

AUG 20 2009

CASHIER'S SECTION  
OPERATOR 8

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

SALLY ANN DAVIS  
TX-1329596-R

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DOCKETED COMPLAINT NO.  
08-241

**AGREED FINAL ORDER**

On this the 21<sup>st</sup> day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Sally Ann Davis (Respondent).

In order to conclude this matter Sally Ann Davis 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 Sally Ann Davis is a Texas state certified residential real estate appraiser, holds certification number TX-1329596-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about June 30<sup>th</sup>, 2008, Respondent appraised real property located at 729 Big Horn Trail, Crowley, Tarrant County, Texas 76036 ("the property").
3. On or about August 26<sup>th</sup>, 2008, the Complainants, Tommy Osborne and Lori Leonard, filed a complaint with the Board, which was based on allegations that the Respondent had produced an appraisal report that contained various reporting errors.
4. On or about September 12<sup>th</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. 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 determine the scope of work necessary to develop credible assignment results because she did not address the property's mineral rights even though the property was located in an area impacted by barnett shale exploration;
- b) Respondent failed to consider and report the property's city zoning classification (SF 8.4);
- c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply & demand, and market area trends;
- d) Respondent failed to provide a brief summary of the supporting rationale or basis for her determination of the property's highest and best use;
- e) Respondent failed to adequately collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in her sales comparison approach; and. This was mainly due to a failure to analyze the impact of the barnett shale exploration on the sales occurring in the area;
- f) Respondent's report for the property contains substantial errors of 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 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(h) & 2-2(b)(vii); 1-2(e)(iv) & 2-2(b)(viii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a); 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; and
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- c. 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 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 on the Board's web site.

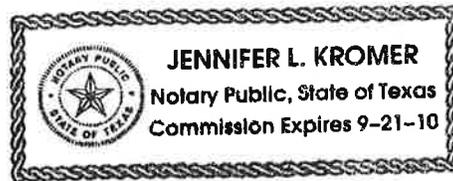
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 17 day of August, 2009.

Sally Ann Davis  
SALLY ANN DAVIS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 17 day of August, 2009, by SALLY ANN DAVIS, to certify which, witness my hand and official seal.

Jennifer L. Kromer  
Notary Public Signature



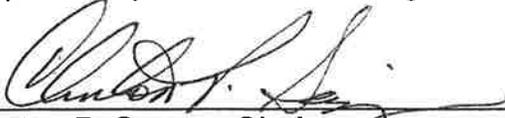
Jennifer Kromer  
Notary Public's Printed Name

Signed by the Commissioner this 21<sup>st</sup> day of August, 2009.

[Signature]

Loretta DeHay, Interim Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21<sup>st</sup> day of August, 2009.



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