

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

WILLIAM THOMPSON  
TX-1321481-R

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DOCKETED COMPLAINT NO. 10-166

**AGREED FINAL ORDER**

On this the 20 day of August, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of William Thompson (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter William Thompson 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, William Thompson, is a state certified residential real estate appraiser, holds certification number TX-1321481-R, and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about December 12<sup>th</sup>, 2008, Respondent entered into an agreed order to resolve complaints #06-130 and #08-034.
4. Respondent was required as part of the order to complete certain remedial education and pay an administrative penalty. Respondent has failed to comply with the remedial education and administrative penalty provisions of the agreed final order in complaints #06-130 and #08-034.
5. Thereafter a complaint was filed incident to Respondent's failure to comply with these terms of the agreed final order.
6. On or about February 8<sup>th</sup>, 2010, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded

an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

#### **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 §§ 1103.451-1103.5535.

2. Respondent has violated 22 TEX. ADMIN. CODE § 153.20(a)(21) by failing to comply with a final order of the board.

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

- a. Comply with all of the terms of the agreed final order in complaints #06-130 and #08-034 and forward any necessary documentation evidencing compliance within (6) six months of the effective date of this Agreed Final Order;
- b. Pay an administrative penalty of \$300.00; and,
- c. 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 **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 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. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

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 comply with any of the terms required by 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 the Board indicating that the Respondent has not fulfilled the required terms 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 or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on 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.

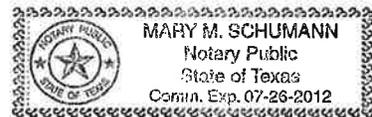
Signed this 20<sup>th</sup> day of August, 2010.

  
WILLIAM THOMPSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 20<sup>th</sup> day of August, 2010, by WILLIAM THOMPSON, to certify which, witness my hand and official seal.

  
Notary Public Signature

MARY M. SCHUMANN  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17<sup>th</sup> day of NOVEMBER, 2010.

  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 19 day of Nov, 2010.

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

Approved by the Board and Signed this 19<sup>th</sup> day of November, 2010.



James B. Ratliff, Chairperson  
Texas Appraiser Licensing and Certification Board

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AND CERTIFICATION BOARD

vs.

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DOCKETED COMPLAINT NO.  
06-130 & 08-034

**AGREED FINAL ORDER**

On this the 12<sup>th</sup> day of December, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of William Thompson (Respondent).

In order to conclude this matter, William Thompson 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 William Thompson is a Texas state certified residential real estate appraiser, holds certification number TX-1321481-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about January 20<sup>th</sup>, 2003 and October 29<sup>th</sup>, 2002, Respondent appraised real property located at: 1435 Broad Oak, Bandera, Texas 78003 ("the Bandera property") and 1317 Black Oak, Schertz, Texas 78154 ("The Schertz property") respectively.
3. On or about May 11<sup>th</sup>, 2006, Mark Liley of Flagstar Bank, filed a complaint with the Board on the Bandera property appraisal. The complaint alleged that Respondent's appraisal report for the property was inflated. On or about October 24<sup>th</sup>, 2007, Mark Loftus, filed a staff-initiated complaint with the Board on the Schertz property appraisal. The complaint was based upon information submitted by Peter G. Kopperman of Fannie Mae and alleged that Respondent's appraisal report for the property contained potential violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. On or about May 19<sup>th</sup>, 2006 and October 25<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 complaints. Respondent's response to each complaint was received.

5. Respondent violated 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 reports for the properties.

- a) Respondent failed to comply with the record keeping provisions of USPAP's Ethics Rule;
- b) Respondent failed to identify and report the improvement(s) and site description adequately, including miscalculating the square footage for the Schertz property;
- c) Respondent failed to provide a brief summary of his determination of the properties' highest and best use;
- d) Respondent failed to use an appropriate method or technique to develop an opinion of site value, miscalculated the cost of improvements and did not employ recognized methods and techniques in his cost approach;
- e) By not using available sales that were the most similar to the property, Respondent failed to analyze and reconcile sales comparison data properly and generally did not employ recognized methods and techniques in his sales comparison approaches for both appraisals;
- f) Respondent failed to analyze in his report the agreement of sale for the Bandera property;
- g) Respondent failed to report and analyze a sale of the Schertz property which occurred roughly 2 years prior to the effective date of his appraisal report;
- h) Respondent failed to report and analyze the effect on value, if any, of the assemblage of various estates or component parts of the Bandera property;
- i) Respondent failed to examine and maintain plans and specifications in his work file for the Bandera property;
- j) Respondent was negligent and did not produce credible appraisal reports due to the problems noted above; and,
- k) Respondent's reports for the properties contain substantial errors of commission or omission as detailed above which resulted in a misleading appraisal reports for the properties.

## 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 Ethics Rule (record keeping provisions) USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); 1-5(b) & 2-2(b)(ix); 1-4(e) & 2-2(b)(ix); 1-4(h) & 2-2(b)(ix); 1-1(b); 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 omitting material facts and making material misrepresentations.

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, 8 classroom-hour course in the Cost Approach;
- c. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach
- d. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- e. Pay to the Board an administrative penalty of \$1,000.00, \$500 of which is hereby probated under the condition that Respondent timely satisfy all of the terms of this order and,
- f. 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 certification.

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, imposition of the probated amount of the administrative penalty.

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.

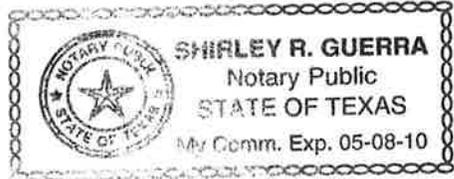
Signed this 24 day of October, 2008.

[Signature]  
WILLIAM THOMPSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 24 day of October, 2008, by WILLIAM THOMPSON, to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature

Shirley R. Guerra  
Notary Public's Printed Name



Signed by the Commissioner this 12th day of December, 2008.

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

Approved by the Board and Signed this 12th day of December, 2008.

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