

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CHARLES ALFORD JONES
TX-1331742-L

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DOCKETED COMPLAINT NO.
08-025

AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Charles Alford Jones (Respondent).

In order to conclude this matter Charles Alford Jones 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 Charles Alford Jones is a Texas state licensed real estate appraiser, holds license number TX-1331742-L, and has been licensed by the Board during all times material to the above-noted complaint case.
2. On or about May 5th, 2006, Respondent appraised real property located at 7220 Lavendale Circle, Dallas, Texas ("the property").
3. On or about October 8th, 2007, the Complainant, Ken T. Simnitt, filed a complaint with the Board, which was based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.
4. On or about October 17th, 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 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 property:

- a) Respondent failed to comply with the record keeping provision of the USPAP Ethics Rule;
 - b) Respondent failed to identify the problem of external obsolescence connected with a major high power transmission line and did not have the knowledge and experience to complete the appraisal assignment competently;
 - c) Respondent failed to identify and report the site description adequately by failing to identify the problem of external obsolescence connected with a major high power transmission line, which the market data indicates created a negative impact on value;
 - d) Respondent failed to provide a brief summary of the basis and rationale for his determination of the property's highest and best use. Given the location and physical attributes of the property, such a discussion was particularly important to develop;
 - e) Respondent failed to provide any supporting rationale or basis for his site value determination in his cost approach analysis;
 - f) Respondent failed to collect, verify, analyze and reconcile accrued depreciations in his cost approach analysis, including external depreciation for the high power transmission line and inadequate (8%) depreciation for the property's 22 year old improvements;
 - g) Respondent did not employ correctly recognized methods and techniques in his cost approach;
 - h) Respondent failed to collect, verify analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques correctly in his sales comparison approach, including failing to select similar sales as comparables and incorporate the impact of the high power transmission line into his sales analysis (for which there was area market data available);
 - i) Respondent failed to analyze and report all agreements of sale for the property current as of the effective date of the appraisal;
 - j) Respondent failed to analyze and report all sales of the property within three years prior to the effective date of the appraisal; and,
 - k) Respondent's report for the property contains substantial errors of omission and commission as detailed above which resulted in a misleading appraisal report for the property.
6. Respondent omitted material facts and made material misrepresentations in his appraisal report 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 the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Competency Rule; USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 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)(ix); 1-5(b) & 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that 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, 15 classroom-hour course in the Cost Approach;
- d. Attend and complete a minimum, 7 classroom-hour course in Mortgage Fraud;
 - i. No examination shall be required for this course,
- 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.

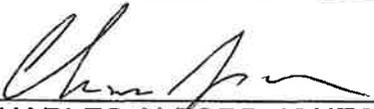
Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a

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 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 30 day of May, 2009.



CHARLES ALFORD JONES

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 30th day of May, 2009, by CHARLES ALFORD JONES, to certify which, witness my hand and official seal.



Notary Public Signature



STEVEN KORNER

Notary Public's Printed Name

Signed by the Commissioner this 21st day of August, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.



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