

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

RAYMOND C. HARRISON
TX-1324528-G

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DOCKETED COMPLAINT NO. 13-328

AGREED FINAL ORDER

On the 9 day of May, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of RAYMOND C. HARRISON (the "Respondent").

In order to conclude this matter, Respondent 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.

FINDINGS OF FACT

1. Respondent is a Texas state certified general real estate appraiser who holds certification number TX-1324528-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised 905 acres of real property situated on five tracts of land in northeast Wharton County, Texas (the "property") on or about March 5th, 2009 with an effective date of value of December 31st, 2008.
3. A complaint was filed with the Board by Charles Smaistrila, an attorney and member of a partnership (SWK Land Company) which owned the property.
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board which was received.
5. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.
6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to the Uniform Standards of Professional Appraisal Practice ("USPAP"):

- a. USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(v)(ii) – Respondent failed to perform the scope of work necessary to develop credible assignment results and disclose that scope of work in the report;
- b. USPAP Standard 2-2(b) – Respondent has failed to identify the reporting option he used in documenting his appraisal;
- c. USPAP Standard 1-2(c) – Respondent failed to develop an opinion of reasonable exposure time linked to the value opinion he produced;
- d. USPAP Standard 1-2(a) & 2-2(b)(i) – Respondent failed to identify the client and other intended users of his appraisal;
- e. USPAP Standard 1-2(b) & 2-2(b)(ii) – Respondent failed to identify the intended use of his opinions and conclusions;
- f. USPAP Standard 1-2(c) & 2-2(b)(v) – Respondent failed to provide his source for his definition of value;
- g. USPAP Standard 1-2(e)(ii) & 2-2(b)(iv) – Respondent failed to identify the real property interest to be appraised correctly because he indicates it was fee simple when the owner actually only owned a 50% undivided interest in the S-Curve farm;
- h. USPAP Standard 1-1(a) & 1-4(b); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(viii) & 2-2(b)(viii) – Respondent failed to employ recognized methods and techniques in his cost approach and did not provide any supporting documentation or his supporting rationale for his determine of the cost new of the improvements and depreciation he used in his appraisal;
- i. USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- j. USPAP Standards 1-1(a), 1-1(b), 1-1(c); and, 2-1(a) – For the reasons detailed above, Respondent produced an appraisal for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal that was not credible or reliable; and,
- k. USPAP Standard 2-3 & 2-2(b)(xi) – Respondent failed to include a complete certification as required by USPAP.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent made omissions of material facts as prohibited by 22 TEX. ADMIN. CODE § 153.20(a)(12).
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

ORDER

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

1. **EDUCATION.** On or before May 8th, 2015, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for certification. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
 - A. A minimum 15 classroom hour course in USPAP.
2. **MENTORSHIP.** On or before November 8th, 2014, Respondent shall complete 8 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor on or before the due date listed for the mentorship requirement. Respondent shall also submit a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees form on or before the due date listed for the mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 8 hours of mentorship shall include:
 - A. 4 hours of mentorship in the cost approach;

- B. 4 hours of mentorship in sales comparison approach;
3. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
4. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

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, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, 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.

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the Texas Appraiser Licensing and Certification Board. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

Respondent shall send all documents and payments necessary for compliance by: (1) email to compliance.talcb@talcb.texas.gov, (2) fax to (512) 936-3966, attn: Compliance, or (3) certified mail return receipt requested to Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I

NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.

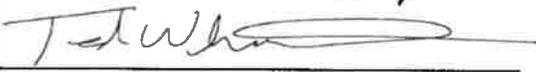
I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE AND I AM AWARE OF MY RIGHT TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING. I AM AWARE OF MY RIGHT TO A HEARING, AND HEREBY WAIVE A HEARING AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER, INCLUDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER (E.G. PAYMENT OF A PENALTY, COMPLETION OF REMEDIAL EDUCATION, OR FAILURE TO PROVIDE LOGS).

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

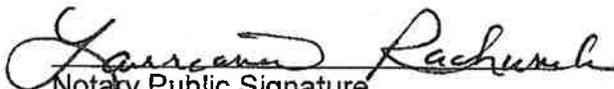
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 4 day of April, 2014.


RAYMOND C. HARRISON


TED WHITMER, ATTORNEY FOR
RAYMOND C. HARRISON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 4 day of April, 2014, by RAYMOND C. HARRISON, to certify which, witness my hand and official seal.


Notary Public Signature

Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 8TH day of APRIL, 2014.



Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 9 day of May, 2014.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 9 day of May, 2014.



Jamie S. Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board