

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

THOMAS JOSEPH ROW  
TX-1335355-L

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
07-160

**AGREED FINAL ORDER**

On this the 17<sup>th</sup> day of OCTOBER, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Thomas Joseph Row (Respondent).

In order to conclude this matter, Thomas Joseph Row 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 Thomas Joseph Row is a Texas state licensed real estate appraiser, holds license number TX-1335355-L, and has been licensed by the Board during all times material to the above-noted complaint case.
2. On or about January 23<sup>rd</sup>, 2006, Respondent appraised real property located at 1306 Rainbow Drive, Dallas, Texas 75208 ("the property").
3. On or about May 14<sup>th</sup>, 2007, the Complainant, Edmund Buzy-Pucheu, Vice President of Appraisal Review for Delta Funding Corporation, filed a complaint with the Board. The complaint alleged that the appraisal report was performed incorrectly and had numerous violations of the Uniform Standards of Professional Appraisal Practice which lead to overvaluation of the property.
4. On or about June 19<sup>th</sup>, 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 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 produced a misleading report for the property;

- b) Respondent failed to report the scope of work necessary to complete his assignment;
- c) Respondent failed to identify the zoning classification impacting the property;
- d) Respondent failed to use an appropriate method or technique to develop his site value opinion;
- e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements, and accrued depreciations and did not employ recognized methods and techniques in his cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile sales comparison data properly and generally did not employ recognized methods and techniques in his sales comparison approach;
- g) Respondent failed to report and analyze the listing history of the property;
- h) Respondent was negligent in failing to report and analyze the prior listing history of the property, and failing to report and analyze several sales comparables within the property's immediate neighborhood;
- i) Respondent's report for the property contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

### **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 TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 1-2(h) & 2-2(b)(vii); 1-3(a) & 2-2(b)(viii); 1-4(b)(i) & 2-2(b)(vii); 1-4(b)(ii) & 2-2(b)(vii); 1-4(b)(iii) & 2-2(b)(vii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
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:

- a. Have his license suspended for eighteen months with this suspension being fully probated under the following conditions:

- i. During the entire eighteen month suspension Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of his period of probation within twenty days of notice of any such request;
  - ii. Respondent shall timely remit payment of the administrative penalty, and timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- d. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- e. Attend and complete a minimum, 7 classroom-hour course in Appraising the Tough Ones;
  - i. No examination shall be required for this course;
- f. Attend and complete a minimum, 4 classroom-hour course in fraud;
  - i. No examination shall be required for this course;
- g. Pay to the Board an administrative penalty of \$1,500.00;
- h. 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 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 licensure.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely 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, including but not limited to revocation of the above-noted probation.

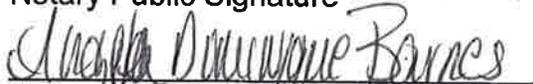
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published 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 15 day of SEPTEMBER, 2008.

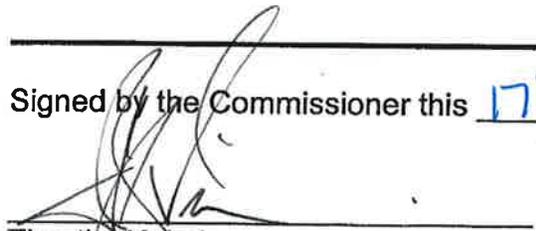
  
THOMAS JOSEPH ROW

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15<sup>th</sup> day of Sept, 2008, by THOMAS JOSEPH ROW, to certify which, witness my hand and official seal.

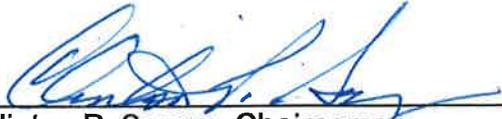
  
Notary Public Signature  
  
Notary Public's Printed Name



Signed by the Commissioner this 17<sup>th</sup> day of OCTOBER, 2008.

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

Approved by the Board and Signed this 17<sup>th</sup> day of OCTOBER, 2008.



---

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