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

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| In the Matter of the Accusation Against:<br><br>**LEODEGARIO ORTEGA**<br>614 Lee Road<br>Imperial, California 92251<br><br>P.O. Box 726<br>Imperial, California 92251<br><br>**Appraiser License No. AL026055**<br><br>Respondent. | Case No. C080508-02<br><br>**A C C U S A T I O N** |

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 Acting Chief of Enforcement for Complainant. She is represented in this matter by Department Counsel for the Office of Real Estate Appraisers, Kathleen S. Chovan.

2. On or about April 29, 2008, the Director of the Office of Real Estate Appraisers ("Director") issued Residential Appraiser License Number AL026055 to Leodegario Ortega ("Respondent"). Respondent's real estate appraiser license was in full force and effect at all times relevant to the charges brought herein. Respondent's real estate appraiser license expired on April 28, 2010 and has not been renewed.

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## JURISDICTION

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

4. Code section 11310.1 states:

Protection of the public shall be the highest priority for the Office of Real Estate Appraisers in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5. Code section 11313 requires OREA to adopt and enforce rules and regulations as are determined reasonably necessary to carry out the purposes of the Real Estate Appraisers' Licensing and Certification law.

6. 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.

## FINES

7. 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.

## MINIMUM STANDARDS FOR CONDUCT AND PERFORMANCE

8. 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 is

also is certified 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.

9. Code section 11328 states:

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 the 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 office. This material shall be confidential in accordance with the confidentiality provisions of the Uniform Standards of Professional Appraisal Practice.

**COST RECOVERY**

10. 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, 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.

As of the date of this Accusation, Complainant has incurred $1045.85 in investigation costs for this matter.

**REGULATORY PROVISIONS**

11. The OREA regulations appear in Title 10, Chapter 6.5, section 3500 et seq., as amended from time to time, of the California Code of Regulations (Regulation.)

12. Regulation section 3527 (a) states, in part:

(a) All applicants for and holders of a license...shall submit written notice to OREA of any change to the following within 10 days on the Change Notification and Miscellaneous Requests Form REA 3011 (Rev. 5/8/00), which is herein incorporated by reference:

(1) Name;

(2) Residence telephone number

(3) Business telephone number

(4) Residence Address

(5) Business name or address; or

(6) Mailing address.

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13. 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.

14. Regulation section 3702 (a) states, in pertinent part:

(a) 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...shall be required to demonstrate by his or her conduct that he or she possesses the qualifications of honesty, candor, integrity and trustworthiness.

15. Regulation section 3705 (a) states:

Every appraisal report subject to the Uniform Standards of Professional Appraisal Practice upon final completion shall bear the signature and license number of the appraiser and of the supervising appraiser, if appropriate. The affixing of such signature and number constitute the acceptance by the appraiser and supervising appraiser of full and personal

responsibility for the accuracy, content, and integrity of the appraisal under Standards Rules 1 and 2 of USPAP.

16. Regulation 3721 states, in pertinent part:

(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: ...

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

(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 (USPAP) (EFFECTIVE JANUARY 1, 2008)[1]**

17. USPAP Standard 1 states:

In developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses necessary to produce a credible appraisal.

18. USPAP Standards Rule 1-1 states, in part:

In developing a real property appraisal, an appraiser must:

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[1] 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 2008-2009 edition of USPAP (effective January 1, 2008, through December 31, 2009) was applicable to the appraisal in this case, which had a report date of May 2, 2008.

(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...

19. USPAP Standards Rule 1-2 states, in part:

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

(a) identify the client and other intended users; ...

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

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

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

20. USPAP Standards Rule 1-3 states, in part:

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; ...

21. USPAP Standards Rule 1-4 states, in part:

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: ...

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

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

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

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: ...

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

23. USPAP Standard 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).

24. USPAP Standard 2 states, in part:

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.

25. USPAP Standards Rule 2-1 states, in part:

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; ...

26. USPAP Standards Rule 2-2 states, in part:

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: 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; ...

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

(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; ...

(xi) include a signed certificate in accordance with Standard Rule 2-3.

27. 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 Standard 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.)

28. The ETHICS Rule of USPAP provides, in part:

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 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 compensation arrangement for an assignment, that is contingent upon any of the following:

(1) the reporting of a predetermined value 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 such 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.

29. The COMPETENCY Rule of USPAP provides as follows:

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

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

30. The SCOPE OF WORK RULE provides as follows:

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

(1) identify the problem to be solved;

(2) determine and perform the scope of work necessary to develop credible assignment results; and

(3) disclose the scope of work in the report

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

Problem Identification

An appraiser must gather and analyze information about those assignment elements that are necessary to properly identify the appraisal, appraisal review, or appraisal consulting problem to be solved.

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Scope of Work Acceptability

The scope of work must include the research and analyses that are necessary to develop credible assignment results;

An appraiser must not allow assignment conditions to limit the scope of work to such a degree that the assignment results are not credible in the context of the intended use.

An appraiser must not allow the intended use of an assignment or client's objectives to cause the assignment results to be biased.

Disclosure Obligation

The report must contain sufficient information to allow intended users to understand the scope of work performed.

**COUNT ONE**

**PROPERTY APPRAISED**

31. On or about February 23, 2008, Respondent performed an appraisal for the property located at 2115 East Villa Road, El Centro, California. Improvements included two manufactured homes on the property, with the main dwelling consisting of a 22- year old manufactured home of average quality, with 1,232 square feet of gross living area on a lot size of 1.02 acres. This house contains three bedrooms, two baths, central heating and air conditioning and a rear patio area. The second manufactured home on the property, labeled as a guest house, had an address of 2115A Villa Lane and 27 foot by 44 foot in dimension. The stated intended use was for mortgage refinancing. The opinion of value was $236,000.

**BASIS FOR DISCIPLINE**

32. Respondent is subject to disciplinary action under Regulation section 3721, subdivisions (a) (6) and (a) (7), by and through his violation of Regulation sections 3701, 3702 subdivisions (a) (1) and (a) (3), and the following USPAP violations:

(a) Respondent misrepresented the subject property by preparing the report on a Fannie Mae Form 1004, Uniform Residential Appraisal Report, used for stick built homes. The report was not prepared on a Fannie Mae Form 1004C, Manufactured Home Appraisal Report,

used for manufactured homes such as the subject property. This form was created in March 2005 nearly three years prior to Respondent's report (S.R. 1-1(a), 1-1(b), 2-1(a), and 2-2(b) (ix));

(b) Respondent failed to identify the intended user of the assignment and the date of the report (S.R. 1-2(a), 2-1(a), 2-2(b)(i), and 2-2(b)(vi));

(c) Respondent failed to identify the pertinent property characteristics of the subject property. Respondent failed to identify the HUD Certificate Label, the manufacturer's name, model, date of manufacture, serial number, and the 433 Occupancy Certificate for the subject property. Respondent provided inadequate description for the additional manufactured home in the report. Respondent failed to provide necessary description such as its location to the main dwelling, approximate age, quality, condition, its current use, compliance to zoning and if the improvement was on a permanent foundation or personal property (S.R. 1-1(a), 1-1(b), 1-2(e)(i), 2-1(a), and 2-2(b)(iii));

(d) Respondent failed to identify and analyze the effect on use and value of the existing land use regulations. The current zoning for the subject property was A2 Medium General Agriculture, One Residence, which allowed for only one residence usage. The subject property was in non-compliance with its current zoning because there was an additional manufactured home on the property. The subject property required a conditional use permit to legally allow the second additional manufactured home to exist on the property. Respondent failed to discuss the non-compliance of its present use with current zoning. Respondent incorrectly reported the zoning as A1 Residential Agriculture with legal conforming use (S.R. 1-1(a), 1-1(b), 1-3(a), 2-1(a), and 2-2(b)(ix));

(e) In the Sales Comparison Approach, Respondent failed to analyze the current market conditions, as time adjustments were omitted to the comparable sales that were one to six months old in a declining market or failed to provide explanation for omitting such adjustments. Respondent failed to adjust for superior quality of the comparable sales that were stick built homes, as the subject property was a manufactured home. No adjustments were made for significant differences in lot size to the comparable sales. These omissions resulted in a

significant overvaluation of the subject property (S.R. 1-1(a), 1-1(b),1-4(a), 2-1(a), and 2-2(b)(viii));

(i) Comparable Sale One – 1258 Poplar Road, El Centro. This property was a superior quality stick built home and an inappropriate comparison. No adjustments were made for superior quality construction, inferior wall air conditioning and significantly smaller lot size. No explanation was given for these omissions. This property was purchased by the City of El Centro, which was not disclosed in the report.

(ii) Comparable Sale Two – 1450 Kestone Road, Brawley. This property was a superior quality stick built home and an inappropriate comparison. No adjustment was made for this property's superior quality construction, and no explanation was given for this omission.

(iii) Comparable Sale Three – 2611 Beebe Road, Imperial. This property was a superior quality stick built home and an inappropriate comparison. No adjustment was made for this property's superior quality construction and no explanation was given for this omission. Though only a .23-acre difference in size, a significant negative adjustment was made for this property's slightly larger lot size. The adjustment for differences in lot size was inconsistent with other comparisons in the report.

(iv) Comparable Sale Four – 570 East Holton Road, El Centro. This property was a similar manufactured home with a guest quarter amenity. However, Respondent failed to identify what type of guest quarter this property featured. No adjustment was made for this property's significantly smaller lot size and no explanation was given for this omission. Though most similar property in overall physical characteristics to the subject property, its adjusted sale price did not support the concluded value.

(f) Respondent failed to analyze and reconcile the concluded value in the Sales Comparison Approach, as there was a wide disparity in the adjusted values of the comparable sales. Respondent failed to provide any discussion or reasoning as to which of the comparable sales used were weighted in determining the concluded value (S.R. 1-1(a), 1-1(b), 1-4(a), 1-6(a), 2-1(a), and 2-2(b)(viii));

(g) Based on paragraphs a, b, c, d, e, and f, Respondent violated the Competency Rule, and the Scope of Work Rule.

**COUNT TWO**

**PROPERTY APPRAISED**

33. On or about February 26, 2008, Respondent performed an appraisal for a property located at 625 Southwind Drive, El Centro, California. The subject property is an average quality single-family home in Imperial County, with 1,394 square feet of gross living area on a lot size of 7,062 square feet. The subject property was 59 years old, and contains three bedrooms, two baths, central heating and air conditioning, a fireplace, one-car carport, covered patio and built-in pool. The stated intended use was for mortgage refinancing. The opinion of value was $229,600.

**BASIS FOR DISCIPLINE**

34. Respondent is subject to disciplinary action under Regulation section 3721, subdivisions (a)(6) and (a)(7), by and through his violation of Regulation sections 3701, 3702 subdivisions (a)(1) and (a)(3), and the following USPAP violations:

(a) Respondent failed to disclose and discuss that the subject property backed directly to a freeway. Respondent failed to analyze its potential negative impact on the subject property (S.R. 1-1(b), 1-2(e)(i), 2-1(a), and 2-2(b)(iii));

(b) In the Sales Comparison Approach, Respondent failed to apply time adjustments to the comparable sales reflecting a declining market or failed to provide reasoning for excluding such adjustments. The comparable sales were one to five months old in a declining market. Respondent failed to apply location adjustments to the comparable sales reflecting the subject property's location backing directly to a freeway or failed to provide reasoning for excluding these adjustments. Respondent failed to apply consistent adjustments for differences in car storages and pool amenities of Comparable Sale Four and Comparable Listing Seven. Respondent failed to provide reasoning for excluding age adjustments to Comparable Listings Seven and Eight, as these properties were significantly newer in age at 13 and 17 years compared

to 59 years for the subject property. These errors of omission resulted in a report that lacked credibility (S.R. 1-1(a), 1-1(b),1-4(a), 2-1(a), and 2-2(b)(viii));

(c) Respondent failed to reconcile the quality and quantity of data available and analyzed within the approaches used. The indicated value of the Cost Approach was a significantly different from the indicated value in the Sales Comparison Approach. Respondent failed to provide an explanation for this significant difference between the two approaches to value. This was attributed to various errors and omissions in the Cost Approach. Respondent failed to apply any physical depreciation, as the subject property was a 59-year old home with an effective age of 30 years. Respondent failed to consider external depreciation for the subject property's potential external influences. The carport was erroneously reported at 3,000 square feet. The "as is" value of the site improvements indicated no cost figures and Respondent failed to explain this omission. Respondent falsely stated that the Sales Comparison Approach was supported by the Cost Approach (S.R. 1-1(a), 1-1(b), 1-4(a), 1-4(b)(ii)(iii), 1-6(a), 1-6(b), 2-1(a), and 2-2(b)(viii).)

**COUNT THREE**

**FAILURE TO CHANGE ADDRESS**

35. Respondent violated the California Code of Regulations regarding personal information or contact change requirement. Respondent failed to notify and submit written notice to OREA of any change in name, residence or business telephone number, residence address, or business name or address within ten days of the change (California Code of Regulations 3527).

**COUNT FOUR**

**FAILURE TO COOPERATE**

36. During or about from September 2008 to June 2009, Respondent failed to facilitate an investigation of illegal or unethical activities. Respondent failed to respond or comply with multiple requests for complete and accurate copies of his appraisal reports, workfiles, and all supporting documentation and data to the Office of Real Estate Appraisers (OREA) (California Business and Professional Code 11328)

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## PRAYER

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

1. Revoking the Right to Renew License Number AL026055 issued to Leodegario Ortega.

2. Ordering Leodegario Ortega to pay the Director of the Office of Real Estate Appraisers $ 1045.85 for the costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 11409;

3. Ordering Leodegario Ortega to pay the Director of the Office of Real Estate Appraisers a fine pursuant to section 11316, subdivision (a); and

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

DATED: 5/24/12

Original Signed

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