

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

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

Victoria Reel-Kersch,

Real Estate Appraiser License No. 033808

Case No(s). C20160531-01,
C20160531-04

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 9-7-16.

It is so ORDERED 8-8-16.

Original Signed

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

Bureau of Real Estate Appraisers
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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. C20160531-01, C20160531-04

Victoria R. Reel-Kersch
Real Estate Appraiser License No. 033808

STIPULATED SURRENDER AND DISCIPLINARY ORDER

Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and mission of the Bureau of Real Estate Appraisers (“Bureau” or “BREA”), the parties hereby agree to the following Stipulated Surrender and Disciplinary Order (“Stipulated Surrender”) 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 of this proceeding:

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. Victoria R. Reel-Kersch (“Respondent”) is representing herself and has chosen not to
23 exercise her right to be represented by counsel.

24 3. On or about April 23, 2004, the Bureau issued Real Estate Appraiser License Number
25 033808 to Respondent. Respondent's License was in full force and effect at all times relevant to
26 the attached administrative allegation of violation and unless renewed will expire on June 13,
27 2018.

JURISDICTION

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

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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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.

CONTINGENCY

9 12. This Stipulated Surrender shall be subject to approval by the Bureau Chief.
10 13. Respondent understands and agrees that counsel for Complainant and Complainant's staff may
11 14. communicate directly with the Bureau Chief regarding this Stipulated Surrender, without notice
12 15. to or participation by Respondent or his or her counsel. By signing this Stipulated Surrender,
13 16. Respondent understands and agrees that he or she may not withdraw his or her agreement or seek
14 17. to rescind this Stipulated Surrender prior to the time the Bureau Chief considers and acts upon it.
15 18. If the Bureau Chief fails to adopt this Stipulated Surrender, the Stipulated Surrender shall be of
16 19. no force or effect, and, except for this paragraph, it shall be inadmissible in any legal action
17 20. between the parties, and the Bureau Chief shall not be disqualified from further action by having
18 21. 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,
26 modified, supplemented, or otherwise changed except by a writing executed by an authorized
27 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. 033808 is surrendered and accepted by the Chief of the Bureau of Real Estate Appraisers.

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

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

3. Respondent may petition for reinstatement of her license no sooner than one year from the effective date of the Decision and Order. If Respondent petitions for reinstatement, the Chief shall treat it as a new application for licensure and Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the petition is filed. If Respondent does petition to reinstate her license, she must pay a fine of Ten Thousand Dollars (\$10,000.00) before a license can be issued.

ACCEPTANCE

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

Original Signed

DATED: 7/29/2016

Victoria R. Reel-Kersch
Respondent

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ENDORSEMENT

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

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DATED: 8/8/16

Original Signed

Elizabeth Seaters
Chief of Enforcement

Exhibit A

Administrative Allegation of Violation - Case No. C20160531-01 and C20160531-04

Case No.: C20160531-01

On or about May 10, 2016, Respondent submitted an altered copy of a state issued appraiser license to a client which was intended for lending purposes. The altered license was in violation of the Uniform Standards of Professional Appraisal Practice (USPAP), the California Business and Professions Code Division 4, Part 3, Sections 11300 *et seq.* and the California Code of Regulations Title 10, Chapter 6.5 Sections 3500 *et seq.* listed as follows:

- a) Respondent altered a state issued license thereby creating the impression of having an active appraiser license when the license had expired. The forged license document contained an altered audit number, as well as altered effective and expiration dates (California Business and Professions Code Section 11321(a) and California Code of Regulations Sections 3702(a)(1)(3) and 3721(a)(2)(7)); and
- b) Respondent violated the Uniform Standards of Professional Appraisal Practice by altering the expiration date in an appraisal report intended for lending purposes, as well as altering a state issued appraiser license (Conduct section of the Ethics Rule).

Case No.: C20160531-04

On or about May 27, 2016, Respondent submitted an altered copy of a state issued appraiser license to a client which was intended for lending purposes. The altered license was in violation of the Uniform Standards of Professional Appraisal Practice (USPAP), the California Business and Professions Code Division 4, Part 3, Sections 11300 *et seq.* and the California Code of Regulations Title 10, Chapter 6.5 Sections 3500 *et seq.* listed as follows:

- a) Respondent altered a state issued license thereby creating the impression of having an active appraiser license when the license had expired. The forged license document contained an altered audit number, as well as altered effective and expiration dates (California Business and Professions Code Section 11321(a) and California Code of Regulations Sections 3702(a)(1)(3) and 3721(a)(2)(7)); and
- b) Respondent violated the Uniform Standards of Professional Appraisal Practice by altering the expiration date in an appraisal report intended for lending purposes, as well as altering a state issued appraiser license (Conduct section of the Ethics Rule).