

TEXAS APPRAISER LICENSING §  
AND CERTIFICATION BOARD

vs.

DONALD QUINTIN LAIL  
TX- 1320942-R

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DOCKETED COMPLAINT NO.  
10-028

**AGREED FINAL ORDER**

On this the 12 day of Feb, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Donald Quintin Lail (Respondent).

In order to conclude this matter Donald Quintin Lail 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 Donald Quintin Lail is a Texas state certified residential real estate appraiser, holds certification number TX- 1320942-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised 1010 Cedar Springs Drive, Prosper, Texas ("the Cedar property") on or about March 2<sup>nd</sup>, 2006.
3. Respondent appraised 1340 Millers Creek, Prosper, Texas ("the 1340 Millers property") on or about January 13<sup>th</sup>, 2006.
4. Respondent appraised 1430 Millers Creek, Prosper, Texas ("the 1430 Millers property") on or about December 20<sup>th</sup>, 2005.
5. Respondent appraised 1240 Amistad, Prosper, Texas ("the Amistad property") on or about December 28<sup>th</sup>, 2005.
6. Thereafter a complaint relating to each of these real estate appraisal reports was filed with the Board. The complaint alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") in his completion of these reports.
7. 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 complaint. Respondent's response was received.

8. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.
9. In order to resolve this matter without incurring the time and expense of litigation, Respondent consents to the terms of this Agreed Final Order.

## **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. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

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

- a. Have his certification suspended for 12 months. During the first six months of this period, his certification shall be fully suspended and during the remaining six months the suspension shall be fully probated under the condition that Respondent fully and timely comply with the terms and conditions of this agreed final order;
  - i. During the 6 months in which the suspension is probated, Respondent shall submit on a form prescribed by the Board, 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 Donald Quintin Lail and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Donald Quintin Lail shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during this time period within twenty days of notice of any such request;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Pay to the Board an administrative penalty of \$3,000.00; and,
- d. 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 certification.

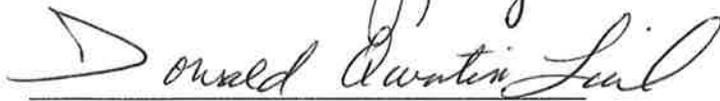
Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to 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.

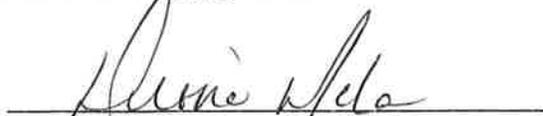
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published 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 15<sup>th</sup> day of January, 2010.

  
DONALD QUINTIN LAIL.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15<sup>th</sup> day of January, 2010, by DONALD QUINTIN LAIL, to certify which, witness my hand and official seal.

  
Notary Public Signature

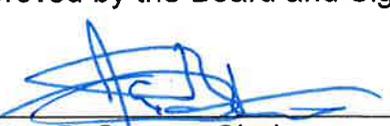
Diona McLain  
Notary Public's Printed Name



Signed by the Commissioner this 12 day of Feb, 2010.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12 day of Feb, 2010.

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