

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

RICHARD THOMAS JONES  
TX-1331973-R

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DOCKETED COMPLAINT NO.  
11-419

**AGREED FINAL ORDER**

On the 17<sup>th</sup> day of May, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Richard Thomas Jones (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Alleged Facts and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

**FACTUAL ALLEGATIONS**

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number, TX-1331973-R, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 4149 Honor Drive, Frisco, Collin, County, Texas ("the property").
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced appraisal report for the property that did not conform to 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. 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.
5. 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 property:
  - a) USPAP Scope of Work Rule – Respondent failed to properly identify the problem to be solved and determine and perform the scope of work necessary to develop credible assignment results and disclose the Scope of Work in the report;
  - b) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report improvements description;

- c) USPAP Standards 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to provide adequate zoning information;
  - d) USPAP Standards 1-3(b) and 2-2(b)(ix) – Respondent failed to provide his supporting rationale for his highest and best use determination;
  - e) USPAP Standards 1-4(b)(i) and 2-2(b)(viii) – Respondent failed to use an appropriate method or technique to develop a site value determination and did not provide supporting documentation, analysis or data for his determination;
  - f) USPAP Standards 1-4(b)(ii) and 2-2(b)(viii); 1-4(b)(iii) and 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations and failed to employ recognized methods and techniques in his cost approach;
  - g) USPAP Standards 1-4(a) and 2-2(b)(viii); 1-1(a) and 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in his sales comparison approach;
  - h) USPAP Standards 1-5(b) and 2-2(b)(viii) – Respondent failed to analyze all sales of the subject property within three years prior to the effective date of the appraisal;
  - i) USPAP Standards 1-6(a) & (b) and 2-2(b)(viii) – 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) USPAP Standards 1-1(a), 1-1(b), 1-1(c) 2-1(a) and 2-1(b)– For the reasons detailed above, Respondent was careless and negligent and produced a misleading appraisal report for the property that contained several substantial errors of omission or commission by choosing not to employ correct methods and techniques. This resulted in an appraisal report that was not credible or reliable.
6. Respondent omitted material facts and made material misrepresentations as described in more detail above.

7. The parties enter into this consent order (“Order”) in accordance with TEX. OCC. CODE § 1103.458.

### **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 has voluntarily waived a formal hearing on these allegations and further voluntarily waives future judicial review of this Order. Respondent neither admits nor denies the Factual Allegations outlined above, but voluntarily agrees to this Order in light of

the allegations that 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)(3).

3. 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** that Respondent shall:

1. **EDUCATION.** On or before November 17<sup>th</sup>, 2013, 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 licensure. 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 7 classroom-hour course in Sales Comparison Approach
    - a. No examination is required; and
  - B. A minimum 7 classroom-hour course in Residential Report Writing;
    - a. No examination is required.
2. **MENTORSHIP.** On or before August 17<sup>th</sup>, 2013, Respondent shall complete 8 hours of in-person mentorship conducted by a certified USPAP instructor approved by Board staff 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 dealing with sales comparison data analysis, including selection of comparable sales and analysis, methods and techniques related to adjustments;

- B. 2 hours dealing with the cost approach; and,
  - C. 2 hour dealing with analysis, and reconciliation of a property's prior sales and listing history;
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.

**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](mailto: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**

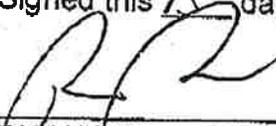
NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.

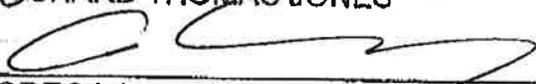
I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE. I AM AWARE OF MY RIGHT TO A HEARING, AND HEREBY WAIVE A HEARING AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER, INCLUDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK 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.

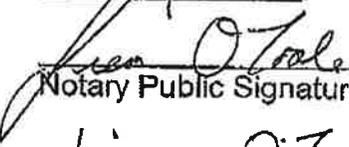
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 13 day of May, 2013.

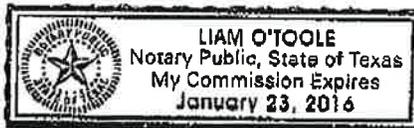
  
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RICHARD THOMAS JONES

  
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GREG LOWRY, ATTORNEY FOR  
RICHARD THOMAS JONES

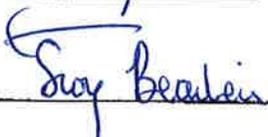
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 13 day of May, 2013, by , to certify which, witness my hand and official seal.

  
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Notary Public Signature

Liam O'Toole  
\_\_\_\_\_  
Notary Public's Printed Name

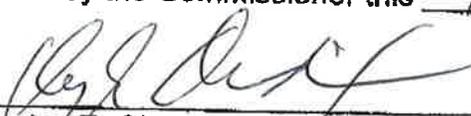


Signed by the Standards and Enforcement Services Division this 16<sup>th</sup> day of MAY, 2013.

  
\_\_\_\_\_  
Stacy Bearden

Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 17 day of May, 2013.

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

Approved by the Board and Signed this 17 day of May, 2013.

  
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Walker R. Beard, Chairperson  
Texas Appraiser Licensing and Certification Board