

**TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD**

vs.

**BRUCE E. MARTIN
TX-1321092-G**

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**DOCKETED COMPLAINT NO.
14-217 & 14-310**

AGREED FINAL ORDER

On the 20 day of November, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Bruce E. Martin (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified general real estate appraiser who holds Certification number TX-1321092-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 1210 FM 1745 N. Colmesneil, Texas 75938 (the "Colmesneil Property"), on or about March 29, 2014, April 3, 2014, and April 11, 2014.
3. Thereafter, complaint number 14-217, was filed with the Board by a homeowner on or about May 13, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").
4. Respondent appraised residential real property located at 4 Wood Farm Estates Road, Huntsville, Texas 77320, Texas (the "Huntsville Property"), on or about May 9, 2014, and May 23, 2014.
5. Thereafter, complaint number 14-310 was filed with the Board by a real estate salesperson on or about August 25, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice



(USPAP), TEX. OCC. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").

6. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CH. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved in these complaints, on or about May 29, 2014 and September 22, 2014, respectively. Respondent was afforded an opportunity to respond to the accusations in both complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about July 9, 2014 and October 7, 2014, respectively.

7. As a result of the Board's investigation into complaints 14-217 and 14-310, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Colmesneil and Huntsville Properties:

- a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Scope of Work Rule; 1-2(h) and 2-2(a)(vii) – Respondent failed to perform the scope of work necessary to develop credible assignment results;
- c. USPAP Standards 1-2(e), 1-3(a)-(b), and 2-2(a)(iii), (viii), and (ix) – Respondent failed to identify the characteristics of the property that are relevant to the intended use of the property; and failed to identify or analyze existing land use requirements, supply and demand, physical adaptability of the real estate or existing market trends and, did not summarize in his analysis supporting his determination of the highest and best use;
- d. USPAP Standards 1-1(a), 1-4(b)(i)-(iii) and 2-2(a)(viii) – Respondent did not employ recognized methods and techniques for the cost approach correctly; Respondent failed to support his site value, cost new, and depreciation determinations, and failed to summarize his reasoning that supports those analyses, opinions, and conclusions in the cost approach;
- e. USPAP Standards 1-1(a), 1-4(a) and 2-2(a)(viii) – Respondent did not employ recognized methods and techniques based on the sales approach correctly; Respondent failed to support adjustments made to the sales he used as comparables; and failed to collect, verify and analyze comparable sales data adequately;
- f. USPAP Standards 1-5(a), and 2-2(a)(viii) - Respondent failed to analyze the listing of the property;
- g. USPAP Standards 1-6(a)-(b), and 2-2(a)(viii)- Respondent failed to provide a reconciliation of the quality or quantity of the data used in the approaches.



8. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

9. The Board has jurisdiction over this matter pursuant to the Act.

10. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).

11. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.

12. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** Respondent to do the following:

1. **EDUCATION.** On or before May 20, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A minimum, 15 hour classroom course in USPAP (with exam); and
 - b. A seven (7) hour classroom course in appraisal report writing.
2. **MENTORSHIP.** On or before May 20, 2016, Respondent shall complete sixteen (16) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final

Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

- a. Four (4) hours of mentorship concerning sales comparison (adjustment support and comparable selection);
 - b. Four (4) hours of mentorship concerning cost approach (site valuation, cost new, and market-derived depreciation);
 - c. Four (4) hours of mentorship concerning written client communication; and,
 - d. Four (4) hours concerning scope of work.
3. **ADMINISTRATIVE PENALTY.** On or before December 10, 2015, Respondent shall pay to the Board an administrative penalty of Fifteen Hundred Dollars (\$1500.00), by cashier's check or money order.
 4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing and Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, Texas 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

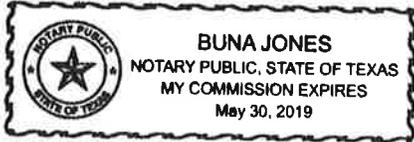
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

Signed this 8 day of September, 2015.

Bruce Earl Martin
Bruce Earl Martin

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 8 day of September, 2015, by Bruce Earl Martin, witnessed by my hand and official seal.

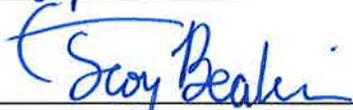


Buna Jones
Notary Public's Signature



STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 10th day of September, 2015.



Troy Beaulieu, Attorney
Director, Standards and Enforcement Services Division
Texas Appraiser Licensing and Certification Board

COMMISSIONER

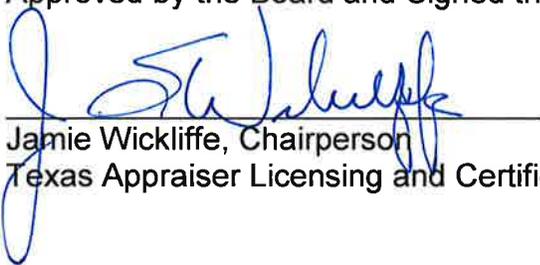
Signed by the Commissioner this 14 day of Sep, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this 20 day of Nov, 2015.



Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board