

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

RECEIVED

MAR 26 2009

Directors Office
Business Regulation
Office of Legal Counsel

IN THE MATTER OF:

DONALD L. CARLSON,

RESPONDENT.

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DBR No. 09-L-0005

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and Donald L. Carlson (“Respondent”) hereby agree that:

1. Respondent is a Licensed Residential Appraiser, License Number A010166L, pursuant to R.I. Gen. Laws § 5-20.7-1, *et seq.*

2. The Real Estate Appraisers Board (“Board”) investigated Respondent’s appraisal of the property located at 1179 Phenix Avenue, Rhode Island, with an effective date of September 30, 2006 (the “Appraisal”).

3. Respondent met with the Board on January 7, 2009 to answer questions regarding the Appraisal.

4. Based upon its investigation and its informal meeting with Respondent, the Board found probable cause that the Appraisal did not conform to the Uniform Standards of Professional Appraisal Practice (“USPAP”), citing violations of the following rules:

a. Standards Rule 1-1(b) because Respondent committed substantial errors of omission that significantly affected the Appraisal;

b. Standards Rule 1-1(c) because Respondent rendered appraisal services in a careless or negligent manner by making a series of errors that although individually might not have significantly affected the results of the Appraisal, in the aggregate, did affect the credibility of those results;

c. Standards Rules 1-4(a) because Respondent did not properly collect, verify, and analyze all information necessary for a credible application of the Sales Comparison Approach; and

d. Standards Rule 1-5(a) because Respondent failed to analyze all agreements of sale, options, and listings of the subject property current as of the effective date of the appraisal.

5. Pursuant to R.I. Gen. Laws § 5-20.7-19, a certified or licensed real estate appraiser must comply with the Uniform Standards of Professional Appraisal Practice (“USPAP”) as promulgated by the Appraisal Standard Board of the Appraisal Foundation.

6. Pursuant to R.I. Gen. Laws § 5-20.7-19, the Department has cause to initiate administrative proceedings to sanction Respondent’s license via suspension or revocation or otherwise pursuant to R.I. Gen. Laws § 5-20.7-20(2).

7. In an effort to resolve the above-referenced matter, effect a timely and amicable resolution of the issues raised in this Consent Agreement, and allow Respondent to maintain his license in good standing, Respondent understands and agrees to the following:

a. Respondent acknowledges that there is probable cause that the Appraisal did not conform with USPAP as set forth in Paragraph 4;

b. Respondent shall enroll and successfully complete a fifteen (15) hour course in the Sales Comparison Approach in a classroom setting (i.e., not via online or

other distance learning method) within twelve (12) months of the date of this Consent Agreement; and

c. Respondent shall remit a \$500.00 administrative penalty, made payable to the Rhode Island General Treasurer, to the Department within thirty (30) days of this Consent Agreement's execution by the Department.

8. If Respondent fails to abide by any of the requirements of this Consent Agreement, the Department will initiate administrative proceedings to impose penalties against Respondent including, but not limited to: (i) suspension, (ii) revocation, and/or (iii) other additional administrative penalties as deemed appropriate by the Department. Respondent shall be provided with notice and opportunity for hearing should the Department decide to take such action.

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation
By its Legal Counsel:

Donald L. Carlson, Respondent
By:



Michael P. Jolin
Department of Business Regulation



Date: 3/30/09

Date: 3/24/09