

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ALAN SCOTT HANEY
TX-1336342-T

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DOCKETED COMPLAINT NO.
09-268

AGREED FINAL ORDER

On this the 20 day of May, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the authorization of Alan Scott Haney (Respondent).

In order to conclude this matter Alan Scott Haney 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, Alan Scott Haney, is an authorized real estate appraiser trainee who currently holds and held authorization number TX-1336342-T during all times material to the above-noted complaint case.
2. Respondent appraised 17330 Bishopsgate Drive, Pflugerville, Texas (the "Bishopsgate property") on or about November 24th, 2008.
3. Respondent appraised 813 Vanguard Street, Lakeway, Texas 78734 (the "Vanguard property") on or about November 16th, 2006.
4. Respondent appraised 2311 Windsong Trail, Round Rock, Texas 78669 (the "Windsong property") on or about May 31st, 2008.
5. Thereafter, a staff-initiated complaint relating to each of these real estate appraisal reports was filed with the Board. The complaint alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP") and not completed properly.
6. After receipt of the complaint, 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 complaints. Respondent's response to the complaint was received.

7. 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 Bishopsgate property:

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) description adequately;
- 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 market area trends;
- d) Respondent failed to provide a brief summary of his rationale for his determination of the Bishopsgate property's highest and best use;
- e) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in his cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;
- g) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach;
- h) Respondent failed to provide a brief summary of his supporting rationale and basis for his exclusion of the income approach;
- i) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
- j) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.

8. 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 Vanguard property:

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) description adequately;

- 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 market area trends;
- d) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in his cost approach;
- e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;
- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach;
- g) Respondent failed to provide a brief summary of his supporting rationale and basis for the exclusion of the income approach;
- h) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
- i) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.

9. 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 Windsong property

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) description adequately;
- 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 market area trends;
- d) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in his cost approach;
- e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;

- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach;
- g) Respondent failed to provide a brief summary of his supporting rationale and basis for the exclusion of the income approach;
- h) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches;
- i) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.

5. Respondent omitted material facts and made material misrepresentations in the appraisal report for the property as detailed above.

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 (conduct and record-keeping); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); 2-1(a) and 2-1(b).

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. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- c. Attend and complete a minimum, 15 classroom-hour course in the Residential Case Studies;
- d. Pay to the Board an administrative penalty of \$250.00;

- i. The \$250.00 administrative penalty shall be fully probated under the condition that the Respondent submit a two-page, signed, dated report for each of the above-noted courses, outlining concepts he learned and how he will apply them to his practice in the future to avoid further deficiencies in his work product;
- e. 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.

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 authorization. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

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

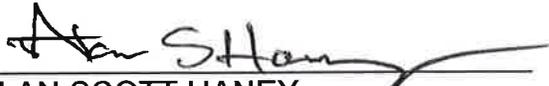
ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

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 certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which she has defaulted on and provides adequate documentation of same to the Board.

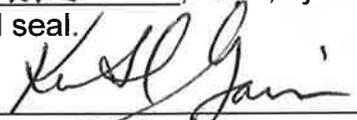
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published 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 27 day of April, 2011.


ALAN SCOTT HANEY

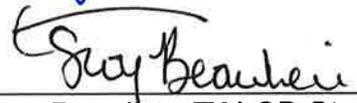
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 27th day of APRIL, 2011, by ALAN SCOTT HANEY, to certify which, witness my hand and official seal.


Notary Public Signature

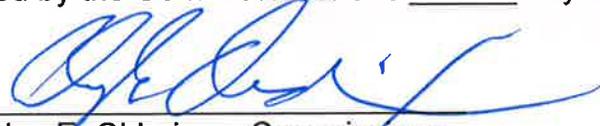
Kenneth C. Gauvin
Notary Public, Rhode Island
My Commission Expires May 3, 2014
ID# 751652

KENNETH C. GAUVIN
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 19th day of May, 2011.


Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 20th day of May, 2011.


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

Approved by the Board and Signed this 20th day of May, 2011.


Luis De La Garza, Chairperson
Texas Appraiser Licensing and Certification Board