

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

In the Matter of the Administrative Findings
Against:

**ROBIN L. MOSLEY
38148 Pine Creek Place
Murietta, CA 92562
Certified Residential Real Estate Appraiser
License No. AR021004**

Respondent.

Case No. C110909-08, C111118-03,
C111118-05, and C120508-05

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 3-1-13.

It is so ORDERED 3-1-13.

Original Signed

FOR THE DIRECTOR OF THE OFFICE OF REAL
ESTATE APPRAISERS

1 Office of Real Estate Appraisers
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2 Sacramento, CA 95811

3 Telephone: (916) 552-9742
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5 **BEFORE THE**
6 **DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS**
7 **STATE OF CALIFORNIA**

8 In the Matter of the Administrative Findings:

Case Nos. C110909-08, C111118-03,
C111118-05, and C120508-05

9 **Robin L. Mosley**
10 **38148 Pine Creek Place**
11 **Murietta, CA 92562**
12 **Certified Residential Real Estate Appraiser**
13 **License No. AR021004**

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

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

23 2. Robin L. Mosley (Respondent) is representing herself and has chosen not to exercise
24 her right to be represented by counsel. On or about June 6, 2010, Complainant issued Certified
25 Residential Real Estate Appraiser License No. AR021004 to Respondent. Respondent's License
26 was in full force and effect at all times relevant to the attached Administrative Findings, and will
27 expire on February 4, 2014, unless renewed.

28 JURISDICTION

3. When deemed by the Director to be in the public interest, Complainant has the
authority under Business and Professions Code section 11315.5 to enter into a settlement related
to administrative allegations of violations of the regulations governing the conduct of licensed
appraisers. The administrative allegations associated with the Complainant's Case Nos.

1 C110909-08, C111118-03, C111118-05, and C120508-05 against Respondent are attached as
2 Exhibit A and incorporated herein by reference.

3 ADVISEMENT AND WAIVERS

4 4. Respondent has carefully read, and understands the charges and allegations in the
5 Administrative Findings associated with Case Nos. C110909-08, C111118-03, C111118-05, and
6 C120508-05. Respondent has also carefully read, and understands the effects of this Stipulated
7 Settlement and Disciplinary Order (Stipulated Settlement).

8 5. Respondent is fully aware of her legal rights in this matter, including the right to a
9 hearing on the Administrative Findings developed in Office of Real Estate Appraisers Case Nos.
10 C110909-08, C111118-03, C111118-05, and C120508-05; the right to be represented by counsel
11 at her own expense; the right to confront and cross-examine the witnesses against her; the right to
12 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
13 compel the attendance of witnesses and the production of documents; the right to reconsideration
14 and court review of an adverse decision; and all other rights accorded by the California
15 Administrative Procedure Act and other applicable laws.

16 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
17 every right set forth above.

18 CULPABILITY

19 7. Respondent understands and agrees that the charges and allegations in the
20 Administrative Findings attached as Exhibit A, if proven at hearing, constitute cause for imposing
21 discipline against her Certified Residential Real Estate Appraiser License No. AR021004.

22 8. Respondent agrees that her Certified Residential Real Estate Appraiser License No.
23 AR021004 is subject to discipline and she agrees to be bound by the Director's imposition of
24 discipline as set forth in the following Disciplinary Order.

25 CONTINGENCY

26 9. This Stipulated Settlement shall be subject to approval by the Director. Respondent
27 understands and agrees that counsel for Complainant and Complainant's staff may communicate
28 directly with the Director regarding this Stipulated Settlement, without notice to or participation

1 by Respondent. By signing this Stipulated Settlement, Respondent understands and agrees that
2 she may not withdraw her agreement or seek to rescind this Stipulated Settlement prior to the
3 time the Director considers and acts upon it. If the Director fails to adopt this Stipulated
4 Settlement as Complainant's Decision and Order, the Stipulated Settlement shall be of no force or
5 effect, and, except for this paragraph, it shall be inadmissible in any legal action between the
6 parties, and the Director shall not be disqualified from further action by having considered this
7 matter.

8 10. The parties understand and agree that facsimile copies of this Stipulated Settlement,
9 including facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Respondent's Certified Residential Real Estate Appraiser
21 License No. AR021004 is revoked. However, the revocation is stayed, and Respondent is placed
22 on probation for two (2) years from the effective date of the Decision and Order on the terms and
23 conditions described below.

24 **ORDER OF SUSPENSION**

25 1. **Suspension.** Certified Residential Real Estate Appraiser License No. AR021004
26 issued to Respondent Robin L. Mosley is suspended for thirty (30) days. During the period of
27 suspension, Respondent shall engage in no activities for which licensure or certification as a Real
28 Estate Appraiser is required.

1 ORDER OF PUBLISHED REPROVAL

2 2. **Published Reproval.** Respondent is issued a Published Reproval.

3 STANDARD TERMS AND CONDITIONS OF PROBATION

4 3. **Obey All Laws.** Respondent shall comply with all federal, state and local laws, and
5 conform to the minimum guidelines set forth under the Uniform Standards of Professional
6 Appraisal Practice (USPAP), and all other laws and regulations pertaining to real estate
7 appraisers.

8 4. **Active License Status.** Respondent shall at all times maintain an active license
9 status with Complainant during the probationary period.

10 5. **Personal Appearances.** Respondent shall, during the period of probation, appear in
11 person at interviews/meetings as directed by Complainant or its designated representatives,
12 provided such notification is accomplished in a timely manner.

13 6. **Comply With Probation.** Respondent shall fully comply with the terms and
14 conditions of the probation imposed by the Director (or Designee) and shall cooperate fully with
15 representatives of Complainant in its monitoring and investigation of Respondent's compliance
16 with the terms and conditions of probation.

17 7. **Monitoring.** Respondent shall be subject to, and shall permit, monitoring and
18 investigation of Respondent's professional practice. Such monitoring and investigation shall be
19 conducted by representatives of Complainant. Failure to cooperate and comply with
20 Complainant's monitoring and investigation of Respondent's professional practice shall be
21 considered a violation of probation.

22 8. **Appraisal Log/Work Samples.** Commencing on the effective date of the Decision
23 and Order and continuing through the period of probation, Respondent shall maintain a log of all
24 appraisals, and appraisal reviews, Respondent performs on a Log of Appraisal Experience (REA
25 3004) form. Respondent shall submit a complete and accurate copy of the log of all appraisals,
26 and appraisal reviews, completed each six months. Each six month log shall be submitted to the
27 Office of Real Estate Appraisers within 30 days following the end of each six month period.
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1 Respondent understands that the Office of Real Estate Appraisers has the option to select work
2 samples for review from each submitted six month log.

3 **9. Monitoring Costs.** Respondent shall comply with the Office of Real estate
4 Appraisers probation compliance monitoring program, including payment of costs incurred by
5 OREA in reviewing appraisals, in an amount not to exceed Two Hundred and Fifty Dollars
6 (\$250.00) per six month period. The monitoring costs will be waived for any six month
7 monitoring period in which OREA elects not to select work samples for review. Failure to pay
8 monitoring costs pursuant to this Disciplinary Order shall be considered a violation of probation.

9 **10. Payment of Outstanding Fine.** Respondent further acknowledges and agrees to pay
10 a fine pursuant to Business and Professions Code section 11316(a) and California Code of
11 Regulations, Title 10, section 3721(a), in the sum of Five Thousand Dollars (\$5,000). Payment of
12 this fine shall be made within One (1) year of the effective date of the Decision and Order of the
13 Director of the Office of Real Estate Appraisers. Failure to pay this fine pursuant to this
14 Disciplinary Order shall be considered a violation of probation.

15 **11. Payments.** Payments required under section 9. "Monitoring Costs"; and section 10.
16 "Payment of Outstanding Fine" shall be made to the Real Estate Appraisers Regulation Fund, c/o
17 Office of Real Estate Appraisers, 1102 Q Street, Suite 4100, Sacramento, California 95811 by
18 check or money order and shall indicate on its face the notation: OREA Case Nos. C110909-08,
19 C111118-03, C111118-05, and C120508-05. Failure to make any payment in accordance with
20 the schedules specified in sections 9 and 10 above shall constitute a violation of the probationary
21 order and subject Respondent to interest and penalty payments pursuant to Business and
22 Professions Code sections 11316(b)(1) and 11409(c)(1). In addition, the Director may order the
23 full amounts under sections 9 and 10 above, including interest and penalty payments, to be
24 immediately due and payable if any payment, or portion thereof, is not received within thirty (30)
25 days of its due date. Any outstanding fine or payment will be added to any fee for renewal of
26 Respondent's license. Respondent understands and acknowledges that, under Business and
27 Professions Code sections 11316(b)(2) and 11409(c)(2), Complainant is not authorized to renew
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1 Respondent's license unless payments are made in accordance with the above-referenced
2 schedule.

3 **12. Uniform Standards of Professional Appraisal Practice Course/Examination.**

4 Respondent shall take and pass an Office of Real Estate Appraisers approved 15-hour basic
5 education course on the Uniform Standards of Professional Appraisal Practice within six (6)
6 months of the date the Decision and Order of the Director of the Office of Real Estate Appraisers
7 is final. The course must be "The Appraisal Foundations National USPAP Course" (or its
8 equivalent as determined solely by the Appraisers Qualifications Board (AQB) Course Approval
9 Program), and must be taught by an AQB Certified USPAP Instructor who is also a Certified
10 Residential or Certified General appraiser in good standing with OREA. The course may be
11 taken on line or in a classroom setting and must include an administered closed book final
12 examination. Respondent must submit proof of successful completion of the course and final
13 exam within six (6) months following the date the Decision and Order of the Director of the
14 Office of Real Estate Appraisers is final. Respondent understands that it is her responsibility to
15 ensure that the course meets all the requirements listed above and to apply for, schedule, and
16 make all arrangements to take the course.

17 **13. Residential Sales Comparison and Income Approaches Module/Examination.**

18 Respondent shall take and pass an Office of Real Estate Appraisers approved 30 hour basic
19 education module on Residential Sales Comparison and Income Approaches. The courses may be
20 taken on-line or in a classroom setting and must include an administered closed book final
21 examination. Respondent must submit proof of successful completion of the courses and final
22 examination within twelve (12) months of the effective date of the Decision and Order as signed
23 by the Director. Respondent understands that it is her responsibility to ensure that the courses
24 meets all the requirements listed above and to apply for, schedule and make all arrangements to
25 take the courses.

26 **14. Minimum Education Requirements.** Educational courses imposed as a term or
27 condition of probation by the Director may not be credited towards Respondent's continuing
28 education requirements required for renewal of Respondent's real estate appraiser license.

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ENDORSEMENT

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

Dated: 3/1/13

Original Signed

Elizabeth Seaters
Chief of Enforcement

Exhibit A

Administrative Findings - Case Nos. C110909-08, C111118-03, C111118-05, & C120508-05

Case Numbers: C110909-08 & C111118-03

On or about September 4, 2007, Respondent completed an appraisal of the property located at 28376 Murrieta Road, Sun City, California. The report contains certain errors or omissions, in violation of the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP), listed as follows:

- a) Respondent misidentified characteristics of the appraised property's neighborhood (S.R. 1-2(e)(i) and 2-2(b)(iii));
 - i. The neighborhood low end of the one-unit housing price range was identified as \$200,000 when it was at least 33% less, and the predominant one-unit price housing was identified as \$375,000 when it was at least 50% less; and
 - ii. The neighborhood boundaries described in the report excluded the appraised property and represented an area more than four miles to the south;
- b) Respondent failed to report external factors affecting the property. Specifically, that the site frontage was on a four-lane arterial street with a speed limit rating of 40 MPH (S.R. 1-2(e)(i) and 2-2(b)(iii));
- c) Respondent failed to report the property was in a planned unit development (PUD) and affected by covenants, conditions, and restrictions (CC&Rs). Consequently, Respondent failed to report there were mandatory periodic homeowners fees as well as age restrictions for the occupants of the property (S.R. 1-2(e)(iv) and 2-2(b)(iii));
- d) Respondent completed a misleading report by inaccurately developing, reporting, and analyzing data used in the Sales Comparison Approach (S.R. 1-4(a) and 2-2(b)(viii));
 - i. The location of Comparable Sale One, Two, and Three were all represented as equal to the appraised property. The appraised property was on a four-lane arterial street with a speed limit of 40 MPH. Comparable Sale One was on a two-lane street with a 25 MPH limit and had frontage on a golf course. Comparable Sale Two and Three were on two-lane non-through streets with a 25 MPH speed limit;
 - ii. The 1,308 square feet of gross living area (GLA) reported for Comparable Sale One was grossly under-reported. It did not match the GLA as per Respondent's workfile NDCdata.com data sheet (1,669 square feet) or the GLA reported in MLS (1,892 square feet);
 - iii. Comparable Sale Two was not an arm's-length market transaction. Rather, it was an involuntary sale of the property via a trustee to satisfy a debt obligation;

- iv. Respondent failed to analyze the deed restrictions (CC&Rs) of the appraised property affecting the age of the occupants with Comparable Sale Two and Three which were not subject to any CC&Rs or restriction on the age of the occupants;
 - v. Comparable Sale Two and Three were represented on the Location Map as being much closer to the appraised property than they actually were;
 - vi. The photographs of both Comparable Sale One and Three in the report were not those of Comparable Sale One or Three; and
- e) Based on a), b), and d), above, Respondent created a report which was not credible and was misleading (1-1(a), 1-1(b), 2-1(a), 2-1(b), and the Conduct section of the Ethics Rule).

Case Number: C111118-05

On or about September 6, 2010, Respondent completed an appraisal of the property located at 29388 Turnbull Avenue, Lake Elsinore, California. The report contains certain errors or omissions, in violation of the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP), listed as follows:

- a) Respondent failed to correctly describe characteristics of the appraised property's neighborhood (S.R. 1-2(e)(i) and 2-2(b)(iii));
 - i. The neighborhood boundaries described in the report excluded the appraised property and represented an area more than eight miles southeast of the appraised property; and
 - ii. The distance to specific shopping and recreational amenities was grossly understated by several miles.

Case Number: C120508-05

On or about May 26, 2008, Respondent completed an appraisal of the property located at 23497 Canyon Lake Drive, Canyon Lake, California. The report contains certain errors or omissions, in violation of the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP), listed as follows:

- a) Respondent failed to identify a relevant offering for sale of the appraised property which occurred in the twelve months prior to the effective date of the appraisal (S.R. 1-2(e), 2-2(b)(iii), and Scope of Work Rule);
- b) Respondent completed a misleading report by inaccurately developing, reporting, and analyzing data used in the Sales Comparison Approach (S.R. 1-4(a) and 2-2(b)(viii));
 - i. Comparable Sale One was represented as being in average condition like the appraised property when the cited data source (MLS) described the property as "Highly Upgraded" and "completely upgraded in the last three years". This sale was also represented as having traffic influence on par with the appraised property when it did not, and having a two car garage when it had a four car garage;

- ii. Comparable Sale Two was represented as being in average condition like the appraised property when the cited data source (MLS) described the property as "TOTALLY REMODELED". This property also had an inground pool, and golf course frontage and view which was not identified or analyzed by Respondent;
 - iii. Comparable Sale Three was represented as being in average condition like the appraised property when the cited data source (MLS) described the property as "Fully remodeled". This property also had lake frontage and a boat dock which was not identified or analyzed by Respondent;
 - iv. Respondent failed to support the adjustment for Comparable Sale Four's lake frontage; and
 - v. Respondent failed to consider multiple alternative closed market transactions which were more representative of the appraised property's condition and/or location than those closed market transactions utilized in the report; and
- c) Based on a) and b), above, Respondent created a report which was not credible and grossly overvalued the appraised property (S.R. 1-1(a), 1-1(b), 2-1(a), 2-1(b), and the Conduct section of the Ethics Rule).