

TEXAS APPRAISER LICENSING §
AND CERTIFICATION BOARD §

vs. §

RICHARD CAMERON KIRKPATRICK §
TX-1332876-L §

DOCKETED COMPLAINT NO.
07-026, 07-095, 07-116, 07-150
AND 07-167

AGREED FINAL ORDER

On this the 32nd day of June, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Richard Cameron Kirkpatrick, (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:

In order to conclude this matter, Richard Cameron Kirkpatrick 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 Richard Cameron Kirkpatrick was a Texas state licensed real estate appraiser, previously held license number TX-1332876-L, and was licensed by the Board during all times material to the above-noted complaint cases.

2. Since the time of these complaints, Respondent's state license as a real estate appraiser has expired and Respondent no longer desires to hold a license, certification, authorization or registration issued by the Board. Respondent acknowledges that his state license has lapsed and he is hereby agreeing not to seek renewal of the license, nor to apply for any authorization, license, certification or registration with the Board in the future.

3. During 2004 and early 2005, Respondent appraised real property located at 14525 Crystal Lake Drive, Little Elm, Texas 75068 ("the Crystal Lake property"), 909 Hickory Knobb Circle, Cedar Hill, Texas 75104 ("the Hickory Knobb property"), 14536 Little Anne Drive, Little Elm, Texas 75068 ("the Little Anne property", 701 Williams Drive, Allen, Texas 75013 ("the Williams property") and 1200 Talley Lane, Frisco, Texas 75034 ("the Talley property") (collectively "the properties").

4. Complaints were filed against Respondent asserting that the Respondent had produced appraisal reports for the properties that were deficient and did not conform to the Uniform Standards of Professional Appraisal Practice.

5. 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 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 reports for the properties:

- a. Respondent communicated misleading appraisal reports for the properties;
- b. Respondent's reports for the properties contained substantial errors of omission or commission that significantly impacted the credibility of the ultimate work product produced by Respondent; and,
- c. Failing to disclose and analyze prior listing history for the Talley, Little Anne, and Hickory Knobb properties.

7. Respondent made material misrepresentations or omissions of material facts for the appraisal reports on the properties.

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 CHPT. 1103.
2. Respondent violated the following USPAP provisions as prohibited by 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a): USPAP's Ethics Rule and USPAP Standards Rules: 1-5(a) & 2-2(b)(ix); 1-1(b); and, 2-1(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 not seek renewal of his license, nor apply to the Board for any authorization, license, certification or registration in the future.

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, 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.

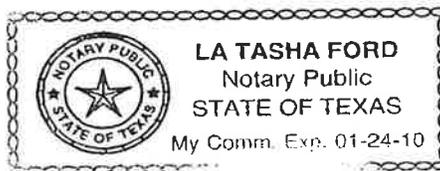
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 13 day of June, 2008.

Richard Kirkpatrick
RICHARD CAMERON KIRKPATRICK

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 13 day of June, 2008, by RICHARD CAMERON KIRKPATRICK, to certify which, witness my hand and official seal.

[Signature]
Notary Public Signature
LaTasha Ford
Notary Public's Printed Name



Signed by the Commissioner this 27th day of June, 2008.

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

Approved by the Board and Signed this 27th day of JUNE, 2008.



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