TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD	§	
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	§	
vs.	§	DOCKETED COMPLAINT NO. 07-087
	§	
	§	
MILTON DAN ADKISSON TX-1325412-R	§	
	§	

AGREED FINAL ORDER

On this the 20th day of February, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Milton Dan Adkisson (Respondent).

In order to conclude this matter, Milton Dan Adkisson 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 Milton Dan Adkisson is a Texas state certified residential real estate appraiser, holds certification number TX-1325412-R, and has been certified by the Board during all times material to the above-noted complaint case.

2. On or about June 9th, 2006, Respondent appraised real property located at: 18110 Westlock Ct., Tomball, Texas 77377 ("the property").

3. On or about March 8th, 2007, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board. The complaint was based on a referral from Fannie Mae and alleged that the appraisal report on the property had violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").

4. On or about March 23rd, 2007, 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 to the complaint was received.

5. Respondent violated TEX. OCC. CODE § 1103.405 and 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 provide a brief summary of his rationale for his determination of the property's highest and best use;

b) Respondent failed to identify, report and analyze the improvement(s) correctly by erroneously reporting the gross living area of the property and not addressing functional utility issues related to the converted garage;

c) Respondent failed to identify, report and analyze the site because he failed to report and analyze the impact of a 9.36 acre vacant commercial site adjacent to the property he was appraising;

d) Respondent failed to report the source of his market value definition;

e) Respondent failed to collect, verify, analyze and reconcile the comparable sales data adequately and did not use recognized methods and techniques in his sales comparison approach by not selecting the most appropriate and available comparable sales (particularly with respect to gross living area). Respondent also failed to report the prior sales of the comparable sales used and failed to address functional utility issues related to the converted garage, which he improperly counted as part of the property's overall gross living area; and,

f) For the reasons detailed above, Respondent committed substantial errors of omission or commission that were the result of carelessness or negligence and led to the production of an unreliable appraisal report.

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. 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 Standards Rules: 1-3(b) & 2-2(b)(ix); 2-2(b)(v); 1-2(e)(i) & 2-2(b)(iii); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(b); and, 1-1(c).

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 Residential Case Studies;

c. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;

d. Pay to the Board an administrative penalty of $500.00;

e. 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 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.

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 7 day of January, 2009.

MILTON DAN ADKISSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 7th day of January, 2009, by MILTON DAN ADKISSON, to certify which, witness my hand and official seal.

Sharron D. Felts
Notary Public Signature

SHARRON D FELTS
Notary Public, State of Texas
My Commission Expires 12-05-2011

Notary Public's Printed Name

Signed by the Commissioner this 20th day of February, 2009.

Loretta DeHay

_____, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20th day of February, 2009.

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