

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

PATRICIA JOANN BALL
TX-1323017-G

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DOCKETED COMPLAINT NO.
08-006

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 certification of Patricia Joann Ball (Respondent).

In order to conclude this matter Patricia Joann Ball 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, Patricia Joann Ball, is a state certified general real estate appraiser who currently holds and held certification number TX-1323017-G during all times material to the above-noted complaint cases.
2. Respondent appraised 522 Enchanted Oak Drive, La Verna, Texas ("the La Verna property") on or about September 20th, 2005; 641 Shady Oaks, Kyle, Texas ("the Kyle property") on or about May 16th, 2006; 212 Rosemary Loop, New Braunfels, Texas ("the New Braunfels property") on or about April 27th, 2006; 5106 Savannah Green, Von Ormy, Texas ("the Von Ormy property") on or about May 22nd, 2006; and, 414 Wright Drive, Bandera, Texas ("the Bandera property") on or about June 2nd, 2006 (collectively referred to as "the properties").
3. Thereafter, a complaint was filed by the United States Department of Housing and Urban Development with the Board based on allegations that the Respondent produced appraisal reports that contained violations of the Uniform Standards of Professional Appraisal Practice.
4. Thereafter, 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 committed the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the properties:
- a) Respondent failed to comply with the record-keeping provisions of the USPAP Ethics Rule and the did not comply with the Scope of Work Rule;
 - b) Respondent failed to identify and report the site description adequately;
 - c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
 - d) Respondent failed to provide her supporting rationale for her determination of the properties' highest and best use;
 - e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements, site value and comparable sales data adequately;
 - f) Respondent failed to employ recognized methods and techniques in the cost approach and sales comparison approach;
 - g) Respondent failed to analyze the agreements of sale, including the presence of seller concessions and its impact, if any, on the properties' values;
 - h) Respondent made misrepresentations in her appraisal reports for the properties' indicating that no significant professional assistance was provided by another individual and that she had conducted the inspections when she knew that was false and that Donna J. Lewis had actually provided significant professional assistance in preparing the appraisal and conducted the inspections;
 - i) Respondent's reports contain substantial errors of commission or omission as detailed above which resulted in misleading appraisal reports for the properties.
6. Respondent's reports for the properties contained false statements of material fact and omitted significant material information which she had a duty to disclose and analyze.

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 Ethics Rule (record keeping and conduct provisions); USPAP Scope of Work Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); 1-1(b); 2-1(a); and, 2-3, 2-2(b)(ix).
3. Respondent made material misrepresentations and omitted material facts in her appraisal reports for the properties.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have her certification revoked with the revocation fully probated so long as she complies with all terms and conditions of this agreed final order during an 18 month probationary period;
- b. During the first thirty days of this period, her certification shall be fully suspended and during this time period Respondent shall not engage in any real estate appraisal activities;
- c. During the entire 18 month probationary period, Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Patricia Joann Ball and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Patricia Joann Ball shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during this time period within twenty days of notice of any such request;
- d. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- e. Attend and complete a minimum 7 classroom-hour course in Staying Out of Trouble;
- f. 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;

g. Pay to the Board an administrative penalty of \$1,000.00; and,

h. 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. Respondent is urged to seek out course offerings well in advance of the deadlines provided by this agreed final order to ensure timely completion of the required courses.

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 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 PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such revocation by certified mail, return receipt requested, 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 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.

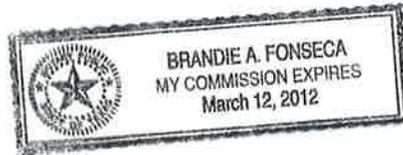
Signed this 28 day of December, 2011.

Patricia Joann Ball
PATRICIA JOANN BALL

Peter Nolan
PETER NOLAN, ATTORNEY FOR
RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 28th day of December, 2011, by PATRICIA JOANN BALL, to certify which, witness my hand and official seal.

Brandie A. Fonseca
Notary Public Signature



Brandie A. Fonseca
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 12th day of January, 2012.

Troy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 10 day of JAN, 2012.

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

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

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