

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO. 08-206

JONATHAN H. MAYERS  
TX-1333819-L

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**AGREED FINAL ORDER**

On this the 20<sup>th</sup> day of February, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Jonathan H. Mayers, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Jonathan H. Mayers 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 Jonathan H. Mayers, is a state licensed real estate appraiser, holds license number TX-1333819-L, and has been licensed by the Board during all times material to this complaint

2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.

3. On or about October 15<sup>th</sup>, 2007, the Respondent appraised real property located at 132 Lowe Drive, Mabank, TX 75156-8926.

4. On or about June 19<sup>th</sup>, 2008, the Complainant, Mr. Mark Liley, an employee of Flagstar Bank, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.

5. On or about June 20<sup>th</sup>, 2008, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response 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 appraisal report for the property:

- a) Respondent failed to identify and report the site description adequately by not addressing the property's zoning correctly and has not identified and reported the improvement(s) description adequately;
- b) Respondent failed to provide a brief summary of his rationale and basis for his determination of the property's highest and best use;
- c) Respondent failed to collect, verify, analyze and reconcile the cost of new improvements, failed to provide any supporting data, rationale or reasoning for his determination of the property's site value, and failed to employ recognized methods and techniques in his cost approach;
- d) Respondent failed to collect, verify, analyze, and reconcile comparable sales data adequately and generally did not employ recognized methods and techniques in his sales comparison approach;
- e) Respondent failed to analyze and discuss the prior sales history of the property;
- f) Respondent's review report contains substantial errors of commission or omission as detailed above which resulted in a misleading review appraisal report.

7. Respondent omitted material facts as detailed above.

#### **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 §§ 1103.451B-1103.5535 (Vernon 2007).

2. Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) 1-5(b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

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

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach Course;
- c. Attend and complete a minimum, 7-hour Manufactured Housing Course; and,
- d. 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 licensure.

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.

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

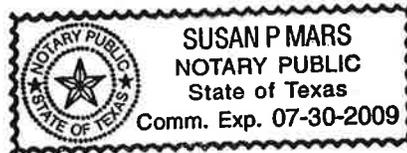
delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this Feb day of 6, 2009.

[Signature]  
JONATHAN H. MAYERS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 6<sup>th</sup> day of February, 2009, by JONATHAN H. MAYERS, to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature



Susan P Mars  
Notary Public's Printed Name

Signed by the Commissioner this 20<sup>th</sup> day of February, 2009.

[Signature]  
Loretta DeHay, Interim Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20<sup>th</sup> day of February, 2009.

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

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**FINAL ORDER**

On this 12 day of Feb, 2010, the Board considered the above-noted matter, in which an Agreed Final Order was previously entered by the Board.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of Respondent's request for modification of the previously entered Agreed Final Order, attached as Exhibit A hereto, now enters this Final Order modifying the previously entered Agreed Final Order.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that Jonathan H. Mayers is granted an extension of 210 31 MAY 10 days to satisfy the remedial education requirements contained in the Agreed Final Order.

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

James B. Ratliff