

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
14-045

JAMES NEAL HUCKABY
UNLICENSED

AGREED FINAL ORDER

On the 20 day of Feb, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the unlicensed activity of James Neal Huckaby (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. Respondent agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.451(d).

FINDINGS OF FACT

1. Respondent was previously a Texas state certified residential real estate appraiser who held certification number TX-1326288-R until his certification was permanently revoked by the Board on January 13th, 2012.
2. Respondent appraised residential real property located at 230 Canyon Road, Georgetown, Texas 78628, on or about August 20th, 2013. Respondent also appraised at least 4 additional pieces of residential real property on or after January 13th, 2012.
3. The complaint, numbered 14-045, was staff-initiated with the Board by Mark J. Mrnak, on or about October 15th, 2013. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about October 16th, 2013. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about January 27th, 2014.

5. As a result of the Board's investigation, Respondent violated TEX. OCC. CODE § 1103.201 by engaging in real estate appraisal activity on at least 5 separate occasions even though Respondent did not hold any credential as a real estate appraiser in Texas during that time or otherwise have the legal authority to conduct the appraisals of the properties.

6. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.451(d). In accordance with TEX. OCC. CODE § 1103.101(b), the Board delegates to the Commissioner authority to approve this order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated TEX. OCC. CODE § 1103.201.
3. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.451(d).

ORDER

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

1. **ADMINISTRATIVE PENALTY.** On or before March 12th, 2015, Respondent shall pay to the Board an administrative penalty of two thousand dollars (\$2,000.00), by cashier's check or money order.
2. Respondent agrees that he will not prepare appraisals as defined in TEX. OCC. CODE § 1103.003(1) without being properly licensed under Chapter 1103, TEX. OCC. CODE.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order.

ACKNOWLEDGMENT AND WAIVER

If Respondent fails to timely comply with any terms in this Agreed Final Order, which has a specific, stated due date, the sole remedy shall be that Respondent shall be assessed an additional \$1,000 administrative penalty.

Any such administrative penalty shall be effective without the need for a hearing or other administrative due process under the Act or the APA, 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 website.

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 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).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

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" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

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.

State of Texas County of Travis

This instrument was acknowledged before me on the 10 day of November, 2014 by JAMES NEAL HUCKABY

Vittoria Motiler
Notary Public

EXECUTION

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.

RESPONDENT

Signed this 10 day of November, 2014

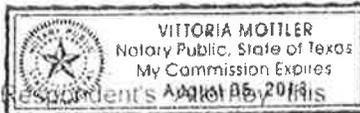
JAMES NEAL HUCKABY
JAMES NEAL HUCKABY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 10 day of November, 2014, by JAMES NEAL HUCKABY, to certify which witness my hand and official seal

Vittoria Motiler
Notary Public's Signature

Vittoria Motiler
Notary Public's Printed Name

RESPONDENT'S ATTORNEY



Signed and approved as to form by Respondent's Attorney Anthony Read 19th day of November, 2014

Anthony Read
ANTHONY READ, RESPONDENT'S ATTORNEY
THE GAMMON LAW OFFICE, PLLC

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 3rd day of MARCH, 2015.



Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Approved and signed by the Commissioner this 4th day of March, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board