

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JOHN HIRAM GODDARD
TX-1338543-L

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DOCKETED COMPLAINT NO. 11-164
AND DOCKETED DENIAL

AGREED FINAL ORDER

On this the _____ day of _____, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of John Hiram Goddard (Respondent) and his application for certification.

In order to conclude this matter John Hiram Goddard 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, John Hiram Goddard, is a state licensed real estate appraiser who currently holds and held license number TX-1338543-L or trainee authorization TX-1329944-T 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 1st Dwight property") on or about January 9th, 2009.
4. Respondent appraised 2133 N. Dwight Street, Pampa, TX 79065 ("the 2nd Dwight property") on or about July 19th, 2010.
5. Thereafter, Respondent filed an application for a state certification with the Board.
6. As part of the application process Respondent's experience (the Christine and Dwight property appraisals) w audited for compliance with the Uniform Standards of Professional Appraisal Practice ("USPAP").

7. The application was initially denied by the Board Staff after his experience submitted in conjunction with application was evaluated.
8. The proposed denial of Petitioner's application was based upon alleged violations of TEX. OCC. CODE §§ 1103.203, 1103.205 and 1103.405 and 22 TEX. ADMIN. CODE §§ 153.15(c), (d) and (f), 153.20(a)(3) and 155.1(a) all stemming from the failure to comply with the USPAP in the Christine and Dwight property appraisals.
9. 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 report for the properties that contained various USPAP violations.
10. 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.
11. Respondent and the Board have reached agreement on resolution of this application denial matter and all pending complaint matters and wish to fully resolve these proceedings by means of this Agreed Final Order.
12. 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 his 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 his cost approach;

- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized techniques in his 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.
13. 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 1st 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.

14. 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 2nd Dwight property:

- a) Respondent failed to comply with the record keeping provisions and prior service provisions of the Ethics Rule;
- b) Respondent failed to identify the type and definition of value and its source;
- c) Respondent failed to indicate whether the value estimate is in terms of cash or terms equivalent to cash and other precisely defined terms or non market financing;
- d) Respondent failed identify the date of the report;
- e) Respondent failed to identify and report the site description adequately;
- f) 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;
- g) Respondent failed to provide support for his determination of the property's highest and best use;
- h) 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 his cost approach;

- i) Respondent failed to employ recognized techniques in his sales comparison approach;
- 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 failed to include a signed certification in his report; and,
- m) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the 2nd Dwight 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 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (ethics, record keeping, & prior service); USPAP Standards: 1-2(c) & 2-2(b)(v); 2-2(b)(vi); 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); 2-1(a) and, 2-3 & 2-2(b)(xi).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

This Agreed Final Order entered into between John Hiram Goddard and the Board is hereby approved. Once John Hiram Goddard satisfies the terms of this Order, the Board directs staff to issue John Hiram Goddard a state certification. 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, 15 classroom-hour course in Residential Case Studies;

- c. Attend and complete a minimum, 7 classroom-hour course in Quality Control;
 - i. No examination shall be required for this course;
- d. John Hiram Goddard shall complete a minimum of 500 additional hours of real estate appraisal activity under the supervision and mentorship of a certified real property appraiser which must satisfy experience credit criteria under the Texas Appraiser Licensing and Certification Act and applicable Board rules. Upon completion of the additional hours, John Hiram Goddard shall submit a signed and notarized experience log and affidavit to the Board for auditing to ensure the additional hours submitted comport with experience credit criteria.
- e. 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.

delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

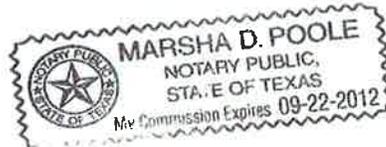
Signed this 22 day of March, 2011.

John Hiram Goddard
JOHN HIRAM GODDARD

Ted Whitmer
TED WHITMER, ATTORNEY FOR
JOHN HIRAM GODDARD

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 22 day of March, 2011, by JOHN HIRAM GODDARD, to certify which, witness my hand and official seal.

Marsha D. Poole
Notary Public Signature



Marsha D. Poole
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
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

John Hiram Goddard
TX-1338543-L

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DOCKETED COMPLAINT NO.
11-164 AND
DOCKETED DENIAL

FINAL ORDER

On this 9th day of November, 2012, the Board considered the above-noted matter, in which an Agreed Final Order was previously entered by the Board on May 20, 2011.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of Respondent's request for modification of the previously entered Agreed Final Order, attached hereto as Exhibit A, now enters this Final Order modifying the previously entered Agreed Final Order.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that John Hiram Goddard's request for modification of the Agreed Final Order to allow the mentorship hours requirement to be completed via long distance communication by telephone, email, or interactive internet technology with Mr. Jim Jacob is approved.

Approved by the Board and signed this 9th day of November, 2012.



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

TALCB COMPLAINT NO. 11-164

**TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD ("BOARD")**

V.

**JOHN HIRAM GODDARD
LICENSE NO. TX-1338543-L**

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**BEFORE THE TEXAS APPRAISER
APPRAISER LICENSING AND
CERTIFICATION BOARD**

**SITTING IN AUSTIN
TRAVIS COUNTY, TEXAS**

ORDER GRANTING RESPONDENT'S REQUEST FOR MODIFICATION

On November 20, 2015, the Texas Appraiser Licensing and Certification Board considered Respondent's request for modification of the Agreed Final Order previously entered in this matter on May 20, 2011.

The Agreed Final Order previously entered in this matter required Respondent to complete a minimum of 500 additional hours of real estate appraisal activity under the supervision and mentorship of a certified real property appraiser that satisfied the Texas Appraiser Licensing and Certification Act and applicable Board rules. Upon completion of these additional hours of real estate appraisal activity, the Agreed Final Order also required Respondent to submit a signed and notarized experience log and affidavit to the Board for auditing to ensure that the additional hours submitted comport with the required experience criteria. Respondent has been unable to locate a certified real property appraiser to serve as a mentor who will supervise Respondent's completion of the required 500 additional hours of real estate appraisal activity. Therefore, Respondent requests the Board to modify the Agreed Final Order by removing the following requirement:

John Hiram Goddard shall complete a minimum of 500 additional hours of real estate appraisal activity under the supervision and mentorship of a certified real property appraiser which must satisfy experience criteria under the Texas Appraiser Licensing and Certification Act and applicable Board rules. Upon completion of the additional hours, John Hiram Goddard shall submit a signed and notarized experience log and affidavit to the Board for auditing to ensure the additional hours submitted comport with experience credit criteria.

Respondent requests the Board to substitute the following requirements in place of the requirement being removed:

- 1) John Hiram Goddard shall complete 36 hours of mentorship with a Board-approved mentor in the areas of deficiency identified in the original Agreed Order; and
- 2) Complete a minimum of 100 additional hours of real estate appraisal activity,

which must satisfy experience criteria under the Texas Appraiser Licensing and Certification Act and applicable Board rules. Upon completion of the additional hours, John Hiram Goddard shall submit a signed and notarized experience log and affidavit to the Board for auditing to ensure the additional hours submitted comply with the Uniform Standards of Professional Appraisal Practice (USPAP).

Upon review and consideration, the Board GRANTS Respondent's request for modification of the Agreed Final Order.

IT IS THEREFORE ORDERED that the requirement to complete 500 additional hours of real estate appraisal activity under the mentorship and supervision of a certified real property appraiser is removed.

IT IS FURTHER ORDERED that Respondent shall complete 36 hours of mentorship with a Board-approved mentor in the areas of deficiency identified in the original Agreed Final Order on or before May 30, 2016.

IT IS FURTHER ORDERED that upon completion of the required hours of mentorship, Respondent shall complete a minimum of 100 additional hours of real estate appraisal activity that meets the experience criteria under the Texas Appraiser Licensing and Certification Act and applicable Board rules. Respondent shall then submit a signed and notarized experience log and affidavit for this additional appraisal work, and the Board will review two samples of work from the experience log to determine if the additional appraisal work complies with USPAP.

Approved by the Board and signed this 20th day of November, 2015.



Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board