

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

NEVIA B. GONZALEZ  
TX-1329263-R

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DOCKETED COMPLAINT NO. 05-091

**AGREED FINAL ORDER**

On this the 5<sup>th</sup> day of October, 2007, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Nevvia B. Gonzalez, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

**FINDINGS OF FACT**

1. Respondent Nevvia B. Gonzalez, a state certified residential real estate appraiser, holds certification number TX-1329263-R, and has been certified during all times material to the findings of fact and conclusions of law contained in this Order.
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 January 6<sup>th</sup>, 2004, January 21<sup>st</sup>, 2004, January 23<sup>rd</sup>, 2004, January 15<sup>th</sup>, 2004 and December 15<sup>th</sup>, 2003 respectively, Respondent appraised the properties located at: 375 Scenic Meadow, New Braunfels, Comal County, Texas ("the Scenic property"), 382 Copper Point Drive, New Braunfels, Comal County, Texas ("the Copper property"), 3983 Tarrant Trail, New Braunfels, Comal County, Texas ("the Tarrant property"), 11 Beacon Oak, San Antonio, Texas ("the Beacon Oak property"), and 58 Beacon Bay, San Antonio, Texas ("the Beacon Bay property").
4. On April 7<sup>th</sup>, 2005, TALCB received a staff-initiated complaint against Respondent from Jack McComb, in accordance with TEX. OCC. CODE § 1103.451. The complaint was based upon a referral from Jane Hall, Director of the Processing and Underwriting Division of the United States Department of Housing and Urban Development ("HUD"). HUD alleged that Respondent's appraisal reports on the properties contained various violations of the Uniform Standards of Professional Appraisal Practice.
5. On or about April 13<sup>th</sup>, 2005 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. § 2001 et. seq., notified Respondent of the nature of the accusations involved and Respondent was afforded an

opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.

6. The Enforcement Division concluded that the Respondent's appraisal report on the Scenic property violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

- a) USPAP Ethics Rule – Respondent's work file lacked critical evidence of sales sources relied upon in the report in violation of the record keeping requirements;
- b) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site description for the Scenic property adequately;
- c) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide a brief summary of her rationale for her determination of the Scenic property's highest and best use;
- d) USPAP Standards 1-4(b)(i) & 2-2(b)(ix) – Respondent failed to use an appropriate method or technique to develop an opinion of the Scenic property's site value;
- e) USPAP Standards 1-4(b)(ii) & 2-2(b)(ix) – Respondent has failed to collect, verify, analyze and reconcile the cost new of improvements for the Scenic property;
- f) USPAP Standards 1-1(a) & 1-4(b) – Respondent failed to employ recognized methods and techniques in her cost approach analysis;
- g) USPAP Standards 1-4(a) & 2-2(b)(ix) – Respondent did not collect, verify, analyze and reconcile comparable sales data adequately;
- h) USPAP Standards 1-1(a) & 1-4(a) – Respondent failed to employ recognized methods and techniques in her sales comparison approach analysis;
- i) USPAP Standards 1-5(a) & 2-2(b)(ix) – Respondent failed to analyze all agreements of sale, options or listings current as of the effective date of her appraisal of the Scenic property;
- j) USPAP Standard 1-1(a) – Respondent was not aware of and did not understand and employ recognized methods and techniques correctly to produce a credible appraisal;
- k) USPAP Standard 1-1(b) – Respondent committed substantial errors of omission or commission that significantly affected her appraisal of the Scenic property;

- l) USPAP Standard 1-1(c) – Respondent produced an appraisal report for the Scenic property that contained careless or negligent errors;
- m) USPAP Standard 2-1(a) – Respondent produced an appraisal report that was misleading;
- n) USPAP Standard 2-1(b) – Respondent's appraisal report did not contain sufficient information to enable the intended users of the appraisal to understand the report properly;

7. The Enforcement Division concluded that the Respondent's appraisal report on the Copper property violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

- a) USPAP Ethics Rule – Respondent's work file lacked critical evidence of sales sources relied upon in the report in violation of the record keeping requirements;
- b) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide a brief summary of her rationale for her determination of the Copper property's highest and best use;
- c) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the improvement(s) description adequately;
- d) USPAP Standards 1-4(a) & 2-2(b)(ix) – Respondent did not collect, verify, analyze and reconcile comparable sales data adequately;
- e) USPAP Standards 1-1(a) & 1-4(a) – Respondent failed to employ recognized methods and techniques in her sales comparison approach analysis;
- f) USPAP Standards 1-5(a) & 2-2(b)(ix) – Respondent failed to analyze all agreements of sale, options or listings current as of the effective date of her appraisal of the Copper property;
- g) USPAP Standard 1-1(a) – Respondent was not aware of and did not understand and employ recognized methods and techniques correctly to produce a credible appraisal;
- h) USPAP Standard 1-1(b) – Respondent committed substantial errors of omission or commission that significantly affected her appraisal of the Copper property;
- i) USPAP Standard 1-1(c) – Respondent produced an appraisal report for the Copper property that contained careless or negligent errors;
- j) USPAP Standard 2-1(a) – Respondent produced an appraisal report that was misleading;

8. The Enforcement Division concluded that the Respondent's appraisal report on the Tarrant property violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

- k) USPAP Ethics Rule – Respondent's work file lacked critical evidence of sales sources relied upon in the report in violation of the record keeping requirements;
- l) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide a brief summary of her rationale for her determination of the Tarrant property's highest and best use;
- m) USPAP Standards 1-4(a) & 2-2(b)(ix) – Respondent did not collect, verify, analyze and reconcile comparable sales data adequately;
- n) USPAP Standards 1-1(a) & 1-4(a) – Respondent failed to employ recognized methods and techniques in her sales comparison approach analysis;
- o) USPAP Standard 1-1(a) – Respondent was not aware of and did not understand and employ recognized methods and techniques correctly to produce a credible appraisal;
- p) USPAP Standard 1-1(b) – Respondent committed substantial errors of omission or commission that significantly affected her appraisal of the Tarrant property;
- q) USPAP Standard 1-1(c) – Respondent produced an appraisal report for the Tarrant property that contained careless or negligent errors;
- r) USPAP Standard 2-1(a) – Respondent produced an appraisal report that was misleading;

9. The Enforcement Division concluded that the Respondent's appraisal report on the Beacon Oaks property violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

- a) USPAP Ethics Rule – Respondent's work file lacked critical evidence of sales sources relied upon in the report in violation of the record keeping requirements;
- b) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide a brief summary of her rationale for her determination of the Beacon Oaks property's highest and best use;
- c) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the improvement(s) description adequately;

- d) USPAP Standards 1-4(a) & 2-2(b)(ix) – Respondent did not collect, verify, analyze and reconcile comparable sales data adequately;
- e) USPAP Standards 1-1(a) & 1-4(a) – Respondent failed to employ recognized methods and techniques in her sales comparison approach analysis;
- f) USPAP Standard 1-1(a) – Respondent was not aware of and did not understand and employ recognized methods and techniques correctly to produce a credible appraisal;
- g) USPAP Standard 1-1(b) – Respondent committed substantial errors of omission or commission that significantly affected her appraisal of the Beacon Oaks property;
- h) USPAP Standard 1-1(c) – Respondent produced an appraisal report for the Beacon Oaks property that contained careless or negligent errors;
- i) USPAP Standard 2-1(a) – Respondent produced an appraisal report that was misleading;

10. The Enforcement Division concluded that the Respondent's appraisal report on the Beacon Bay property violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

- a) USPAP Ethics Rule – Respondent's work file lacked critical evidence of sales sources relied upon in the report in violation of the record keeping requirements;
- b) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide a brief summary of her rationale for her determination of the Beacon Bay property's highest and best use;
- c) USPAP Standards 1-4(a) & 2-2(b)(ix) – Respondent did not collect, verify, analyze and reconcile comparable sales data adequately;
- d) USPAP Standards 1-1(a) & 1-4(a) – Respondent failed to employ recognized methods and techniques in her sales comparison approach analysis;
- e) USPAP Standard 1-1(a) – Respondent was not aware of and did not understand and correctly recognized methods and techniques employ to produce a credible appraisal;
- f) USPAP Standard 1-1(b) – Respondent committed substantial errors of omission or commission that significantly affected her appraisal of the Beacon Bay property;
- g) USPAP Standard 1-1(c) – Respondent produced an appraisal report for the Beacon Bay property that contained careless or negligent errors;

h) USPAP Standard 2-1(a) – Respondent produced an appraisal report that was misleading;

i) The Enforcement Division concluded that the Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by failing to conform to USPAP in effect at the time of the appraisal report for the Scenic, Tarrant, Beacon Oak and Beacon Bay properties.

11. The Enforcement Division concluded that the Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(9) by making material misrepresentations and omissions of material facts in the appraisal report of the Scenic, Tarrant, and Beacon Oak properties. These material misrepresentations and omissions of material fact include: failing to disclose, discuss and analyze sales concessions.

### CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over these matters pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451–1103.5535 (Vernon 2005).
2. Respondent violated the following USPAP provisions as prohibited by 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a): USPAP Ethics Rule and USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii), 1-3(b) & 2-2(b)(ix), 1-4(b)(i) & 2-2(b)(ix), 1-4(b)(ii) & 2-2(b)(ix), 1-1(a) & 1-4(b), 1-2(e)(i) & 2-2(b)(iii), 1-4(a) & 2-2(b)(ix), 1-1(a) & 1-4(a), 1-5(a) & 2-2(b)(ix), 1-1(a), 1-1(b), 1-1(c), 2-1(a), and 2-1(b).

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

1. Pay to the Board an Administrative Penalty of \$500.00;
2. Attend and complete a minimum, 15 classroom-hour course in USPAP;
3. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
4. Attend and complete a minimum 15 classroom-hour course in Report Writing and,
5. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be completed within **TWENTY DAYS** of the date of this Agreed Final Order. Failure to pay the administrative penalty within the time allotted shall result in **IMMEDIATE SUSPENSION** of Respondent's certification pursuant to notice to Respondent from the

Board indicating that Respondent has not paid the administrative penalty.

**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 complete the education 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 educational 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 certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent pays the Administrative Penalty or takes and passes the required educational courses and provides adequate documentation of same to the Board.

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.

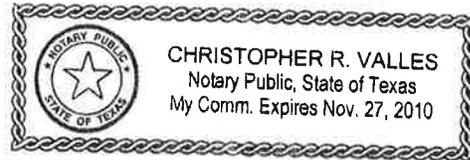
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 14 day of September, 2007.

Nevia B. Gonzalez  
NEVIA B. GONZALEZ

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 14 day of September, 2007, by NEVIA B. GONZALEZ, to certify which, witness my hand and official seal.

Christopher R. Valles  
Notary Public Signature



Christopher R. Valles  
Notary Public's Printed Name

Signed by the Commissioner this 4th day of October, 2007.

Tim Irvine  
Tim Irvine, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 7 day of oct, 2007.

Larry Kokel  
Larry Kokel, Chairperson  
Texas Appraiser Licensing and Certification Board