BEFORE THE CHIEF OF THE BUREAU OF REAL ESTATE APPRAISERS STATE OF CALIFORNIA

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Case No. L20201211-01

DECISION AND ORDER

Respondent.

The attached Stipulated Settlement of Probation Violation and Disciplinary Order is hereby adopted by the Chief of the Bureau of Real Estate Appraisers, as its Decision in this matter.

This Decision shall become effective on

In the Matter of the Administrative Allegation

Real Estate Appraiser License No. 002124

of Violation Against:

Anthony L. Blackburn

It is so ORDERED January

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Loretta Dillon

Deputy Chief of the Bureau of Real Estate Appraisers

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Bureau of Real Estate Appraisers 3075 Prospect Park Drive, Suite 190 Rancho Cordova, CA 95670

Telephone: (916) 552-9021 Facsimile: (916) 552-9008

BEFORE THE CHIEF OF THE BUREAU OF REAL ESTATE APPRAISERS STATE OF CALIFORNIA

In the Matter of the Administrative Allegation of Violation Against:

Case No. L20201211-01

Anthony L. Blackburn Real Estate Appraiser License No. 002124 STIPULATED SETTLEMENT OF PROBATION VIOLATION AND DISCIPLINARY ORDER

Respondent.

In 2019, the Bureau of Real Estate Appraisers ("Bureau" or "BREA") and Anthony L. Blackburn ("Respondent") entered into a Stipulated Settlement and Disciplinary Order ("Stipulated Settlement"). On October 21, 2019, the Stipulated Settlement became effective. The Stipulated Settlement resulted in Respondent's Real Estate Appraisers License being revoked. However, the revocation was stayed and Respondent's license was be publically reproved, restricted, and monitored on probation for two (2) years from the effective date on the terms and conditions. One of the terms of probation was to obey all laws. On May 21, 2020, Respondent was convicted of misdemeanor Vehicle Code 23152(a) [driving under the influence]. The conviction is a violation of probation and the Bureau may revoke probation and carry out the disciplinary order that was stayed.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and mission of the Bureau, the parties hereby agree to the following Stipulated Settlement of Probation Violation and Disciplinary Order ("Settlement of Probation Violation") which will be submitted to the Chief of the Bureau of Real Estate Appraisers ("Bureau Chief" or "Chief of BREA") for approval and adoption as the final disposition.

PARTIES

- Aaron Klinger, acting on behalf of the Bureau of Real Estate Appraisers
 ("Complainant"), brings this action solely in his official capacity as Chief of Enforcement for Complainant.
- 2. Anthony L. Blackburn ("Respondent") is representing himself and has chosen not to exercise his right to be represented by counsel at this time.
- 3. On or about November 22, 1991, the Bureau issued Real Estate Appraiser License Number 002124 to Respondent. Respondent's License was in full force and effect at all times relevant to the attached administrative allegation of violation and unless renewed will expire on January 23, 2022.

JURISDICTION

- 4. The Bureau initiated an investigation resulting in administrative allegation of violation.
- 5. When deemed by the Bureau Chief to be in the public interest, the Bureau Chief has the authority under Business and Professions Code section 11315.5 to enter into a settlement related to administrative allegation of violation of the Real Estate Appraisers' Licensing and Certification Law or regulations promulgated pursuant thereto, upon any terms and conditions as the Bureau Chief deems appropriate.
- 6. The administrative allegation of violation against Respondent is attached as Exhibit "A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 7. Respondent has carefully read and understands the charges and allegations in the administrative allegation of violation. Respondent has also carefully read and understands the effects of this Stipulated Settlement.
- 8. Respondent is fully aware of his or her legal rights in this matter, including the right to a hearing on the administrative allegation of violation; the right to be represented by counsel at his or her own expense; the right to confront and cross-examine the witnesses against him or her;

the right to present evidence and to testify on his or her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 10. Respondent admits the truth of each and every administrative allegation of violation attached as Exhibit "A", and agrees that cause exists for discipline against his or her Real Estate Appraiser License.
- 11. Respondent agrees that his or her Real Estate Appraiser License is subject to discipline and he or she agrees to be bound by the Bureau Chief's imposition of discipline as set forth in the following Disciplinary Order.

CONTINGENCY

- 12. This Settlement of Probation Violation shall be subject to approval by the Bureau Chief. Respondent understands and agrees that counsel for Complainant and Complainant's staff may communicate directly with the Bureau Chief regarding this Stipulated Settlement, without notice to or participation by Respondent or his or her counsel. By signing this Stipulated Settlement, Respondent understands and agrees that he or she may not withdraw his or her agreement or seek to rescind this Settlement of Probation Violation prior to the time the Bureau Chief considers and acts upon it. If the Bureau Chief fails to adopt this Stipulated Settlement, the Settlement of Probation Violation shall be of no force or effect, and, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Bureau Chief shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that Portable Document Format ("PDF") or facsimile copies of this Stipulated Settlement, including PDF or facsimile signatures thereto, shall have the same force and effect as the originals.

- 14. This Settlement of Probation Violation is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Settlement of Probation Violation may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 15. In consideration of the foregoing admissions and stipulations, the parties agree that the Bureau Chief may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent's Real Estate Appraisers License No. 002124 is revoked. However, the revocation shall be stayed and Respondent's license shall be publically reproved. Additionally, Respondent's license shall be restricted, and monitored on probation for two (2) years from the effective date of the Decision and Order on the terms and conditions described below.

- 1. Restricted License Shall not Appraise Vacant Land. Respondent shall not appraise any vacant land during the entire probationary period.
- 2. Payment of Fine. Respondent shall pay a fine in the sum of Three Thousand Dollars (\$3,000.00). Payment is due thirty (30) days from the effective date of the Decision and Order as signed by the Bureau Chief. Payment shall be made to the Real Estate Appraisers Regulation Fund, c/o Bureau of Real Estate Appraisers, 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670, by check or money order and shall indicate on its face the notation: "BREA Case No. L20201211-01." If payment is not received by the due date, a ten (10) percent late penalty shall be added to the unpaid balance and interest will accrue on the unpaid balance at the pooled money investment rate in effect at that time, until the amount is paid. Respondent shall not be eligible to renew his or her license until full payment is made. Failure to make timely payment on the fine shall constitute a violation of the probationary order.

3. Appraisal Log/Work Assignments. Commencing on the effective date of the Decision and Order and continuing for one (1) year, Respondent shall maintain a log of all appraisal and appraisal reviews Respondent performs on an Enforcement Log of Appraisal Assignments form REA 4020 ("log") provided by BREA. Respondent shall submit a complete and accurate log listing all appraisal and appraisal reviews completed each six (6) months. If zero (0) to five (5) appraisal or appraisal reviews are completed, the log must still be completed indicating the work completed or indicating no work was completed. Each six (6) month log shall be submitted to BREA within thirty (30) days following the end of each six (6) month period. BREA may request a copy of any appraisal or appraisal review listed on any log and Respondent must provide the appraisal or appraisal review within the timeframe provided in BREA's request.

Failure to comply with the log requirements shall result in an automatic suspension of Respondent's real estate appraiser license. In order to reinstate Respondent's license, Respondent must provide BREA with the following: (i) a copy of past due log(s); (ii) completion and filing of a reinstatement application; and (iii) payment of all applicable fees, fines, or penalties.

Failure to complete a minimum of six (6) appraisal or appraisal reviews of California real property every six (6) months shall result in a tolling of Respondent's probation for the applicable six (6) month period(s). Periods during which probation is tolled shall not apply to reduction of the probationary period, suspension, or any other disciplinary order or term.

- 4. Monitoring. Respondent shall be subject to, and shall permit and cooperate with, monitoring and investigation of Respondent's professional practice. Such monitoring and investigation shall be conducted by representatives of BREA.
- 5. Monitoring Costs. Respondent shall pay Four Hundred and Fifty Dollars (\$450.00) every six (6) months for the entire probationary period to compensate BREA for monitoring costs. This includes periods when zero (0) to five (5) appraisal or appraisal reviews are completed and probation is tolled. Failure to pay monitoring costs shall be a violation of probation.
- 6. Obey All Laws. Respondent shall comply with all federal, state and local laws, the Real Estate Appraisers' Licensing and Certification Law and regulations promulgated thereto,

and conform to the minimum guidelines set forth under the Uniform Standards of Professional Appraisal Practice ("USPAP"), and all other laws and regulations pertaining to real estate appraisers. Additionally, if Respondent is subject to criminal court orders, Respondent shall comply with all criminal court orders, including probation and parole.

- 7. Comply with Probation. Respondent shall fully comply with the terms and conditions of the probation imposed by the Chief of BREA and shall cooperate fully with representatives of BREA in its monitoring and investigation of Respondent's compliance with the terms and conditions of probation.
- 8. Violation of Probation. If Respondent violates probation in any respect, the Chief of BREA, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or a petition to revoke probation is filed against Respondent during probation, the Chief shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

ACCEPTANCE

I have carefully read the above Stipulated Settlement. I understand the stipulation and the effect it will have on my Real Estate Appraiser License. I enter into this Settlement of Probation Violation voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Bureau Chief.

DATED:	1/4/21	
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Anthony L. Blackburn Respondent

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ENDORSEMENT

The foregoing Settlement of Probation Violation is hereby respectfully submitted for the Bureau Chief's consideration.

DATED: 1/5/202/

Aaron Klinger

Chief of Enforcement

Exhibit A

Administrative Allegation of Violation - Case No. L20201211-01

In 2019, the Bureau of Real Estate Appraisers ("Bureau" or "BREA") and Anthony L. Blackburn ("Respondent") entered into a Stipulated Settlement and Disciplinary Order ("Stipulated Settlement"). On October 21, 2019, the Stipulated Settlement became effective. The Stipulated Settlement resulted in Respondent's Real Estate Appraisers License being revoked. However, the revocation was stayed and Respondent's license was to be publically reproved, restricted, and monitored on probation for two (2) years from the effective date on the terms and conditions. One of the terms of probation was to obey all laws. On May 21, 2020, Respondent was convicted of misdemeanor Vehicle Code 23152(a) [driving under the influence]. The conviction is a violation of probation and the Bureau may revoke probation and carry out the disciplinary order that was stayed.

Business and Professions Code section 11318 requires licensees to report to the Bureau, in writing, within thirty days any convictions. Respondent was convicted on May 21, 2020, but did not report the conviction to the Bureau within the thirty day reporting period. Failure to make a report required shall constitute a cause for discipline.