

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO. 11-165

BETTY RUTH EFIRD
TX-1323804-G

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AGREED FINAL ORDER

On this the _____ day of _____, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Betty Ruth Efird (Respondent).

In order to conclude this matter Betty Ruth Efird 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, Betty Ruth Efird, is a certified general real estate appraiser who currently holds and held certification number TX-1323804-G during all times material to the above-noted complaint case.
2. Respondent appraised 2245 Christine Street, Pampa, TX 79065 ("the Christine property") on or about January 26th, 2009.
3. Respondent appraised 2133 N. Dwight Street, Pampa, TX 79065 ("the Dwight property") on or about January 9th, 2009.
4. On or about December 15th, 2010, Troy Beaulieu filed a staff-initiated complaint with the Board based on allegations that the Respondent had produced appraisal reports for the above-noted properties that contained various USPAP violations.
5. On or about December 16th, 2010 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 this complaint was received.

6. 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 Christine property:
 - a) Respondent failed to comply with the record keeping provisions of the Ethics Rule;
 - b) Respondent failed to identify and report the site and improvement(s) description adequately;
 - c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply & demand, physical adaptability of the real estate and market area trends;
 - d) Respondent failed to provide support for her determination of the property's highest and best use;
 - e) Respondent failed to use an appropriate method or technique to determine site value and did not provide support for the site value determination, failed to collect, verify, analyze and reconcile the cost new of improvements, accrued depreciations, and generally failed to employ recognized methods and techniques in her cost approach;
 - f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized techniques in her sales comparison approach;
 - g) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the Christine property.

7. 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 Dwight property:
 - a) Respondent failed to comply with the record keeping provisions of the Ethics Rule;
 - b) Respondent failed to identify the intended use of her opinions and conclusions and failed to identify the date of the report;
 - c) Respondent failed to clearly and accurately disclose any extraordinary assumption, hypothetical condition, or limiting condition that directly affects the analysis, opinions, and conclusions;

- d) Respondent failed to identify and report the site and improvement(s) description adequately;
 - e) 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;
 - f) Respondent failed to provide support for her determination of the property's highest and best use;
 - g) Respondent failed to use an appropriate method or technique to determine site value and did not provide support for the site value determination, failed to collect, verify, analyze and reconcile the cost new of improvements, accrued depreciations, and generally failed to employ recognized methods and techniques in her cost approach;
 - h) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized techniques in her sales comparison approach;
 - i) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the Dwight property;
 - j) Respondent failed to analyze all agreements of sale, options or listings of the subject current as of the effective date of the appraisal;
 - k) Respondent failed to analyze all sales of the subject within three years prior to the effective date of the appraisal;
 - l) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the Dwight property.
8. Respondent sponsored John Goddard as an appraiser trainee during all times material to the above-noted complaint cases.
9. John Goddard participated and provided significant real property appraisal assistance in both the Christine and Dwight property appraisal reports.
10. John Goddard had insufficient personal interaction with and supervision by Respondent during the course of preparing the appraisal reports for the Christine and Dwight properties.

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); USPAP Standards: 1-2(b) & 2-2(b)(ii); 2-2(b)(vi); 1-2(f) or 1-2(g) & 2-1(c); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 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); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 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.
4. Respondent violated 22 Tex. Admin. Code §153.20(a)(13) by failing to actively, personally, and diligently supervise an appraiser trainee under her sponsorship.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that prior to issuance of a state certification the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 7 classroom-hour course in Reviewing Appraisals;
 - i. No examination shall be required for this course;
- 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 licensure or certification.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** 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 SUSPENSION 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 suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license or certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent complies with all the terms of this Agreed Final Order.

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 21 day of March, 2011.

Betty Ruth Efird
BETTY RUTH EFIRD

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TED WHITMER, ATTORNEY FOR
BETTY RUTH EFIRD

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 21 day of March, 2011, by BETTY RUTH EFIRD, to certify which, witness my hand and official seal.

Diane W Mashburn
Notary Public Signature

Diane W Mashburn
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 19th day of MAY 2011.

Troy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 20th day of May, 2011.

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

Approved by the Board and Signed this 20th day of May, 2011.

James B. Ratliff
James B. Ratliff, Chairperson WIS DELA CRAMA
Texas Appraiser Licensing and Certification Board