

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BRENDA GAYLE TAYLOR
TX-1321854-R

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DOCKETED COMPLAINT NO.
10-066

AGREED FINAL ORDER

On this the 18th day of May, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Brenda Gayle Taylor (Respondent).

In order to conclude this matter Brenda Gayle Taylor 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, Brenda Gayle Taylor, is a certified residential appraiser who currently holds TX-1321854-R and held that certification number during all times material to the above-noted complaint cases.
2. Respondent appraised 2408 Overland Lane, Tarrant County, Arlington, Texas 76014 (the "property") on or about August 31, 2007.
3. Thereafter, a complaint relating to the real estate appraisal report was filed with the Board. The complaint alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP") and not completed properly.
4. After receipt of the complaint, 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 complaints. 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 failed to comply with the record-keeping provisions of the Ethics Rule;

- b) Respondent failed to adequately identify and report the site description;
 - c) Respondent incorrectly reported the zoning classification;
 - d) Respondent failed to identify and analyze market area trends, and did not report the neighborhood boundaries correctly;
 - e) Respondent failed to provide her supporting rationale for her determination of the property's highest and best use;
 - f) Respondent failed to use an appropriate method or technique to develop an opinion of the site value; failed to collect, verify, analyze and reconcile the cost new of improvements; and generally failed to employ recognized methods and techniques for the Cost Approach;
 - g) Respondent failed to collect, verify, analyze and reconcile comparable sales data; and did not employ recognized methods and techniques in the Sales Comparison Approach;
 - h) Respondent failed to analyze the sales contract;
 - i) Respondent failed to perform a reconciliation of the sales used to compare to the subject property;
 - j) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.
6. Respondent omitted material facts as described in more detail above.
7. 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 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): USPAP Ethics Rule (record-keeping); 1-2(e)(i) & 2-2(iii); 1-2(e)(iv) & 2-2(viii); 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); 1-1(a) & 1-4(b); 1-4(a) & 2-2(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(viii); 1-6(a) & (b) 2-2(viii); 1-1(a), (b) & (c); and 2-1(a) & (b).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

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

- a. Submit to a review period for a period of eighteen months (18), under the following conditions:
 - i. During the eighteen 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 six months and shall detail all real estate appraisal activities she has conducted during the previous six 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 her appraisal reports and work files for any appraisal assignments she performs during the course of this review period within the twenty days of notice of any such request;
 - ii. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order;
- b. Within 12 months of the effective date of this order, Respondent shall complete 12 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 12 months of the effective date of this order, 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;
- c. Attend and complete a minimum, 15 classroom-hour course in USPAP, in classroom and with examination;
- d. Attend and complete a minimum, 7 hour "Staying out of Trouble" course, in classroom;
 - i. No examination shall be required for the 7 classroom-hour course; and
- e. 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 licensure or certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

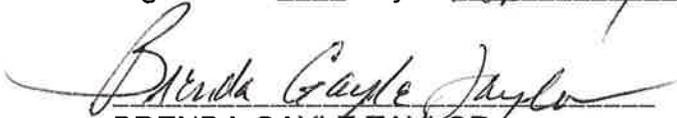
Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE REVOCATION** of the Respondent's license or certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this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

ANY SUCH REVOCATION 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 revocation by certified mail, return receipt requested, to the last known address as provided to the Board.

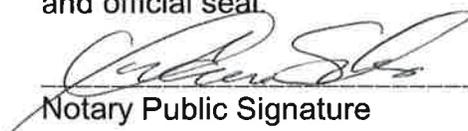
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published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

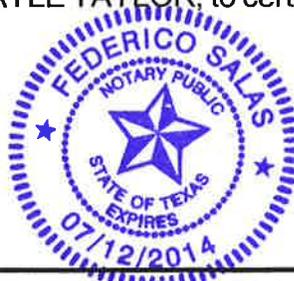
Signed this 14 day of February, 2012.


BRENDA GAYLE TAYLOR

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 14 day of February, 2012, by BRENDA GAYLE TAYLOR, to certify which, witness my hand and official seal.


Notary Public Signature

FEDERICO SALAS
Notary Public's Printed Name

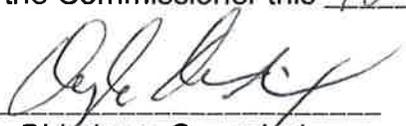


Signed by the Standards and Enforcement Services Division this 17th day of May, 2012.



Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 18 day of May, 2012.



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

Approved by the Board and Signed this 11 day of May, 2012.



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