

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

WILLIS RAY ALLEN
TX-1323841-R

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COMPLAINT NO. 11-338

AGREED FINAL ORDER

On the ^{18th} ~~27th~~ day of ^{May} ~~April~~ 2012, the Texas Appraiser Licensing and Certification Board (the "Board") considered the matter of the *Texas Appraiser Licensing and Certification Board vs. Willis Ray Allen*, Complaint No. 11-338, concerning the real estate appraisal certification of Mr. Willis Ray Allen, (the "Respondent"). The Board now makes the following findings of fact and conclusions of law and enters the Agreed Final Order (the "Order").

In order to conclude this matter, the Respondent 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 the Order. The Board makes the following findings of fact and conclusions of law and enters the Order in accordance with Texas Occupations Code Section 1103.458:

FINDINGS OF FACT

1. Respondent is a State of Texas certified residential real estate appraiser and has been certified 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, Texas Occupations Code Chapter 1103 (the "Act"), the rules of the Board, 22 Texas Administrative Code Sections 153, 155, and 157 (the "Rules"), and the Uniform Standards of Professional Appraisal Practice ("USPAP"), in effect at the time of the appraisal.
3. On or about October 29, 2007, Respondent appraised real property located at 1906 Sutton Place Trail, Harker Heights, Bell County, Texas (the "Property").
4. On or about November 1, 2007, Respondent documented the appraisal of the Property in the form of a Uniform Residential Appraisal Report dated November 1, 2007 (the "Appraisal Report").
5. On or about May 18, 2011, a complaint was filed with the Board based on allegations the Respondent produced an appraisal report that did not comply with USPAP (the "Complaint").
6. On or about May 19, 2011, the Board, in accordance with the Administrative Procedure Act (the "APA"), Texas Government Code Annotated Chapter 2001, and the Act, 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 on June 24, 2011.

7. Respondent violated Texas Occupations Code Section 1103.405, 22 Texas Administrative Code Sections 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to the version of USPAP in effect at the time of the Appraisal Report:

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) descriptions adequately;
- c) Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature;
- d) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply & demand, physical adaptability of the real estate and market area trends;
- e) Respondent failed to provide support and a brief summary of his rationale in determining the property's highest and best use;
- f) Respondent failed to use an appropriate method or technique to develop an opinion of site value and did not collect, verify, analyze and reconcile the cost new of improvements, accrued depreciations, and comparable sales data;
- g) Respondent failed to employ recognized methods and techniques in his cost approach and sales comparison approach;
- h) Respondent failed to explain and support the exclusion of the income approach;
- i) Respondent failed to analyze all agreements of sale, options or listings of the subject current as of the effective date of the appraisal and did not reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches;
- j) Respondent's Appraisal Report contains substantial errors of commission or omission as detailed above which resulted in a misleading Appraisal Report for the Property.

8. Respondent omitted material facts and made material misrepresentations in the Appraisal Report of the Property, as detailed above.

9. The parties entered into the Order in accordance with Texas Occupations Code Section 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act. Tex. Occ. Code §§ 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by Texas Occupations Code Section 1103.405 and 22 Texas Administrative Code Sections 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (conduct and record keeping); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(viii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 2-2(b)(viii); 1-4(c)(i) & 2-2(b)(viii); 1-5(a) & 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); 2-1(a); and 2-1(b).

3. Respondent violated 22 Texas Administrative Code Section 153.20(a)(9) by making material misrepresentations and 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 Report Writing and Case Studies;
- b) Attend and complete a minimum, 15 classroom-hour course in Sales Comparison Approach;
- c) Attend and complete a minimum, 7 classroom-hour course in Staying out of Trouble;
- d) Re-take and pass the examination for residential certification; and
- e) Comply with all future provisions of the Act, the Rules and USPAP, or be subject to further disciplinary action.

ALL CLASSES AND RE-EXAMINATION FOR RESIDENTIAL CERTIFICATION required by this Agreed Final Order must be classes or examination approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order (i.e. on or before May 18th, 2013) and documentation of attendance and successful completion of the educational and re-examination 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, re-examination and any required mentorship to timely satisfy the terms of this agreement and is urged to do so well in advance of any compliance deadlines to ensure adequate time for completion of the courses and re-examination in the event of cancellation or rescheduling by the course provider, examination provider or mentor.*

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in IMMEDIATE REVOCATION of the Respondent's license or certification 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 REVOCATION 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 PROCEDURES ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such revocation by first class mail or e-mail to the last known address as provided to the Board.

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.

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 2nd day of MAY 2012.

Willis Ray Allen
WILLIS RAY ALLEN, RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 2nd day of May 2012, by WILLIS RAY ALLEN, RESPONDENT, to certify which, witness my hand and official seal.

Terry Moore
Notary Public Signature

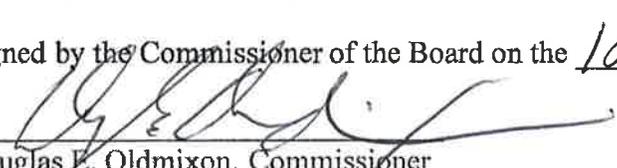
Terry Moore
Notary Public's Printed Name



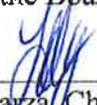
Signed by the Standards and Enforcement Services Division on the 30 day of April 2012.


Mark J. Mrnak, Director of Standards and Enforcement Services
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner of the Board on the 18 day of May 2012.


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

Approved by the Board and Signed on the ____ day of _____ 2012.


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