

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BARBARA BLOOMBERG
TX-1321646-G

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DOCKETED COMPLAINT NO.
07-171

AGREED FINAL ORDER

On this the 8TH day of MAY, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Barbara Bloomberg, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Barbara Bloomberg is a Texas state certified general real estate appraiser, holds certification number TX-1321646-G, and has been certified by the Board during all times material to the above-noted complaint cases.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about June 8th, 2006, respectively, Respondent appraised real property located at 285 acres around NWC Palominas Rd. & Hwy. 92 ("the proposed subdivision property").
4. On or about July 19th, 2007 Michael J. Naifeh complained to the Board in connection with the proposed subdivision appraisal. Mr. Naifeh's complaint claimed that the Respondent violated various provisions of USPAP during the course of her appraisal of the proposed subdivision property.
5. The Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved in the complaint and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
6. Respondent violated TEX. OCC. CODE § 1103.0405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the proposed subdivision property:
 - a) Respondent communicated a misleading appraisal report;

- b) Respondent violated the Competency Rule with respect to the proposed subdivision property because she failed to become competent with the market area which the appraisal assignment was based upon;
- c) Respondent failed to describe adequately her scope of work for the proposed subdivision property appraisal;
- d) Respondent failed to provide an appropriate and consistent definition of value in the proposed subdivision property appraisal;
- e) Respondent failed to clearly and accurately disclose hypothetical conditions in the proposed subdivision property appraisal;
- f) Respondent failed to adequately identify and report the site and improvement(s) description and failed to address any easements or restrictions;
- g) Respondent in her proposed subdivision property appraisal did not adequately analyze land use regulations, supply and demand and general market trends;
- h) Respondent failed to maintain records evidencing collection, verification and analysis of sales and cost data for use in the appraisal report;
- i) Respondent did not provide sufficient discussion and analysis of the subject's highest and best use;
- j) Respondent used inappropriate methods or techniques in the cost approach analysis, including the site value determination, and cost new of improvements analysis;
- k) Respondent used inappropriate methods and techniques in her income approach analysis, including failing to provide rental data, inadequate analysis of concluded retail value of proposed lots, not supporting estimated expenses, failing to base future rent or income potential and expenses on reasonable clear and appropriate evidence and using an inappropriate method to determine the capitalization rate which was not supported by market data;
- l) Respondent failed to report the land sale of the proposed subdivision property that occurred in 2005;
- m) Respondent's report contained substantial errors of omission or commission that significantly impacted the report's reliability; and
- n) Respondent's report contained a series of errors that collectively caused the appraisal report to be unreliable.

7. Respondent omitted material facts as noted above for the appraisal report on the proposed subdivision property.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. Respondent violated numerous provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.0405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts in her appraisal report.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 7 classroom-hour course in Discounted Cash Flow;
 - i. No exam shall be required for the Discounted Cash Flow course;
- c. Attend and complete a minimum, 30 classroom-hour course in the Income Approach;
- d. Attend and complete a minimum, 7 classroom-hour course in Appraising Subdivisions;
 - i. No exam shall be required for the course in Appraising Subdivisions;
- e. Attend and complete a minimum, 30 classroom-hour course in the Sales Comparison Approach;
- f. Pay to the Board an administrative penalty of \$2,500.00; and,
- g. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWENTY-FOUR MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the

twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent.

Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

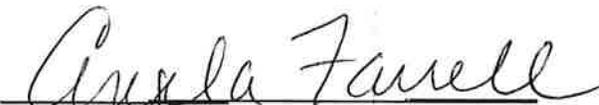
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Consent Order by the Texas Appraiser Licensing and Certification Board vote.

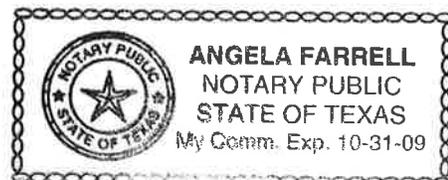
Signed this 10 day of March, 2008.


BARBARA BLOOMBERG

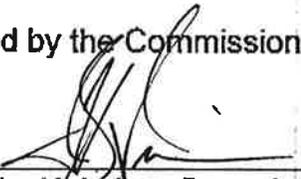
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 10 day of March, 2008, by BARBARA BLOOMBERG, to certify which, witness my hand and official seal.


Notary Public Signature

Angela Farrell
Notary Public's Printed Name



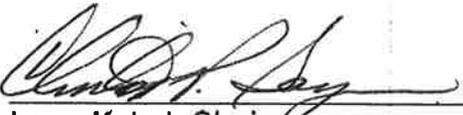
Signed by the Commissioner this 28TH day of APRIL, 2008.



Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 8th day of MAY, 2008.

CLINT SAYERS



Larry Kekel, Chairperson
Texas Appraiser Licensing and Certification Board