

TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO. 06-041

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JAMES NEAL HUCKABY
TX-1326288-R

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AGREED FINAL ORDER

On this the 20th day of February, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of James Neal Huckaby (Respondent).

In this proceeding, the Board has alleged the following findings:

1. Respondent James Neal Huckaby is a Texas state certified residential real estate appraiser, holds license number TX-1326288-R, and has been certified by the Board during all times material to the above-noted complaint case.
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 October 24th, 2005, Respondent appraised real property located at 146 Waikakaaua Drive, Bastrop, Texas 78602 ("the property").
4. On or about December 21st, 2005, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint against Respondent with the Board. The complaint was based upon information submitted by Peter G. Kopperman, Vice President, Single-Family Mortgage Business at Fannie Mae. The complaint alleged that the Respondent produced an appraisal report for the property that contained various violations of the Uniform Standards of Professional Appraisal Practice.
5. On or about December 28th, 2005 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.
6. 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 review of the appraisal report for the property:

(a) Respondent's appraisal report for the property 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, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provision); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-5(a) & 2-2(b)(ix); 1-5(c) & 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); 2-1(a); & 2-1(b).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

Respondent strongly denies each of the Board's allegations. However, solely to avoid the expense and uncertainty of litigation, Respondent enters into this Agreed Order.

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

a. Shall have his certification suspended for 24 months with this suspension being fully probated under the following conditions:

- i. During the entire twenty-four month suspension Respondent shall submit an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three 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;
- ii. Respondent shall timely complete all of the remedial coursework required in this Order;

b. Attend and complete a minimum, 15 classroom-hour course in USPAP;

c. 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 **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 certification.

Failure to timely 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 as provided for by TEX. OCC. CODE § 1103.518, including, but not limited to, revocation of the above-noted probation.

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 16 day of February, 2009.

[Handwritten Signature]

JAMES NEAL HUCKABY

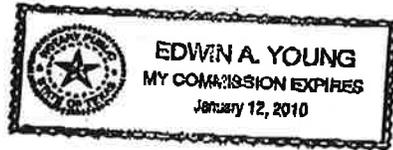
[Handwritten Signature]

DON WALDEN, ATTORNEY FOR RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 16th day of February, 2009, by JAMES NEAL HUCKABY, to certify which, witness my hand and official seal.

[Handwritten Signature]
Notary Public Signature

Edwin A. Young
Notary Public's Printed Name

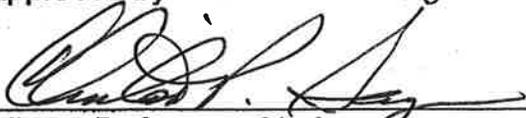


Signed by the Commissioner this 20th day of February, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20th day of February, 2009.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board