

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

V.

JAMES TIMOTHY ARCHIBALD  
TX-1323338-G

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DOCKETED COMPLAINT #05-027

### CONSENT AGREEMENT

On this, the 10<sup>th</sup> day of August, 2007, the Texas Appraiser Licensing and Certification Board ("the Board") considered the matter of the certification of James Timothy Archibald ("Respondent"). The Board having considered the complaint, the allegations resulting from the appraisal review, the response of James Timothy Archibald to the complaint and based on discussions at an informal conference conducted pursuant to Texas Occupations Code section 1103.457, the Board determines that a Consent Agreement should be entered predicated upon the following:

1. Respondent James Timothy Archibald is a state-certified general real estate appraiser, holds Certification Number TX-1323338-G and has been certified by the Board since July 16, 1992.
2. On or about June 18, 2003, the Respondent, for Mrs. Nancy K. Alanis, appraised 7,297 square feet of land improved with a 5,325-square-foot greenhouse located at 922 West Hildebrand Avenue, San Antonio, Texas ("Subject Property").
3. The Enforcement Division has reviewed Respondent's June 18, 2003 summary appraisal report and determined that Respondent's appraisal report violated the Act, the Rules of the Board and USPAP by the following acts or omissions:

a) USPAP Standards 1-3(b) & 2-2(b)(x) – The indicated highest and best use is not developed and is incorrectly identified. The subject's legally permissible use is not analyzed with sufficient information.

b) USPAP Standards 1-1(c), 2-1(a) & 2-1(b) – Respondent's report incorrectly calculated the value of the subject whole property before the taking which resulted in the final compensation being misstated.

4. Based on the above findings, the response of James Timothy Archibald, including the informal conference conducted on behalf of the Board, the Board orders that the Respondent:

- a) attend and complete a minimum 15-classroom-hour course in USPAP;
- b) attend and complete a minimum 15-classroom-hour course in highest and best use; and
- c) comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to disciplinary action.

All classes required by this Consent Agreement must be classes approved by the Board and must be completed within 12 months of the date of this Consent Agreement and documentation of attendance and successful completion of the educational requirements of this Consent Agreement shall be delivered to the Board on or before the end of the 12-month period indicated. None of the classes or seminars required by this Consent Agreement may be taken through correspondence courses. 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 complete the education required by this Consent Agreement within the time allotted shall result in immediate suspension of the Respondent's license pursuant to notice to the

Respondent from the Board indicating that the Respondent has not fulfilled the educational requirements of this Consent Agreement.

**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 until such time as Respondent takes and passes the required educational courses and provides adequate documentation of same to the Board.

Respondent denies that the allegations contained herein are correct; however, Respondent consents to the entry of this Consent Agreement to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Consent Agreement in a timely manner.

Respondent, by signing this Consent Agreement, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Consent Agreement. Information about this Consent Agreement is subject to public information requests and notice of this Consent Agreement will be published in the Board's newsletter and/or on the Board's website.

The date of this Consent Agreement 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 Consent Agreement by the Texas Appraiser Licensing and Certification Board vote.

SIGNED on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

*James Timothy Archibald*  
JAMES TIMOTHY ARCHIBALD  
Respondent

*Eddie Vassallo*  
EDDIE VASSALLO  
Attorney for Respondent

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on this  
8<sup>th</sup> day of March, 2007, by James Timothy Archibald, to certify  
which witness my hand and official seal.



*Chris Cornelius*  
NOTARY PUBLIC, STATE OF TEXAS

SIGNED by the Commissioner on the 5<sup>th</sup> day of July, 2007.

*Wayne Thorburn*  
WAYNE THORBURN  
Commissioner  
Texas Appraiser Licensing and Certification Board

APPROVED by the Board and signed this 18 day of  
August, 2007.

*Larry Kokel*  
LARRY KOKEL  
Chairperson  
Texas Appraiser Licensing and Certification Board