

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE APPRAISER BOARD**

Re: Us Real Estate Services Inc  
Lake Forest, CA 92630

File Number           2021-01053  
License Number       4009000059

**FINAL OPINION AND ORDER**

On April 23, 2021, the Notice of Prima Facie Case ("Notice"), the Report of Findings, including exhibits, and the Recommendation were mailed, via United States Postal Service ("USPS") certified mail, to Us Real Estate Services Inc at the address of record.

In accordance with § 54.1-201(A)(9) of the Code of Virginia, the Notice advised that Us Real Estate Services Inc had the right to request an Informal Fact-Finding Conference pursuant to § 2.2-4019 of the Administrative Process Act within 30 days of the receipt of the Notice. The Notice included the date the Real Estate Appraiser Board ("the Board") would meet to decide this matter. The certified mail was delivered. Us Real Estate Services Inc did not request an Informal Fact-Finding Conference.

On June 1, 2021, the Board met and reviewed the record, which consisted of the Notice, the Report of Findings, including exhibits, and the Recommendation. Us Real Estate Services Inc did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

The Board adopts the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and adopts the Recommendation. The Report of Findings and the Recommendation are incorporated as part of this Order.

The Board finds substantial evidence that Us Real Estate Services Inc violated the following and imposes the listed monetary penalties:

Count 1: (Four Violations)	18 VAC 130-30-160.5	\$2,000.00 (\$500.00 for each violation)
TOTAL		----- \$2,000.00

THE TOTAL MONETARY PENALTY ASSESSED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THIS FINAL ORDER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF YOUR LICENSE (LICENSE NO.4009000059) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

FAILURE TO PAY THE TOTAL AMOUNT DUE UNDER THIS ORDER BY THE DUE DATE MAY CAUSE THE MATTER TO BE SENT FOR COLLECTION AND THE IMPOSITION OF INTEREST AND ADMINISTRATIVE, COLLECTION, OR ATTORNEY'S FEES. INTEREST CALCULATED AT THE JUDGMENT RATE ON THE UNPAID BALANCE OF THE TOTAL AMOUNT DUE UNDER THIS ORDER SHALL BEGIN TO ACCRUE SIXTY (60) DAYS AFTER THE RESPONDENT IS OUT OF COMPLIANCE WITH THE TERMS OF THE ORDER. IF IMPOSED, ATTORNEY'S FEES SHALL BE IN THE AMOUNT OF 30% OF THE AMOUNT DUE ON THE DATE THE MATTER IS SENT FOR COLLECTION.

FAILURE TO COMPLY WITH ANY OTHER TERMS OF THIS ORDER WITHIN THE STATED TIME FRAMES FROM THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE SUSPENSION OF YOUR LICENSE (LICENSE NO.4009000059) UNTIL SUCH TIME AS COMPLIANCE IS OBTAINED. US REAL ESTATE SERVICES INC HAS THE RIGHT TO HAVE THIS SUSPENSION CONSIDERED IN AN INFORMAL FACT-FINDING CONFERENCE PURSUANT TO THE ADMINISTRATIVE PROCESS ACT §§ 2.2-4019 AND 2.2-4021 OF THE 1950 CODE OF VIRGINIA, AS AMENDED.

AS PROVIDED BY RULE 2A:2 OF THE SUPREME COURT OF VIRGINIA, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF SERVICE (I.E. THE DATE YOU ACTUALLY RECEIVED THIS DECISION OR THE DATE THE DECISION WAS MAILED TO YOU, WHICHEVER OCCURRED FIRST) WITHIN WHICH TO APPEAL THIS DECISION BY FILING A NOTICE OF APPEAL, SIGNED BY EITHER YOU OR YOUR COUNSEL, WITH THE SECRETARY OF THE REAL ESTATE APPRAISER BOARD. IN THE EVENT THAT THE DECISION

WAS SERVED ON YOU BY MAIL, THREE (3) DAYS SHALL BE ADDED TO THE THIRTY (30) DAY PERIOD.

IF A PETITION FOR APPEAL IS FILED WITH THE CLERK OF THE CIRCUIT COURT, AS PROVIDED BY RULE 2A:4 OF THE SUPREME COURT OF VIRGINIA, THEN THE AUTOMATIC SUSPENSION OF YOUR LICENSE FOR FAILURE TO PAY THE TOTAL ASSESSED MONETARY PENALTY WILL BE STAYED PROVIDED THE FOLLOWING INFORMATION IS RECEIVED BY THE SECRETARY OF THE REAL ESTATE APPRAISER BOARD:

1. A SIGNED COPY OF THE NOTICE OF APPEAL; AND
2. A COPY OF THE SURETY AGREEMENT OR A COPY OF THE RECEIPT FROM THE CLERK OF THE CIRCUIT COURT WHERE THE APPEAL HAS BEEN FILED INDICATING THAT A BOND HAS BEEN POSTED OR CASH PAID INTO THE COURT IN THE AMOUNT OF THE TOTAL MONETARY PENALTY ASSESSED IN THE FINAL ORDER.

**SO ORDERED:**

Entered this 1<sup>st</sup> day of June, 2021.

Real Estate Appraiser Board

BY: 

\_\_\_\_\_  
Mary Broz-Vaughan, Secretary

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE APPRAISER BOARD**

Re: US Real Estate Services Inc

File Number: 2021-01053  
License Number: 4009000059

**RECOMMENDATION**

On August 27, 2020, a complaint was received by the Department of Professional and Occupational Regulation ("the Department"). An investigation was conducted and the results are contained in the attached Report of Findings.

Based on the information contained in the Report of Findings the evidence is sufficient to recommend that the Board find violations of the Board's statutes and/or regulations as set forth in the Report of Findings. It is further recommended that the Board impose the following sanctions:

<b>Count 1:</b>	<b>18 VAC 130-30-160.5</b>	<b>\$2000.00</b>
<b>(Four Violations)</b>		<b>(\$500.00 for each violation)</b>
		-----
<b>TOTAL</b>		<b>\$2,000.00</b>

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
9960 MAYLAND DRIVE, SUITE 400  
RICHMOND, VA 23233

REPORT OF FINDINGS

BOARD: Real Estate Appraiser Board  
DATE: February 17, 2021

FILE NUMBER: 2021-01053  
RESPONDENT: US Real Estate Services Inc.  
LICENSE NUMBER: 4009000059  
EXPIRATION: June 30, 2021

SUBMITTED BY: Rebecca Doody, Investigator  
APPROVED BY: Leigh Ledford, Investigations Supervisor

COMMENTS:

None.

\*\*\*\*\*

US Real Estate Services Inc. ("US Real Estate") was at all times material to this matter subject to the Board's regulation as an applicant for licensure and/or a licensed Appraisal Management Company ("AMC") in Virginia (No. 4009000059).

Based on the analysis and/or investigation of this matter and a preponderance of the evidence, there is reason to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On October 29, 2020, the Department of Professional and Occupational Regulation received information from Jim Chapman, Board and Regulatory Administrator for the Real Estate Appraiser Board ("Board"), regarding US Real Estate. (Exh. C-1)

On August 27, 2020, the Board received an email from US Real Estate self-reporting disciplinary actions taken against US Real Estate by the Minnesota Department of Commerce ("Minnesota DOC"), the Oklahoma Real Estate Appraiser Board ("Oklahoma REAB"), the Utah Department of Commerce ("Utah DOC"), and the Nebraska Real Property Appraiser Board ("Nebraska RPAB"). (Exh. C-1 and C-2)

On June 2, 2015, US Real Estate was issued an AMC license in Virginia (No. 4009000059) as a corporation. Antonio M. Lofton is the Responsible Person for US Real Estate. (Exh. I-1)

\*\*\*\*\*

1. Board Regulation (Four Violations)

18 VAC 130-30-160. Prohibited acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

5. Failing to inform the board in writing within 30 days that the regulant, the responsible person, any controlling person, or any person who owns 10% or more of the firm was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC130-30-150.

*Historical Notes:*

*Derived from Volume 31. Issue 07. eff. February 1. 2015.*

*Print Date: February 1. 2018*

FACTS:

Board Regulation 18 VAC 130-30-150 states in part:

- A. Licensed appraisal management companies shall notify the board of the following against the firm, the responsible person, any controlling person, or any person who owns 10% or more of the firm:
  1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including, but not limited to, any reprimand; license or certificate revocation, suspension, or denial; monetary penalty; or requirement for remedial education or other corrective action.

On June 11, 2018, a Consent Order was entered into between the Minnesota DOC and US Real Estate. ("Minnesota Order"). (Exh. I-2)

According to the Minnesota Order, US Real Estate failed to separately report the fee paid to the appraiser and the fee for appraisal management services, to their clients, in violation of Minn. Stat. §82C.17, subd. 3 (2016), and failed to maintain written documentation describing and substantiating all methods and information used to determine the customary and reasonable fees, in violation of Minn. Stat. §82C.17, subd. 2 (c) (2016). US Real Estate was ordered to pay a civil penalty of \$5,000.00, to pay all

outstanding investigative costs, and to Cease and Desist from further violations of Minnesota Chapters 45 and/or 82C. (Exh. I-2)

On January 10, 2020, a Consent Order was entered into between the Oklahoma REAB and US Real Estate regarding Complaint #A19-003 ("Oklahoma Order").<sup>1</sup> (Exh. I-3)

According to the Oklahoma Order, on January 31, 2019, the Oklahoma REAB received a renewal application for US Real Estate that included a copy of the Minnesota Order. US Real Estate failed to notify the Oklahoma REAB within 10 days of the Minnesota Order, in violation of Oklahoma law 59 O.S. §858-810. US Real Estate Services was ordered to receive a letter of warning and pay an administrative fine of \$500.00. (Exh. I-3)

On January 22, 2020, a Stipulation & Order was entered into between the Utah DOC and US Real Estate regarding Case No. AP-19-106732 ("Utah Order"). (Exh. I-4)

According to the Utah Order, on or about January 3, 2019 at 3:19 p.m., US Real Estate broadcasted an assignment for a residential appraisal and did not wait the required 120 minutes for each contract appraiser to respond to the assignment, in violation of the Appraisal Management Company Registration and Regulation Act as contained in Utah Code Ann. § 61-2e-101 *et seq.* US Real Estate was ordered to pay a civil penalty of \$3,000.00 within 90 days. (Exh. I-4)

In January of 2020, US Real Estate received a letter, dated January 23, 2020, from the Nebraska REAB stating that a grievance was filed against the company due to the allegation that US Real Estate failed to disclose that it was under investigation by the State of Utah in its application for renewal, in violation of Neb. Rev. Stat. §76-3126(4)(c). (Exh. R-2)

On June 18, 2020, a Consent Agreement was entered into between the Nebraska REAB and US Real Estate regarding the grievance ("Nebraska Agreement"). According to the Nebraska Agreement, US Real Estate agreed to pay a civil penalty of \$1,500.00 and \$800.00 for costs associated with the investigations within 15 days, and probation for a period of one year. (Exh. I-5)

Gene Shibata ("Shibata"), business analyst for US Real Estate, stated that US Real Estate was not aware of the Board's notification requirement until an internal audit was conducted in August of 2020. However, once the requirement was found US Real Estate wanted to report everything to the Board. Shibata further stated that US Real Estate will ensure that if there are any disciplinary actions taken against the company in the future, the company will notify the Board within 30 days. Lastly, Shibata stated that US Real Estate has successfully met all the requirements of the Consent Orders in Minnesota, Oklahoma, and Utah, and its license is projected to be off probation in Nebraska on June 18, 2021. (Exh. I-6)

---

<sup>1</sup> Page 7 of the Oklahoma Order states January 10, 2019 in error. (Exh. I-3 and I-7)

US Real Estate failed to notify the Board within 30 days that disciplinary action was imposed in other jurisdictions.