

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

HENRY HANNA BRIGHAM
TX-1326752-G

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DOCKETED COMPLAINT NO.
08-026

AGREED FINAL ORDER

On this the 17th day of October, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Henry Hanna Brigham (Respondent).

In order to conclude this matter, Henry Hanna Brigham 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 Henry Hanna Brigham is a Texas state certified general real estate appraiser, holds certification number TX-1326752-G, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about September 23rd, 2007, Respondent appraised real property located at: 25215 Pedernales Canyon Trail, Spicewood, Texas 78669 ("the property").
3. On or about October 12th, 2007, the Complainant, Edward Fiveash, filed a complaint with the Board. The complaint alleged that Respondent's appraisal report for the property contained errors and omissions.
4. On or about October 22nd, 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, 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 identify and report the improvement(s) and site description adequately;

- b) Respondent failed to provide a brief summary of his determination of the property's highest and best use;
- c) Respondent failed to use an appropriate method or technique to develop an opinion of site value and did not employ recognized methods and techniques in his cost approach;
- d) By not using available sales that were the most similar to the property, Respondent failed to analyze and reconcile sales comparison data properly and generally did not employ recognized methods and techniques in his sales comparison approach;
- e) Respondent failed to indicate why he was not using the income approach;
- f) Respondent failed to analyze the entire agreement of sale for the property. Only the first page of the contract was contained in his work file;
- g) Respondent reported, but failed to analyze a prior sale of the property within the 3 years prior to the effective date of his report, nor did he reconcile this sale with his opinion of value;
- h) Respondent was negligent and did not produce a credible appraisal report due to the problems noted above; and,
- i) Respondent's report for the property contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

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, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(iii) & 2-2(b)(ix); 1-4(b)(i) & 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); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-1(b); 1-1(c); and, 2-1(a).

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 \$ 1,000.00, \$500 of which is hereby probated under the condition that Respondent timely satisfy all of the terms of this order and,
- 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.

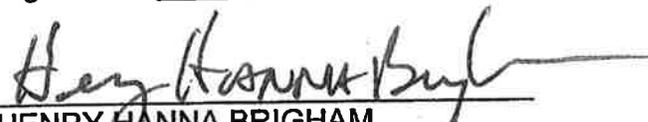
Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

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, including, but not limited to, imposition of the probated amount of the administrative penalty.

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 in the Board's newsletter and/or 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.

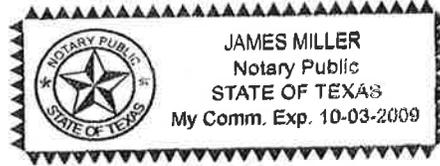
Signed this 8 day of October, 2008.


HENRY HANNA BRIGHAM

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 8 day of OCT, 2008, by HENRY HANNA BRIGHAM, to certify which, witness my hand and official seal.

[Signature]
Notary Public Signature

James Miller
Notary Public's Printed Name



Signed by the Commissioner this 17th day of OCTOBER, 2008.

[Signature]
Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 17th day of OCTOBER, 2008.

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