

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ELIZABETH LAYMAN
TX-1324851-G

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DOCKETED COMPLAINT NO.
08-112

AGREED FINAL ORDER

On this the 8TH day of MAV, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Elizabeth Layman (Respondent).

In order to conclude this matter, Elizabeth Layman 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 Elizabeth Layman is a Texas state certified general real estate appraiser, holds certification number TX-1324851-G, and has been certified by the Board during all times material to the above-noted complaint case.
2. During 2006, Respondent appraised real property located at 11813 James Drive, Balch Springs, Dallas County, Texas; 206 Wilderness Trail, Mesquite, Texas; 5408 Sabine Lane, Grand Prairie, Texas; 11451 Snyder Drive, Frisco, Texas ("the properties").
3. On or about February 21st, 2008, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board. The complaint was based upon information submitted by Dan R. Gomez, Jr., Director of the Processing and Underwriting Division of the United States Department of Housing and Urban Development ("HUD"). HUD alleged that Respondent had produced real estate appraisal reports with respect to the properties that were deficient.
4. On or about February 25th, 2008 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 and 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 failed to maintain appropriate work files in accordance with the record keeping provisions of USPAP's Ethics Rule;
- c) Respondent failed to adhere to supplemental standards imposed by HUD;
- d) Respondent failed to describe the market accurately and did not provide any support for her analysis of market area trends, including failing to address the prevalence of foreclosures in the James Drive property market dynamic which she was supposed to be analyzing;
- e) Respondent did not provide a summary of her reasoning behind her highest and best use determination for the properties being appraised;
- f) Respondent used inappropriate methods or techniques in her cost approach analysis, and in the case of the Snyder Drive property appraisal report, wholly failed to conduct a cost approach analysis despite the property being new construction;
- g) Respondent failed to analyze and reconcile sales comparison data properly, failed to select appropriate comparable sales that were available in the immediate neighborhood, did not make appropriate adjustments for things such as seller concessions, quality of construction, condition, age, and gross living area, and generally used improper methods and techniques;
- h) Respondent failed to disclose and analyze prior sales of several of the properties;
- i) Respondent's reports for the properties contained substantial errors of commission or omission with respect to the sales comparison approach, cost approach; market area trends, and sales history analyses as noted 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 TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule, USPAP Supplemental Standards Rule and USPAP Standards Rules: 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); 1-1(a); 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.

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

- a. Attend and complete, at a minimum, a 15 classroom-hour course in USPAP;
- b. Attend and complete, at a minimum, a 15 classroom-hour course in the Sales Comparison Approach;
- c. Attend and complete, at a minimum, a 15 classroom-hour course in report writing;
- d. Attend and complete, at a minimum, a 15 classroom-hour course in the Cost Approach and,
- e. Comply with all 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 certification.

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 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.

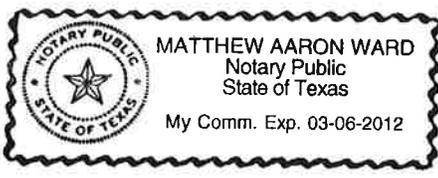
Signed this 24 day of April, 2008.

Elizabeth Layman
ELIZABETH LAYMAN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 24 day of April, 2008, by ELIZABETH LAYMAN, to certify which, witness my hand and official seal.

Matthew A Ward
Notary Public Signature

Matthew Ward
Notary Public's Printed Name



Signed by the Commissioner this 29th day of APRIL, 2008.

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

Approved by the Board and Signed this 31st day of MAY, 2008.

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