

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE, BLDG. 68-1
CRANSTON, RHODE ISLAND 02920

Business Regulation
 Director's Office
 DEC 21 2009
 Received

	:	
IN THE MATTER OF:	:	
	:	
JOHN A. MACLEOD,	:	DBR No. 06-L-0193
	:	
RESPONDENT.	:	
	:	

THIRD CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and John A. MacLeod (“Respondent”) hereby agree that:

1. Respondent is a Licensed Residential Appraiser, License Number A00920L, issued September 22, 2004, pursuant to R.I. Gen. Laws § 5-20.7-1, *et seq.* (“License”).
2. On or about November 29, 2007, the Department entered into a consent agreement with Respondent following the Real Estate Appraisers Board’s (“Board”) investigation of Respondent’s appraisal of the property located at 118 Summit Street, East Providence, Rhode Island 02914, conducted on May 31, 2006. The Board found probable cause that Respondent violated certain provisions of the Uniform Standards of Professional Appraisal Practice (“USPAP”). The consent agreement required Respondent to attend additional continuing education and submit monthly lists of his completed appraisal reports for monitoring purposes.
3. At the April 2, 2008 Board meeting, the Banking Division of the Department requested that the Board investigate Respondent’s appraisal of 7 Glasgow

Street, Providence, Rhode Island. After investigating the report, the Board found significant errors and requested that Respondent appear before the Board.

4. After Respondent's appearance at the June 4, 2008 meeting, the Board withheld any decision regarding Respondent until the July 9, 2008 meeting, at which time the Board was to interview another licensee who also appraised the Glasgow Street property.

5. After discussing its investigation of the appraisal reports for the Glasgow Street property at its July 9, 2008 meeting, the Board voted to continue monitoring Respondent by extending the monitoring period mandated in the previously executed consent agreement for one (1) year.

6. The Respondent and the Department executed an Amended Consent Agreement, on January 6, 2009, which included a provision requiring an additional one (1) year of monitoring the Respondent's appraisal reports.

7. During that additional one (1) year period of monitoring the Respondent's appraisal work, the Board reviewed the following appraisals:

- a. 3 Indian Trail, Coventry, RI
- b. 10.5 Pierce Road, Foster, RI
- c. 10 Big Drum Road, Little Compton, RI
- d. 12 Delano Street, Tiverton, RI
- e. 37-39 Sackett Street, Providence, RI
- f. 80 Maple Street, Coventry, RI
- g. 186-188 Pierce Street, Providence, RI
- h. 26 McCallister Street, Newport, RI
- i. 39 Youngs Avenue, West Warwick, RI
- j. 84 Harold Street, Providence, RI
- k. 70-72 Hillhurst Avenue, Providence, RI
- l. 83-87 Pacific Street, Central Falls, RI

- m. 48 East Greenwich Avenue, West Warwick, RI
- n. 155 Oxford Street, Cranston, RI
- o. 289 Ohio Avenue, Providence, RI

8. Based on the Board's review and investigation of the above listed appraisal reports, the Board determined that there is probable cause to believe that many of the reports contained minor violations of the Uniform Standards of Professional Appraisal Practice ("USPAP"), as follows:

Standards Rule 1-1(c): 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.

Standards Rule 1-2(e)(i): Respondent did not properly identify the relevant characteristics of the subject property's location or its physical, legal, or economic attributes.

Standards Rule 1-4(c)(i): Respondent, in developing the Income Approach, failed to analyze comparable rental data in developing credible assignment results.

9. The Board also determined that there is probable cause to believe that Respondent violated the Competency Rule of USPAP as it relates to the Respondent's lack of geographic competency.

10. The Board found a number of clerical errors and a wide variation of indicated values which were not reconciled in the reports, as well as the misuse of comparable rentals located outside the market area of the subject property for valuation of multi-family properties.

11. Pursuant to R.I. Gen. Laws § 5-20.7-19, a licensed real estate appraiser must comply with the uniform standards of professional appraisal practice promulgated by the appraisal standard board of the Appraisal Foundation.

12. Based on the violations set forth in Paragraphs 2 and 3 and 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 pursuant to R.I. Gen. Laws § 5-20.7-20(2).

13. In an effort to resolve the above-referenced violations and allow Respondent to maintain his license in good standing, Respondent hereby agrees to the following conditions in lieu of invoking his right to have the matter heard as a contested case in a full, evidentiary administrative hearing:

- a. Respondent acknowledges the violations set forth in Paragraph numbers 8, 9, and 10 herein;
- b. Respondent shall pay a \$1,000 penalty to the Department, made payable to "Rhode Island General Treasurer"; and
- c. Respondent voluntarily waives his right to the hearing process and voluntarily waives his right to appeal to Superior Court.

14. If Respondent fails to abide by any of the requirements of this Third 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) such 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 further action.

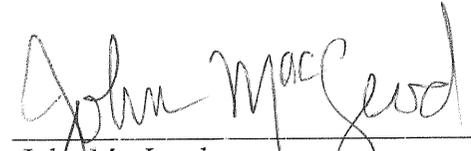
**THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND
AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:**

Department of Business Regulation
By its Legal Counsel:


Ellen R. Balasco, Esq.
Deputy Chief of Legal Services

Date: 12/28/09

Respondent:


John MacLeod

Date: 12/18/09