

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD,
Petitioner,

vs.

LANDAVALUE, LLC,
TX-2000170,
Respondent.

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DOCKETED COMPLAINT NUMBERS
14-039 & 14-064

DEFAULT FINAL ORDER

On this 21 day of May, 2014, the Texas Appraiser Licensing and Certification Board, through the delegation of authority to the Commissioner, considered the above-noted matter. After proper notice was given, LandaValue, LLC, d.b.a. Appraisal Valuation Services, TX-2000170, failed to respond and request a hearing in this matter.

The Texas Appraiser Licensing and Certification Board, through the delegation of authority to the Commissioner, after review and due consideration of the Notice of Violation and Penalty (the "Notice"), incorporated by reference and attached hereto as Exhibit A, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent, LandaValue, LLC, d.b.a. Appraisal Valuation Services, is a Texas state registered appraisal management company (AMC) who held registration number TX-2000170, and was registered by the Texas Appraiser Licensing and Certification Board during all times material to the above-noted complaints.

2. Petitioner, the Texas Appraiser Licensing and Certification Board (the "Board" or TALCB), on or about October 9, 2013, staff initiated a complaint, numbered 14-039, against Respondent. Complaint 14-039 was originated from information obtained from a Texas certified

residential real estate appraiser, Ms. Summer Ann Key (TX-1332901-R). The Board sent notice of Complaint 14-039 to Respondent's address of record. Respondent was required to respond to Complaint 14-039 within 20 days of receipt and asked to provide certain documentation, which included a written response and a completed questionnaire.

3. Despite being sent a "Notice of Complaint," dated October 10, 2013, and a "Final Notice of Complaint," dated February 14, 2014, both sent to the Respondent's address of record, a response was never received from Respondent. Furthermore, Board staff received no response after leaving two voice messages, on March 28, 2014 and April 10, 2014, at Respondent's telephone number of record and sending an email to Respondent's email address of record, on March 28, 2014.

4. Complaint 14-039 alleged Respondent provided appraisal assignments to an appraiser who was not placed on Respondent's appraiser panel. As stated above, Respondent failed to respond to Complaint 14-039, in any manner.

5. On or about November 8, 2013, Board staff initiated a complaint, numbered 14-064, against Respondent. Complaint 14-064 was originated from information obtained from the Indiana Office of the Attorney General. The Board sent notice of Complaint 14-064 to Respondent's address of record. Respondent was required to respond to Complaint 14-064 within 20 days of receipt and asked to provide certain documentation, which included a written response and a completed questionnaire.

6. Despite being sent a "Notice of Complaint," dated November 8, 2013, and a "Final Notice of Complaint," dated December 16, 2013, both sent to Respondent's address of record, a response was never received from Respondent. Furthermore, Board staff received no response after leaving two voice messages, on March 28, 2014 and April 10, 2014, at

Respondent's telephone number of record and sending an email to Respondent's email address of record, on March 28, 2014.

7. Complaint 14-064 alleged Respondent provided appraisal assignments to an appraiser who was not placed on Respondent's appraiser panel. As detailed above, Respondent failed to respond to the Complaint 14-064 in any manner.

8. On April 16, 2014, the Board sent Respondent the Notice, via certified mail (return receipt requested) and email, to the Respondent's primary contact, Mr. Milton Booth, at the address he provided to the Board (P.O. Box 598, Westfield, Indiana 46074) and the email address he provided to the Board (appraiser@landavalue.com).

9. Regarding Complaint 14-039, the Notice alleged Respondent provided appraisal assignments to a non-employee appraiser who was not placed on the appraiser panel, which is a violation of 22 TEX. ADMIN. CODE § 159.161(a).

10. The Notice further alleged Respondent failed to provide a response to Complaint 14-039, which is a violation of 22 TEX. ADMIN. CODE §§ 159.201(a)(1), (a)(21), and 159.204(6).

11. Regarding Complaint 14-064, the Notice alleged Respondent provided appraisal assignments to a non-employee appraiser who was not placed on the appraiser panel, which is a violation of 22 TEX. ADMIN. CODE § 159.161(a).

12. The Notice further alleged that Respondent failed to provide a response to Complaint 14-064, which is a violation of 22 TEX. ADMIN. CODE §§ 159.201(a)(1), (a)(21), and 159.204(6).

13. The Notice recommended the revocation of Respondent's registration and recommended the imposition of a \$10,000 administrative penalty.

14. In the Notice, Respondent was informed that failure to respond, no later than the 20th day after the date of receiving the Notice, would result in the submission of an order imposing the recommendations to the Board.

15. The Respondent failed to timely respond to the Notice in any manner (Exhibit B).

CONCLUSIONS OF LAW

16. The Board has jurisdiction over this matter pursuant to the Texas Appraisal Management Company Registration and Regulation Act, TEX. OCC. CODE CHPT. 1104.

17. The Board staff initiated Complaint 14-039, which alleged that Respondent provided appraisal assignments to an appraiser who was not placed on Respondent's appraiser panel, in violation of 22 TEX. ADMIN. CODE § 159.161(a).

18. The Board sent Respondent notice of the complaint on or about October 9, 2013.

19. The Board staff initiated Complaint 14-064, which alleged Respondent provided appraisal assignments to an appraiser who was not placed on Respondent's appraiser panel, in violation of 22 TEX. ADMIN. CODE § 159.161(a).

20. The Board sent Respondent notice of the additional complaint on or about November 8, 2013

21. Respondent failed to timely respond to either complaint in any manner.

22. Respondent is authorized to send the Notice pursuant to TEX. OCC. CODE § 1104.209.

23. The Notice alleged Respondent violated 22 TEX. ADMIN. CODE § 159.161(a) by providing appraisal assignments to a non-employee appraisers who were not placed on the Respondent's appraiser panel.

24. The Notice further alleged Respondent violated 22 TEX. ADMIN. CODE §§ 159.201(a)(1), (a)(21), and 159.204(6) by failing to respond to either complaint.

25. The Notice recommended the revocation of Respondent's registration and recommended the imposition of a \$10,000 administrative penalty.

26. Pursuant to TEX. OCC. CODE § 1104.209, no later than the 20th after the date of receiving the Notice, Respondent may accept the Board's determination or make a written request for a hearing.

27. Respondent failed to timely respond to the Notice in any manner.

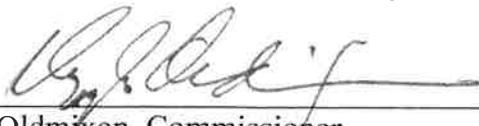
28. Pursuant to TEX. OCC. CODE § 1104.210, if the Respondent fails to respond to the Notice in a timely manner, the Board is authorized to approve the determinations in the Notice.

ORDER

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board, through the delegation of authority to the Commissioner, that the registration of LandaValue, LLC, d.b.a. Appraisal Valuation Services, TX-2000170, in this matter is hereby **REVOKED** and assessed an administrative penalty of \$10,000, effective twenty days after the date Respondent is notified of this Default Final Order.

If enforcement of this Default Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Texas Appraiser Licensing and Certification Board, through the delegation of authority to the Commissioner, and Signed this 21 day of May, 2014.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

RIGHT TO REHEARING AND JUDICIAL REVIEW OF DEFAULT FINAL ORDER

You are entitled to apply for a rehearing of this Default Final Order. A rehearing may be obtained by filing an application for rehearing within 20 days of being notified either in person or by certified mail, return receipt requested, of the Default Final Order. The application for rehearing must state the specific grounds for rehearing and the relief sought. The application for rehearing will be denied if the Board does not grant it before the 120th day after the date the Commissioner is served with the application. In the absence of a timely application for rehearing, the Default Final Order will be final on the expiration of the period for filing an application for rehearing. A decision becomes final and appealable on the date of rendition of the order overruling application for rehearing, or on the date the application for rehearing is overruled by operation of law.

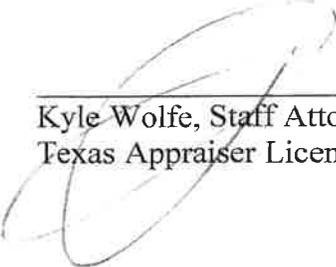
An application for rehearing is a prerequisite to judicial review. Judicial review may be obtained by filing in the Travis County, Texas, District Court, within 30 days after the order of the Board is final and appealable.

CERTIFICATE OF SERVICE

I certify that on May 22, 2014, a true and correct copy of the foregoing Default Final Order was sent certified mail, return receipt requested to:

LandaValue, LLC
Attn: Mr. Milton Booth (Primary Contact)
P.O. Box 598
Westfield, Indiana 46074

Via Certified Mail, Return Receipt Requested #91 7199 9991 7030 8657 0718
Via Email: appraiser@landavalue.com



Kyle Wolfe, Staff Attorney
Texas Appraiser Licensing and Certification Board