BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of: JUAN M. VUITTONET, License No. CRA-62, and BECKY S. KAWANO, License No. LRA-296, Respondents.	)	Case Nos. REA-L3-02-99-044 REA-S2C-02A-99-037 **STIPULATION AND CONSENT ORDER**

STIPULATION

On February 19, 2002, the Bureau of Occupational Licenses (hereinafter "BOL") filed a Complaint in this matter with the Idaho Board of Real Estate Appraisers (hereinafter the "Board"). The Complaint charged Juan M. Vuittonet (hereinafter "Vuittonet") and Becky S. Kawano (hereinafter "Kawano"), with alleged violations of the Uniform Standards of Professional Appraisal Practices ("USPAP"), in connection with their appraisal of real property located at 2505 E. 12th Street, Emmett, Idaho (Case No. REA-L3-02-99-044). The Complaint further charged Vuittonet with alleged violations of USPAP in connection with his appraisal of real property located at 445 Maple Avenue, Kuna, Idaho (Case No. REA-S2C-02A-99-037).

WHEREAS, the parties wish to settle the pending administrative Board action in an expeditious manner, without the necessity of further proceedings; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

1. The Board may regulate the practice of real estate appraisals in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

2. Vuittonet is a licensee of the Idaho State Board of Real Estate Appraisers under License No. CRA-62 to engage in the practice of real estate appraisals. Kawano is a licensee of the Idaho State Board of Real Estate Appraisers under License No. LRA-296 to engage in the practice of real estate appraisals. The continued right of Vuittonet and Kawano to licensure is subject to their compliance with the Idaho Real Estate Appraisers Act codified at title 54, chapter 41, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.18.01.

3. Appraisals in the State of Idaho must comply with the minimum standards set forth in USPAP.

4. The allegations stated in the pending Complaint, if proven, would constitute violations of the laws and rules governing the practice of real estate appraisals, specifically Idaho Code § 54-4107(e) and IDAPA 24.18.01.700. Violations of these laws and rules would further constitute grounds for disciplinary action against Vuittonet's and Kawano's licenses to practice real estate appraisals in the State of Idaho.

5. Vuittonet and Kawano expressly deny the allegations in the Complaint, but in lieu of proceeding to an evidentiary hearing or other formal disciplinary action to adjudicate the allegations, hereby agree to the following terms:

A. Vuittonet will pay One Thousand-Six Hundred and Seventy Dollars ($1,670.00) in investigative costs and fees to the BOL within thirty (30) days of the Board's Order adopting this Stipulation.

B. Vuittonet will pay Two Thousand Dollars ($2,000.00) in attorney fees incurred by the BOL in pursuing this matter. Said fees shall be paid to the BOL within thirty (30) days of the Board's Order adopting this Stipulation.

C. Vuittonet shall attend fifteen (15) hours of continuing education in USPAP Standards within six (6) months from the date of entry of the Board's Order adopting this Stipulation and take and pass any examinations given at the conclusion of the course(s). Vuittonet shall submit to the BOL proof of attendance and proof that he passed any given

examinations within 30 days of attendance. If no examinations were given at the conclusion of the class, Vuittonet shall submit a letter from the course instructor stating that no examinations were given. Should Vuittonet fail to pass any given examination, the hours of continuing education taken for the class shall not be applied to the fifteen (15) hours required. Said 15 hours of continuing education shall be in addition to any continuing education Vuittonet is required to obtain to maintain his license.

D. Kawano will pay Three Hundred Dollars ($300.00) in fees to the BOL within thirty (30) days of the Board's Order adopting this Stipulation.

E. Kawano shall attend fifteen (15) hours of continuing education in USPAP Standards within six (6) months from the date of entry of the Board's Order adopting this Stipulation and take and pass any examinations given at the conclusion of the course(s). Kawano shall submit to the BOL proof of attendance and proof that she passed any given examinations within 30 days of attendance. If no examinations were given at the conclusion of the class, Kawano shall submit a letter from the course instructor stating that no examinations were given. Should Kawano fail to pass any given examination, the hours of continuing education taken for the class shall not be applied to the fifteen (15) hours required. Said 15 hours of continuing education shall be in addition to any continuing education Kawano is required to obtain to maintain her license.

6. Vuittonet and Kawano fully understand that they have the right to a full and complete hearing on the allegations in the Complaint; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify themselves; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraisals in the State of Idaho. Vuittonet and Kawano hereby knowingly and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

7. Vuittonet and Kawano understand that in signing this Stipulation they are authorizing the Board to impose the above-listed conditions and requirements upon their respective licenses without further process.

8. A violation of any of the terms of this Stipulation by Vuittonet or Kawano shall result in the immediate suspension of the violator's real estate appraiser license until such time as he/she has cured the default and is otherwise in compliance with this Stipulation and Consent Order. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

9. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

10. Vuittonet and Kawano understand that the Board is free to accept, modify with their approval, or reject this Stipulation. Vuittonet and Kawano hereby agree to waive any rights they have to challenge the impartiality of the Board to hear the disciplinary Complaint if, after review by the Board, this Stipulation is rejected.

11. If the Stipulation is not accepted by the Board, it shall be regarded as null and void, shall not be considered as evidence against either licensee, or used for any purpose at any subsequent disciplinary hearing on the Complaint.

12. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

13. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code § 9-338, et. seq.

14. This Stipulation and Consent Order contains the entire agreement between the parties, and Vuittonet and Kawano are not relying on any other agreement or representation of any kind, verbal or otherwise.

We have read the above stipulation fully and have had the opportunity to discuss it with our legal counsel, Thomas G. Walker. We understand that by its terms we will be waiving certain rights accorded us under Idaho law. We understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. We understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and we hereby agree to the above stipulation for settlement. We understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to us, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to us or the Board rejects this stipulation, it will be of no effect.

DATED this 20 day of September, 2002.

Juan M. Vuittonet
Respondent

DATED this 20 day of September, 2002.

Becky S. Kawano
Respondent

DATED this 16 day of September, 2002.

COSHO, HUMPHREY, GREENER & WELSH, P.A.

By
Thomas G. Walker
Attorney at Law

I concur in this stipulation and order.

DATED this 24th day of September, 2002.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
Roger L. Gabel
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4106, the foregoing Stipulation is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 18 day of November, 2002. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By _____
Stanley Moe, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of November 2002, I caused to be served a true and correct copy of the foregoing addressed and mailed as follows:

Thomas G. Walker, Esq.
COSHO HUMPHREY GREENER
& WALSH, PA
815 W. Washington
Boise, ID 83702-5590

- X U.S. Mail, postage prepaid
- X Certified U.S. Mail, return receipt
- ___ Hand Delivery
- ___ Overnight Mail
- ___ Facsimile: _____
- ___ Statehouse Mail

Roger L. Gabel
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ___ U.S. Mail, postage prepaid
- ___ Certified U.S. Mail, return receipt
- ___ Hand Delivery
- ___ Overnight Mail
- ___ Facsimile: _____
- X Statehouse Mail

Rayola Jacobsen

RAYOLA JACOBSEN
Bureau Chief
Bureau of Occupational Licenses