

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

MARY LOU CARLILE
TX-1322087-R

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DOCKETED COMPLAINT NO. 09-195

AGREED FINAL ORDER

On this the 9th day of NOVEMBER, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Mary Lou Carlile (Respondent).

In order to conclude this matter Mary Lou Carlile neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. 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, Mary Lou Carlile, is a state certified residential real estate appraiser who currently holds and held certification number TX-1322087-R during all times material to the above-noted complaint case.
2. Respondent appraised 32304 Robin Lane, Waller, Waller County, TX ("the property") on or about June 12th, 2006.
3. On or about May 28th, 2009, Deloris L. Kraft-Longoria, filed a staff-initiated complaint with the Board based on allegations that the Respondent had produced an appraisal report for the property that contained various USPAP violations.
4. On or about October 1st, 2010 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 and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to this complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 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 property:

- a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;
- b) Respondent failed to consider and report any anticipated public and private improvements located on or off the site;
- c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- d) Respondent has failed to provide her supporting rationale for her determination of the property's highest and best use;
- e) Respondent failed to use an appropriate method or technique to develop an opinion of site value, failed to collect, verify, analyze and reconcile the cost new of improvements and did not employ recognized methods and techniques in the cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in the sales comparison approach;
- g) Respondent failed to collect, verify, analyze and reconcile comparable operating expenses and comparable rental data for subject rent and/or the potential earnings capacity of the property to estimate the gross income potential of the property;
- h) Respondent failed to base projections of future rent or income potential and expenses on reasonable, clear and appropriate evidence and failed to employ recognized methods and techniques in the income capitalization approach;
- i) Respondent failed to analyze all sales of the subject within three years prior to the effective date of the appraisal and failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches;
- j) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the 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 the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping); USPAP Standards: 1-4(f) & 2-2(b)(ix); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-4(c)(i) & 2-2(b)(ix); 1-4(c)(ii) & 2-2(b)(ix); 1-4(c)(iv) & 2-2(b)(ix); 1-1(a) & 1-4(c); 1-5(b) & 2-2(b)(ix); 1-6 (a) & (b) and 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

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

- a. Have her certification suspended with that suspension fully probated for twelve (12) months under the conditions that:
 - i. During the entire probated, twelve month suspension period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during the course of this period of probation within the twenty days of notice of any such request; and,
 - ii. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order.
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in Sales Comparison Approach or Residential Case Studies;

- d. Attend and complete a minimum, 7 classroom-hour course in Valuation by Comparison: Residential Analysis and Logic or Quality Assurance in Residential Appraisals or Residential Report Writing;
 - i. No examination shall be required for this course;
- e. Pay to the Board an administrative penalty of \$750.00; and
- f. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be timely completed within twenty days of the date this Agreed Final Order is approved.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE 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 licensure or certification.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's license or certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license or certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent complies with all the terms of this Agreed Final Order.

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 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

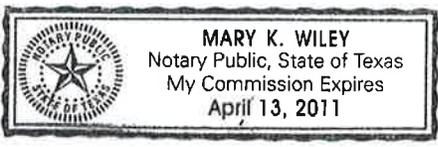
delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 6th day of JANUARY, ²⁰¹¹~~2010~~ *rule W*

Mary Lou Carlile
MARY LOU CARLILE

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 6 day of January, ~~2010~~, by MARY LOU CARLILE, to certify which, witness my hand and

official seal ²⁰¹¹ *W*
Mary K. Wiley
Notary Public Signature



Mary K. Wiley
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 18th day of February, 2011.

Troy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 18th day of February, 2011.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18th day of February, 2011.

Luis De la Garza
James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board