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**BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

In the Matter of:  
  
**DONNA HASTINGS**  
Certified Residential Appraiser  
Certificate No. 21954,  
  
Respondent.

Case No. 3706

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER OF REVOCATION**

This formal administrative hearing came before the Arizona State Board of Appraisal on December 19, 2014. Respondent was properly noticed of this hearing. Respondent did not appear and was not represented by legal counsel. The State was represented by Jeanne M. Galvin, Assistant Attorney General.

**FINDINGS OF FACT**

1. The Arizona State Board of Appraisal (“Board”) is the duly constituted Agency for licensing and regulating real property appraisers, property tax agents, appraiser trainees and appraisal management companies.

2. Donna L. Hastings, (“Respondent”) held Certificate No. 21954 to practice as a Certified Residential Appraiser in the State of Arizona, issued on September 30, 2008, pursuant to A.R.S. § 32-3612, and expired on September 30, 2014.

3. On or about November 6, 2011, the Board received a Real Estate Appraiser Violation Complaint No. 3354 (hereinafter “the Complaint”) against Respondent filed anonymously by a fellow appraiser alleging poor quality of work and dishonesty in completing an appraisal of 9700 E. Little Further Way, in Gold Canyon, Arizona, with an

1 effective date of July 26, 2011.

2 4. A formal hearing in case number 3354 was held on August 12, 2013, before Judge  
3 Michael Douglas and the Office of Administrative Hearings. Respondent was noticed  
4 properly but did not appear.

5 5. Judge Douglas entered his Recommended Decision on September 6, 2013.

6 6. On October 15, 2013, the Board considered the Judge Douglas' Recommended  
7 decision and on October 16, 2013, the Board sent Respondent its Findings of Fact,  
8 Conclusions of Law and Order of Probation.

9 7. Pursuant to the Board's Final Order, Respondent's Certificate was placed on  
10 probation for six (6) months. In addition to other requirements, Respondent was ordered  
11 to complete certain continuing education courses and conduct appraisals under the  
12 supervision of a mentor.

13 8. Specifically, Respondent was required to complete a fifteen (15) hour USPAP  
14 course with an exam. **Respondent failed to complete this requirement.**

15 9. Additionally, Respondent was required to provide the Board with the name and  
16 resume of an Arizona Certified Residential or Arizona Certified General Appraiser who  
17 is willing to serve as Respondent's mentor ("Mentor"). The Mentor is subject to the  
18 Board approval. **Respondent failed to locate a Mentor and/or provide this**  
19 **information to the Board.**

20 10. Respondent was to complete a minimum of six (6) appraisal reports under the  
21 supervision of an approved Mentor. The appraisal reports may be demonstration reports.  
22 **Respondent failed to complete the six (6) appraisals and/or submit the appraisal**  
23 **reports to the Board.**

24 11. Pursuant to the Order, the Respondent was to bear all costs associated with her  
25 probation, including the cost of the supervising appraiser/mentor.  
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1 12. The Order further provided that should Respondent fail to abide by any terms of  
2 the Order, her certificate would be revoked. Respondent did not appeal the Board's Final  
3 Order.

4 13. At its June 20, 2014 meeting, the Board considered Respondent's non-compliance  
5 with its Final Order issued in Case No. 3354. In doing so, the Board voted to open Case  
6 No. 3706 for Respondent's non-compliance with the Final Order in Case No. 3354.

7 14. At the August 15, 2014 Board Meeting, the Board considered Respondent's  
8 written response to Case No. 3706 (non-compliance). According to her written response  
9 (Respondent did not appear) Respondent stated that financial hardship prevented her  
10 from complying with the Board's Order in Case No. 3354 but that her circumstances had  
11 improved and she was now able and desired to comply with the Board's Final Order in  
12 Case No. 3354. After considering the matter, the Board voted to offer Respondent a  
13 Consent Agreement in which her probation would be extended for an additional six  
14 months to allow her time to comply. The Board also voted that should Respondent fail to  
15 comply with any one term of the Consent Agreement, the Board would immediately  
16 pursue its continued enforcement of Complaint No. 3706 for the revocation of  
17 Respondent's certificate.

18  
19 15. On September 2, 2014, the Board sent via regular and certified mail the Proposed  
20 Consent Agreement and Amended Order of Discipline and Extension of Probation.  
21 Respondent was required to return the Consent Agreement and Amended Order to the  
22 Board no later than September 17, 2014.

23 16. Respondent failed to return the signed Consent Agreement and Amended Order  
24 and Extension of Probation to the Board by the stated deadline. Therefore, the Board  
25 proceeds with Complaint No. 3706.

26 17. Pursuant to the terms of the Final Order dated October 16, 2013, Respondent's

1 failure to comply is a violation of A.R.S. §32-3631(A)(8), which is willfully disregarding  
2 or violating any of the provisions of the Board's statutes or the rules of the Board for the  
3 administration and enforcement of its statutes.

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6 CONCLUSIONS OF LAW

7 1. The Board has jurisdiction over these matters pursuant to A.R.S. § 32-3601 *et seq.*

8 2. The Board bears the burden of proof and must establish that the Respondent  
9 committed unprofessional conduct as defined by A.R.S. §32-3631 by a preponderance of  
10 the evidence.

11 3. A preponderance of the evidence is such proof as convinces the trier of fact that  
12 the contention is more probably true than not." *Morris K. Udall, Arizona Law of*  
13 *Evidence* §5(1960). A preponderance of the evidence is "[t]he greater weight of the  
14 evidence, not necessarily established by the greater number of witnesses testifying to a  
15 fact but by evidence that has the most convincing force; superior evidentiary weight that,  
16 though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient  
17 to incline a fair and impartial mind to one side of the issue rather than the other." *Black's*  
18 *Law Dictionary* at p. 1220 (8<sup>th</sup> ed. 1999).

19 4. A.R.S. §32-3631 provides that the rights of a state license or certificate holder may  
20 be revoked or suspended or the holder of the license or certificate may otherwise be  
21 disciplined in accordance with this chapter for any of the grounds set forth in this section.  
22 The board may investigate the actions of a state licensed or state certified appraiser for  
23 any of acts or omissions stated in the statute. Included in the acts or omissions for which  
24 an appraiser may be disciplined is "[w]ilfully disregarding or violating any of the  
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1 provisions of this chapter or the rules of the board for the administration and enforcement  
2 of this chapter.”

3 5. The October 16, 2013 Order of Probation entered into by the Board and  
4 Respondent, provided that if she did not comply with the Order of Probation, her  
5 Certified Residential Appraiser Certificate No. 21954 shall be revoked.

6 6. Respondent is in violation if A.R.S.§32-3631(A)(8) which is willfully disregarding  
7 or violating any of the provisions of the Board’s statutes, a board order, or the rules of the  
8 Board for the administration and enforcement of its statutes.

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11 **ORDER**

12 1. Based upon the foregoing, **IT IS HEREBY ORDERED THAT** Certificate  
13 No. 21954 previously issued to Donna L. Hastings is revoked for the practice of real  
14 property appraisal in the State of Arizona.

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17 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

18 Respondent is hereby notified that she has the right to petition for a rehearing or  
19 review. Pursuant to A.R.S. §41-1092.09, as amended, the petition for rehearing or review  
20 must be filed with the Board’s Executive Director within thirty (30) days after service of  
21 this Order. Pursuant to A.A.C. R4-46-303(D), the petition must set forth legally sufficient  
22 reasons for granting a rehearing. Service of this Order is effective five (5) days after date  
23 of mailing. If a petition for rehearing is not filed, the Board’s Order become effective  
24 thirty-five (35) days after it is mailed to Respondent.

25 Respondent is further notified that the filing of a petition for rehearing is required  
26

1 to reserve any rights of appeal to the Superior Court.

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4 Dated this 29<sup>th</sup> day of December, 2014.

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(SEAL)



ARIZONA STATE BOARD OF APPRAISAL

8

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By: Debra J. Rudd  
Debra J. Rudd  
Executive Director  
Arizona State Board of Appraisal

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14 ORIGINAL of the foregoing filed  
15 this 29<sup>th</sup> day of December, 2014, with:

16 Debra J. Rudd  
17 Executive Director  
18 Arizona State Board of Appraisal  
19 15 South 15<sup>th</sup> Ave.; Ste. 103A  
20 Phoenix, Arizona 85007

21

22 COPY of the foregoing mailed by U.S. Regular and Certified Mail  
23 # 7012 3050 0002 0740 this 29<sup>th</sup> day of December, 2014, to:  
9620

24 Donna L. Hastings  
25 2759 South Sorrelle  
26 Mesa, Arizona 85209

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**COPY** of the foregoing mailed by Inter-agency Mail  
this 29<sup>th</sup> day of December, 2014, to:

Jeanne M. Galvin  
Assistant Attorney General  
Arizona Attorney General's Office  
1275 W. Washington, CIV/LES  
Phoenix, AZ 85007



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Kelly Luteijn