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8  
9 **BEFORE THE**  
**BUREAU OF REAL ESTATE APPRAISERS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

Case No. C20131021-02

13 **LEE R. THOMAS**  
14 **4974 N. Fresno Street, #292**  
**Fresno, California 93726**

**A C C U S A T I O N**

15 **Real Estate Appraiser License No. 017014**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Elizabeth Seaters, acting on behalf of the Bureau of Real Estate Appraisers  
22 (Complainant), Department of Consumer Affairs, brings this Accusation solely in her official  
23 capacity as Chief of Enforcement for Complainant.

24 2. On or about March 4, 1993, the Office of Real Estate Appraisers<sup>1</sup> (Bureau) issued  
25 Real Estate Appraiser License Number 017014 to Lee R. Thomas (Respondent). The Real Estate

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28 <sup>1</sup> The Office of Real Estate Appraisers is now the Bureau of Real Estate Appraisers.

1 Appraiser License was in full force and effect at all times relevant to the charges brought herein  
2 and will expire on August 18, 2015, unless renewed.

### 3 JURISDICTION

4 3. This Accusation is brought before the Bureau for the Department of Consumer  
5 Affairs, under the authority of the following laws. All section references are to the Business and  
6 Professions Code unless otherwise indicated.

7 4. Business and Professions Code section 11313 states:

8 "The bureau is under the supervision and control of the Director of Consumer Affairs. The  
9 duty of enforcing and administering this part is vested in the chief, and he or she is responsible to  
10 the Director of Consumer Affairs therefor. The chief shall adopt and enforce rules and  
11 regulations as are determined reasonably necessary to carry out the purposes of this part. Those  
12 rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340)  
13 of Part 1 of Division 3 of Title 2 of the Government Code. Regulations adopted by the former  
14 Director of the Office of Real Estate Appraisers shall continue to apply to the bureau and its  
15 licensees."

16 5. Business and Professions Code section 11314 states, in pertinent part, "The office  
17 is required to include in its regulations requirements for licensure and discipline of real estate  
18 appraisers that ensure protection of the public interest."

19 6. Business and Professions Code section 11315.3 states:

20 The suspension, expiration, or forfeiture by operation of law of a license or certificate of  
21 registration issued by the office, or its suspension, forfeiture, or cancellation by order of the office  
22 or by order of a court of law, or its surrender without the written consent of the office, shall not,  
23 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the office  
24 of its authority to institute or continue a disciplinary proceeding against the licensee or registrant  
25 upon any ground provided by law or to enter an order suspending or revoking the license or  
26 certificate of registration, or otherwise taking disciplinary action against the licensee or registrant  
27 on any such ground."

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1 requires a license under this part, registrant, applicant for a certificate of registration, course  
2 provider, applicant for course provider accreditation, or a person who, or entity that, acts in a  
3 capacity that requires course provider accreditation found to have committed a violation or  
4 violations of statutes or regulations relating to real estate appraiser practice to pay a sum not to  
5 exceed the reasonable costs of investigation, enforcement, and prosecution of the case."

#### 6 **CAUSE FOR DISCIPLINE**

##### 7 **(Failure to Submit Appraisal Copies and/or Other Work Product on Demand)**

8 11. Respondent is subject to disciplinary action under section 11328 of the Code, by and  
9 through California Code of Regulations, title 10, section 3721(a)(7), in that Respondent failed to  
10 submit appraisal copies and/or other work product on demand. The facts and circumstances are as  
11 follows:

12 a. On or about August 28, 2013, a complaint was filed with the Bureau against  
13 Respondent, alleging bias and negligence by Respondent for an appraisal Respondent performed  
14 on a property in Fresno with an effective date of January 23, 2013 (Fresno Property Appraisal).  
15 Respondent failed to respond to demand letters that were sent to him by the Bureau (requesting  
16 submittal of Respondent's appraisal and workfile copies for the Fresno Property Appraisal) on  
17 November 20, 2013, and January 27, 2014. On January 31, 2014, the Bureau received a Certified  
18 Mail Dispatch confirming that Respondent received the January 27, 2014 demand letter.  
19 Respondent also failed to respond to voicemails that were left for him by Bureau staff on  
20 December 23, 2013, and March 4, 2014, requesting contact from Respondent and noting that no  
21 response to the November 20, 2013, and January 27, 2014 demand letters was received.

#### 22 **DISCIPLINE CONSIDERATIONS**

23 12. To determine the degree of discipline, if any, to be imposed on Respondent,  
24 Complainant alleges that a prior complaint (061107-02) and investigation (2006-2008) resulted in  
25 a citation with a fine of \$500.00 and fifteen hours of basic education for the following conduct:

26 (a) Respondent failed to disclose and analyze the subject property's traffic influence;

27 (b) Respondent failed to utilize comparable sales that were similar in size or that had similar  
28 traffic influence in the Sales Comparison Approach, Respondent also failed to adjust

1 appropriately the comparable sales utilized for the subject property's traffic influence, resulting in  
2 an overvaluation; (c) Respondent failed to disclose and analyze the subject property's listing and  
3 marketing history, days on market, sales or financing concession, and any price reductions;  
4 (d) Respondent failed to discuss and analyze two prior sales of the subject property which  
5 occurred within three years of the effective date of the appraisal report, Respondent also failed to  
6 discuss and support the subject property's approximate 53% increase in value within a four and  
7 half month period; (e) based on the findings noted in above items (a), (b), (c), and (d), Respondent  
8 failed to correctly employ those recognized methods and techniques necessary to produce a  
9 credible appraisal report; (f) based on the findings noted in above items (a), (b), (c), and (d),  
10 Respondent committed substantial errors of omission or commission affecting the appraisal;  
11 (g) based on the findings noted in above items (a), (b), (c), and (d), Respondent failed to clearly  
12 and accurately set forth the appraisal in a manner that would not be misleading; and (h) based on  
13 the findings noted in above items (a), (b), (c), and (d), Respondent failed to provide sufficient  
14 information to enable the intended users of the report to understand it properly. The fifteen hours  
15 of basic education was due on October 1, 2009, however Respondent did not complete it until  
16 July 5, 2011. And the \$500.00 fine was due on February 15, 2008, however it was not paid until  
17 June 30, 2009.

#### 18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Chief of the Bureau of Real Estate Appraisers issue a decision:

21 1. Revoking or suspending Real Estate Appraiser License Number 017014, issued to Lee  
22 R. Thomas;

23 2. Ordering Lee R. Thomas to pay the Bureau of Real Estate Appraisers the reasonable  
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
25 section 11409;

26 3. Ordering Lee R. Thomas to pay the Bureau of Real Estate Appraisers a fine pursuant  
27 to Business and Professions Code section 11316; and

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

DATED: 5/13/14

**Original Signed**

ELIZABETH SEATERS  
Chief of Enforcement  
Bureau of Real Estate Appraisers  
Department of Consumer Affairs  
State of California  
*Complainant*

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