

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CHAD DUSTON THARALDSON
TX-1337121-R

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DOCKETED COMPLAINT NO.
08-218

AGREED FINAL ORDER

On this the 12th day of September, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Chad Duston Tharaldson (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Chad Duston Tharaldson 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 Chad Duston Tharaldson is a Texas state certified residential real estate appraiser, holds certification number TX-1337121-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about June 27th, 2008 Respondent conducted a review appraisal in Texas of real property that had been appraised by a Louisiana appraiser trainee and located at 4066 Bertie Ann, Lake Charles, Louisiana, 70611 ("the property").
3. On or about July 1st, 2008, the Complainant, Leonard E. Pauley, Jr., filed a complaint with the Board, which was based on allegations that the Respondent had produced a review appraisal report that contained various deficiencies.
4. On or about July 16th, 2008 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 his review appraisal report:

- a) Respondent failed to comply with USPAP's Competency Rule because he was not geographically competent and did not access market sales data relevant to the review assignment, instead relying on two listings he found on www.realtor.com;
- b) Respondent failed to report the extent of his process of collecting, confirming and reporting data. He exceeded the scope of work he outlined in his review by developing an opinion of market value without defining a scope of work necessary to produce credible assignment results;
- c) Respondent failed to develop a value opinion in conformance with USPAP Standards 1 and 3;
- d) Respondent did not produce a credible appraisal report due to the problems noted above; and,
- e) Respondent did not include all pertinent information and did not provide sufficient information to enable the client and intended users to understand the rationale for his value conclusion;

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 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Competency Rule; USPAP Standards Rules: 3-1(c), 3-2(c), 1 and 3, and 3-2(e).
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. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Sales Comparison Approach;
- c. Attend and complete a minimum, 7 classroom-hour course in Review Appraisal assignments;

- d. Pay to the Board an administrative penalty of \$500.00; 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 certification.

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.

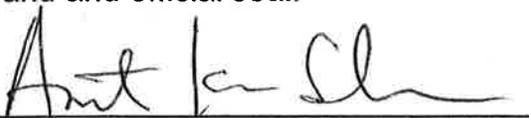
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published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

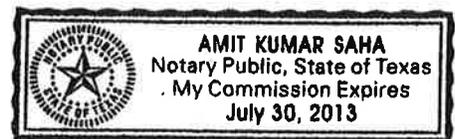
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 12 day of SEPT, 2009.


CHAD DUSTON THARALDSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 12 day of September, 2009, by CHAD DUSTON THARALDSON, to certify which, witness my hand and official seal.


Notary Public Signature



AMIT KUMAR SAGHA
Notary Public's Printed Name

Signed by the Commissioner this 19 day of OCT, 2009.


Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Douglas E. Oldmixon

Approved by the Board and Signed this 16th day of October, 2009.


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