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

In the Matter of the Accusation Against:

Case No. C081202-01 and C090105-03

**JOHN B. WILSON**  
4607 Lakeview Canyon Rd. #366  
Westlake Village, CA 91361

**DEFAULT DECISION AND ORDER**

**Real Estate Appraiser License No.**  
**AR027441**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 28, 2012, Elizabeth Seaters, acting solely in her official capacity as the Acting Chief of Enforcement, acting on behalf of the Office of Real Estate Appraisers (Complainant), filed Accusation No. C081202-01 and C090105-03 against John B. Wilson (Respondent) before the Director of the Office of Real Estate Appraisers. (Accusation attached as Exhibit A.)

2. On or about January 25, 2000, the Director of the Office of Real Estate Appraisers (Director) issued Real Estate Appraiser License No. AR027441 to Respondent. The Real Estate Appraiser License expired on February 28, 2010, and has not been renewed.

3. On or about February 29, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. C081202-01 and C090105-03, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Title 10,

1 California Code of Regulations, section 3527, is required to be reported and maintained with the  
2 Director. Respondent's address of record was and is:

3 4607 Lakeview Canyon Rd. #366, Westlake Village, CA 91361.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
6 124.

7 5. Subsequent to the date of service, the aforementioned documents were returned by  
8 the U.S. Postal Service marked "Attempted Not Known." The address on the documents was the  
9 same as the address on file with the Director. Respondent failed to maintain an updated address  
10 with the Director and the Director has made attempts to serve the Respondent at the address on  
11 file. Respondent has not made himself available for service and therefore, has not availed himself  
12 of his right to file a notice of defense and appear at hearing.

13 6. Government Code section 11506 states, in pertinent part:

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 C081202-01 and C0901.

20 8. California Government Code section 11520 states, in pertinent part:

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

24 9. Pursuant to its authority under Government Code section 11520, the Deputy Director  
25 finds Respondent is in default. The Deputy Director will take action without further hearing and,  
26 based on the relevant evidence contained in the Default Decision Evidence Packet in this matter,  
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
28 therein on file at the Director's offices regarding the allegations contained in Accusation No.

1 C081202-01 and C090105-03, finds that the charges and allegations in Accusation No. C081202-  
2 01 and C090105-03, are separately and severally, found to be true and correct by clear and  
3 convincing evidence.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent John B. Wilson has subjected his  
6 Real Estate Appraiser License No. AR027441 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Deputy Director of the Office of Real Estate Appraisers is authorized to revoke  
9 Respondent's Real Estate Appraiser License based upon the following violations alleged in the  
10 Accusation which are supported by the evidence contained in the Default Decision Evidence  
11 Packet in this case:

12 a. Title 10, California Code of Regulations, sections 3721(a)(6) and (a)(7), 3701,  
13 3702(a)(1) and (a)(3), and Business and Professions Code section 11328.

14 ORDER

15 IT IS SO ORDERED that Real Estate Appraiser License No. AR027441, heretofore issued  
16 to Respondent John B. Wilson, is revoked.

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

21 This Decision shall become effective on May 11, 2012.

22 It is so ORDERED May 11, 2012

23  
24 **Original Signed**

25 FOR THE DEPUTY DIRECTOR OF THE OFFICE  
26 OF REAL ESTATE APPRAISERS

26 20597907.DOC  
27 DOJ Matter ID:SF2012204313

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 Kathleen S. Chovan  
2 Department Counsel, State Bar No. 158325  
3 Office of Real Estate Appraisers  
4 1102 "Q" Street, Suite 4100  
5 Sacramento, CA 95811  
6 Telephone: (916) 552-9000  
7 Facsimile: (916) 552-9008  
8 *Attorney for Complainant*

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

12 **In the Matter of the Accusation Against:**

Case Nos. C 081202-01 and C 090105-03

13 **JOHN B. WILSON**  
14 **4607 Lakeview Canyon Road #366**  
15 **Westlake Village, CA 91361**

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

16 **Certified Residential Appraiser License No.**  
17 **AR027441**

**Respondent.**

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about January 25, 2000, the Director of the Office of Real Estate Appraisers  
24 ("Director") issued Certified Residential Appraiser license Number AR027441 to John B. Wilson  
25 ("Respondent"). Respondent's real estate appraiser license was in full force and effect at all  
26 times relevant to the charges brought herein. Respondent's real estate appraiser license expired  
27 on February 28, 2010.

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1 **JURISDICTION**

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

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

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

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

11 **FINES**

12 6. Code section 11316, subdivision (a) states:

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

17 **MINIMUM STANDARDS FOR CONDUCT AND PERFORMANCE**

18 7. Code section 11319 states:

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

24 8. Code section 11328 states:

25 To substantiate documentation of appraisal experience, or to facilitate the investigation of  
26 illegal or unethical activities by a licensee, applicant, or other person acting in the capacity that  
27 requires a license, that licensee, applicant or person shall, upon the request of the director, submit  
28 copies of appraisals, or any work product which is addressed by the Uniform Standards of

1 Professional Appraisal Practice, and all supporting documentation and data to the office. This  
2 material shall be confidential in accordance with the confidentiality provisions of the Uniform  
3 Standards of Professional Appraisal Practice.

4 **COST RECOVERY**

5 9. Code section 11409, subdivision (a) states:

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

13 **REGULATORY PROVISIONS**

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

16 11. Regulation section 3527, subdivision (a) states, in pertinent part:

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

- 20 (1) Name;
- 21 (2) Residence telephone number
- 22 (3) Business telephone number
- 23 (4) Residence Address
- 24 (5) Business name or address; or
- 25 (6) Mailing address.

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1           12. Regulation section 3701 states:

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

6           13. Regulation section 3702 states, in pertinent part:

7           (a) The Director finds and declares as follows:

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

14           (3) Every holder of a license to practice real estate appraisal ... shall be  
15 required to demonstrate by his or her conduct that he or she possesses the  
16 qualifications of honesty, candor, integrity and trustworthiness.

17           14. Regulation section 3705 (a) states:

18           Every appraisal report subject to the Uniform Standards of Professional Appraisal  
19 Practice upon final completion shall bear the signature and license number of the appraiser and  
20 of the supervising appraiser, if appropriate. The affixing of such signature and number  
21 constitute the acceptance by the appraiser and supervising appraiser of full and personal  
22 responsibility for the accuracy, content, and integrity of the appraisal under Standards Rules 1  
23 and 2 of USPAP.

24           15. Regulation 3721 states, in pertinent part:

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

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(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, 2005)<sup>1</sup>**

16. USPAP Standard 1 states:

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

17. 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.

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

To promote and preserve the public trust inherent in professional appraisal practice, an appraiser must observe the highest standards of professional ethics. ...

**UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP)**  
**(EFFECTIVE JANUARY 1, 2008)<sup>2</sup>**

19. USPAP Standard 1 states:

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<sup>1</sup> 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 2005-2006 edition of USPAP (effective January 1, 2005, through June 30, 2006), was applicable to the appraisal in this case, which had a report date of August 24, 2005.

<sup>2</sup> 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 April 24, 2008.

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

4 20. USPAP Standard 2 states:

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

7 21. The Ethics Rule of USPAP states, in pertinent part:

8 To promote and preserve the public trust inherent in professional appraisal practice,  
9 an appraiser must observe the highest standards of professional ethics. ...

10  
11 **PROPERTIES APPRAISED**

12 On August 24, 2005, Respondent completed a real estate appraisal report for property  
13 located at 10431/10433 Ruthven Lane, Los Angeles, California, with a concluded opinion of  
14 value at \$900,000.00. The property consisted of two lots at 6,129 square feet.

15 On April 24, 2008, Respondent completed a real estate appraisal report for property located  
16 at 2800 Cormier Drive, Bakersfield, California, with a concluded opinion of value at  
17 \$2,600,000.00. The property consisted of a 18,671 square foot lot improved with an  
18 approximately 5,650 square foot, 10 rooms, 4 bedrooms, 5 bathrooms, 1 story, home built in  
19 2008. The intended use of the appraisal report was for market value of the property purposes.

20 22. On November 24, 2008 Complainant received a request to initiate a disciplinary  
21 action against Respondent regarding Respondent's appraisal of the property described in  
22 paragraph 19, above.

23 23. On December 22, 2008 Complainant received a request to initiate a disciplinary  
24 action against Respondent regarding Respondent's appraisal of the property described in  
25 paragraph 20, above.

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1 BASIS FOR DISCIPLINE

2 FIRST CAUSE FOR DISCIPLINE

3 (Failure to Respond or Cooperate in an Investigation of Alleged

4 USPAP Violations – 10431/10433 Ruthven Lane, Los Angeles, California)

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

8 25. Respondent is subject to disciplinary action under Business and Professions Code  
9 section 11328 for failing to cooperate with the investigation and provide a copy of the appraisal  
10 report and associated workfile for the property located at 10431/10433 Ruthven Lane, Los  
11 Angeles, California when requested to do so, as follows:

12 26. On February 2, 2009, a 30 day demand letter was sent requesting appraisal reports  
13 for the Ruthven Lane property and the Cormier Drive property.

14 27. On May 4, 2009, Complainant left a message for Respondent to return call.  
15 Complainant also stated in the message that Respondent had not responded to the demand letter  
16 sent on February 2, 2009.

17 28. On May 11, 2009, Respondent returned Complainant's call and stated he did not  
18 receive the demand letter. Complainant verified the address and resent a second demand letter by  
19 certified mail the same day.

20 29. On May 18, 2009, the signed certified card was returned by the postal service.

21 30. On June 8, 2009, the Respondent called stating he had been in the hospital but will  
22 be sending the requested information this week.

23 31. On July 23, 2009, the appraisal report for 2800 Cormier Drive, Bakersfield, CA  
24 was received, but not the appraisal for the Ruthven Lane property.

25 32. On August 3, 2009, another demand letter was sent by certified mail requesting the  
26 appraisal report for the Ruthven Lane property.

27 33. On August 10, 2009, the signed certified card was returned by the postal service.

28 34. On September 28, 2009, the Respondent called stating he is still looking for the

1 report for Ruthven Lane. He stated he should be sending the report sometime this week.

2 35. On October 15, 2009, the Respondent called and left a message stating he is still  
3 looking for the appraisal report for Ruthven Lane. The Respondent stated he will get the report to  
4 our office as soon as it is located.

5 36. On December 3, 2009, the Respondent was called and a message was left stating  
6 our office still has not received the appraisal report for Ruthven Lane.

7 37. On February 28, 2010, the respondent's license expired.

8 38. On May 6, 2010, a message was left on the Respondents business/residence phone  
9 (805-432-6141) for a returned call.

10 39. On May 18, 2010, the final demand letter was sent by certified mail to 4607  
11 Lakeview Canyon Road #366, Westlake Village, CA 91361.

12 40. On May 24, 2010, the signed certified card was returned by the postal service.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Failure to Respond or Cooperate in an Investigation of Alleged**

15 **USPAP Violations – 2800 Cormier Drive, Bakersfield, California)**

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

19 42. Respondent is subject to disciplinary action under Business and Professions Code  
20 section 11328 for failing to cooperate with the investigation and provide a copy of the appraisal  
21 report and associated workfile for the property located at 10431/10433 Ruthven Lane, Los  
22 Angeles, California when requested to do so, as follows:

23 43. On February 2, 2009, a 30 day demand letter was sent requesting appraisal reports  
24 for the Ruthven Lane property and the Cormier Drive property.

25 44. On May 4, 2009, Complainant left a message for Respondent to return call.  
26 Complainant also stated in the message that Respondent had not responded to the demand letter  
27 sent on February 2, 2009.

28 45. On May 11, 2009, Respondent returned Complainant's call and stated he did not

1 receive the demand letter. Complainant verified the address and resent a second demand letter by  
2 certified mail the same day.

3 46. On May 18, 2009, the signed certified card was returned by the postal service.

4 47. On June 8, 2009; the Respondent called stating he had been in the hospital but will  
5 be sending the requested information this week.

6 48. On July 23, 2009, the appraisal report for 2800 Cormier Drive, Bakersfield, CA  
7 was received, but not the appraisal for the Ruthven Lane property.

8 49. On February 28, 2010, the respondent's license expired.

9 50. On May 6, 2010, a message was left on the Respondents business/residence phone  
10 (805-432-6141) for a returned call.

11 51. On May 18, 2010, the final demand letter was sent by certified mail to 4607  
12 Lakeview Canyon Road #366, Westlake Village, CA 91361.

13 52. On May 24, 2010, the signed certified card was returned by the postal service.

14 **PRAYER**

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

- 18 1. Revoking or suspending John B. Wilson Appraiser License Number AR027441,  
19 issued to John B. Wilson.
- 20 2. Ordering John B. Wilson to pay the Director of the Office of Real Estate Appraisers a  
21 fine pursuant to section 11316(a); and
- 22 3. Taking such other and further action as deemed necessary and proper.

23 ***Original Signed***

24 DATED: 5/28/12

25 \_\_\_\_\_  
Elizabeth Seaters  
Acting Chief of Enforcement  
Office of Real Estate Appraisers  
State of California  
Complainant