



- a) Respondent communicated a misleading appraisal report for the property;
  - b) Respondent used inappropriate methods or techniques and failed to maintain records evidencing collection, verification and analysis of data related to his site value determination in his cost approach analysis;
  - c) Respondent failed to describe the subject improvements adequately by failing to note various deficiencies in the property that should have been disclosed and accurately address the property's condition;
  - d) Respondent did not provide a summary of his reasoning behind his highest and best use determination for the property being appraised;
  - e) Respondent failed to analyze and reconcile sales comparison data properly by not accurately reporting the property's condition and making appropriate adjustments for its inferior condition;
  - f) Respondent did not properly analyze the agreement of sale for the property;
  - g) Respondent's report contained substantial errors of omission, particularly with respect to disclosure and analysis of the property's condition, which resulted in a misleading appraisal report for the property;
7. Respondent made omissions of material facts with respect to disclosure and discussion of the property's condition.

### 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 Supplemental Standards Rule and USPAP Standards Rules: 1-2(e)(i) and 2-2(b)(iii); 1-3(b) and 2-2(b)(x); 1-4(b)(i) and 2-2(b)(ix); 1-4(a) and 2-2(b)(ix); 1-1(a) and 2-1(a); and, 1-5(a) and 2-2(b)(ix).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material omissions of material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;

- b. Attend and complete a minimum, 7 classroom-hour course on Appraising the Tough Ones;
  - 1. No exam shall be required for the course on Appraising the Tough Ones;
- c. Pay to the Board an administrative penalty of \$500.00; and,
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless indicated otherwise in this Order, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

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.

Respondent, by signing this Agreed Final Order, 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.

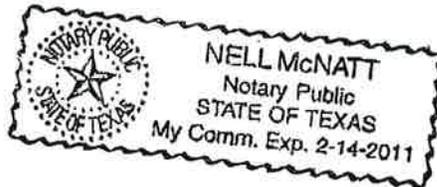
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 22 day of February, 2008.

[Signature]  
MELVIN WALTER MORRIS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 22 day of February, 2008, by MELVIN WALTER MORRIS, to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature



Notary Public's Printed Name

Signed by the Commissioner this 28<sup>th</sup> day of February, 2008.

[Signature]  
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.

[Signature]  
Larry Kokel, Chairperson  
Texas Appraiser Licensing and Certification Board

[Signature]