

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

Vs.

HAROLD ARMOND COON, JR.
TX-1327673-G

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DOCKETED COMPLAINT NO.
06-186

AGREED FINAL ORDER

On this the 9th day of February, 2007, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Harold Armond Coon, Jr., (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

FINDINGS OF FACT

1. Respondent Harold Armond Coon, Jr., is a certified general real estate appraiser and currently holds certification number TX-1327673-G.
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 any appraisal work conducted.
3. On August 7th, 2006, TALCB received a staff-initiated complaint against Respondent from Margarita White, the Manager of TALCB's Licensing Division, in accordance with TEX. OCC. CODE § 1103.451. The complaint was based upon information received by Mark F. Robinson, an employee in Greenpoint Mortgage's National Commercial Appraisal Department. The complaint alleged that Respondent had intentionally altered his expired certification issued by TALCB and fraudulently submitted it to Greenpoint Mortgage in an effort to secure employment from that company even though he knew he was not certified by TALCB at that time.
5. On or about August 16th, 2006, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. § 2001 et. seq., notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.
6. The Enforcement Division concluded that the Respondent has violated the Act and the Rules of the Board by engaging in the following acts or omissions:
 - a. Respondent purposefully altered an expired TALCB certification and fraudulently submitted it to Greenpoint Mortgage in an effort to secure

employment from that company even though he knew he was not certified by TALCB at that time.

7. The Enforcement Division concluded that the Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(17), 153.20(a)(18), 153.20(a)(20) and TEX. OCC. CODE § 1103.401.

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 §§ 1103.451-1103.5535 (Vernon 2005).
2. By purposefully altering an expired TALCB certification and fraudulently submitting it to Greenpoint Mortgage in an effort to secure employment from that company even though he knew he was not certified by TALCB at that time, Respondent has violated 22 TEX. ADMIN. CODE §§ 153.20(a)(17), 153.20(a)(18), 153.20(a)(20) and TEX. OCC. CODE § 1103.401.

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

- a. Have his certification suspended for 3 years, the first 3 months of this suspension shall be a full suspension without probation and the remaining 2 years and 9 months of the suspension shall be probated under the conditions that:
 - i. Respondent shall not sponsor any appraiser trainees nor act as an authorized supervisor for any appraiser trainees during this entire 3 year period of suspension;
 - ii. Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every four months and shall detail all real estate appraisal activities he has conducted during the previous four month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate.
- b. Pay to the Board an Administrative Penalty of \$1,500.00, which shall be made in twelve equal, monthly installments with the first payment due on Friday, February 16th, 2007 and the remaining payments due on the same date of each subsequent month. Timely payment of all installments shall be a condition of Respondent's probation;
- c. Attend and complete a minimum, 15 classroom-hour course in USPAP;

- d. Comply with all 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 completed according to the terms of this Agreed Final Order. Failure to timely pay any installment payment of the administrative penalty within the time allotted shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of Respondent's certification pursuant to notice to Respondent from the Board indicating that Respondent has not paid the administrative penalty.

Failure to timely submit the required appraisal experience log on a form prescribed by the Board shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of Respondent's certification pursuant to notice to Respondent from the Board indicating that Respondent has not paid the administrative penalty.

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. 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.

Failure to complete the education required by this Agreed Final Order within the time allotted shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of the Respondent's license pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the educational 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 is suspended on such a basis, the suspension shall remain in effect for the remainder of Respondent's three year suspension period.

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 Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 27th day of JANUARY, 2007 *Har*

Harold Armond Coon, Jr.
HAROLD ARMOND COON, JR.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 27th day of Jan, 2006, by HAROLD ARMOND COON, JR., to certify which, witness my hand and official seal.

Han Nguyen
Notary Public Signature

HAN NGUYEN
Notary Public's Printed Name



Signed by the Commissioner this 5th day of February, 2007

Wayne Thorburn
Wayne Thorburn, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 9 day of FEBRUARY, 2007.

Shirley Ward
Shirley Ward, Chairperson
Texas Appraiser Licensing and Certification Board