

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

CORY AMYETT NICHOLS  
TX-1322652-R

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DOCKETED COMPLAINT NO. 12-049

**AGREED FINAL ORDER**

On this the 17 day of Feb, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Cory Amyett Nichols, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Cory Amyett Nichols 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 Cory Amyett Nichols is a state certified residential real estate appraiser and has been certified by the Board during all times material to this complaint.
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. Respondent appraised real property located at 3321 Springfield Road, Springtown, Parker County, Texas 76082 ("the property") on or about August 20, 2010.
4. On or about October 26, 2011 a complaint was filed with the Board based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.
5. On or about November 2, 2011, 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.
6. Respondent violated TEX. OCC. CODE § 1103.405, 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 failed to comply with the record-keeping provisions of the Ethics Rule;
- b) Respondent failed to comply with the Scope of Work Rule by failing to give relevant evidence and logic, necessary for a credible assignment result;
- c) Respondent made an undisclosed extraordinary assumption that the subject possessed an easement to the street;
- d) Respondent failed to identify and report the site description adequately;
- e) Respondent failed to give support for the content of the Neighborhood section of the report;
- f) Respondent failed to provide his supporting rationale opinion of the highest and best use;
- g) Respondent failed to correctly employ recognized methods and techniques in the Cost Approach including failing to use an appropriate method or technique to develop an opinion of the site value for the Cost Approach; failing to collect, verify, analyze and reconcile the cost new of improvements; and not collecting, verifying, analyzing and reconciling accrued depreciations;
- h) Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized method or techniques;
- i) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property;
- j) Respondent failed to give sufficient information to enable the intended users of the appraisal to understand the report properly.

7. Respondent omitted material facts and made material misrepresentations in the appraisal report for the property as detailed above.

8. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

#### **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 § 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(f) or 1-2(g), 2-1(c) & 2-2(x); 1-2(e)(i) & 2-2(iii); 1-3(a) & 2-2(viii); 1-3(b) & 2-2(ix); 1-4(b)(i) & 2-2(viii); 1-4(b)(ii) & 2-2(viii); 1-4(b)(iii) & 2-2(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(viii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); 2-1(a); 2-1(b).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

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

- 1) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- 2) Attend and complete a minimum, 15 classroom-hour course in appraiser report writing;
- 3) Comply with all future 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 otherwise noted above, 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. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.** Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies the unfulfilled portion of the agreed final order and provides adequate documentation of same to the Board.

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 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.

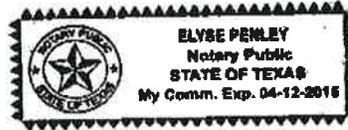
Signed this 31<sup>st</sup> day of January, 2012.

Cory Amyett Nichols  
CORY AMYETT NICHOLS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 31<sup>st</sup> day of January, 2012, by CORY AMYETT NICHOLS, to certify which, witness my hand and official seal.

Elyse Penley  
Notary Public Signature

Elyse Penley  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 16<sup>th</sup> day of February, 2012

Kyle Wolfe  
Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 17 day of Feb, 2012.

Douglas Oldmixon  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 17 day of Feb, 2012.

Luis De La Garza  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board