

TEXAS APPRAISER LICENSING §
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO.10-145

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WILEY PAYNE RUDASILL §
TX-~~4326294-G~~ §
1331780-R

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 Wiley Payne Rudasill (Respondent).

In order to conclude this matter Wiley Payne Rudasill denies the truth of the Findings of Fact and Conclusions of Law contained herein, but agrees to the disciplinary action set out in this Agreed Final Order to avoid the costs associated with further litigation of the matter. 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, Wiley Payne Rudasill, is a state certified residential real estate appraiser who currently holds and held certification number TX-1331780-R during all times material to the above-noted complaint case.
2. Respondent appraised ~~440~~ 3006 West Terrace Drive, Austin, Texas 78757 ("the property") on or about October 19th, 2009.
3. On or about January 13th, 2010, Annette Axtman, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report for the property that contained various deficiencies.
4. On or about January 19th, 2010, 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 this complaint was received.
5. Respondent violated the following provisions of the Uniform Standards of Professional Appraisal Practice ("USPAP") which were in effect at the time of the appraisal report for the property:

- a) Respondent violated the record keeping provisions of the Ethics Rule because he failed to maintain a work file containing all data, information and documentation necessary to support his opinions, analyses and conclusions;
- b) Respondent failed to comply with provisions of the Fannie Mae Single Family 2007 Selling Guide pertaining to use of comparable sales;
- c) Respondent failed to identify and analyze correctly the effect on use and value of economic supply and demand and market area trends and summarize his supporting analysis for such determinations;
- d) Respondent failed to collect, verify, analyze and reconcile the cost of improvements, failed to collect, verify, analyze and reconcile accrued depreciations and summarize his supporting analysis for such determinations and failed to employ recognized methods and techniques in his cost approach;
- e) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and summarize his supporting analysis and has not employed recognized methods and techniques in his sales comparison approach; and,
- f) Respondent produced an appraisal report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques as detailed 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 TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§155.1(a) and 153.20(a)(3)¹: USPAP Ethics Rule (record keeping provisions); USPAP Scope of Work Rule; USPAP Standard Rules: 1-2(h) & 2-2(b)(vii); 1-3(a) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a), 1-1(b), 1-1(c); and, 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9)² by making material misrepresentations and omitting material facts.

¹ 122 TEX. ADMIN. CODE § 153.20(a)(3) was renumbered without any substantive changes on December 27th, 2010 and is now located at 22 TEX. ADMIN. CODE § 153.20(a)(6).

² 222 TEX. ADMIN. CODE § 153.20(a)(9) was renumbered without any substantive changes on December 27th, 2010 and is now located at 22 TEX. ADMIN. CODE § 153.20(a)(12).

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

- 1) Within 6 months of the effective date of this order, Respondent shall complete 6 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 7 days of the 6 month period referenced above, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours;
- 2) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- 3) Attend and complete a minimum, 7 classroom-hour course in Staying Out of Trouble;
 - i. No examination shall be required for this course;
- 4) Submit to a 6 month review period under the following conditions:
 - (a) During the six month review period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and 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 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 this period of review within the twenty days of notice of any such request; and,
- 5) 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 **SIX 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 nine 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 or 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 license or 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 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.

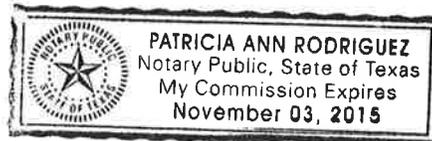
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 7 day of FEBRUARY, 2012.

Wiley Payne Rudasill
WILEY PAYNE RUDASILL

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 7 day of February, 2012, by WILEY PAYNE RUDASILL, to certify which, witness my hand and official seal.

Patricia A. Rodriguez
Notary Public Signature



Patricia A. Rodriguez
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 16th day of February, 2012.

Susy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 16th day of February, 2012.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

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



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