

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOUGLAS SCOTT ROBY
TX-1323344-R

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DOCKETED COMPLAINT NO.
10-358

AGREED FINAL ORDER

On the 9th day of November, 2012, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of DOUGLAS SCOTT ROBY (the "Respondent").

In order to conclude this matter, DOUGLAS SCOTT ROBY 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.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1323344-R, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 29622 Legends Place Drive, Spring, Texas 77386 (the "property") on or about October 16, 2007.
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced appraisal report for the property that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board.
5. 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) USPAP Ethics Rule (Record Keeping) – Respondent failed to comply with the USPAP ethics rule because she failed to maintain a work file containing all data, information, and documentation necessary to support the appraiser's opinions and conclusions;

- b) USPAP Scope of Work Rule – Respondent failed to support his work with the relevant evidence and logic required by this rule to obtain credible assignment results;
- c) USPAP Supplemental Standards Rule – Respondent failed to consider applicable published supplemental standards;
- d) USPAP Standards 1-3(a) & 2-2(b)(viii) – Respondent failed to provide support for his opinions and conclusions in the neighborhood section of the report;
- e) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide his supporting rationale for his determination of the property’s highest and best use;
- f) USPAP Standards 1-4(a) & 2-2(b)(viii) and 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile the comparable sales data; and generally failed to employ recognized methods and techniques in the Sales Comparison Approach;
- g) USPAP Standards 1-5(b) & 2-2(b)(viii) – Respondent failed to analyze all sales of the subject within three (3) years prior to the effective date of the appraisal;
- h) USPAP Standards 1-6(a) & (b), and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used; and
- i) USPAP Standards 1-1(a), 1-1(b), 1-1(c); 2-1(a); and 2-1(b) – Respondent produced a misleading appraisal report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques and not analyzing and reconciling significant and material information she had a duty to analyze and reconcile. This resulted in an appraisal report that was not credible or reliable.

6. Respondent omitted material facts and made material misrepresentations as described in more detail above.

7. The parties enter into this consent order (“Order”) in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.

2. Respondent violated the above-noted 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 omitting material facts.

4. 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 shall comply with the following terms and conditions within the time periods specified:

1. **EDUCATION.** On or before May 9, 2013. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this 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. On or before May 9, 2013, complete a minimum fifteen (15) classroom-hour course in Sales Comparison Approach; and
 - B. On or before May 9, 2013, complete a minimum of seven (7) classroom-hour course in Valuation by Comparison, OR complete an additional five (5) hours of in-person mentorship on the same topics covered by the Valuation by Comparison course, in addition to the mentorship detailed below.
2. **MENTORSHIP.** On or before February 7, 2013. Respondent shall complete fifteen (15) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board Staff in accordance with the schedule and topics set out below. Respondent shall submit a notarized Board affidavit form signed by the approved certified USPAP instructor 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 Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - A. On or before February 7, 2013, complete fifteen (15) hours of mentorship with a focus on the sales comparison approach, 3-year prior sales history analysis, and neighborhood and market area analysis.
3. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
4. 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 Agreed Final Order within the time allotted shall result in IMMEDIATE SUSPENSION of the Respondent's certification pursuant to notice to the Respondent from Board staff 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. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent is in full compliance with the terms of this Order and has provided adequate documentation of that compliance to the Board.

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. 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.

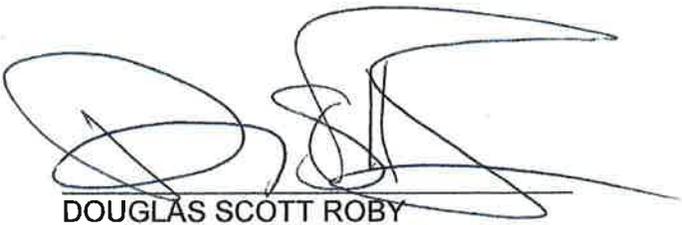
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH 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, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK OR FAILURE TO PROVIDE LOGS.

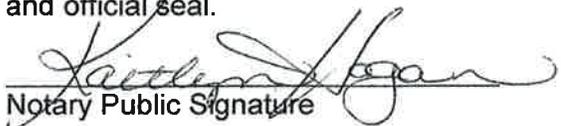
This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

Signed this ____ day of _____, 2012.


DOUGLAS SCOTT ROBY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 22 day of October, 2012, by DOUGLAS SCOTT ROBY, to certify which, witness my hand and official seal.


Notary Public Signature

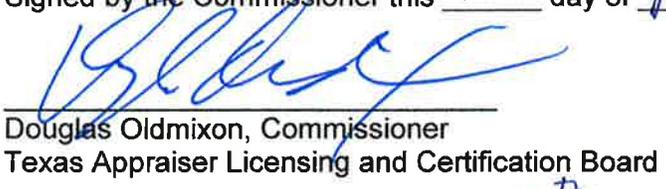


Kaitlyn Hogan
Notary Public's Printed Name

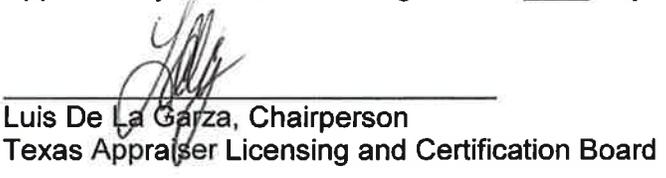
Signed by the Standards and Enforcement Services Division this 9th day of NOVEMBER, 2012.


Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 9th day of November, 2012.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 9th day of November, 2012.


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