TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD	§	
	§	
vs.	§	DOCKETED COMPLAINT NO. 09-222 & 11-403
RANDY RAY ELLISOR TX-1334529-R	§	

AGREED FINAL ORDER

On this the 17 day of Feb, 2012, 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, is a certified residential appraiser who currently holds TX-1334529-R and held that certification number during all times material to the above-noted complaint cases.

2. Respondent appraised 3638 Dreyfus Avenue, Houston, TX 77021, Harris County, Texas (the "3638 property") on or about April 25, 2007.

3. Respondent appraised 3636 Dreyfus Avenue, Houston, Texas 77021, Harris County, Texas (the "3636 property") on or about April 25th, 2007.

4. Thereafter, a staff-initiated complaint relating to each of these real estate appraisal reports was filed with the Board. The complaint alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP") and not completed properly.

5. After receipt of the complaint, 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 complaints. Respondent's response to the complaint was received.

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 3638 property:

a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;

b) Respondent failed to comply with the provisions of the Scope of Work Rule;

c) Respondent failed to identify the client of the appraisal;

d) Respondent failed to identify the intended use of the appraiser's opinions and conclusions;

e) Respondent failed to report clearly and accurately a hypothetical condition that directly affected the assignment result;

f) Respondent failed to adequately identify and report the site description;

g) Respondent failed to identify and analyze economic supply & demand, market area trends, and did not report the neighborhood boundaries correctly;

h) Respondent failed to provide his supporting rationale for his determination of the property's highest and best use;

i) Respondent failed to use an appropriate method or technique to develop an opinion of the site value; failed to collect, verify, analyze and reconcile the cost new of improvements; and generally failed to employ recognized methods and techniques for the Cost Approach;

j) Respondent failed to collect, verify, analyze and reconcile comparable sales data; and did not employ recognized methods and techniques in the Sales Comparison Approach;

k) Respondent failed to obtain and analyze a copy of the purchase agreement or describe the efforts he made to obtain it;

l) Respondent failed to analyze all sales of the property within 3 years prior to the effective date of his appraisal and misrepresented that no such sales existed;

m) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

8. 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 3636 property:

a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;

b) Respondent failed to comply with the provisions of the Scope of Work Rule;

c) Respondent failed to identify the client of the appraisal;

d) Respondent failed to identify the intended use of the appraiser's opinions and conclusions;

e) Respondent failed to report clearly and accurately a hypothetical condition that directly affected the assignment result;

f) Respondent failed to adequately identify and report the site description;

g) Respondent failed to identify and analyze economic supply & demand, market area trends, and did not report the neighborhood boundaries correctly;

h) Respondent failed to provide his supporting rationale for his determination of the property's highest and best use;

i) Respondent failed to use an appropriate method or technique to develop an opinion of the site value; failed to collect, verify, analyze and reconcile the cost new of improvements; and generally failed to employ recognized methods and techniques for the Cost Approach;

j) Respondent failed to collect, verify, analyze and reconcile comparable sales data; and did not employ recognized methods and techniques in the Sales Comparison Approach;

k) Respondent failed to obtain and analyze a copy of the purchase agreement or describe the efforts he made to obtain it;

l) Respondent failed to analyze all sales of the property within 3 years prior to the effective date of his appraisal and misrepresented that no such sales existed;

m) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

9 Respondent failed to actively, personally, and diligently supervise an appraiser trainee under his sponsorship during preparation of the appraisal reports for both of the properties at issue in this complaint matter.

10. Respondent omitted material facts and made material misrepresentations as described in more detail above.

11. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

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 (conduct and record-keeping); USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(h); 1-2(a) & 2-2(i); 1-2(b) & 2-2(ii); 1-2(f) or 1-2(g), 2-1(c) & 2-2(x); 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); 1-1(a) & 1-4(b); 1-4(a) & 2-2(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(viii); 1-5(b) & 2-2(viii); 1-1(a); 1-1(b); 1-1-1(c); 2-1(b).

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) and 153.21(d) by failing to actively, personally, and diligently supervise an appraiser trainee under his sponsorship.

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

a. During a 1 year review period, beginning on the effective date of this order, Respondent shall submit to the Board, within 7 days of completion of the quarter, an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and 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 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 this period of review within the twenty days of notice of any such request;

b. Within 6 months of the effective date of this order, Respondent shall complete 8 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours;

c. Attend and complete a minimum, 15 classroom-hour course in USPAP, in classroom and with examination;

d. Attend and complete a minimum, 7 hour "Staying out of Trouble" course, in classroom;

i. no examination is required for this course;

e. Attend and complete a minimum, 7 hour review appraisal course, in classroom;

i. no examination is required for this course;

f. Pay to the Board an administrative penalty of $1,500.00;

i. $1,000 of the administrative penalty shall be fully probated under the condition that the Respondent submit a two-page, signed, dated report for each of the above-noted courses, outlining concepts he learned and how he will apply them to his practice in the future to avoid further deficiencies in his work product;

g. 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 **NINE 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 nine-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. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

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 comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHIS 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 by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on and provides adequate documentation of same to the Board.

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 27 day of January, 2012.

Randy Ray Ellisor

RANDY RAY ELLISOR

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 27 day of January, 2012, by RANDY RAY ELLISOR, to certify which, witness my hand and official seal.

Notary Public Signature

Tiffanie Collum

Notary Public's Printed Name

TIFFANIE L. COLLUM
Notary Public, State of Texas
My Commission Expires
March 17, 2013

Signed by the Standards and Enforcement Services Division this 16th day of February, 2012.

Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 17 day of Feb, 2012.

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

Approved by the Board and Signed this 17 day of Feb, 2012.

Luis De La Garza, Chairperson
Texas Appraiser Licensing and Certification Board