

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

JOSHUA DAVID MELTON  
TX-1334906-L

§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO. 06-094  
& 07-148

**AGREED FINAL ORDER**

On this the 29<sup>th</sup> day of FEBRUARY, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Joshua David Melton, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

**FINDINGS OF FACT**

1. Respondent Joshua David Melton is a State Licensed Real Estate Appraiser, holds license number TX-1334906-L, and has been licensed by the Board during all times material to the factual circumstances of this case.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code Chapter 1103 (the Act), the Rules of the Board, 22 Tex. Admin. Code §§ 153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about March 6<sup>th</sup>, 2006, Respondent appraised real property located at 1612 Hastings Bluff, McKinney, Collin County, Texas ("the Hastings property").
4. On or about February 21<sup>st</sup>, 2006, February 16<sup>th</sup>, 2006, February 22<sup>nd</sup>, 2006, February 24<sup>th</sup>, 2006 and March 27<sup>th</sup>, 2006, respectively, Respondent appraised real properties located at 2917 Berry Patch Land, Joshua, Texas, 3317 N. FM 157, Venus, Texas, 108 Billabong Ct., Weatherford, Texas, 164 Alice Springs Lane, Weatherford, Texas, and 111 Gunnison Ct., Azle, Texas, ("the manufactured home properties").
5. On or about March 7<sup>th</sup>, 2006 and May 17<sup>th</sup>, 2006 respectively, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), Tex. Gov't Code Ann. Chapter 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 alleged by the Complainants in both cases. Respondent's responses to both complaints were received.
6. Respondent's appraisal reports violated the Act, the Rules of the Board, and USPAP by the following acts or omissions:

### The Hastings Property Appraisal Report

- a) Respondent communicated a misleading appraisal report;
- b) Respondent erroneously described market area trends;
- c) Respondent failed to summarize his reasoning for his highest and best use determination;
- d) Respondent used inappropriate methods or techniques in his cost approach analysis, including his site value determination, cost and depreciation analysis;
- e) Respondent failed to analyze and reconcile sales comparison data properly and used improper methods and techniques;
- f) Respondent did not disclose and analyze both a prior listing and sale of the property;
- g) Respondent's report contained substantial errors of omission or commission that significantly impacted the assignment;

### The Manufactured Home Properties Appraisal Reports

- a) Respondent communicated misleading appraisal reports;
- b) Respondent failed to analyze and reconcile sales comparison data properly and used improper methods and techniques;
- c) Respondent did not provide reasonable estimates of land value or provide the cost forms required by the HUD handbook;
- d) Respondent failed to analyze the listing and agreement of sale for the properties;
- e) Respondent did not provide reasonable and supported adjustments or comments for the comparable properties he used;
- f) Respondent failed to provide complete and accurate site and neighborhood descriptions;

9. Respondent made material misrepresentations or omissions of material facts as noted above for both the Hastings and manufactured home properties appraisal reports.

**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 §§ 1103.451 and 1103.5535.
- 2. Respondent violated numerous provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).
- 3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations or omissions of material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Joshua David Melton's license be revoked.

Respondent, by signing this Agreed Final Order and agreeing to the revocation of his license, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

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.

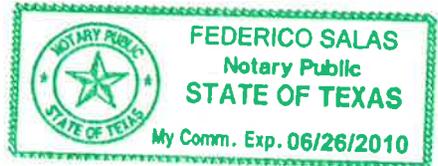
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 7 day of January, 2008.

Joshua David Melton  
JOSHUA DAVID MELTON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 7 day of January, 2008, by JOSHUA DAVID MELTON, to certify which, witness my hand and official seal.

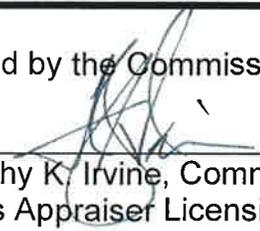
Federico Salas  
Notary Public Signature



FEDERICO SALAS  
Notary Public's Printed Name

---

Signed by the Commissioner this 8<sup>th</sup> day of February, 2008.

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

Approved by the Board and Signed this 29<sup>th</sup> day of FEBRUARY, 2008.

  
Larry Kokel, Chairperson  
Texas Appraiser Licensing and Certification Board  
Clinton P. Sayers