

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Appraisal License of:

3 No. 16F-3761-BOA

4 **STEVEN H. SLATON**
5 Certified Residential Appraiser
6 License No. 21114

Respondent.

**SUPERINTENDENT'S
AMENDED FINAL DECISION
AND ORDER**

7 The Assistant Superintendent of Financial Institutions ("Superintendent") having reviewed
8 the record in this matter, including the Administrative Law Judge Decision attached and
9 incorporated herein by this reference, adopts the Administrative Law Judge's Findings of Fact,
10 Conclusions of Law and Recommended Order as follows:

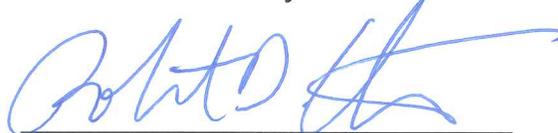
11 ORDER

12 **IT IS ORDERED** that the Certified Residential Appraiser Certificate Number 21114
13 issued to Respondent is revoked.

14 NOTICE

15 The parties are advised that, pursuant to A.R.S. § 41-1092.09, this Order shall be final
16 unless Respondent submits a written motion for rehearing no later than thirty (30) days after service
17 of this decision. The motion for rehearing or review must specify the particular grounds upon
18 which it is based as set forth in A.A.C. R20-4-1219. A copy shall be served upon all other parties
19 to the hearing, including the Attorney General, if the Attorney General is not the party filing the
20 claim of error. In the alternative, the parties may seek judicial review of this decision pursuant to
21 A.R.S. § 41-1092.08(H).

22 DATED this 17th day of December 2015.

23 

24 Robert D. Charlton

25 Assistant Superintendent of Financial Institutions

26 ...

27 ...

28 ...

1 ORIGINAL filed this 17th day of December, 2015 in the office of:

2 Mike Fowler, Assistant Superintendent of Financial Institutions
3 Arizona Department of Financial Institutions
4 ATTN: June Beckwith
5 2910 North 44th Street, Suite 310
6 Phoenix, Arizona 85018

7 Copy of the foregoing e-filed this
8 17th day of December, 2015, in the office of:

9 Suzanne Marwil, Administrative Law Judge
10 Office of the Administrative Hearings
11 1400 West Washington, Suite 101
12 Phoenix, AZ 85007

13 COPY of the foregoing mailed/emailed this
14 14th day of December, 2015, to:

15 Lynette Evans
16 Unit Chief Counsel
17 Office of the Attorney General
18 1275 West Washington
19 Phoenix, AZ 85007

20 Debra Rudd
21 Appraisal Division Manager
22 ATTN: Kelly Luteijn
23 Arizona Department of Financial Institutions
24 2910 N. 44th Street, Suite 310
25 Phoenix, AZ 85018
26 kluteijn@azdfi.gov

27 AND COPY MAILED AND E-MAILED SAME DATE by Certified Mail, Return Receipt
28 Requested, to:

Mr. Steven H. Slaton
7974 El Rancho Trail
Snow Flake, AZ 85937
sslaton@hughes.net

25
26 By: 

RECEIVED

DEC 07 2015

DEPT. OF FINANCIAL INSTITUTIONS

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Appraisal License of:

No. 16F-3761-BOA

STEVEN H. SLATON
Certified Residential Appraiser
License No. 21114

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent

HEARING: November 19, 2015

APPEARANCES: The Arizona Department of Financial Institutions (DFI) formally known as the Arizona Board of Appraisal (the Board) was represented by Assistant Attorney General, Lynette Evans, Esq. No one appeared on behalf of Respondent Steven H. Slaton (Respondent or Mr. Slaton)

ADMINISTRATIVE LAW JUDGE: Suzanne Marwil

Evidence and testimony were presented and the following Findings of Fact, Conclusions of Law and Recommended Order are made:

FINDINGS OF FACT

1. Since March 22, 2004, Respondent has been a Certified Residential Appraisal, holding Certificate No. 21114.
2. On October 1, 2013, the Board filed a Complaint and Notice of Hearing against Respondent regarding Complaints 3521, 3536, 3537, 3546, and 3547.
3. On January 9, 2014, Administrative Law Judge (ALJ) M. Douglas with the Office of Administrative Hearings (OAH) held a formal hearing to address the Complaint and Notice of Hearing. Respondent was present at that hearing and represented his own interests.
4. On February 4, 2014, ALJ Douglas, issued an ADMINISTRATIVE LAW JUDGE DECISION (ALJ Decision) concerning those matters.

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 5. On or about February 7, 2014, the Board sent Respondent a copy of the
2 ALJ Decision and a notice that the Board would have a meeting (Board Meeting) on
3 February 21, 2014, to address the ALJ Decision.

4 6. On or about February 11, 2014, the State sent Respondent its STATE'S
5 POSITION RE: RECOMMENDED DECISION (Recommendations), which informed
6 Respondent about changes the State recommended to the ALJ Decision.

7 7. On or about February 12, 2014, Respondent sent the Board a letter that
8 stated that he received the ALJ Decision and the State's Recommendations.
9 Additionally, Respondent stated his position on the ALJ Decision and the State's
10 Recommendations. Respondent notified the Board that he would not attend the Board
11 Meeting set for February 21, 2014.

12 8. On or about February 24, 2014, the Board signed its FINDINGS OF
13 FACT, CONCLUSIONS OF LAW, AND ORDER OF PROBATION (Order of Probation)
14 and sent a copy to Respondent by certified mail. The Order of Probation issued the
15 following disciplinary actions against Respondent:

- 16 a. Probation for a term of six months (Order of Probation, page 9, line 4).
- 17 b. Written proof that Respondent completed a fifteen-hour course in
18 USPAP, with an exam (Order of Probation, page 9, lines 5 - 6).
- 19 c. Written proof that Respondent completed a fifteen-hour course in basic
20 appraisal, with an exam (Order of Probation, page 9, lines 7 - 8).
- 21 d. Written proof that Respondent completed a seven-hour course in the
22 proper use of the cost approach for appraisal (Order of Probation, page 9,
23 lines 9 - 11).
- 24 e. Respondent must submit at least twelve appraisal reports that
25 Respondent performed during term of probation (Order of Probation, page
26 9, lines 12 - 14).

27 The Board ordered specifically, "[Respondent] [is] not allowed to use the above
28 course work to apply to any educational requirements that he may be required to renew
29 Certified Residential Appraiser License No. 21114." (Order of Probation, page 9, line
30 15 - 17). The Order of Probation also ordered "that if [Respondent] fails to comply with
the 21 above terms of license probation, Certified Residential Appraiser License No.
21114 issued to [Respondent] shall be revoked." (Order of Probation, page 9, lines 18 -
20).

1 9. On February 25, 2014, Respondent signed a certified mail receipt for the
2 copy of the Order of Probation that the Board mailed to him. Respondent failed to
3 comply with the Order of Probation in a timely manner in that he did not take classes or
4 submit monthly logs of his appraisals as required.

5 10. On October 28, 2014, the Board opened a complaint against Respondent
6 for non-compliance with the Order of Probation terms (Complaint #3761). On November
7 7, 2014, the Board sent Respondent notification of the new complaint for non-
8 compliance.

9 11. On March 11, 2015, the Board received Respondent's PETITION TO
10 TERMINATE PROBATION (Respondent's Petition). The basis of Respondent's
11 Petition was that he had finally gotten everything done to comply with the Order of
12 Probation.

13 12. On May 21, 2015, the Board sent Respondent a letter stating that the
14 Board had denied Respondent's Petition. Additionally, the Board sent Respondent a
15 copy of its ORDER EXTENDING PROBATION AND REQUIRING MENTORSHIP
16 (Order to Extend). The Order to Extend increased the length of Respondent's probation
17 for three months and added terms to Respondent's probation that included requiring
18 him to obtain a mentor and to file a monthly appraisal log.

19 13. Respondent has failed to comply with the terms set forth in the Order to
20 Extend. The record is devoid of evidence that Respondent ever retained a mentor.

21 14. On September 3, 2015, DFI¹ filed a Complaint and Notice of Hearing
22 Respondent regarding Complaint #3761 setting hearing before OAH on October 22,
23 2015, at 1:00 p.m.

24 15. On October 19, 2015, Respondent requested a continuance because he
25 had just received a copy of DFI's exhibits and needed time to review them. On October
26 20, 2015, the undersigned denied the motion to continue as untimely and indicated that
27 the need for a continuance would be addressed prior to the start of hearing.

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30 ¹ The Board became part of DFI in July 2015. The substantive rules governing certified appraisers did not change as a result of this transition.

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Transmitted electronically to:
Lauren Kingry, Superintendent
Department of Financial Institutions