

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

THOMAS D. LIEBI
TX-1333359-R

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DOCKETED COMPLAINT NO.
08-104 & 09-115 & 09-297

AGREED FINAL ORDER

On this the 11 day of Dec, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Thomas D. Liebi (Respondent).

In order to conclude this matter Thomas D. Liebi 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, Thomas D. Liebi, is a state certified residential real estate appraiser who currently holds and held certification number TX-1333359-R during all times material to the above-noted complaint cases.
2. Respondent appraised 853 Shady Lane, Southlake, Texas 76092-5513 ("the Shady property") on or about October 15th, 2007.
3. Respondent appraised 16694 Millwood Lane, Lavon, Texas 75166-1420 ("the Millwood property") on or about November 2nd, 2007.
4. Respondent appraised 6311 and 6316 Benavides Drive, Dalls, Texas 75217 ("the Benavides properties") on or about March 15th and March 22nd, 2007, respectively.
5. Thereafter complaints relating to each of these real estate appraisal reports were filed with the Board. The complaints alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in his completion of these reports.
6. After receipt of each complaint, 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 each complaint were

received.

7. 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 his appraisals on the properties at issue:
 - a. In each of the appraisal reports at issue, Respondent violated the conduct provisions of the Ethics Rule by communicating misleading assignment results;
 - b. Respondent failed to comply with the record keeping provision of the USPAP Ethics Rule in his report on the Shady property;
 - c. Respondent failed to identify and report the improvements and site description adequately in the Shady and Millwood appraisal reports;
 - d. Respondent failed to identify and analyze the effect on use and value of supply and demand and market area trends in all of his appraisal reports;
 - e. Respondent failed to provide a brief summary of the basis for his determination of the properties' highest and best use in the Shady and Millwood appraisal reports;
 - f. Respondent failed to employ recognized methods and techniques in his cost approach and failed to provide supporting documentation for his site value and depreciations and did not collect, verify, analyze and reconcile the cost new of improvements in all of his appraisal reports;
 - g. Respondent has failed to employ recognized methods and techniques in his sales comparison approach and failed to collect, verify, analyze and reconcile comparable sales data adequately in all of his appraisal reports;
 - h. Respondent failed to analyze the prior listing history for the Benavides properties;
 - i. Respondent failed to disclose and analyze a prior sale of the Shady property at roughly 1,400,000.00 and failed to reconcile this value with his value determination of roughly \$2,800,000.
 - j. Respondent failed to disclose and analyze a prior sale of the Millwood property; and,
 - k. All of Respondent's reports contain substantial errors of omission and commission as detailed above which resulted in misleading appraisal reports for each property and resulted in appraisal reports which were not credible.

8. As detailed above, Respondent made material misrepresentations and omitted material facts.

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. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.
3. 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 (record keeping provisions and conduct provisions); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii) and 1-3(b) & 2-2(b)(ix); 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) & 2-2(b)(viii); 1-4(a) & 2-2(b)(viii); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
4. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

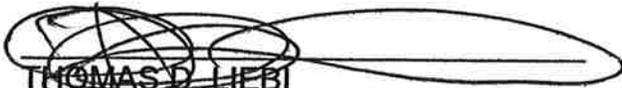
Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's certification shall be and is hereby **REVOKED**. Respondent shall not be entitled to apply for reinstatement in accordance with TEX. OCC. CODE § 1103.522.

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.

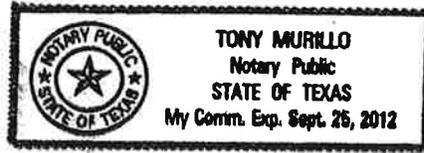
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 20 day of October, 2009.


THOMAS D. LIEBI

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 20 day of ~~September~~ October, 2009, by THOMAS D. LIEBI, to certify which, witness my hand and official seal.

[Signature]
Notary Public Signature



Tony Murillo
Notary Public's Printed Name

Signed by the Commissioner this 11 day of Dec, 2009.

[Signature]
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 11 day of Dec, 2009.

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