

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DARYL K. MORRIS
TX-1321480-R

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DOCKETED COMPLAINT NO.
07-196

AGREED FINAL ORDER

On this the 8th day of MAY, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Daryl K. Morris, (Respondent).

In order to conclude this matter, Daryl K. Morris 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 Daryl K. Morris is a Texas state certified residential real estate appraiser, holds certification number TX-1321480-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about January 18th, 2005, Respondent appraised real property located at 10535 Dunaway, Dallas, Texas 75228 ("the property").
3. On or about July 11th, 2007, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board. The complaint was based upon information submitted by Carlos H. Hinojosa, with the Texas Department of Insurance ("TDI"). TDI forwarded information it received from Carissa Terada of Genworth Mortgage Insurance in Raleigh, North Carolina which alleged that the appraisal report was inflated.
4. On or about September 4th, 2007 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 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 report for the property:
 - a) Respondent communicated a misleading appraisal report for the property;

- b) Respondent failed to maintain records evidencing collection, verification and analysis of data related to his site value determination and cost of improvements analysis in his cost approach;
- c) Respondent did not provide a summary of his reasoning behind his highest and best use determination for the property being appraised;
- d) Respondent used inappropriate methods or techniques in his cost approach analysis, including failing to indicate or provide in his work file the data supporting his site value determination and cost of improvements analysis;
- e) 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, and generally used improper methods and techniques;
- f) Respondent failed to correctly employ recognized methods and techniques in his income approach including failing to properly analyze and reconcile comparable operating expenses, comparable rental data and the potential earning capacity of the property, did not properly develop and support his determination of the gross rent multiplier, and did not develop his future rent or income potential and expenses projections based on reasonable, clear and appropriate evidence;
- g) Respondent's report contained substantial errors of commission or omission with respect to the sales comparison, income and cost approach 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 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 1-3(b) and 2-2(b)(x); 1-1(b); 1-2(c)(iv); 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) and 2-2(b)(ix); 1-4(c)i, 1-4(c)(ii), 1-4(c)(iii), 1-4(c)(iv) and 2-2(b)(ix), 1-1(c), 2-1(a).
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. Fully comply with the provisions of the Agreed Final Order in complaint case #07-002; and,

- b. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Failure to 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.

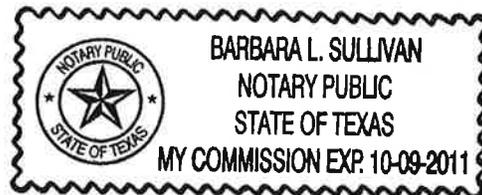
Signed this 14th day of April, 2008.

Daryl K. Morris
DARYL K. MORRIS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 14th day of April, 2008, by DARYL K. MORRIS, to certify which, witness my hand and official seal.

Barbara L. Sullivan
Notary Public Signature

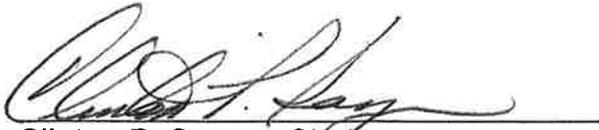
BARBARA L. SULLIVAN
Notary Public's Printed Name



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

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

Approved by the Board and Signed this 8th day of MAY, 2008.

A handwritten signature in black ink, appearing to read "Clinton P. Sayers", written over a horizontal line.

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