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

In the Matter of the Accusation Against: **CHRISTOPHER C. SOTERE** **13636 Ventura Blvd. No 253** **Sherman Oaks, CA 91423** **Real Estate Appraiser License No. AL029478** Respondent.	Case No. C100519-09 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 5, 2012, Elizabeth Seaters, in her official capacity as the Chief of Enforcement of the Office of Real Estate Appraisers (Complainant), filed Accusation No. C100519-09 against Christopher C. Sotere (Respondent) before the Director of the Office of Real Estate Appraisers. (Accusation attached as Exhibit A.)

2. On or about February 9, 2005, the Director of the Office of Real Estate Appraisers (Director) issued Real Estate Appraiser License No. AL029478 to Respondent. The Real Estate Appraiser License expired on October 3, 2010, and has not been renewed.

3. On or about April 9, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. C100519-09, 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, California Code of

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

13636 Ventura Blvd. No 253, Sherman Oaks, CA 91423.

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

5. On or about April 11, 2012, the U.S. Postal Service returned the Domestic Return Receipt, indicating that the documents were received.

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

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts 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.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. C100519-09.

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

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

9. Pursuant to its authority under Government Code section 11520, the Director finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Director's offices regarding the allegations contained in Accusation No. C100519-09, finds that the charges and allegations in Accusation No. C100519-09, are separately and severally, found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Christopher C. Sotere has subjected his Real Estate Appraiser License No. AL029478 to discipline.

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

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

a. California Code of Regulations, title 10, sections 3721(a)(6) and (a)(7), 3701, 3702(a)(1) and (a)(3), and 3527(a); Business and Professions Code section 11328.

ORDER

IT IS SO ORDERED that Real Estate Appraiser License No. AL029478, heretofore issued to Respondent Christopher C. Sotere, is revoked.

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

This Decision shall become effective on July 27, 2012.

It is so ORDERED July 10, 2012

Original Signed

FOR THE DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS

default decision_LIC.rtf
DOJ Matter ID:SF2012401972

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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

In the Matter of the Accusation Against: **CHRISTOPHER C. SOTERE** **13636 Ventura Blvd. #253** **Sherman Oaks, CA 91423** **Residential Appraiser License No. AL029478** **Respondent.**	**Case No. C 100519-09** **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 Chief of Enforcement for Complainant.

2. On or about February 9, 2005 the Director of the Office of Real Estate Appraisers ("Director") issued Residential Appraiser license Number AL029478 to Christopher C. Sotere ("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 October 3, 2010.

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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 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.

5. 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. Code section 11315.5 states:

Notwithstanding any other provision of law, the office may, at any time the director deems it to be in the public interest, enter into a settlement of any administrative allegation of violation of this part, or of regulations promulgated pursuant thereto, upon any terms and conditions as the director deems appropriate. Those settlements may include, but are not limited to, a plan for abatement of the violation or rehabilitation or requalification of the applicant, licensed appraiser, course provider, registrant, or person acting in a capacity requiring a license, certificate of registration, or course provider accreditation within a specified time.

FINES

7. Code section 11316 states, in pertinent part:

(a) 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.

(b)(1)Failure of 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 to pay a

fine or make a fine payment within 30 days of the date of assessment shall result in disciplinary action by the office. If 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 fails to pay a fine within 30 days, the director shall charge him or her interest and a penalty of 10 percent of the fine or payment amount. Interest shall be charged at the pooled money investment rate.

(2) If a fine is not paid, the full amount of the assessed fine shall be added to any fee for renewal of a license. A license shall not be renewed prior to payment of the renewal fee and fine.

(3) The director may order the full amount of any fine to be immediately due and payable if any payment on the fine, or portion thereof, is not received within 30 days of its due date.

(4) Any fine, or interest thereon, not paid within 30 days of final order shall constitute a valid and enforceable civil judgment.

(5) A certified copy of the final order shall be conclusive proof of the validity of the order of payment and terms of payment.

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 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. 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.

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, subdivision (a) states, in pertinent 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.

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:

(6) Violated any provision of USPAP

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(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 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.

19. 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. ...

PROPERTY APPRAISED

20. On May 14, 2009, Respondent completed a real estate appraisal report for property located at 122 Cancion Way, Los Angeles, California, with a concluded opinion of value at $440,000. The property consisted of a 1,456 square foot, 6 rooms, 3 bedrooms, 2.5 bathrooms, 2-story, home built in 2005.

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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 14, 2009.

21. On May 18, 2010, Complainant received a request to initiate a disciplinary action against Respondent regarding Respondent's appraisal of the property described in paragraph 20, above.

BASIS FOR DISCIPLINE

FIRST CAUSE FOR DISCIPLINE

(Failure to Notify of Change of Personal or Contact Information pursuant to Regulation 3527)

22. 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), for failure to notify within ten days as required under Regulation 3527(a) of a change in: **residence telephone number: (848) 788-4012; business telephone number: (818) 445-2575; business name: C. Sotere & Associates; business address/mailing address: 13636 Ventura Blvd. #253, Sherman Oaks, CA.**

SECOND CAUSE FOR DISCIPLINE

(Failure to Respond or Cooperate in an Investigation of Alleged USPAP Violations – 122 Cancion Way, Los Angeles, California)

23. 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:

24. Respondent is subject to disciplinary action under Business and Professions Code section 11328 for failing to cooperate with the investigation and provide a copy of the appraisal report and associated workfile for the property located at 122 Cancion Way, Los Angeles, California when requested to do so, as follows:.

25. On June 15, 2010, Complainant sent a letter pursuant Code section 11328 to Respondent's mailing address of record requesting a copy of the appraisal and the appraisal work file, to be received by Complaint within 30 days of the date of the letter. Complainant did not receive the requested documents within the specified period.

26. On August 9, 2010, Complainant sent a second letter to 13455 Ventura Blvd #234, Sherman Oaks, California, pursuant Code section 11328 requesting a copy of the appraisal and the appraisal work file, to be received by Complaint within 30 days of the date of the letter. Complainant did not receive the requested documents within the specified period.

27. On October 7, 2010, Complainant attempted to contact Respondent at Respondents' business telephone number of record but was unable to make direct contact with Respondent. Respondent failed to contact Complainant in response to Complainant's message left on voicemail at this number.

28. On December 7, 2010, Complaint sent a final demand letter, which indicated that failure to respond to this second request for documentation would be considered a continued violation of Code section 11328. In addition, this letter indicated that Respondent's appraisal license with OREA would be subject to disciplinary action, up to and including revocation, if Respondent failed to provide the information requested within 10 calendar days. This letter was sent via certified mail, return receipt requested, to Respondent's mailing address of record as provided to OREA by Respondent.

29. On December 20, 2010, Complainant received the return receipt from the December 7, 2010 letter, but no information was submitted by Respondent within the specified period. A second call was placed to the business phone number of record. The Respondent answered and stated he has received previous voicemail, but no demand letters. He also stated he is no longer appraising. Second final demand letter sent to the Respondent at 13455 Ventura Blvd #234, Sherman Oaks, California.

30. On January 7, 2011, Complainant received the return receipt from the December 20, 2010 letter with signature, but no information was submitted by Respondent within the specified period

PRIOR DISCIPLINE

31. Respondent has prior discipline with OREA, in connection with Stipulated Settlement and Disciplinary Order for Case Nos. C 060724-05 and C 061214-02. Respondent signed a Stipulated Settlement and Disciplinary Order with a Decision Order dated October 21,

2008, in which he agreed to complete 15 hours of basic education course on the Uniform Standards of Professional Appraisal Practice (USPAP), 30 hours of basic education in the "Basic Appraisal Procedures," and pay a fine in the amount of $1,500.00. The Stipulated Settlement and Disciplinary Order included, but was not limited to, findings that Respondent had failed to:

Count 1:

- Have adequate knowledge of the subject property or the marketplace.
- Appropriately describe the characteristics of the subject property.
- Accurately identify and report the adverse influences affecting the subject property and the neighborhood.
- Adequately support the overstated value conclusion in the Sales Comparison Approach.

Count 2:

- Keep a true and correct copy of his workfile for the assignment.
- Have adequate knowledge of the subject property or the marketplace.
- Accurately identify and report the adverse influences affecting the subject property and the neighborhood.
- Adequately support the overstated value conclusion in the Sales Comparison Approach.
- Adequately support the concluded value in the Cost Approach.

Count 3:

- Keep a true and correct copy of his workfile for the assignment.
- Have adequate knowledge of the subject property or the marketplace.
- Appropriately describe the characteristics of the subject property.
- Accurately identify and report the characteristics of the neighborhood and marketplace for the subject property.
- Adequately support the concluded value in the Sales Comparison Approach.
- Adequately support the concluded value in the Cost Approach.

- Certify that he had inspected the interior and exterior of the subject property on may 13, 2006.

32. Respondent did not complete 45 hours of basic education courses by October 21, 2010 and failed to pay a fine in the amount of $1,500.00 by November 21, 2010, and therefore failed to comply with Stipulated Settlement and Disciplinary Order for Case Nos. C 060724-05 and C 061214-02. Pursuant to Section 11316(b), Respondent's failure to comply with the Stipulated Settlement by October 21, 2010, is cause for discipline by Complainant.

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 Residential Appraiser License Number AL029478, issued to Christopher C. Sotere.

2. Ordering Christopher C. Sotere to pay the Director of the Office of Real Estate Appraisers a fine pursuant to section 11316(a); and

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

DATED: 4/5/12

Signed

Elizabeth Seaters
Chief of Enforcement
Office of Real Estate Appraisers
State of California
Complainant