

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

RANDY RAY ELLISOR
TX-1334529-R

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DOCKETED COMPLAINT NO.
08-015

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 Randy Ray Ellisor (Respondent).

In order to conclude this matter, Randy Ray Ellisor 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 Randy Ray Ellisor was a Texas certified residential real estate appraiser, previously held license number TX-1334529-R, and was certified by the Board during all times material to the above-noted complaint case.
2. On or about June 21, 2004, Respondent appraised real property located at 9329 County Line Road, Dallardsville, Texas 77332 ("the property").
3. On or about September 24, 2007, the Complainant, James W. Grout at Washington Mutual Bank, filed a complaint with the Board. The complaint alleged that the appraisal report contained potential violations of the Uniform Standards of Professional Appraisal Practice.
4. On or about June 6, 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 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 report the extent of the process of collect, confirming and reporting data;
- b) Respondent failed to identify, describe and report the site and improvements description adequately;
- c) Respondent failed to support the analysis of economic supply and demand, and market area trends that were described in the report;
- d) Respondent failed to provide a summary of his rationale for his determination of the property's highest and best use;
- e) Respondent failed to use an appropriate method or technique to develop an analysis of land sales or values;
- f) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements;
- g) Respondent failed to collect, verify, analyze and reconcile accrued depreciation;
- h) Respondent failed to employ recognized methods and techniques of cost approach correctly;
- i) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately;
- j) Respondent failed to employ recognized methods and techniques correctly; and,
- k) Respondent failed to analyze and report the contract of sale 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(f) & 2-2(b)(vii); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(xi); 1-1(a) ; 1-1(b), 1-1(c).

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

- 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;
- c. Attend and complete a minimum, 15 classroom-hour course in the Cost Approach;
- d. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- e. Shall pay to the board an administrative penalty of \$500.00; and
- f. Shall 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.

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.

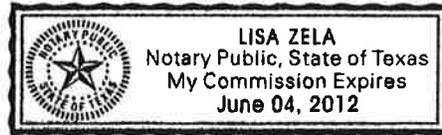
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 7th day of October, 2008.

Randy Ray Ellis
RANDY RAY ELLISOR

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 7th day of October, 2008, by RANDY RAY ELLISOR, to certify which, witness my hand and official seal.

Lisa Zela
Notary Public Signature
Lisa Zela
Notary Public's Printed Name



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

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

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

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