

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
15-269

FREDA GAIL MAYNARD
TX-1334602-R

AGREED FINAL ORDER

On the 19 day of February, ²⁰¹⁴~~2015~~, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Freda Gail Maynard (Respondent).

Respondent strongly denies the allegations made by the Board in this proceeding, and enters into this Agreed Final Order, and accepts the disciplinary action contained in this Order, solely for the purpose of avoiding the expense and uncertainty of litigation. 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 residential real estate appraiser who holds certification number TX-1334602-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 712 County Road 322, Bertram, Texas (Property), on or about January 20, 2015.
3. Thereafter, the complaint, numbered 15-269, was filed with the Board by a homeowner, on or about May 26, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about June 19, 2015. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about July 21, 2015.
5. As a result of the Board's investigation, 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 Property:

- a. USPAP Scope of Work Rule, USPAP Standards 1-2(h) & 2-2(a)(vii) – Respondent failed to inspect the property adequately;
 - b. USPAP Record Keeping Rule – Respondent failed to include all information and documentation in necessary to support her analyses, opinions and conclusions, in her work file;
 - c. USPAP Standards 1-4(b)(i) & 2-2(a)(viii); 1-4(b)(ii) & 2-2(a)(viii); 1-1(a) – Respondent failed to employ recognized methods and techniques in the cost approach. Respondent failed to use an appropriate method or technique to develop an opinion of the site value. Respondent failed to collect, verify and analyze comparable cost data to estimate cost new of improvements and failed to provide supporting analyses for her conclusions in the cost approach;
 - d. USPAP Standards 1-4(a) & 2-2(a)(viii) – Respondent failed to analyze comparable sales data adequately;
6. 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

1. The Board has jurisdiction over this matter pursuant to the Act.
2. 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).
3. 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** that Respondent's Texas state license (TX-1334602-R) is hereby revoked for six (6) months, with this revocation being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before May 19, 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 seven (7) classroom hour course on the cost approach;
2. **MENTORSHIP.** On or before May 19, 2016, Respondent shall complete eight (8) 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. Six (6) hours of mentorship addressing supporting and analyzing adjustments in the sales comparison approach; and
 - b. Two (2) hours of mentorship addressing USPAP obligations in connection with inspecting a property.
3. **EXPERIENCE LOG.** On or before June 27 and August 26, 2016, Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board covering the periods of May 19 through June 19, 2016 and July 19 through August 19, 2016, respectively. Each log shall detail *all* real estate appraisal activities Respondent has conducted during each of these (30) thirty day periods. These logs shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and accurate. Upon request from the Board, Respondent shall provide copies of appraisal reports and work files for any two (2) appraisal assignments Respondent performs during the course of each of the noted periods within twenty (20) days of receiving any such request so that staff may check to ensure Respondent is inspecting properties as indicated in her reports. Subject to the Board's reporting and assistance obligations under TEX. GOV'T CODE § 402.33 and Tex. Penal Code § 32.32, the Board agrees that the purposes for which it will use the experience log submitted by Respondent will at all times be limited to verifying that Respondent inspected the property that is the subject of each appraisal.
4. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of one thousand dollars (\$1,000.00) via five (5) monthly installment payments, by cashier's check or money order. Payments shall timely be delivered to the Board based on the following payment schedule:
- a. \$200.00 on or before 5:00 p.m. on Friday, March 18, 2016;

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- b. \$200.00 on or before 5:00 p.m. on Tuesday, April 19, 2016;
 - c. \$200.00 on or before 5:00 p.m. on Thursday, May 19, 2016;
 - d. \$200.00 on or before 5:00 p.m. on Monday, June 20, 2016; and
 - e. \$200.00 on or before 5:00 p.m. on Tuesday, July 19, 2016.
5. **TRAINEES.** Respondent shall not sponsor any trainees for six (6) months, from February 19, 2016 to August 19, 2016.
6. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
7. 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

RESPONDENT'S FAILURE TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE SHALL RESULT IN THE AUTOMATIC REVOCATION OF PROBATION AND THE REVOCATION IMPOSED IN THIS AGREED FINAL ORDER SHALL BE EFFECTIVE ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION.

ANY SUCH REVOCATION 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 & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 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.

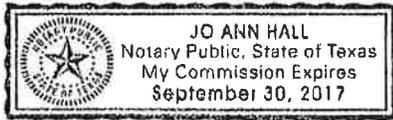
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

Signed this 26 day of January, 2016.

Freda Gail Maynard
Freda Gail Maynard

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 26th day of JANUARY, 2016, by Freda Gail Maynard, to certify which witness my hand and official seal.



Jo Ann Hall
Notary Public's Signature

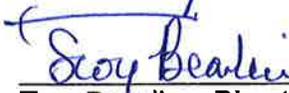
RESPONDENT'S ATTORNEY

Signed this 26 day of January, 2016.

Don E. Walden
Don E. Walden, Respondent's Attorney
The Law Office of Don E. Walden

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 26th day of JANUARY, 2016.



Troy Beaulieu, Director
Texas Appraiser Licensing and Certification Board

COMMISSIONER

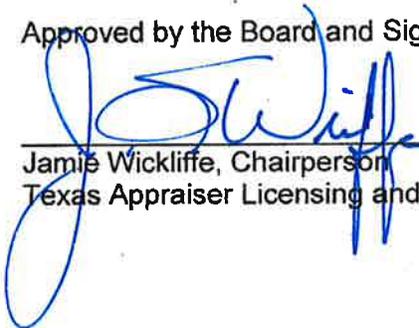
Signed by the Commissioner this 27 day of JAN, 2016.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this 19 day of February, 2016.



Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board