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FEB 26 2009

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

THOMAS MATTHEW ECHOLS  
TX-1325330-R

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DOCKETED COMPLAINT NO.  
07-037

**AGREED FINAL ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Thomas Matthew Echols (Respondent).

In order to conclude this matter, Thomas Matthew Echols 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 Thomas Matthew Echols is a Texas state certified, residential real estate appraiser, who held and currently holds certification number TX-1325330-R, and was certified by the Board during all times material to the above-noted complaint case.
2. On or about August 23<sup>rd</sup>, 2006, Respondent appraised real property located at 15956 Tiny Circle, Malakoff, Texas 75148 ("the property").
3. On or about October 24<sup>th</sup>, 2006, the Complainant, Mickey Stevens, filed a complaint with the Board. The complaint alleged that the appraisal report contained various errors and deficiencies.
4. On or about November 14<sup>th</sup>, 2006 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) description adequately by combining the square footage of the garage apartment with the main living area and failing to disclose that this was a garage apartment. Respondent also failed to

comment and report on improvements and recent updates claimed to have been made to the property;

- b) Respondent failed to provide a brief summary of his supporting rationale for his determination of the property's highest and best use;
  - c) Respondent failed to support his determination of site value and failed to employ recognized methods and techniques in his site value analysis and failed to collect, verify, analyze and reconcile accrued depreciations correctly;
  - d) Respondent failed to analyze, report and correctly use accurate cost data for the site value and improvements in the cost approach and failed to employ recognized methods and techniques in his cost approach analysis;
  - e) Respondent failed to collect, verify, analyze and reconcile comparable sales data properly and failed to employ recognized methods and techniques in his sales comparison approach. Respondent selected sales that were superior in quality of construction, location and gross living area square footage and omitted more appropriate, and similar sales that were readily available in the property's immediate area;
  - f) Respondent failed to employ recognized methods and techniques and to analyze and report the property's location with respect to the flood plain. No survey or flood plain maps were analyzed, reported or contained in Respondent's work file even though this property was a lake front property;
  - g) Respondent failed to explain why he did not perform an income approach for the property;
  - h) 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.
6. For the reasons detailed above, Respondent has made material misrepresentations and omitted material facts in his 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)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 2-2(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 making material misrepresentations and omitting material facts.

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

- a. Have his certification revoked for twenty-four months with this revocation being fully probated under the following conditions:
  - i. During the entire twenty-four month 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 he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of his period of probation within twenty days of notice of any such request;
  - ii. Respondent shall timely remit payment of the administrative penalty, and timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 7 classroom-hour course in Mortgage Fraud;
  - i. No examination shall be required for this course;
- d. Pay to the Board an administrative penalty of \$4,000.00;
  - i. Payment of the administrative penalty shall be made in five equal, \$800.00 installments with the first payment being due within 30 days of the effective date of this order and the remaining payments being due every 30 days thereafter until paid in full; 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.

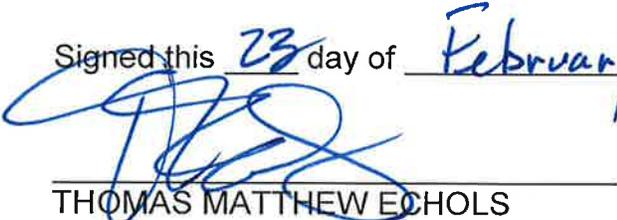
Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be completed in accordance with the provisions of this Agreed Final Order.

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 revocation of the above-noted probation.

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.

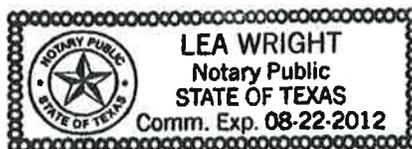
Signed this 23 day of February, 2009.

  
THOMAS MATTHEW ECHOLS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 23RD day of FEBRUARY, 2009, by THOMAS MATTHEW ECHOLS, to certify which, witness my hand and official seal.

  
Notary Public Signature

LEA WRIGHT  
Notary Public's Printed Name



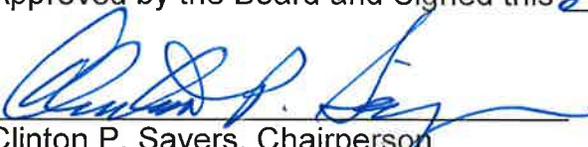
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Signed by the Commissioner this 24<sup>th</sup> day of April, 2009.



Loretta DeHay, Interim Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 24<sup>th</sup> day of April, 2009.



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