



# Arizona Department of Real Estate Real Estate Commission Bulletin



Volume 2013 • Issue 1



**Judy Lowe  
Commissioner**

**COMMISSIONER'S  
CORNER**

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IN FINALIZING THE CALENDAR YEAR 2012 ACCOMPLISHMENTS...WE ARE PROUD TO REPORT:

- Original Sales/Broker Licenses Issued 3,935
- License Renewals (Sales/Broker/Entity) 28,794
- Walk-In Customers Served 7,365
- New Education Applications Processed 2,328
- Investigation Cases Closed 794
- Subdivision Investigation Cases Closed 64
- Auditing Cases Closed 216
- Regular Public Reports Issued 29
- Expedited Public Reports Issued 162
- Public Report Amendments Issued 207
- Public Report Exemptions Issued 253
- Enforcement Cases Closed 676
- Successful Legislative Bills
  - ✓ **SB1085:** Sponsored by Senator Gail Griffin - continue the ADRE for ten years.
  - ✓ **SB1154:** Sponsored by Representative John Kavanagh - repealed the Condominium Recovery Fund.
  - ✓ **HB2017:** Sponsored by Representative Jack Harper - Allows a Real Estate Broker licensee to renew as a real estate salesperson by paying the salesperson' renewal fee without having to meet the statutory educational requirements.
  - ✓ **HB2195:** Sponsored by Representative Jerry Weirs - Specified that a developer may elect to prepare an amended public report for the use in the sale of a timeshare plan.
  - ✓ **HB2357:** Sponsored by Representative Karen Fann - Increased the continuing education requirement to 30 hrs. for Designated Brokers, Self Employed Brokers and Associate Brokers with delegated contract review and initial authority. This bill also revised the content requirements for the Broker Management Clinic.
  - ✓ **HB2855:** Sponsored by Representative Kavanagh - Exempted the ADRE from rulemaking requirements to allow the Commissioner to set fees for the services provided by the ADRE Education Division.
- Improved the ADRE Website [www.azre.gov](http://www.azre.gov)
- Developed & distributed the "Real Estate Licensees-Duties to the Client" brochure
- Implemented the Arizona Personnel Reform measures with the ADRE Team of employees.
- Continued streamlining every process to accommodate the philosophy of "Doing more with fewer team members".

And the List goes on... As you can see, 2012 was a very busy year at the Arizona Department of Real Estate. The ADRE prides itself on constantly improving on the Mission of serving the Real Estate Industry, and partnering with the Real Estate Industry in protecting the Public in their real estate transactions. THANKS ADRE TEAM!

**BE A PARTNER WITH ADRE**

# Website Online Features



ADRE wants your visit to our website to be informative and easy to navigate. The website is constantly a work in progress as we continue to upgrade our forms, division sections and online features we also are working on streamlining the visual layout of the site. Take a few minutes to utilize our tools for commonly used functions, below is a section dedicated to [Helpful Hints for Online Services and Message Center](#).

## **ONLINE SERVICES** *Provides Information Lookup and License Management Services*

**Public Database** allows you to search for:

- Individuals' real estate, cemetery and membership camping license information, employment history and disciplinary actions
- Entity license information, employees, branch office and disciplinary actions
- Real Estate schools, courses and instructors approved for continuing or pre-license education.
- Development Service & Public Reports



**Public Database**



**Online License System**

**Online License System** allows current broker & salesperson licensee to:

- Update Home Address, Telephone Number and Email Address
- Manage Continuing Education (CE) and Renew License.
- Print Active License
- Salesperson/Associate Broker sever employment from current broker.
- Salesperson/Associate Broker request to be hired to new broker.
- Broker approval/disapproval of requests to be hired, license renewals and view status of their employees.
- Broker change business address online.

## **MESSAGE CENTER** *Send a message using the Online License System*

- Ask a question, file a complaint and submit forms/application to ADRE.
- The web-based system replaces email for sending messages to the Department.
- More reliable with the ability to send/receive message and view message history



### **WHAT'S NEW....Log online to see!**

Online License System has implemented some new features under Quick Links section:

- ⇒ **Payment Request** allows the department to send payment request for online fees - check the Alerts area for notifications
- ⇒ **Payment History** allows you to view your payment history, either made in office or online.

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## ADVERTISING...Guidelines To Remember

Real estate licensees are familiar with the mantra, "location, location, location." It is considered by many to be the primary consideration relating to real estate.

Arizona Real Estate Advertising Statutes, Rules, and Policies apply to all forms of advertising/media, including, but not limited to building signage, all signs; including directional/bandit signs, business cards, letterhead stationery, websites, social media.

The Commissioner may suspend or revoke a license, deny the issuance of a license, issue a letter of concern to a licensee, issue a provisional license or deny the renewal or the right of renewal of a license if the licensee knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution or circulation of any material false or misleading statement or representation concerning the licensee's business or any land, cemetery property, subdivision or membership campground or camping contract offered for sale in this or any other state.

### **A.A.C. R4-28-502 provides, in part:**

#### **Can an agent advertise his/her own property?**

Licensee advertising his/her own property for sale/lease/exchange must use the term "Owner/Agent" in any advertisement, as well as disclose his/her status as a salesperson or broker.

#### **Do I need to include all advertising information on the flyer?**

Salesperson or broker must ensure all advertising contains accurate claims and representations, and fully states factual material related to advertised information, agent shall not misrepresent the facts or create misleading impressions.

#### **Does the employing broker or DBA name need to be on all advertising?**

Yes, a licensee shall ensure that all advertising identifies in a clear and prominent manner the Employing Broker's legal name or DBA's legal name contained on the Employing Broker's license certificate. The franchise name without the DBA name is unacceptable.

#### **Can a licensee not disclose that they hold a real estate license?**

A Licensee acting as an agent shall not advertise property in a manner that implies that no licensee is taking part in the offer for sale, lease, or exchange. This applies to website homepage and social media advertising as well.

#### **Can a licensee advertise another broker's listing ?**

If an agent wishes to advertise a property on which there is an existing listing agreement, he may advertise the property only if he/she clearly identifies the listing broker - the listing agent's permission is not required.

#### **Is property owner's permission required for placing sign on their property?**

Salesperson or broker must secure written consent with property owner for placement of sign on specific property being offered for sale, lease, rent or exchange, and sign *must* be promptly removed upon request of property owner.

#### **What are sign requirements for being part of a franchise company?**

Any Broker using a trade name owned by another person on signs displayed at the place of business shall place the broker's name, as licensed by the Department on the signs. The Broker shall include the following legend, "Each (TRADE NAME or FRANCHISE) office is independently owned and operated"

### **Additionally, Review Advertising Requirements For:**

- Fair Housing compliance and use of the Fair Housing logo.
- Compliance with Regulation Z and Truth in Lending laws.

## Is Your Place of Business Compliant?

### Designated Broker/Employing Broker

#### Who is responsible for advertising compliance?

Employing Broker shall supervise all advertising for real estate, cemetery or membership camping brokerage services R4-28-502(g). Employing Broker shall review and inspect advertising and marketing by salespersons, brokers and others. R4-28-1103(A)(5)

#### Can an agent have more than one real estate license?

The Department shall not license an Employing Broker under more than one DBA name, and a person shall not conduct or promote real estate business under any name other than the name under which the person is licensed. R4-28-302(I)

#### What must the signage for an office include?

A sign must be affixed to the entrance of the place of business and clearly visible to all who enter. The sign shall include the name of the broker, the entity or doing business as (dba) name and designation of the broker as a real estate, cemetery or membership camping broker. A.R.S §32-2126 (b)

#### Do all real estate licenses need to be displayed at office?

Employing broker license certificate shall be prominently displayed in the office of the broker and all other license certificates shall be readily available upon request. A.R.S §32-2128

#### Must a home office have signage?

The Department will NOT consider a Broker to be in violation of the signage requirement under the provision when the Broker:

1. maintains a home office in the broker's primary residence;
2. handles fewer than 3 transactions a year (0,1 or 2);
3. has no real estate related employees (licensed or unlicensed).

This Broker shall clearly display the Broker's real estate license in the home office and comply with all other applicable statutory and rule requirements to hold a broker's license. SPS No. 2005.15

#### What are requirements for branch offices?

An employing broker having more than one place of business is required to procure an additional license for *each* branch office maintained and each location must have a branch manager. A.R.S §32-2127.

Commissioner's Rule A.A.C. R4-28-304 specifies guidelines for branch offices, designation of authority for branch office manager and temporary offices.

#### What qualifies for branch office locations?

1. Real Estate activity is conducted from the location, including but no limited to meeting with clients, signing transaction documents, etc., or if the location is advertised as a place of business either by signage at the location, on business cards and letterhead or in other advertising.
2. Location in which employed agents utilize the computer, telephone, fax machine, copy machine, etc, provided.

### Out of State Brokers Requirements

A.R.S. § 32-2163 provides, in part:

#### May a broker pay or receive compensation from an out-of-state broker?

An Arizona licensed broker may pay compensation to and receive compensation from a broker lawfully operating in another state.

#### Under what circumstances may an Arizona broker cooperate with an out-of-state broker who would otherwise require licensure in Arizona?

An Arizona broker may enter into a written cooperation agreement with an out-of-state broker, as delineated in § 32-2163. A salesperson may not enter into such an agreement.

#### Can an out-of-state broker advertise without being licensed in Arizona?

An out-of-state Broker who is not licensed in this state shall not list, market or advertise in this state real property located in this state for sale, lease or exchange.

The offering of real estate brokerage services specified by §32-2101 for compensation or any other thing of value pertaining to real property located in this state through an internet web site constitutes activity that requires a *Broker's license issued by the Department*. Signs shall not be placed on real property in this state by an out-of-state Broker.

## Education Update: Broker Management Clinic

BMC is the acronym for the mandatory **Broker Management Clinic (BMC)**, which is now a 9 hour continuing education course requirement effective January 1, 2013, consisting of three distinct three (3) hour courses in each of the three subject areas: Statutes and Rules, Broker Policies and Broker Supervision. In 2012, the Arizona State Legislature amended law A.R.S. § 32-2136 (Broker Management Clinics).

A BMC course may include/emphasize a specific real estate discipline, or disciplines, such as residential resale, business brokerage, property management, timeshares, commercial real estate, and new home sales. Licensees may take the three BMC classes in any order and from any combination of approved schools within any discipline, however all three courses must be completed.

As shown below, the three subject areas consist of pertinent content that is invaluable for today's real estate brokers and the licensees they supervise:

Broker Management Clinic #1 (Statutes and Rules)	Broker Management Clinic #2 (Broker Policies)	Broker Management Clinic #3 (Broker Supervision)
<ul style="list-style-type: none"> <li>- Record Keeping Requirements</li> <li>- Trust Fund Accounts</li> <li>- Advertising and Promotions</li> <li>- Employment Agreements</li> <li>- Contracts</li> <li>- Fiduciary Duties</li> <li>- Material Disclosures</li> <li>- Department Investigations</li> <li>- Department Audits</li> <li>- Other Related Statues and Rules</li> </ul>	<ul style="list-style-type: none"> <li>- Broker Policy Development</li> <li>- Establishment of Broker Policies (A.A.C. R4-28-1103)</li> <li>- Practical Application Enforcing Policies</li> <li>- Emphasis on those policies which ADRE has identified as common complaints/violations to avoid</li> </ul>	<ul style="list-style-type: none"> <li>- Broker Risk Management</li> <li>- Broker Supervision</li> <li>- Broker Responsibilities/Legal Obligations</li> <li>- Other Related Topics</li> </ul>

### Quick Reference Table for Broker Licensees & Applicants New BMC Continuing Education (CE)

- **Original Brokers** - prior to application
- **New Delegated Associate Brokers\*** - prior to application (including written authorization appointment)
- **Delegated Associate Brokers\*** - require the BMC and a total of **30 CE hours** prior to renewal \*\*
- **New or Current Designated Brokers/Self Employed Brokers** - prior to any status change application
- **Designated Brokers/Self Employed Brokers** - require the BMC and a total of **30 CE hours** prior to renewal\*\*

\* A Delegated Associate Broker is an Associate Broker who is delegated the written authority to act on the Designated Broker's behalf to review and initial contracts or similar instruments pursuant to A.R.S §32-2151.01(G).

\*\* For renewal filed after December 31, 2012, the old 3-hour BMC course may be eligible in lieu of the new 9-hour BMC courses within the licensees current license period provided the course is completed prior to January 1, 2013.

For more information about the new BMC visit the ADRE website at [www.azre.gov](http://www.azre.gov) to view:

- ADRE's Education public database to locate the new live BMC course events and online/distance learning courses under the subject area course criteria search field
- Frequently asked questions regarding BMC continuing education
- Substantive Policy Statement No. 2012.01 - Broker Management Clinic Course/Instructor Requirements.

## Education Update

Average Passing Percentages for "First Time Exam Takers"	
EXAM TYPE	January 1, 2012 - February 28, 2013
Real Estate Broker	71%
Real Estate Salesperson	68%
Cemetery Broker	67%
Cemetery Salesperson	77%
Membership Campground Broker	N/A
Membership Campground Salesperson	92%
Total Number of Licensees (Individual and Entity) as of March 1, 2013	
86,448	
Active Continuing Education (CE) Courses as of March 22, 2013	
Live CE (Approximately )	2,780
Distance Learning CE	380
ADRE Licensee Online CE Course Submissions January 1, 2012 through February 28, 2013	
Total courses entered	240,942
Distance Learning	117,038
Percentage Distance Learning	48%

**Commissioner Judy Lowe extends her sincere gratitude to the legislative group, the Real Estate Advisory Board and the Broker Management Clinic Stakeholder Committee** for their time and work with the new legislation related to the BMC. This multi-talented group of professionals exemplifies their support of ADRE's mission to increase the knowledge level and raise the bar, through education of the real estate licensee.

These groups also recognized the important obligation to promoting professionalism and consumer protection! Those participants are as follows:

Marti Barnewolt	Barbara Freestone	Edwin Ricketts (Co-chair)
Carla Bowen	C. Dale Hillard	Jo Ann Sabbagh
Charles Bowles	Jim Hogan	Jim Sexton
Kimberly Clifton	Kim Horn	Patti Shaw
Cecil Daniels	Mike Moloney	James Tsighis (Co-chair)
Frank Dickens	Ronald Moore	Ann White
Holly Eslinger	Heidi Quigley	Dennis Wilenchik



## Important Information Regarding Your License

ADRE receives an average of 7,000 calls per month and 750 monthly inquiries to the Message Center, help us help you by maintaining your real estate license and personal information utilizing our Online License System. Each year we receive hundreds of returned mail and undeliverable e-mails. This often results in late fines and penalties since licensees are not receiving notifications or courtesy reminders.

*In accordance with the Commissioner's Rules, all licensees are required to notify ADRE with any and all changes within 10 days, including address, phone number and email address. Please go to the online licensing system to check your personal information & update accordingly.*

### Frequently Asked Questions

#### What if I do not know my license number?

The license number can be found in the "Public Database." This link is located in the Online Services Tab or login page of Online License System. Type in first and last name and click "Search" for the license number to appear.

#### Will I receive a renewal notice?

Courtesy email reminders are sent 90, 60 & 30 days before the expiration date. Verify email address is correct on the Online License System.

#### When does my license expire?

- The expiration date is on the license certificate (When licensed on "active status" and employed by a Broker)
- The information is also available anytime on the ADRE Public Database or through the Online Licensing System

#### My license status is showing inactive or expired even though I renewed?

When a complete renewal application is not submitted prior to the license expiration date, the license expires and the licensee is severed from the Broker.

- When license is inactive/expired, the licensee is no longer licensed to conduct real estate business.
- Licensee cannot be hired by a broker and licensed on "active status" until the department has processed the late-filed application and the broker accepted the pending request to be "hired on"

#### What are the renewal requirements?

Individual licenses are renewed for 2 years from expiration date and required to complete:

- 24 hours Continuing Education (CE) OR 30 hours for Designated Brokers, Self-Employed Brokers and Delegated Associate Brokers.
- Disciplinary Action Questionnaire Form (LI- 214/244)
- Disclosure of any criminal, civil or disciplinary issues within 10 days of conviction
- Pay the Renewal Fee (refer to fee schedule)

### What Is Your License Status?

<b>ACTIVE</b>	VALID license and is actively employed under a broker	<b>Eligible to renew:</b> Online, office, or by mail
<b>INACTIVE</b>	VALID license and not currently employed under a broker. Inactive status is allowed indefinitely as long as renewal requirements are satisfied.	<b>Eligible to renew:</b> Online, office, or by mail
<b>EXPIRED</b>	INVALID license, eligible to renew up to 1 year past expiration date (grace period) to remain a licensee.	<b>Eligible to renew:</b> Online, office, or by mail
<b>TERMINATED</b>	INVALID license and has exceeded 1 year of expiration <ul style="list-style-type: none"> <li>• <b>Pre-licensure education completed within ten years timeframe:</b> Recertification of education from school or ADRE, retake and pass State &amp; National exams, contract writing certificate and FCC.</li> <li>• <b>Pre-licensure education completed more than ten years ago:</b> Retake education/testing and complete entire salesperson application process.</li> </ul>	<b>NOT Eligible to renew</b>
<b>PROVISIONAL</b>	Some provisional licensee's <b>CANNOT</b> renew online and must submit a paper renewal. Also, some provisional licensee's must have approval from Enforcement and Compliance Officer before they can submit renewal forms or supporting documentation to ADRE for renewal.	

# Investigation & Auditing

Investigation & Auditing Divisions are NO longer receiving incoming calls please utilize the **Message Center** to ask a question, file a complaint and / or inquiry about information on existing compliant

## Property Management Quiz

1. A tenant's security deposits belong to the:  landlord  tenant
2. The tenant security deposits may be used to pay the landlord's expenses:  Yes  No
3. The broker's trust account(s) should be reconciled and balanced to the client ledger(s):  
 monthly  bi-monthly  on a quarterly basis
4. Compensation to licensees may be paid directly from the trust account.  Yes  No
5. If the property management agreement states the tenant deposits are being held in the broker trust account OR by the owner, the lease must state the same.  Yes  No

### Answers:

1. The tenant's security deposits belong to the tenant until such time as they fail to perform.
2. No, the tenant's security deposits may not be used to pay the landlord's expenses.
3. The trust accounts must be reconciled and balanced to the client ledgers on a monthly basis and copies of the account reconciliations should be maintained by the broker.
4. No, all monies owed to the property management broker should be transferred from the trust account to the broker's business operating account and compensation paid from that account.
5. Yes, the property management agreement and the residential lease must clearly identify the party holding the tenant deposits and must in accord.

### Is a Broker Price Opinion a Real Estate Activity?

An opinion of market value may be provided only by a licensed appraiser OR a real estate licensee; therefore, a Broker Price Opinion is a real estate activity that a real estate licensee may conduct only on behalf of the licensee's employing broker. Any and all compensation for performing Broker Price Opinions must be paid through the employing broker. In addition, the broker is required to maintain copies of the broker price opinions issued as part of their broker records.

### Brokers Must Retain Proof of Rejected Offers

The Broker (Listing and Selling) shall retain an original, a copy or microfilm copy of any document evidencing a rejected offer to purchase real property as a matter of record for at least one year. In instances that result in binding contracts, the broker shall retain prior rejected offers for at least five years. ARS §31.2151.01(l)

\*\* Licensees - Remember to turn rejected offers into the Broker.

### ADRE Audit Findings 1-1-12 to 12-31-12

Referred to A.G.'s Office	4
Pending E & C	9
Closed - In Compliance	43
Close - Letter of Concern	6
Closed - Other	4
<b>Total Deficiencies</b>	<b>32</b>

### What is "Unlicensed Real Estate Activity"?

- ◆ A licensee conducting real estate activity while their license is Inactive, Expired or Terminated.
- ◆ A licensed salesperson or associate broker conducting real estate activity in the name of an entity other their employing broker.
- ◆ An unlicensed person conducting real estate activity on behalf of another party.
- ◆ Bidding Service
- ◆ Unlicensed Assistant



## Designated / Employing Broker's Responsibility

Monitor ADRE's Broker online homepage for alerts and pending action items frequently.

- General Licensing Supervisory Responsibilities ensure all licensees under the broker's supervision are current in the following:
  - Continuing Education (CE)
  - Legal Presence
  - License Status
  - Renewal Dates

Make your agents aware that they are responsible for managing their online license account and verify their personal information is updated

### Payment of Compensation to License Employees

#### How do I request or register a name for my Team?

Team names are no longer regulated by the Department. The rule (R4-28-501 - Regulating Teams) was repealed in March 2005. Team members are still responsible for the accuracy of all advertising, including meeting all the requirements of R4-28-502, as well as, displaying the employing Broker's name in Team ads, **with the Broker's name consistent in size with the Team name** - see pages 3 & 4 of bulletin for reference

#### May a broker pay compensation to a real estate team?

A broker may pay compensation only to ACTIVE status licensees for the performance of real estate activity. The broker may pay compensation to a licensee as a natural person **OR** through a registered professional corporation (PC) or professional limited liability corporation (PLC). A.R.S. § 32-2155(A)

- The PLC / PC shall consist of only the full or last name (s) of its member (s) and shall reflect whether it comprises of one or more licensees. (single or plural as in John Smith, P.C. or Smith & Smith, P.C.)
- A PLC or PC shall not have a fictitious name or DBA pursuant to R4-28-303.

#### May an unlicensed assistant or other unlicensed employees be a member of a real estate team and be paid by the broker as a member of the team?

No. Only active real estate licensees may be a member of a real estate team. Unlicensed assistants and other unlicensed employees receive compensation based on their work, unrelated to the success of a transaction. If an unlicensed assistant is paid on any basis that relies on the ultimate sale of a property, then the assistant must be licensed. (SPS No. 2005.04)

#### Can more than two licensees be registered on PC/PLC?

- The **same Employing Broker** must employ a PC or PLC that comprises more than two persons, or comprises two persons who are **not married** to each other.
- Two licensees who are married to each other and licensed through a PC or PLC are **not required to be employed by the same employing brokers**, even though the PC or PLC receives compensation from the other member's broker.

### *Brokers in Substantive Compliance Audit Honor Roll 1-1-12 to 12-31-12*

**Badura, John**, BR514691000  
Noblewest Properties, LLC

**Brandsey, Donna**, BR047282000  
Management Masters, Inc.

**Campos, Joe**, BR557184000  
Juan Joseph Real Estate, LLC  
DBA: Copper Ridge Realty

**Casson, Charles**, BR009151000  
DBA: Century 21 Highland Realty Co

**Centner, Gerald Jr.**, BR540392000  
Red Hawk Realty, LLC  
DBA: Red Hawk Realty & Property Management

**Dagon, Michael**, BR005123000  
Mohave Realty, Inc.  
DBA: Mohave Realty

**Dickinson, Deems**, BR005190000  
Russ Lyon  
DBA: Russ Lyon Sotheby's International Realty

**Duckett, Bruce**, BR537621000  
Duckett Realty, LLC  
DBA: Duckett Management & Real Estate

**Edmondson, Sherry**, BR114757000  
Gold Canyon Management, Inc.

**Freeland, Joel**, BR007083000  
Anza De Tubac, LLC

**Haeussler, Judy**, BR009164000  
H & H Management, Inc.

**Herrera, Sophia**, BR571489000  
North West Property Management & Realty LLC  
DBA: North West Property Management & Realty

**Hunt, Robert Jr.**, BR042991000  
Three - Quarter Time, Inc.  
DBA: Property Watch

**Hunter, Betty A.**, BR003015000  
Betty Hunter, Inc. Realtor

**Jennings, Elizabeth**, BR578594000  
Magnum Opus Property Management, LLC

**Jennings, Kevin**, BR533409000  
Magnum Opus Realty, LLC

*Continue on Page 10*

## Disclosure FAQs

### *Brokers in Substantive Compliance Audit Honor Roll 1-1-12 to 12-31-12*

**Kitchin, Peggy**, BR506107000  
A+ Property Management Services, LLC

**Kozell, Terry B.**, BR026436000  
Kozell, Inc.  
DBA: Action Property Management

**Loo, Shirley**, BR006035000  
Mesa Del Sol Realty, Ltd.

**Madril, Isabel**, BR008486000  
DBA: Property Managers of Rio Rico

**Maliva, Jerry**, BR041757000  
DBA: Renting Arizona Real Estate Services

**Mara, Mark**, BR535397000  
PropertyAZ, LLC  
DBA: PropertyAZ

**Marceau, Luc Paul**, BR544954000  
Marceau Real Estate, LLC  
DBA: Rentals America

**McBride, Howard**, BR040645000  
Dallas Real Estate, Inc.

**McKinney, Rosetta**, BR047660000  
R & C Real Estate Investments, LLC

**Mullaney, Johnathan**, BR512154000  
Village Land Shoppe, Inc.  
DBA: Village Land Shoppe

**Novotny, W. Michael**, BR006090000  
Arrowpoint Realty, Inc.

**Odle, John T.**, BR045029000  
T & L Property Management & Sales, LLC

**Ordean, Kathryn**, BR046433000  
Sedona Rentals & Property Management, Inc.  
DBA: Sedona Rentals & Property Management

**Oster, Christopher**, BR528928000  
Visionary Properties Realty, LLC  
DBA: Visionary Properties

**Phelps, Alan**, BR567615000  
Prime West Real Estate, LLC

**Preciado, Al**, BR035378000  
Precision Real Estate, Inc.  
DBA: Precision Real Estate

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Visit our website [www.azre.gov](http://www.azre.gov) under Licensing FAQs/Disclosures

### **What if I have been convicted of a misdemeanor, felony or have an adverse judgment or disciplinary action?**

A written disclosure of a criminal conviction, an adverse judgment or disciplinary action against a professional license must be submitted to the Department in writing within 10 business days of the conviction with required documentation. Arrests need not be reported.

Download & review Disciplinary Action Disclosure (LI-214/LI-244) and the Disclosure Document Checklist (LI-400) from the Forms/Publication/Licensing area of our web site at: [www.AZRE.gov](http://www.AZRE.gov)

### **I was cited last week for DUI; do I need to disclose this incident?**

No disclosure is required at the time of arrest. Written notice is required within 10 days of the sentencing/conviction. Even if you notify ADRE at time of arrest, the department will not consider this a disclosure until a written notice is delivered within the 10 day time frame.

### **When do I make my disclosure?**

In accordance with the Commissioner's Rule R4-28-303(D) "a salesperson or broker shall notify the Department in writing within 10 days of any changes in the individual's personal information or qualifications".

### **How do I make the initial disclosure?**

You are required under the Commissioner's Rule R4-28-303(D)(1) to submit a written statement within ten days of the sentencing/conviction. The statement must include but not limited to details surrounding the events leading to the conviction such as arresting agency, date of incident, what court you attended, date of sentencing, outcome such as final plea, date of plea and sentencing.

### **After making my initial written disclosure to ADRE, what is the next step?**

A disclosure package will be sent by ADRE via certified mail. The package will include a letter with detailed time frames in which documents must be turned in. The package also includes an Disclosure Document Checklist (LI-400). As a courtesy, you will be sent a DPS Fingerprint Clearance Card application. For further information on obtaining a new Fingerprint Clearance Card, contact DPS directly.

### **I have some of the documents in order for the LI-400; can I submit them now and the rest at a later time?**

No, all documents MUST be complete with the Disclosure Document Checklist (LI-400) and submitted as a complete package. Incomplete submittals will be returned unprocessed.

*Continue on Page 11*

## Disclosure FAQs

**What if I need more time to complete the disclosure requirements?**

Required documents are expected to be submitted to ADRE prior to the required deadline dates. A one-time ten day extension may be granted by contacting the ADRE disclosure specialist.

**What is a certified court document?**

A certified copy is a copy (often a photocopy) of a primary document that has an endorsement or certificate that validates as a true copy of the primary document. It is usually affixed with a raised seal or stamp.

When certified copies are stapled, **DO NOT REMOVE THE STAPLES** it nullifies the certification and a new set will be required

**If I have documents from the court that were given to me at the time of conviction, can I submit them?**

Only if they are certified copies of the court records.

**What document do I ask for when contacting the court?**

Each court system is different and has different forms. What ADRE is interested in and considers when reviewing are the details of the conviction and sentencing, such as dates the sentencing was given and what fines, jail time, community service etc.

**I was convicted eight months ago and did not know I needed to disclose, can I have my case expedited?**

This is considered a "Late Disclosure". Notify the Department in writing as soon as possible so that the disclosure process can begin.

The Department handles all cases on an "as received" priority. The Department is held to an administrative standard to treat all cases equally. A "Late Disclosure" is subject to disciplinary actions by the Department.

*Brokers in Substantive Compliance  
Audit Honor Roll  
1-1-12 to 12-31-12*

**Raouf, Payam**, BR567996000  
Mom N Pop's Realty, LLC  
DBA: Arizona Property Management & Investments

**Roersma, Jacqueline**, BR042506000  
Phantom Realty, Inc.  
DBA: Phantom Realty

**Schnelle, Ralph**, BR578452000  
Southwestern Realty, LLC  
DBA: Southwestern Realty

**Seward, Phillip**, BR012371000  
DBA: Personalized Realty Services

**Shantz, Alberta**, BR040851000  
DBA: Alberta Shantz Realty

**Smith, Garland F.**, BR104078000  
DBA: Rio Verde Realty

**Suarez, Lisa A.**, BR007932000  
EMS Realty, Inc

**Swann, Gregory**, BR527304000  
Bloodhoundrealty.com, LLC  
DBA: Bloodhoundrealty.com

**Toppenberg, June**, BR019422000  
Desert Wide Properties, Inc.

**Vargo, Steven**, BR009021000  
MCO Realty, Inc.  
DBA: MCO Realty

**Warren, Paul**, BR007391000  
Commercial Management & Investments, Inc

# SAVE THE DATE

JUNE 13-14, 2013  
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## Arizona - Mexico Commission 2013 Summer Plenary Session

- Network and engage with peers on your topic of interest
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## Broker Leadership / Broker Management



By: John Foltz  
Lawyers Title

How does a Designated Broker assure that the licensees under his or her license conform to commissioner's rules, the code of ethics, and the highest levels of professionalism? As REALTORS and as Designated Brokers, we are dedicated and legally responsible to manage the professional behaviors of those licensees in our employ.

REALTORS have a responsibility to monitor their own and each other's behaviors and report known violations to the Department of Real Estate or to the Association of REALTORS ethics committee, as appropriate. This technique of management, reporting and potential punishment is an important part of the solution in a remedial way. However, REALTORS tend to resist putting each other in the "line of fire" of the disciplinary authorities. So, broker managers and owners continue to experience negative impact on reputation and on their levels of liability due to unrestrained or unknown individual agent behaviors.

Beyond Broker Management, *Broker Leadership* is required to lead the way to best practices and highest standards. Leadership is pro-active and positive rather than reactive and punitive. Leadership is all about impacting the behavior of others in advance of any potential violations.

To lead toward best practices and highest standards, brokers and owners must first look inside themselves to discover just what they bring forward as their own personal standards and practices. This value system should be shared frequently with those persons who are a part of the company as part of the company's "culture." This is what we stand for. Brokers have the responsibility to not only have standards but to announce them.

But even standards that are announced have little impact unless there is a follow through with action. Those who most positively exemplify the standards of the firm and the industry should be rewarded with recognition. More importantly, and perhaps with more difficulty, those persons who do not behave in alliance with the company standards should be encouraged to change behaviors or ultimately be asked to leave. When the balance of the company witnesses that standards are not only announced but have meaning they will adjust their own behaviors accordingly. Influencing the behaviors of others is the essence of leadership.

When a REALTOR is eliminated from one company because of their behaviors, they commonly just simply move across the street and join a different company. Because we have a collective responsibility to elevate not only our own companies but also the industry, it is important that we communicate with each other about the bad behavior of those who reflect poorly on all of us. So, when asked about why this REALTOR moved from your company it would be important to convey that they were relieved because of behaviors that did not fit with your company's values system. Let's be cautious and responsible about not violating any employment laws or maligning others, but a simple "I would not rehire" may be an effective way to communicate.

Your company can establish and announce a common set of values and behaviors of which they are proud as a group. The ultimate desire would be to have this culture permeate other companies as well and impact the level of professionalism in the industry. In this culture, some behaviors are desirable, while others are unacceptable. The Arizona Department of Real Estate and the Association's Code of Ethics are still there as enforcement mechanisms when needed, but positive leadership can reduce that need.

When a culture based upon high levels of professionalism, best practices, and high standards is established, everyone in the company benefits with increased pride, loyalty, and service to the public. The inevitable by-product is greater value delivered to the client. We are just more helpful.

As, as my dear Mom would say, "Success is a By-Product of Helping Others."

***Best practices ... Highest Standards ... More Helpful .. Greater Success***

*Editor Note: Guest column articles do not reflect the policies or interpretations of law by the Arizona Department of Real Estate. They are meant to inform the public and provide variety to ADRE's Bulletin.*

## News from the Department

It is with sadness and fondness that we announce the retirement of two veterans employees, Diane Paulson and Diane Ortega. They have been invaluable in the operations of our licensing division and facilitated positive relationships with the public, agents and brokers.

Thank you for all your years of services to the department, we wish you both all the best and happy that you finally get the vacation you have truly deserve.



**Diane Ortega** retired after 30 years of service. During her time with the ADRE she has created lasting relationships with many friends and she will be dearly missed.



**Diane Paulson** has been with ADRE for 35 years. Her contribution and rich experience has been instrumental in the tremendous progress of the licensing division. Her leadership, humorous demeanor and tireless energy will be missed.

### *DIALOG*

The Periodic Bulletin from the  
Arizona Department of Real  
Estate

An official publication of the State  
of Arizona

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Governor

**Judy Lowe**  
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**Note:** Please check your mailing label and if the date above your name is more than 1 year old, you must subscribe for another year. Send check for \$20 payable to ADRE and note your request on your envelope



### The ADRE Mission

The purpose of the department is to protect the public interest through licensure and regulation of the real estate profession



## Disciplinary Actions (7.1.2012 - 2.28.2013)

### ABBREVIATIONS USED IN DISCIPLINARY ACTIONS

CP= Civil Penalty	CE= Continuing Ed	PL= Provisional License
J&S= Joint & Severally	PM– Practice Monitor	BA= Broker Acknowledgement

Name	Brokerage	Location	Summary	Order
A1 Property Management LLC		Prescott	Conducted unlicensed real estate activity.	\$2,500.00 CP J&S
Accounting Practice Sales		Out of State	Unlicensed real estate activity.	Cease and Desist
Carlos S Alcantara	Expired	Phoenix	Failed to timely disclose a December 2010 misdemeanor conviction.	\$750.00 CP
Gene Allen		Bouse	Working in concert, divided and conveyed land parcels in La Paz County without complying with applicable subdivision statutes and rules.	\$1,500 CP, Cooperate with Department and La Paz County, Affidavits of Disclosure, vacate Cease and Desist.
Cassandra Leigh Arnold	Rathbun Property Management Inc	Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation. Failure to supervise.	Cease and Desist Revocation of License
Arrowhead Property Management LLC		Gilbert	Audit violations; trust account shortage.	Cease and Desist.
David Arthur	Self Employed Broker	Phoenix	Failed to disclose an April 2008 misdemeanor conviction when applying for a license renewal in 2008.	\$1,000 CP, 2 yr PL, 9 hr CE in Commissioner Standards.
Michael T Asher	Expired	Scottsdale	Failed to disclose actions by the Appraisal Board and Indiana Appraisal Board.	License renewal denied, \$2,000.00 CP
Jessica Balgoyen	Expired	Phoenix	Failed to timely disclose a June 2010 misdemeanor conviction.	\$400.00 CP
Dianne Barker	Inactive	Phoenix	Failed to timely disclose a misdemeanor conviction for DUI, failed to provide documentation as requested by Department .	\$200.00 CP
Ron Nathan Barness	Retail Property Management LLC	Scottsdale	Multiple judgments involving real estate transactions.	Revocation of License (default)
Sabrina Becerra	Expired	Phoenix	Failed to disclose an April 2011 misdemeanor conviction when applying for licensure.	\$750.00 CP
Janice "Jan" Belt	Narex Inc	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Anke Bernin-Bernal	Suspended	Scottsdale	June 2012 felony conviction for Misprision of a Felony.	Revocation of License.



## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
John Bezik	Inactive	Scottsdale	Conducted real estate activity through an unlicensed entity.	\$3,000.00 CP, 2 yr PL/PM, 6 hr CE in Commissioner Standards
Stephen M Bisnett	King Brothers Real Estate	Tempe	Failed to complete CE in a timely manner.	Revocation of License (default), \$1,000.00 CP
Douglas Wayne Bjotvedt	Impero Property Management	Phoenix	Audit violations.	\$2,000 CP, 2 yr PL, 6 hr CE in Commissioner Standards, quarterly review of records.
Karon Marie Black	Inactive	Gilbert	September 2012 felony conviction for Theft.	Summary Suspension of license.
Craig Blades	Inactive	Chandler	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default) \$700.00 CP
Thomas Brewster	AZ North	Flagstaff	Failed to timely disclose a November 2011 misdemeanor conviction.	\$750.00 CP
Stanley Brimley	Inactive	Mesa	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Brothers Marketing LLC		Phoenix	Unlicensed real estate activity.	\$38,000 CP J&S
Ruth E Brown	Expired	Pinetop	Engaged in unlicensed activity for 1+ months.	\$400.00 CP
Phyllis A Burgess	Arrowhead Property Management LLC	Gilbert	Audit violations; trust account shortage.	Cease and Desist.
Bye Bye Timeshare LLC		Sedona	Unlicensed real estate activity.	Cease and Desist
J Ronald Byrum	Expired	Surprise	Failed to timely disclose a January 2012 misdemeanor conviction.	\$400.00 CP
Janet E Caldwell	Powerhouse Realty Inc	Scottsdale	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Camelot's Quest Realty LLC	Camelot's Quest Realty	Casa Grande	Continued trust account shortages, misleading statements, violation of Commissioner's Order (Consent Order for 12F-DI-195)	Revocation of License, \$6,000 CP J&S.
Angela Y Cartagena	Model Home Center	Tempe	Failed to disclose title report problems to a client.	\$1,000.00 CP, 6 hr CE in Commissioner Standards.
Henry Castro	Expired	Tucson	Failed to timely disclose a May 2010 misdemeanor conviction.	\$750.00 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Diane Cetwinski	Premier Realty Homes & Land	Glendale	Failed to timely disclose an April 2012 misdemeanor conviction.	\$400.00 CP
Todd Chester	Expired	Phoenix	Failed to timely disclose a January 2006 misdemeanor conviction.	\$750.00 CP
Philip Chiaravalle	Inactive	Queen Creek	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	\$700.00 CP. Revocation of License (default)
Thomas L Clark	Inactive	Phoenix	Received compensation from other than employing broker.	\$2,000.00 CP, 6 hr CE in Commissioner Standards.
Maria Clerici	Real Property Management Tucson LLC	Tucson	Engaged in unlicensed activity for 1+ months.	\$400.00 CP
Jeffrey Bruce Cohen	Self-Employed Broker	Mesa	Multiple violations, including incomplete records, misrepresentation, violation of previous Consent Order.	Revocation of License, \$21,000 CP.
Oscar Colato	Expired	Phoenix	Failed to timely disclose a June 2009 misdemeanor conviction.	\$750.00 CP
Sean Cooke	Inactive	Mesa	Failed to timely disclose a January 2012 misdemeanor conviction.	\$400.00 CP
Theresa Crisostomo	DPR Realty LLC	Glendale	Failed to timely disclose a November 2012 disciplinary action by the Board Of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers.	\$400.00 CP
Jeanne Croft	Expired	Phoenix	Failed to timely disclose a May 2011 misdemeanor conviction.	\$750.00 CP
R. Carl Cunningham	J&J Commercial Properties Inc	Tempe	Failed to timely disclose a February 2012 misdemeanor conviction.	\$400.00 CP
Elizabeth K Davies	Nu-Way Realty	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Jason Diruzza	Expired	Gilbert	Failed to timely disclose an October 2011 misdemeanor conviction.	\$400.00 CP
Dominion Storage Group Inc dba Platinum Storage Group		Out of State	Conducted unlicensed real estates services.	Cease and Desist. \$1,500.00 CP J&S, vacate Cease and Desist Order
Steve Dubinka	Realty Executives	Scottsdale	Misrepresentation to client regarding payment of items removed from house.	\$2,000.00 CP, 6 hr CE in Commissioner Standards
Melissa Dus	Expired	Phoenix	Failed to timely disclose an August 2010 misdemeanor conviction.	\$750.00 CP
Monty Kent Dyke	Inactive	Queen Creek	February 2012 felony conviction for Theft.	Revocation of License (default). \$3,000 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Mary Ann Ead	Self Employed Broker	Douglas	Audit violations.	\$2,000 CP, 2 yr PL, 6 hr CE in Commissioner Standards, make trust accounts whole, quarterly review of records, terminated client final accounting.
Daniel Joseph Elefante		Out of State	Conducted unlicensed real estate services.	Cease and Desist. \$1,500.00 CP J&S, vacate Cease and Desist Order
Dawn A Evans	Nu-Way Realty	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Richard E Ferris	Collins Realty	Glendale	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Phillip Fileccia	Expired	Tucson	Failed to timely disclose a February 2011 misdemeanor conviction.	\$750.00 CP
Dennis Fiorello	Expired	Scottsdale	Failed to timely disclose a March 2011 misdemeanor conviction.	\$750.00 CP
Shelley Flanagan	Expired	Peoria	Failed to timely disclose a March 2012 misdemeanor conviction.	\$750.00 CP
Ryan Francisco	Expired	Phoenix	Failed to timely disclose an October 2008 misdemeanor conviction.	\$750.00 CP
G&G Realty		Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation. Failure to supervise.	Cease and Desist
Gateway West Realty Inc dba Gateway West Realty		Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for documentation.	Cease and Desist. \$5,000.00 CP J&S, vacate previous Cease and Desist.
Norbert Gegner	Nouveau Real Estate	Scottsdale	Actions of Respondent jeopardized and delayed the finalizing of a real estate transaction.	\$4,000.00 CP, 2 yr PL, 6 hr CE in Commissioner Standards.
George W Glover	Rathbun Realty Inc	Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation. Failure to supervise.	Cease and Desist. Revocation of License.
Timothy Glover	Expired	Scottsdale	Failed to timely disclose an August 2012 misdemeanor conviction.	\$400.00 CP
Gregory Goldshteyn	G&G Realty	Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation. Failure to supervise.	Cease and Desist

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Robert Gonzalez-Viramontes	Self-Employed Broker	Phoenix	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Beatrice A Grech-Cumbo	THC Properties Inc	Out of State	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Melinda Greer	Expired	Scottsdale	Failed to timely disclose an August 2010 misdemeanor conviction.	\$750.00 CP
Paul S Greer Jr	Self-Employed Broker	Elfrida	Failed to complete CE in a timely manner.	\$500.00 CP, complete CE in 30 days
Laura L Grijalva	Grijalva Realty Corp	Tucson	Audit violations & trust account irregularities. Trust account shortage of \$3,026.66.	\$3,000.00 CP J&S, 2 yr PL, 6 hr CE in Commissioner Standards, \$30,000 surety bond, make trust accounts whole, quarterly review of records.
Grijalva Realty Corp		Tucson	Audit violations & trust account irregularities. Trust account shortage of \$3,026.66.	\$3,000.00 CP J&S, 2 yr PL, quarterly review of records.
Marlene Groszek	Groszek Realty	Cave Creek	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Chastity Ann Guevara	Camelot's Quest Realty	Casa Grande	Continued trust account shortages, misleading statements, violation of Commissioner's Order (Consent Order for 12F-DI-195).	Revocation of License, \$6,000 CP J&S.
Gary Gunsalus	Saguaro Properties Inc	Phoenix	Failed to supervise the activities of unlicensed entity and individuals.	\$3,000.00 CP, 9 hr CE in Commissioner Standards.
Fadi Haddad	Expired	Phoenix	Failed to timely disclose a July 2012 misdemeanor conviction.	\$400.00 CP
Bret J Hamel	ZipRealty Inc	Phoenix	Failed to timely disclose a March 2012 misdemeanor conviction.	\$400.00 CP
David Hamill	Far West Realty	Prescott Valley	Failed to properly supervise, resulting in unlicensed activity by employee.	\$400.00 CP
Gary Hankins		Out of State	Unlicensed real estate activity.	Cease and Desist
Jayson Harris	Expired	Phoenix	Failed to timely disclose a December 2010 misdemeanor conviction.	\$750.00 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Donald Holmes	Turquoise Properties	Lake Havasu City	Failed to properly represent clients. Failed to remit monies and accounting. Failed to supervise.	\$3,000.00 CP, 6 hr CE in Commissioner Standards., 2 yr PL w/BA
Vicki Howard	KDB Referral Realty	Prescott	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Sarah Hoyt	Inactive	Scottsdale	Failed to timely disclose a September 2011 misdemeanor conviction.	\$750.00 CP
Christopher Hughes	Desert Gateway Realty	Surprise	Failed to timely disclose a July 2009 misdemeanor conviction.	\$750.00 CP
Nicole P Hymas	Hunt Real Estate ERA	Paradise Valley	Failed to complete CE in a timely manner.	\$400.00 CP, complete CE in 30 days
Mariya Igonkin	Expired	Scottsdale	Failed to timely disclose a March 2011 misdemeanor conviction.	\$750.00 CP
Jay Iole	Expired	Tempe	Failed to timely disclose a February 2010 misdemeanor conviction.	\$750.00 CP
Steve M Irwin	Prudential Northern Real Estate	Prescott	Failed to exercise reasonable supervision over the activities of licensees under the broker's control.	\$1,500.00 CP, 6 hr CE in Commissioner Standards, 2 yr PL
Bruce A Jacobs	Bruce Jacobs Real Estate	Tucson	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Robin Jaeger	Adventure Realty	Show Low	Failed to properly supervise, resulting in unlicensed activity by employee.	\$250.00 CP
Sheila A Joanou	DPR Realty LLC	Scottsdale	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Nancy Johnson	Inactive	Gilbert	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Christopher Steven Johnson		Phoenix	August 2002 Judgment and Order by the State of Nebraska regarding unfair and deceptive practices involving sales of membership contracts for food service. Denial of license application.	License granted, 2 yr PL/PM, \$10,000 surety bond
Debra Jones	Inactive	Mesa	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Diane E Jones	Expired	Chandler	Failed to timely disclose a March 2010 misdemeanor conviction.	\$750.00 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Michael Alan Jones	Ideal Realty & Management	Peoria	Audit violations.	\$3,000 CP, 2 yr PL, 6 hr CE in Commissioner Standards, Surety Bond, make trust accounts whole, quarterly review of records.
James Jones	Expired	Scottsdale	Failed to timely disclose a September 2010 misdemeanor conviction.	\$750.00 CP
Carl Jones Jr	Expired	Glendale	Engaged in unlicensed activity for 6+ months.	\$1,000.00 CP
Barry Thomas Jordan	Inactive	Scottsdale	Awaiting trial for two separate felonies, in involuntary treatment to restore competency, in confinement as Respondent was a threat to public safety.	Revocation of License (default)
Ubaldo Juarez	Expired	Yuma	Failed to timely disclose a March 2008 misdemeanor conviction.	\$750.00 CP
Mary Riordan Karlsson	Properties R Us	Phoenix	Audit violations; trust account shortage.	\$500.00 CP, \$500.00 Grand to Ed Fund, 2 yr PL w/PM, 6 hr CE in Commissioner Standards.
Gregory A Kotseos	Inactive	Tucson	Operated an unlicensed entity.	\$1,000 CP
April M Lawless	Inactive	Phoenix	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Sammy Lewin	A1 Properties	Prescott	Conducted real estate activity through an unlicensed entity, accepted compensation from sources other than the licensee's broker.	\$2,500.00 CP J&S, 6 hr CE in Commissioner Standards
Christine Lincoln	Expired	Peoria	Failed to timely disclose a February 2011 misdemeanor conviction.	\$750.00 CP
John A Lincoln	EXP Realty	Phoenix	Failed to complete CE in a timely manner.	\$500.00 CP, complete CE in 30 days
Timothy J Lipson		Casa Grande	Disclosed an August 2009 felony conviction for Attempted Possession of Precursor Chemicals. License application denied.	License granted, 2 yr PL/PM
Susie Lockhart	Rent-A-Home	Lake Havasu City	Audit violations.	Revocation of license (Default)
Judy Louks	ReMax Peak Properties	Flagstaff	Failed to timely disclose a June 2010 misdemeanor conviction.	\$750.00 CP
Leslie P Lovett	Revoked	Phoenix	Multiple violations including accepting compensation in violation, commingling of client funds, violation of Commissioner's Order, conducting real estate activities through an unlicensed entity.	\$38,000 CP J&S



## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Jennifer Lundgren	Expired	Tucson	Engaged in unlicensed activity for 2+ months.	\$750.00 CP
Markwood Capital Group LLC		Mesa	Unlicensed real estate activity.	Cease and Desist
Dulce Matuz	Brooks, Byron & Associates	Mesa	Failed to timely disclose an October 2010 misdemeanor conviction.	\$750.00 CP
Yvette McDonald	Expired	Avondale	Failed to timely disclose a March 2011 disciplinary action by the Department of Insurance.	\$750.00 CP
Meghan A McGinnity	Expired	Scottsdale	Failed to timely disclose a February 2012 misdemeanor conviction.	\$400.00 CP
Dorothy Lynn McNulty	Properties at Valle Vista	Kingman	Conducted real estate activity through an unlicensed entity.	\$2,000.00 CP, 9 hr CE in Commissioner Standards.
Amy T Miller	Inactive	Tucson	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Meghan A Miller	Terminated	Out of State	Failed to timely disclose an October 2010 misdemeanor conviction.	\$750.00 CP
Regina E Mitchell	Vern Keleher Realty	Chino Valley	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Mary C Mueller	Inactive	Tubac	Failed to complete CE in a timely manner.	\$500.00 CP, complete CE in 30 days
Timothy Nelson	Current Realty Solutions	Chandler	Failed to timely disclose a September 2011 license suspension by the Registrar of Contractors.	\$750.00 CP
Michael Nicolai	Realty One Group	Glendale	Improperly received client monies into a personal account.	\$2,500.00 CP, 2 yr PL/PM, 6 hr CE in Commissioner Standards.
Jim Nissing		Out of State	Unlicensed real estate activity.	Cease and Desist
Richard Noeltner	HomeSmart	Scottsdale	Failed to timely disclose a November 2005 misdemeanor conviction.	\$1,000.00 CP
Angelina O'Connor	Expired	Peoria,	Failed to timely disclose an August 2011 misdemeanor conviction.	\$750.00 CP
Willie O'Malley	Inactive	Scottsdale	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Leticia Ortiz	Inactive	Buckeye	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default), \$1,000.00 CP.
Nancy Jeannette Osten	Diamond Del Rio Properties, Inc.	Bullhead City	Audit violations.	\$3,000 CP, 2 yr PL, 6 hr CE in Commissioner Standards, quarterly review of records.

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Robert Oswald	Call Realty Inc	Gilbert	Failed to timely disclose a September 2009 disciplinary action by the Federal Aviation Administration.	\$750.00 CP
Kathy Patino	McAlpine-Licea Properties LLC	Phoenix	Failed to timely disclose a May 2009 misdemeanor conviction.	\$750.00 CP
Alma Luz Pena	Inactive	San Luis	December 2011 felony conviction for Theft.	Revocation of License (default). \$3,000.00 CP
Scott A Pestka	Inactive	Peoria	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Gina Pettijohn	1st USA Realty Professionals	Mesa	Failed to timely disclose a June 2012 disciplinary action by the Registrar of Contractors.	\$400.00 CP
Starlit Porter	DBSD LLC dba Heirloom Realty	Lake Havasu City	Failed to properly represent clients. Failed to remit monies and accounting.	\$3,000.00 CP, 2 yr PL w/ PM, 6 hr CE in Commissioner Standards.
Brian Prestwich	Expired	Tempe	Failed to timely disclose a June 2011 misdemeanor conviction.	\$750.00 CP
Jorge Damian Ramirez		Glendale	Disclosed a January 2002 felony conviction for Solicitation to Commit Transportation of Marijuana for Sale, Having a Weight of Less than Two Pounds. License application denied.	License granted, 2 yr PL/PM
Rathbun Property Management Inc		Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation.	Cease and Desist. Revocation of License.
Rathbun Realty Inc		Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for information and documentation.	Cease and Desist. Revocation of License.
Lawrence Raye	Expired	Chandler	Failed to timely disclose a November 2008 misdemeanor conviction.	\$750.00 CP
Kimberly Reely	Expired	Mesa	Failed to timely disclose a February 2009 misdemeanor conviction.	\$750.00 CP
Rent-A-Home		Lake Havasu City	Audit violations.	Revocation of license (Default)
Ryan Reynolds	Expired	Phoenix	Failed to timely disclose a November 2010 misdemeanor conviction.	\$750.00 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Sylvia Rhea		Chandler	Disclosed a 2003 felony conviction for Obtaining a Controlled Substance by Fraud and Burglary when applying for licensure. License application denied.	License granted, 2 yr PL/PM
Ann Elizabeth Rhoads	Key Time Realty	Bullhead City	Audit violations.	\$2,000.00 CP, 2 yr PL, 6 hr CE in Commissioner Standards, quarterly review of records.
Jacob F Rocker	3-D Brokerage	Tucson	Failed to timely disclose a January 2012 misdemeanor conviction.	\$400.00 CP
Leticia Rosales	Pro Star Realty	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Sean A Rosas	Real Estate Brokers - Commercial LLC	Chandler	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
David John Ross	Inactive	Tucson	Failed to complete CE in a timely manner.	\$500.00 CP, complete CE in 30 days
Jamal Ross		Scottsdale	Disclosed 2 adverse judgments involving violations of Colorado Workers Comp Laws. License application denied.	License granted, 2 yr PL/PM
Delbert M Rounds	ReMax Fine Properties	Scottsdale	Represented an entity other than the employing broker.	\$2,000.00 CP J&S, compliance with advertising requirements, 6 hr CE in Commissioner Standards.
Christine Nancy Rowland	Gateway West Realty Inc dba Gateway West Realty	Tucson	Audit violations; trust account shortage. Failure to respond to Department requests for documentation.	Cease and Desist. \$5,000.00 CP J&S, 2 yr PL, Client Final Accounting, Make Trust Accounts Whole, quarterly review of records, 6 hr CE in Commissioner Standards, vacate previous Cease and Desist.
Barbara Rowland	Rowland Properties LLC	Tucson	Engaged in unlicensed activity for 7+ months.	\$1,000.00 CP
James Patrick Ruley	Opulent Real Estate Group	Phoenix	Audit violations.	\$2,000.00 CP, 2 yr PL, 6 hr CE in Commissioner Standards, quarterly review of records.
Theresa D Ryan	Expired	Tucson	Failed to comply with terms of previous Consent Order.	Revocation of License (default) \$1,000.00 CP

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Leonardo Sanchez	Equity Executives	Avondale	Failed to disclose a September 2009 misdemeanor conviction when submitting a license renewal applications.	\$3,000.00 CP, 2 yr PL w/BA, 6 hr CE in Commissioner Standards.
Charles Sansone	Guardian Realty & Investment Group	Phoenix	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Will J Schreiber	HomeSmart	Scottsdale	Failed to timely disclose a March 2011 misdemeanor conviction.	\$750.00 CP
Douglas L Seaver Jr	Inactive	Tucson	January 2012 felony conviction for Endangerment.	Revocation of License.
Robert & Robin Shannon		Out of State	Unlicensed real estate activity.	Cease and Desist
Robert Stanfill	Secure Real Estate	Scottsdale	Failed to timely disclose an April 2012 misdemeanor conviction.	\$400.00 CP
Jeffrey M Stapley	IRA/Landmark Realty Advisors LLC	Phoenix	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Robert M Stearnes	Expired	Phoenix	Failed to timely disclose an April 2009 misdemeanor conviction. Licensed renewal denied.	License denied, \$2,000.00 CP.
Chad Steverson	Expired	Prescott Valley	Engaged in unlicensed activity for 2+ months.	\$750.00 CP
Steven Stewart	Exit Realty New Beginnings	Glendale	Failed to disclose acting for more than one party in a transaction, failed to remit monies within a reasonable time.	\$1,000 CP, \$1,000 Grant to Ed Fund, 6 hr CE in Commissioner Standards.
Michael J Stewart	Self-Employed Broker	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
William David Taber	Pedersen Real Estate & Property Management	Apache Junction	December 2012 conviction for Aggravated Assault By Entering the Home of Another.	\$1,000.00 CP, 2 yr PL/BA.
Darren H Tackett	ReMax Fine Properties	Scottsdale	Represented an entity other than the employing broker.	\$2,000.00 CP J&S, compliance with advertising requirements, 6 hr CE in Commissioner Standards.
Andrew J Tarico	Expired	Scottsdale	Failed to provide documentation as requested by Department staff.	Revocation of License (default)
James Theut	Expired	Phoenix	Failed to timely disclose a March 2012 misdemeanor conviction.	\$400.00 CP
Tompkins Realty Inc		Tucson	Audit violations; Failure to respond to Department requests for information and documentation.	Cease and Desist

## Disciplinary Actions (7.1.2012 - 2.28.2013)

Name	Brokerage	Location	Summary	Order
Mario A Tovar	Inactive	Phoenix	February 2012 felony conviction for Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs.	Revocation of License (default). \$3,000 CP
Salvador C Urena	Camel Pointe Realty	Yuma	Failed to complete CE in a timely manner.	\$400.00 CP, complete CE in 30 days
Kelly J Vilches	Inactive	Queen Creek	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Scott Waldron		Mesa	Disclosed a July 2010 misdemeanor conviction for Offering a False Instrument for Recording. License application denied.	License granted, 2 yr PL/PM, \$10,000 Surety Bond
Richard "Rick" Wandrych	HomeSmart	Phoenix	Failed to comply with terms of previous Consent Order.	\$1,500 CP, 2 yr PL w/BA, 6 hr CE in Commissioner Standards.
Steven D Wardell	Xaxon Properties LLC	Phoenix	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Anthony Wassif		Tempe	Disclosed a March 2007 False Statement conviction and 2002 revocation of California Chiropractor License when applying for licensure. License application denied.	License granted, 2 yr PL/PM
Gary Frank Weiss	Tompkins Realty Inc	Tucson	Audit violations; Failure to respond to Department requests for information and documentation.	Cease and Desist
Sue Wilkerson		Out of State	Unlicensed real estate activity.	Cease and Desist
Steven Winkler	US Preferred Realty Inc	Mesa	Failed to complete CE in a timely manner.	\$300.00 CP, complete CE in 30 days
Edwin Wold		Mesa	Disclosed a 1993 Theft conviction when applying for licensure. License application denied.	License granted, 2 yr PL/PM
Darrell G Wolter	Suspended	Mesa	Failed to disclose an April 2011 adverse judgment involving real estate transactions. Failed to respond to Department requests for information and documentation.	Revocation of License (default) \$6,000.00 CP
Terrence J Yates	Inactive	Scottsdale,	Failed to complete CE in a timely manner. Failed to respond to Department Notice of Hearing.	Revocation of License (default)
Donald Yearin	Yearin Realty Law Group LLC	Scottsdale	Failed to timely disclose a May 2012 suspension of law license by the State Bar.	\$400.00 CP

## License Surrender Report (01/2012 - 12/2012)

### ARS §32-2137(A) - Surrender License

If the Department has commenced a disciplinary proceeding against a licensee, the licensee may request in writing to voluntarily surrender their license to the Department, only, if the surrender of the license occurs not less than 10 days prior to a hearing. After acceptance of the voluntary surrender, **“the Department shall not thereafter issue a license under this chapter to the licensee.”**

**Choosing to surrender your license would forego a licensee’s ability to ever apply for a license through the Arizona Department of Real Estate in the future.**

LAST NAME	FIRST NAME	LIC NUMBER	E & C FILE	SURRENDER DATE
BACS	VICKI L	SA503805000	12F-DI-214	02/13/2013
BUCK	KIRSTEN E	SA555028000	11F-DI-298	10/03/2012
BURGESS	PHYLLIS A	BR022540000	13F-DI-048-1	09/20/2012
CHERMAK	JUDY	SA515473000	13F-DI-133-1	01/25/2013
CHIANG	RAYMOND M	BR109337000	11F -DI-494	11/07/2012
EUTSLER	JARED	BR558300000	13F-DI-035	10/23/2012
FEYGIN SR	VITALY	SA561908000	12F-DI-021	12/07/2012
FLIBOTTE	ROBERT THOMAS	BR005194000	12F-DI-088	09/20/2012
FORTIER	PAUL ROGER	BR109454000	11F-DI-543	10/24/2012
FRANCE	SAMUEL L	SA559127000	11F -DI-497	11/19/2012
GRAMM	GREGORY	BR008806000	12F-DI-020	11/29/2012
HOPKINS	LESLIE A	BR528140000	12F-DI-317	07/02/2012
HOSNER	KEVIN P	SA627290000	13F -DI-008	07/25/2012
KACZMAR	MICHAEL STEVEN	SA014707000	13F-DI-147	01/31/2013
MANDELBAUM	J WILLIAM	BR004777000	11F-DI-463	09/17/2012
MIDDLETON	GINGER LEE	SA586412000	12F-DI-176	02/19/2013
MILLINER	WILLIAM R	BR010403000	12F-DI-178	11/01/2012
NICKELL	LISA G	SA516037000	12F-DI-026	11/08/2012
PLEIN	KENNETH J.	BR006126000	12F-DI-145	01/16/2013
RADACK	JENNIFER D	SA553609000	11F-DI-259	08/10/2012
RHODE	ANN M	SA554529000	11F-DI-331	10/16/2012
SAMPLE	BRADLEY E	BR014230000	11F-DI-505	09/24/2012
SCHOLTZ	FRANCES T	BR006688000	11F-DI-550	09/13/2012
SILLS	SHONI	SA642641000	13F-DI-185	02/20/2013
SMITH	SHARON K.	SA522945000	13F-DI-052	09/21/2012
TAFUYA	MATTHEW N	BR511377000	13F-DI-038	08/27/2012
WEBSTER	WILLIAM SCOTT	SA565851000	13F-DI-121	02/21/2013
WETHINGTON	DARLINE B	BR626850000	13F -DI-007	08/01/2012