for the property located at 645 Magnolia Avenue, Bakersfield, California. The report contained errors or omissions, in violation of the provisions of USPAP, and the California Code of Regulations.

FIRST CAUSE FOR DISCIPLINE

(Violation of USPAP Provisions)

46. Respondent is subject to disciplinary action under Business and Profession Code sections 11313, 11314 and 11319, in conjunction with California Code of Regulations, title 10, section 3701, for violating Business and Professions Code section 11324, California Code of Regulations, title 10, section 3721, subdivision (a)(2), (a)(4), (a)(6), (a)(7); in that Respondent failed to conform to and observe the provisions of USPAP as follows:

(a) Respondent stated that property values were stable while inconsistently stating there was an over-supply of available homes on the market. (S.R. 1-2(e)(i), 1-3(a) and 2-2(b)(iii);

(b) Respondent failed to disclose and analyze the subject's lower level laundry area and half bathroom. (S.R. 1-2(e)(i) and 2-2(b)(iii));

(c) Respondent failed to discuss and analyze the varying conditions of the six reported distressed and bank owned "as is" sales in comparison to the subject's recent upgrading and remodeling. (S.R. 1-4(a) and 2-2(b)(viii));

(d) Respondent utilized unsupported across the board built-in pool adjustments while failing to use more relevant comparable sales that had built-in pools. (S.R. 1-4(a) and 2-2(b)(viii));

(e) Respondent inappropriately assigned the majority of weight to the least relevant closed comparable sale utilized in the Sales Comparison Approach. (S.R. 1-4(a), 1-6(a) and 2-2(b)(viii));

(f) Respondent provided a misleading certification, which included the printed name and license number of his son, Cole Sorrell, who reportedly was not involved in the appraisal report. Additionally, Respondent's license number did not appear with his signature on the market conditions addendum. (S.R. 2-3 and the California Code of regulations, section 3705(c));

(g) Based upon the findings noted in the noted in paragraph 46, subsections (a), (b), (c), (d), (e) and (f), Respondent failed to correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal. Complainant incorporates by reference as though set forth fully the allegations of paragraph 46, subsections (a), (b), (c), (d), (e) and (f) inclusive, above, as set forth fully. (S.R. 1-1(a));

(h) Based upon the findings noted in the noted in paragraph 46, subsections (a), (b), (c), (d), (e) and (f), Respondent committed substantial errors of omission or commission that significantly affected the appraisal. Complainant incorporates by reference as though set forth fully the allegations of paragraph 46, subsections (a), (b), (c), (d), (e) and (f) inclusive, above, as set forth fully. (S.R. 1-1(b));

(i) Based upon the findings noted in the noted in paragraph 46, subsections (a), (b), (c), (d), (e) and (f), Respondent failed to clearly and accurately set forth the appraisal in a manner that would not be misleading. Complainant incorporates by reference as though set forth fully the allegations of paragraph 46, subsections (a), (b), (c), (d), (e) and (f) inclusive, above, as set forth fully. (S.R. 2-1(a));

(j) Based upon the findings noted in the noted in paragraph 46, subsections (a), (b), (c), (d), (e) and (f), Respondent failed to provide sufficient information to enable the intended users of the report to understand it properly. Complainant incorporates by reference as though set forth fully the allegations of paragraph 46, subsections (a), (b), (c), (d), (e) and (f) inclusive, above, as set forth fully. (S.R. 2-1(b));

(k) Based upon the findings noted in the noted in paragraph 46, subsections (a), (b), (c), (d), (e) and (f), Respondent violated the Conduct section of the Ethics Rule. Complainant incorporates by reference as though set forth fully the allegations of paragraph 46, subsections (a), (b), (c), (d), (e) and (f) inclusive, above, as set forth fully. (S.R. 2-1(a)); and

(l) Respondent failed to provide all versions of his appraisal report and supporting documentation to the OREA, resulting in a violation of the Record Keeping section of the Ethics Rule.

SECOND CAUSE FOR DISCIPLINE

(Misleading and Inaccurate Appraisal Report)

47. Respondent is subject to disciplinary action under sections 11313 and 11319, in conjunction with California Code of Regulations, title 10, sections 3701, 3705, and 3721, subdivisions (a)(2), (a)(4), (a)(6) and (a)(7) in that on the Magnolia Avenue Property, Respondent's appraisal report contained numerous errors or omissions that were misleading in

violation of the USPAP, as more fully set forth in paragraphs 44, (a)-(l). Further, respondent provided a misleading certification with the name and license number of his son, Cole Sorrell. Respondent signed the appraisal report as the primary appraiser, however, the appraiser's printed name underneath his signature was Cole Sorrell. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 44 (a)-(l), inclusive, as though set forth fully.

GLADE STREET PROPERTY

48. On or about July 6, 2010, Respondent completed a review appraisal report completed for the property located at 1022 Glade Street, Bakersfield, California. The report contained errors or omissions, in violation of the provisions of USPAP.

THIRD CAUSE FOR DISCIPLINE

(Violation of USPAP Provisions)

49. Respondent is subject to disciplinary action under Business and Profession Code sections 11313, 11314 and 11319, in conjunction with California Code of Regulations, title 10, section 3701, for violating Business and Professions Code section 11324, California Code of Regulations, title 10, section 3721, subdivision (a)(2), (a)(4), (a)(6), (a)(7); in that Respondent failed to conform to and observe the provisions of USPAP as follows:

(a) Respondent failed to disclose and analyze the subject property's proximity to an oil refinery, railroad line, in addition to the subject backing to high voltage power lines. (S.R. 1-2(e)(i) and 3-2(d)(iv);

(b) Respondent failed to disclose and analyze the subject's external obsolescence in comparison to the sales used which did not back to an arterial, high voltage power lines, or that with the exception of Comparable Sale One, had a close proximity to an oil refinery and/or railroad line. (S.R. 1-4(a), 3-3(c)(i) and 3-5(i)(ii);

(c) Respondent inappropriately reduced and misreported the subject's sale price based on a sale concession. (S.R. 1-5(a) and 3-3(c)(i);

(d) Respondent failed to appropriately apply relevant and consistent time adjustments to the comparable sales utilized. (S.R. 1-4(a) and 3-3(c)(i));

(e) Based upon the findings noted in the noted in paragraph 49, subsections (a), (b), (c) and (d), Respondent failed to correctly employ those methods and techniques that are necessary to produce a credible appraisal review. Complainant incorporates by reference as though set forth fully the allegations of paragraph 49 subsections (a), (b), (c) and, (d) inclusive, above, as set forth fully. (S.R. 3-1(a));

(f) Based upon the findings noted in the noted in paragraph 49, subsections (a), (b), (c) and (d), Respondent committed substantial errors or commission that significantly affected the appraisal review. Complainant incorporates by reference as though set forth fully the allegations of paragraph 49 subsections (a), (b), (c) and, (d) inclusive, above, as set forth fully. (S.R. 3-1(b));

(g) Based upon the findings noted in the noted in paragraph 49, subsections (a), (b), (c) and (d), in addition to including a second license number that was not his, Respondent failed to clearly and accurately set forth the appraisal in a manner that will not be misleading. Complainant incorporates by reference as though set forth fully the allegations of paragraph 49 subsections (a), (b), (c) and, (d) inclusive, above, as set forth fully. (S.R. 3-4(a));

(h) Based upon the findings noted in the noted in paragraph 49, subsections (a), (b), (c) and (d), Respondent failed to provide sufficient information to enable the intended users of the report to understand it properly. Complainant incorporates by reference as though set forth fully the allegations of paragraph 49 subsections (a), (b), (c) and, (d) inclusive, above, as set forth fully. (S.R. 3-4(b)); and

(i) Based upon the findings noted in paragraph 49, subsections (a), (b) and (c), Respondent violated the Conduct section of the Ethics Rule. Complainant incorporates by reference as though set forth fully the allegations of paragraph 49 subsections (a), (b) and (c) inclusive, above, as set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Misleading and Inaccurate Appraisal Review Report)

50. Respondent is subject to disciplinary action under sections 11313 and 11319, in conjunction with California Code of Regulations, title 10, sections 3701, 3705, and 3721, subdivisions (a)(2), (a)(4), (a)(6) and (a)(7) in that on the Glade Street Property, Respondent's

appraisal review report contained numerous errors or omissions that were misleading in violation of the USPAP, as more fully set forth in paragraphs 49 (a)-(i). Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 49 (a)-(i), inclusive, as though set forth fully.

DISCIPLINE CONSIDERATIONS

52. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 9, 2003, in a prior disciplinary action before the Office of Real Estate Appraisers, in Case Number C020205-01, Respondent received a Citation, and was ordered to pay $500 fine, fifteen hours USPAP, and twenty hours of basic education, for violating USPAP S.R. 1 and 2 (failure to disclose and analyze a previous sale of the subject property in the prior year, and failure to analyze relevant property characteristics of the subject property. That decision is now final and is incorporated by reference as if fully set forth.

53. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 27, 2006, in a prior disciplinary action before the Office of Real Estate Appraisers, in Case Number 041123-05, Respondent received a Citation and was ordered to pay $1,500 fine, for violating USPAP S.R. 1 and 2, Conduct section of the Ethics Rule (failure to accurately describe relevant property characteristics of the subject property; failure to select appropriate sales data in the Sales Comparison Approach; significantly overstated the monthly rent of the comparable utilized.) That decision is now final and is incorporated by reference as if fully set forth.

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 AR013194, issued to Jeff S. Sorrell

2. Ordering Jeff S. Sorrell 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 Jeff S. Sorrell to pay the Director of the Office of Real Estate Appraisers a fine pursuant to Business and Professions Code section 11316; and

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

DATED: 4/30/12

Original Signed

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

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