

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

Case No. C20151215-08

In the Matter of the of the
Real Estate Appraiser License of:

Antwon L. Fair,
Real Estate Appraiser License No. 029521

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Director of the Bureau of Real Estate Appraisers, as its Decision in this matter.

This Decision shall become effective on 4-22-16.

It is so ORDERED 4-22-16.

Original Signed

 JAMES MARTIN, BUREAU CHIEF,
 BUREAU OF REAL ESTATE APPRAISERS
 DEPARTMENT OF CONSUMER AFFAIRS

1 Bureau of Real Estate Appraisers
1102 Q Street, Suite 4100
2 Sacramento, CA 95811

3 Telephone: (916) 552-9742
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5 **BEFORE THE**
CHIEF OF THE BUREAU OF REAL ESTATE APPRAISERS
6 **STATE OF CALIFORNIA**

7 In the Matter of the Administrative Allegation of
8 Violation Against:

Case No. C20151215-08

9 **Antwon L. Fair**
Real Estate Appraiser License No. 029521

STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY
ORDER

10 Respondent.

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12 In the interest of a prompt and speedy settlement of this matter, consistent with the public
13 interest and mission of the Bureau of Real Estate Appraisers ("Bureau" or "BREA"), the parties
14 hereby agree to the following Stipulated Surrender of License and Disciplinary Order ("Stipulated
15 Surrender") which will be submitted to the Chief of the Bureau of Real Estate Appraisers
16 ("Bureau Chief" or "Chief of BREA") for approval and adoption as the final disposition of this
17 proceeding:

18 PARTIES

19 1. Elizabeth Seaters, acting on behalf of the Bureau of Real Estate Appraisers
20 ("Complainant"), brings this action solely in her official capacity as Chief of Enforcement for
21 Complainant.

22 2. Antwon L. Fair ("Respondent") is representing himself and has chosen not to exercise
23 his right to be represented by counsel.

24 3. On or about October 16, 2002, the Bureau issued Real Estate Appraiser License
25 Number 029521 to Respondent. Respondent's License expired on November 9, 2015, but the
26 Bureau maintains jurisdiction over Respondent pursuant to Business and Professions Code
27 section 11315.1.
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JURISDICTION

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2 4. The Bureau initiated an investigation resulting in administrative allegation of
3 violation.

4 5. When deemed by the Bureau Chief to be in the public interest, the Bureau Chief has
5 the authority under Business and Professions Code section 11315.5 to enter into a settlement
6 related to administrative allegation of violation of the Real Estate Appraisers' Licensing and
7 Certification Law or regulations promulgated pursuant thereto, upon any terms and conditions as
8 the Bureau Chief deems appropriate.

9 6. The administrative allegation of violation against Respondent is attached as Exhibit
10 "A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

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12 7. Respondent has carefully read and understands the charges and allegations in the
13 administrative allegation of violation. Respondent has also carefully read and understands the
14 effects of this Stipulated Surrender.

15 8. Respondent is fully aware of his or her legal rights in this matter, including the right
16 to a hearing on the administrative allegation of violation; the right to be represented by counsel at
17 his or her own expense; the right to confront and cross-examine the witnesses against him or her;
18 the right to present evidence and to testify on his or her own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

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

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1 CULPABILITY

2 10. Respondent admits the truth of each and every administrative allegation of violation
3 attached as Exhibit "A", and agrees that cause exists for discipline against his or her Real Estate
4 Appraiser License.

5 11. Respondent agrees that his or her Real Estate Appraiser License is subject to
6 discipline and he or she agrees to be bound by the Bureau Chief's imposition of discipline as set
7 forth in the following Disciplinary Order.

8 CONTINGENCY

9 12. This Stipulated Surrender shall be subject to approval by the Bureau Chief.
10 Respondent understands and agrees that counsel for Complainant and Complainant's staff may
11 communicate directly with the Bureau Chief regarding this Stipulated Surrender, without notice
12 to or participation by Respondent or his or her counsel. By signing this Stipulated Surrender,
13 Respondent understands and agrees that he or she may not withdraw his or her agreement or seek
14 to rescind this Stipulated Surrender prior to the time the Bureau Chief considers and acts upon it.
15 If the Bureau Chief fails to adopt this Stipulated Surrender, the Stipulated Surrender shall be of no
16 force or effect, and, except for this paragraph, it shall be inadmissible in any legal action between
17 the parties, and the Bureau Chief shall not be disqualified from further action by having
18 considered this matter.

19 13. The parties understand and agree that Portable Document Format ("PDF") or
20 facsimile copies of this Stipulated Surrender, including PDF or facsimile signatures thereto, shall
21 have the same force and effect as the originals.

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Respondent's Real Estate Appraisers License No. 029521
6 is surrendered and accepted by the Chief of the Bureau of Real Estate Appraisers.

7 1. Respondent shall lose all rights and privileges as a real estate appraiser in California
8 as of the effective date of the Chief's Decision and Order.

9 2. Surrender of Respondent's license shall be considered a disciplinary action and shall
10 become a part of Respondent's license history with the Bureau.

11 3. Respondent may petition for reinstatement of his license no sooner than one year
12 from the effective date of the Decision and Order. If Respondent petitions for reinstatement, the
13 Chief shall treat it as a new application for licensure and Respondent must comply with all the
14 laws, regulations and procedures for licensure in effect at the time the petition is filed.

15 4. If Respondent does petition to reinstate his license, Respondent must pay costs of
16 Two Thousand and Twenty One Dollars and Twenty Five Cents (\$2,021.25) and a fine of Ten
17 Thousand Dollars (\$10,000.00) before a license can be issued.

18 **ACCEPTANCE**

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

23
24 DATED: 4-19-16

Original Signed

Antwon L. Fair
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender is hereby respectfully submitted for the Bureau Chief's consideration.

DATED:

4/22/16

Original Signed

Elizabeth Seaters
Chief of Enforcement

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Exhibit A

Administrative Allegation of Violation - Case No. C20151215-08

Count One

On or about November 16, 2015, Respondent completed an appraisal of the property located at 4476 West 28th Street, Los Angeles, California. The report contains certain errors and omissions in violation of the Uniform Standards of Professional Appraisal Practice (USPAP), California Business and Professions Code, and California Code of Regulations, listed as follows:

- a) By signing a report after the expiration of his license Respondent failed to clearly and accurately set forth the appraisal in a manner that was not misleading (S.R. 2-1(a));
- b) When Respondent submitted a signed report without a valid license he gave the impression he was a licensed appraiser when he was not (California Business and Professions Code, Division 4, Part 3, Section 11321(a)); and
- c) As a result of the above findings in (a) and (b), Respondent failed to practice the minimum standard of professional ethics required of a licensed appraiser (Conduct Section of the Ethics Rule and California Code of Regulations Title 10, Section 3721(a)(2)).

Count Two

On or about December 2, 2015, Respondent completed an appraisal of the property located at 4350-4356 South Kansas Avenue, Los Angeles, California. The report contains certain errors and omissions in violation of the Uniform Standards of Professional Appraisal Practice (USPAP), California Business and Professions Code, and California Code of Regulations, listed as follows:

- a) By signing a report after the expiration of his license Respondent failed to clearly and accurately set forth the appraisal in a manner that was not misleading (S.R. 2-1(a));
- b) Respondent signed a written certification, in which he certified, “the statements of fact contained in this report are true and correct”, knowing it not to be true because the expiration date of his license was not correct. Further, Respondent included a copy of his license that had been altered (S.R. 2-3);
- c) By altering the expiration date of his license Respondent knowingly communicated a report that he knew to be misleading and fraudulent (Conduct section of the Ethics Rule);
- d) When Respondent submitted a report without a valid license he gave the impression he was licensed appraisal when he was not (California Business and Professions Code, Division 4, Part 3, Section 11321(a));
- e) By altering the effective and expiration dates on his license to appear actively licensed, Respondent failed to practice the minimum standard of professional ethics required of a licensed appraiser (California Code of Regulations Title 10, Section 3721(a) (2)); and

- 1 f) As a result of (a) through (e), Respondent failed to demonstrate the qualifications of
2 honesty, candor, integrity, and trustworthiness related to the practice of the appraisal
3 profession. (California Code of Regulations Title 10, Sections 3702 (a)(1) and (3)).

3 **Count Three**

4 On or about December 2, 2015, Respondent completed an appraisal of the property located at
5 23008 Huber Avenue, Torrance, California. The report contains certain errors and omissions in
6 violation of the Uniform Standards of Professional Appraisal Practice (USPAP), California
7 Business and Professions Code, and California Code of Regulations, listed as follows:

- 8 a) By signing a report after the expiration of his license Respondent failed to clearly and
9 accurately set forth the appraisal in a manner that was not misleading (S.R. 2-1(a));
10
11 b) Respondent signed a written certification, in which he certified, “the statements of fact
12 contained in this report are true and correct”, knowing it not to be true because the
13 expiration date of his license was not correct. Further, Respondent included a copy of
14 his license that had been altered (S.R. 2-3);
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16 c) By altering the expiration date of his license, Respondent knowingly communicated a
17 report that he knew to be misleading and fraudulent (Conduct section of the Ethics
18 Rule);
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20 d) When Respondent submitted a report without a valid license he gave the impression he
21 was licensed appraisal when he was not (California Business and Professions Code,
22 Division 4, Part 3, Section 11321(a));
23
24 e) By altering the effective and expiration dates on his license to appear actively
25 licensed, Respondent failed to practice the minimum standard of professional ethics
26 required of a licensed appraiser (Ethics Rule and California Code of Regulations Title
27 10, Section 3721(a) (2)); and
28
f) As a result of (a) through (e), Respondent failed to demonstrate the qualifications of
honesty, candor, integrity, and trustworthiness related to the practice of the appraisal
profession. (California Code of Regulations Title 10, Sections 3702 (a)(1) and (3)).

20 **Count Four**

21 On or about December 18, 2015, BREa sent Respondent a demand letter requesting information
22 related to an investigation to his address of record. On or about January 7, 2016, BREa sent the
23 same letter to three alternative addresses on file for Respondent. On or about February 8, 2016,
24 BREa sent a final demand letter to Respondent’s address of record and the three alternative
25 addresses on file for Respondent. Respondent failed to comply with BREa’s written request for
26 information related to an investigation in violation of the California Business and Professions
27 Code, Division 4, Part 3, Section 11328.
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