

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO. 05-108

JERAMY HUDGEN JOYCE
TX-1330966-R

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AGREED FINAL ORDER

On this the 4 day of SEPTEMBER, 2007, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Jeramy Hudgen Joyce, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

FINDINGS OF FACT

1. Respondent Jeramy Hudgen Joyce, a state certified residential real estate appraiser, holds certification number TX-1330966-R, and has been certified since April 15th, 2002.
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 December 18th, 2003 Respondent appraised the property located at 1606 Choteau Circle, Grapevine, Tarrant County, Texas ("the Choteau property") for World Savings.
4. On June 6th, 2005, TALCB received a complaint against Respondent from Bart Dalton, in accordance with TEX. OCC. CODE § 1103.451. The complaint alleged that Respondent's appraisal report on the property erroneously reported the Choteau property's square footage, which led to a misleading report regarding market value.
5. On or about July 13th, 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 and 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 violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:
 - a. USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to adequately identify and report the improvement(s) description. By incorrectly measuring the

improvements Respondent erroneously reported the square footage of the house by over 400 square feet which caused the value estimates in his cost and sales comparison approaches to be skewed downward;

- b. USPAP Standards 1-3(b) & 2-2(b)(x) – Respondent failed to provide a brief summary of his rationale for his determination of the Choteau property's highest and best use;
- c. USPAP Standards 1-4(b)(ii) & 2-2(b)(ix) – Respondent failed to collect, verify, analyze and reconcile the cost new of improvements properly because his cost figures were based on erroneous square footage calculations;
- d. USPAP Standards 1-1(a) & 1-4(b) – Respondent failed to employ recognized methods and techniques in his cost approach;
- e. USPAP Standards 1-1(a) & 1-4(b) – Respondent failed to employ recognized methods and techniques in his sales comparison approach;
- f. USPAP Standards 1-5(b) & 2-2(b)(ix) – Respondent failed to analyze and report sales of the Choteau property within 3 years prior to the effective date of his appraisal;
- g. USPAP Standard 1-1(b) – Respondent committed a substantial error of commission by miscalculating the living area for the Choteau property. This error significantly affects his appraisal report;
- h. USPAP Standard 1-1(c) – Respondent rendered careless or negligent appraisal services because he failed to accurately measure the living area square footage of the Choteau property;
- i. USPAP Standard 2-1(a) – Respondent's appraisal report was misleading to users of the report; and,
- j. USPAP Standard 2-1(b) – Respondent's appraisal report did not contain correct information on the Choteau property's living area square footage. This prevented intended users of the appraisal from understanding the proper value conclusion.

7. 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 Choteau property.

8. 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 for the Choteau property. These material misrepresentations and omissions of material fact include: incorrectly reporting the

square footage of the Choteau property's living area and failing to report and analyze a prior sale of the Choteau property.

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 Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-1(a) & 1-4(b); 1-5(b) & 2-2(b)(ix); 1-1(b), 1-1(c), 2-1(a), and 2-1(b) .
3. Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(9) by making material misrepresentations and omissions of material facts in his appraisal report for the Choteau property.

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 \$1,000.00;
2. Be publicly reprimanded for:
 - a. Failing to comply with applicable provisions of the Uniform Standards of Professional Appraisal Practice in his performance of the appraisal assignment for the Choteau property; and,
 - b. Making material misrepresentations and omissions of material facts in his appraisal report for the Choteau property;
3. 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.

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

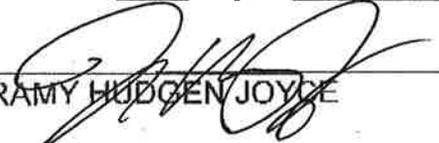
or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent pays the Administrative Penalty.

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 4 day of SEPTEMBER, 2007.

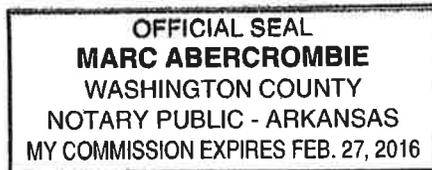


JERAMY HUDGEN JOYCE

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 4th day of Sept, 2007, by JERAMY HUDGEN JOYCE, to certify which, witness my hand and official seal.



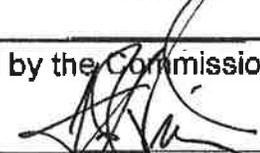
Notary Public Signature



Marc Abercrombie

Notary Public's Printed Name

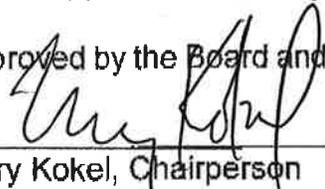
Signed by the Commissioner this 4th day of October, 2007.



Tim Irvine, Commissioner

Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 5 day of Oct, 2007.



Larry Kokel, Chairperson