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

In the Matter of the Petition to Revoke
Probation Against:

**JOEL W. QUARY
5121 Chesley Avenue
Los Angeles, CA 90043
Real Estate Appraiser License No.
AR038873**

Respondent.

Case No. C20150120-03

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 21, 2015, Elizabeth Seaters, acting on behalf of the Bureau of Real Estate Appraisers (Complainant), Department of Consumer Affairs, filed Petition to Revoke Probation No. C20150120-03 against Joel W. Quary (Respondent) before the Bureau of Real Estate Appraisers. (Petition to Revoke Probation attached as Exhibit A.)

1 2. On or about November 18, 2005, the Bureau of Real Estate Appraisers (Bureau)
2 (formerly the Office of Real Estate Appraisers) issued Real Estate Appraiser License No.
3 AR038873 to the Respondent. The Real Estate Appraiser License expired on December 6, 2013,
4 and has not been renewed.

5 3. On or about April 21, 2015, Respondent was served by Certified Mail copies of the
6 Petition to Revoke Probation No. C20150120-03, Statement to Respondent, Request for
7 Discovery, Notice of Defense (2 copies) and Government Code sections 11507.5, 11507.6 and
8 11507.7, at Respondent's address of record which, pursuant to Title 10, California Code of
9 Regulations, section 3527, is required to be reported and maintained with the Bureau.
10 Respondent's address of record was and is:

11 5121 Chesley Avenue
12 Los Angeles, CA 90043.

13 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
14 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
15 Code section 124.

16 5. Government Code section 11506 states, in pertinent part:

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

22 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
23 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
24 Petition to Revoke Probation No. C20150120-03.

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

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

 8. Pursuant to its authority under Government Code section 11520, the Bureau finds
Respondent is in default. The Bureau will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on
3 file at the Bureau's offices regarding the allegations contained in Petition to Revoke Probation
4 No. C20150120-03, finds that the charges and allegations in Petition to Revoke Probation No.
5 C20150120-03, are separately and severally, found to be true and correct by clear and convincing
6 evidence.

7 9. Taking official notice of its own internal records, pursuant to Business and
8 Professions Code section 11409, it is hereby determined that the reasonable costs for
9 Investigation and Enforcement is \$1,560.00 as of May 28, 2015.

10 **DETERMINATION OF ISSUES**

11 1. Based on the foregoing findings of fact, Respondent Joel W. Quarry has subjected his
12 Real Estate Appraiser License No. AR038873 to discipline.

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

14 3. The Bureau of Real Estate Appraisers is authorized to revoke Respondent's Real
15 Estate Appraiser License based upon the following violations alleged in the Petition to Revoke
16 Probation which are supported by the evidence contained in the Default Decision Evidence
17 Packet in this case.:

- 18 a. Failure to Comply with Appraisal Log/Work Samples, Probation Condition 3 ;
19 b. Failure to Comply with Cost Reimbursement, Probation Condition 7;
20 c. Failure to Comply with Active License/Registration Status, Probation Condition 8;
21 d. Failure to Comply with Uniform Standards of Professional Appraisal Practice
22 Course/Examination, Probation Condition 15;
23 e. Failure to Comply with Payment of Fine, Probation Condition 17;
24 f. Failure to Comply with Probation, Probation Condition 6.

25 **ORDER**

26 IT IS SO ORDERED that Real Estate Appraiser License No. AR038873, heretofore issued
27 to Respondent Joel W. Quarry, is revoked.

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

5 This Decision shall become effective on 7-3-15.

6 It is so ORDERED 6-4-15

7
8 **Original Signed**

9 CHIEF OF THE BUREAU OF REAL ESTATE
10 APPRAISERS
11 DEPARTMENT OF CONSUMER AFFAIRS

12 51789850.DOC
13 DOJ Matter ID:LA2015500415

14 Attachment:
15 Exhibit A: Petition to Revoke Probation
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