

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

JAMES A. GILLIAM  
TX-1332367-L

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DOCKETED COMPLAINT NO.  
08-028 & 08-033

**AGREED FINAL ORDER**

On this the 8<sup>th</sup> day of May, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of James A Gilliam, (Respondent). 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 James A Gilliam is a Texas state licensed real estate appraiser, holds license number TX-1332367-L, and has been licensed by the Board during all times material to the above-noted complaint cases.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about November 9<sup>th</sup>, 2006, Respondent appraised real property located at 301 Windy Hill Lane, Fort Worth, Texas 76108 ("the Windy Hill property"). On or about October 11<sup>th</sup>, 2005, Respondent appraised real property located at 503 Cool Meadow Court, DeSoto, Dallas County, Texas ("the Cool Meadow property"). On or about October 11<sup>th</sup>, 2005, Respondent appraised real property located at 508 Hidden Meadow Court, DeSoto, Dallas, County, Texas ("the Hidden Meadow property").
4. Subsequently, complaints were filed against Respondent based on the above-noted appraisal reports. The complaints alleged various violations of the Uniform Standards of Professional Appraisal Practice.
5. Respondent was of the nature of the accusations involved and afforded an opportunity to respond to the accusations in the complaints. Respondent's responses to the complaints were received.
6. 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 communicated misleading appraisal reports for all three properties;

- b) Respondent failed to maintain records evidencing collection, verification and analysis of data related to his appraisal report on each of the properties;
- c) Respondent failed to identify and report the site and improvements description adequately for all three appraisal reports;
- d) Respondent used inappropriate methods or techniques in his cost approach analysis, including failing to indicate or provide in his work file the data supporting his site value determination, cost of improvements analysis and depreciation;
- e) Respondent failed to analyze and reconcile sales comparison data properly, failed to select appropriate comparable sales that were available in the immediate neighborhood, did not make appropriate adjustments, and generally used improper methods and techniques;
- f) Respondent failed to disclose and analyze all agreements of sale in connection with the Cool Meadow property appraisal;
- g) Respondent failed to report that the Cool Meadow property was an assemblage sale and analyze that impact on value;
- h) Respondent's report contained substantial errors of commission or omission with respect to the sales comparison, cost approach and other required disclosures and analyses as noted above;

7. Respondent made material misrepresentations and omissions of material facts as detailed above.

### 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 various provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3). Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omissions of material facts.

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

- a. Pay to the Board an administrative penalty of \$1,000.00;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;

- c. Attend and complete a minimum, 15 classroom-hour course in Report Writing;
- d. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- e. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies; and,
- f. 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. 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 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.

Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

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 1<sup>st</sup> day of May, 2008.

  
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JAMES A. GILLIAM

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 01 day of May, 2008, by JAMES A. GILLIAM, to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature  
Selma Y. Peña  
Notary Public's Printed Name



Signed by the Commissioner this 7th day of MAY, 2008.

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

Approved by the Board and Signed this 8th day of MAY, 2008.

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