

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

JIMMIE LEE BURKETT  
TX-1321196-R

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DOCKETED COMPLAINT NO.  
08-148

### AGREED FINAL ORDER

On this the 15<sup>th</sup> day of AUGUST, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Jimmie Lee Burkett (Respondent).

In order to conclude this matter, Jimmie Lee Burkett 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 Jimmie Lee Burkett is a Texas state certified residential real estate appraiser, holds certification number TX-1321196-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about January 23<sup>rd</sup>, 2008, Respondent agreed appraised real property located at 1604 W. Belford, Dimmitt, Texas 79027 ("the property").
3. On or about March 19<sup>th</sup>, 2008, the Complainant, Johnny Stanford, filed a complaint with the Board. The complaint alleged that the appraisal report contained deficiencies.
4. On or about March 31<sup>st</sup>, 2008 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. The Enforcement Division has concluded that the Respondent violated 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 on the property:
  - a. Respondent failed to adhere to the record keeping provisions of the Ethics Rule;

- b. Respondent failed to adequately identify and report the site description and improvement(s) description;
- c. Respondent failed to provide a summary of his determination of the property's highest and best;
- d. Respondent failed to use an appropriate method or technique to develop site value;
- e. Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements;
- f. Respondent failed to collect, verify, analyze, and reconcile accrued depreciations;
- g. Respondent failed to employ recognized methods and techniques in his sales comparison approach;
- h. Respondent committed errors of omission or commission that impacted the appraisal report and resulted in a misleading appraisal report.

## **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's Record Keeping Provisions; USPAP Standards Rules: 1-2(e)(i) & 2-2(iii); 1-3(a) & 2-2(viii); 1-3(b) & 2-2(ix); 1-4(b)(i) & 2-2(viii); 1-4 (b)(ii) & 2-2(viii); 1-4(b)(iii) & 2-2 (viii); 1-1(a) & 1-4(b); 1-1(a) & 1-4(a); 1-1(b); 1-1(c); 2-1(a); and 2-1(b).

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 Report Writing; and
- c. Attend and complete a minimum, 15 classroom-hour course in Cost Approach; and

- d. 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.

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.

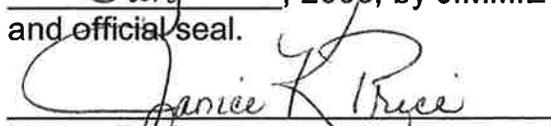
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published 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.

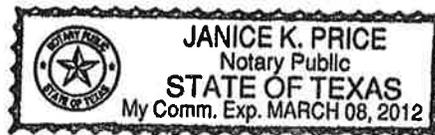
Signed this 21 day of July, 2008.

  
JIMMIE LEE BURKETT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 21st day of July, 2008, by JIMMIE LEE BURKETT, to certify which, witness my hand and official seal.

  
Notary Public Signature

Janice K. Price  
Notary Public's Printed Name



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Signed by the Commissioner this 15<sup>TH</sup> day of AUGUST, 2008.

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

Approved by the Board and Signed this 15<sup>TH</sup> day of AUGUST, 2008.

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