

TEXAS APPRAISER LICENSING §  
AND CERTIFICATION BOARD

vs.

JOSH STEVEN PALMER  
TX-1335841-L

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DOCKETED COMPLAINT NO. 09-210

**AGREED FINAL ORDER**

On this the 13 day of JAN, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Josh Steven Palmer, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Josh Steven Palmer 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 Josh Steven Palmer is a state licensed real estate appraiser 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. Respondent appraised real property located at 7118 Meadow Road, Dallas, Texas ("the property") on or about October 5<sup>th</sup>, 2007.

4. On or about May 22, 2009, the Texas Department of Insurance referred this matter to TALCB. Thereafter, TALCB issued a staff initiated complaint based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

5. 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 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 appraisal report for the property:

- a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the improvements description adequately;
- c) Respondent failed to report and analyze the property's zoning classification correctly;
- d) Respondent failed to provide a brief summary of his basis and rationale for his opinion of the highest and best use and provided no support for his neighborhood conclusions, nor any explanatory rationale for them;
- e) Respondent failed to explain and support the exclusion of the cost approach, failed to use an appropriate method or technique to develop a determination of site value, and did not employ recognized methods and techniques in his cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach;
- g) Respondent failed to disclose, analyze and reconcile the property's listing history as of the effective date of his appraisal;
- h) Respondent failed to disclose, analyze and reconcile several prior sales of the property within the 3 years prior to the effective date of his appraisal;
- i) 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) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

7. Respondent omitted material facts and made material misrepresentations in the appraisal report for the property as detailed above.

8. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

## 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 § 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record-keeping provisions); USPAP Standards Rules: 2-2(vi), 1-2(e)(i) & 2-2(iii), 1-2(e)(iv) & 2-2(viii), 1-3(a), 1-3(b) & 2-2(ix), 1-4(b)(i), 1-4(b)(ii), 1-1(a) & 1-4(b), 1-4(a), 1-5(a), 1-5(b), 1-6(a) & (b), 1-1(b), 1-1(c), and 2-1(a).

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

4. 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 the Respondent shall:

- a. Have his license suspended with that suspension being fully probated for a period of two (2) years, under the following conditions:
  - i. During the probated, two (2) year suspension period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and 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 the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments she performs during the course of this period of probation within the twenty days of notice of any such request;
  - ii. Within 6 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours;
  - iii. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order;

- b. Attend and complete a minimum, 7 classroom-hour course in Staying out of Trouble;
  - i. No examination is required for this course;
- c. Attend and complete a minimum, 15 classroom-hour course in Cost Approach;
- 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 licensure or certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's license and imposition of the remaining portion of 2 year suspension period, pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**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 shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect for the remainder of the 2 year suspension period.

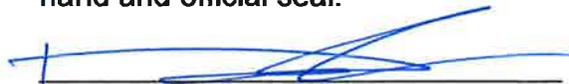
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published 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 1<sup>st</sup> day of December, 2011.

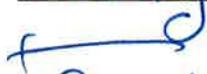
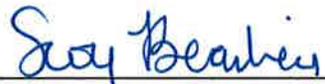
  
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JOSH STEVEN PALMER

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 1<sup>st</sup> day of December, 2011, by JOSH STEVEN PALMER, to certify which, witness my hand and official seal.

  
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Notary Public Signature

  
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Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 12<sup>th</sup> day of JANUARY, 2012.

  
  
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Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 13 day of JAN, 2012.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 13 day of JAN, 2012.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board