

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

KYLE BROOKS AMERSON
TX-1336799-R

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DOCKETED COMPLAINT NO.
09-002 & 09-003

AGREED FINAL ORDER

On this the 21st day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Kyle Brooks Amerson (Respondent).

In order to conclude this matter Kyle Brooks Amerson 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, Kyle Brooks Amerson, is a state certified residential real estate appraiser who currently holds and held certification number TX-1336799-R during all times material to the above-noted complaint cases.
2. Respondent appraised 12027 Yoakum Drive, Frisco, Texas ("the Yoakum property") on or about June 28th, 2007.
3. Respondent appraised 2758 Fountainview Blvd., Cedar Hill, Texas ("the Fountainview property") on or about November 3th, 2007.
4. Thereafter complaints relating to each of these real estate appraisal reports were filed with the Board. The complaints alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") in his completion of these reports.
5. After receipt of each 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 complaints. Respondent's responses were received.
6. The parties hereby enter into the consent order contained herein in accordance with TEX. OCC. CODE § 1103.458.

7. The parties have agreed that the Board shall not seek further action against Respondent for real estate appraisal reports or other real estate appraisal services performed by him on or before December 31, 2009, even if such reports or services relate to real property that is not referenced herein.
8. Without admitting any wrongdoing, and in order to resolve these matters without incurring the time and expense of litigation, Respondent consents to the revocation of his certification. Respondent and the Board agree that the findings of fact and conclusions of law set forth herein, and the Agreed Final Order itself, shall not be binding on Respondent or admissible in any judicial proceeding or civil lawsuit, except as may be necessary for enforcement of this Order by the Board itself or by Respondent himself.

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's certification shall be and is hereby **REVOKED**.

Notwithstanding anything contained in this Agreed Final Order, Respondent shall be entitled to: (a) apply for an appraiser trainee authorization at any time, and (b) apply for reinstatement as a state certified residential real estate appraiser on or after the first anniversary of the effective 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 ____ day of _____, 2010.

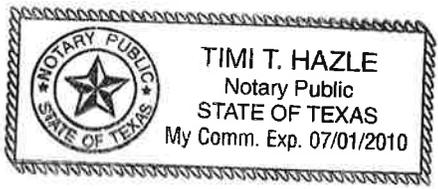
[Signature]
KYLE BROOKS AMERSON

[Signature]
PAUL JOHNSON, ATTORNEY FOR
RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 9th day of April, 2010, by KYLE BROOKS AMERSON, to certify which, witness my hand and official seal.

[Signature]
Notary Public Signature

Timi T. Hazle
Notary Public's Printed Name



Signed by the Commissioner this 21 day of May, 2010.

[Signature]
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of May, 2010.

[Signature]
~~Clinton P. Sayers, Chairperson~~ James B. Ratliff, Chair
Texas Appraiser Licensing and Certification Board