

TALCB COMPLAINT NOS. 15-124 & 15-173

**TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD ("BOARD")**

V.

**RODGER THORNTON WILLIAMS
LICENSE NO. TX-13234530-R**

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**BEFORE THE TEXAS APPRAISER
APPRAISER LICENSING AND
CERTIFICATION BOARD**

**SITTING IN AUSTIN
TRAVIS COUNTY, TEXAS**

ORDER GRANTING REQUEST FOR MODIFICATION IN PART

On August 19, 2016, the Texas Appraiser Licensing and Certification Board considered the Respondent's request for modification in this matter.

Respondent Rodger Thornton Williams submitted a request for modification in this matter. The Board originally approved an Agreed Final Order in this matter on November 20, 2015. Among other things, the Agreed Final Order required the Respondent to complete the following in-person courses: a 15-hour USPAP course; a 30-hour course on the sales comparison approach; a 15-hour course on the cost approach; and a 15-hour course on report writing. The Agreed Final Order also required the Respondent to complete 18 hours of mentorship on specified topics, including the sales comparison approach, the cost approach, report writing, and USPAP Standards 1 and 2. All courses and required mentorship hours were to be completed on or before November 20, 2016.

Respondent has been unable to complete all of the required courses and mentorship hours and requests the Board to modify the Agreed Final Order to accept the courses he has completed as satisfaction of all courses and mentorship required under the terms of the Agreed Final Order. Alternatively, Respondent requests the Board to grant an extension of time until May 31, 2017, to allow him to complete the required courses and mentorship hours. To date, Respondent has completed the following in-person courses: a 15-hour USPAP course, a 15-hour course on the sales comparison approach, and a 14-hour report writing course. Respondent has not yet completed a 15-hour, in-person course on the sales comparison approach, a 15-hour, in-person course on the cost approach, or 18 hours of mentorship on specified topics.

Upon review, the Board GRANTS Respondent's request for modification IN PART as follows:

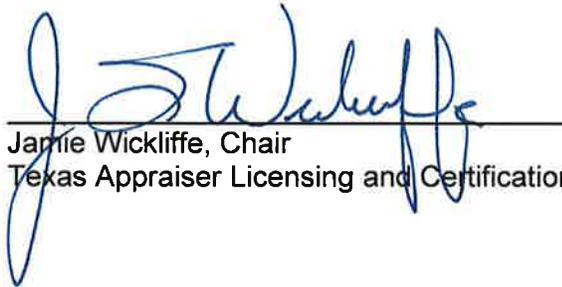
IT IS ORDERED that the Board accepts the 14-hour, in-person report writing course completed by Respondent on January 16-17, 2016, in lieu of the 15-hour, in-person report writing course required in the Agreed Final Order.

IT IS FURTHER ORDERED that Respondent shall complete the 18 hours of mentorship on specified topics as required in the Agreed Final Order and provide satisfactory evidence of completion of all required mentorship hours and specified topics to the Board on or before December 31, 2016.

IT IS FURTHER ORDERED that Respondent shall complete a 15-hour, in-person course on the cost approach and a 15-hour, in-person course on the sales comparison approach that is different from the 15-hour, in-person sales comparison course previously taken by Respondent on March 7-10, 2016, on or before March 31, 2017 as specified in the Agreed Final Order and submit satisfactory evidence of completion of these courses to the Board on or before March 31, 2017.

IT IS FURTHER ORDERED that Respondent shall not sponsor any trainees until March 31, 2017, or until Respondent has completed all of the courses and mentorship hours required under the terms of the Agreed Final Order and submitted evidence of completion of said courses and mentorship hours to the Board, whichever is later.

Approved by the Board and signed this 19th day of August, 2016.



Handwritten signature of Jamie Wickliffe in blue ink, written over a horizontal line.

Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
15-124 and 15-173

RODGER THORNTON WILLIAMS
TX-1334530-R

AGREED FINAL ORDER

On the 20 day of November, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Rodger Thornton Williams (Respondent).

In order to conclude both complaints, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent 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 Agreed Final Order in accordance with TEX. OCC. CODE §1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1334530-R and was certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised residential real property located at 1904 Alsdorf Road, Ennis, Texas 75119 (Alsdorf Property), on or about October 21, 2014, and appraised residential real property located at 1034 Lake Sawyer Road, Ennis, Texas 75119 (Lake Sawyer Property), on or about September 22, 2014.
3. Thereafter, a complaint (15-124) regarding the Alsdorf Property was filed with the Board by an appraisal management company, on or about December 19, 2014, and a complaint (15-173) regarding the Lake Sawyer Property was filed with the Board by an appraisal management company, on or about February 18, 2015. The Board investigated the complaints to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved in complaint 15-124, on or about January 8, 2015, and complaint 15-173, on or about March 20, 2015. Respondent was afforded an opportunity to respond to the accusations in the complaints and was also requested to provide certain documentation to the Board. Thereafter, the

Respondent responded with documentation to complaint 15-124, on or about January 20, 2015, and to complaint 15-173, on or about May 7, 2015.

5. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Alsdorf Property:

- a. USPAP Record Keeping Rule – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
- b. USPAP Scope of Work Rule, USPAP Standards Rules 1-2(h) and 2-2(a)(viii) – Respondent failed to perform the scope of work necessary for credible assignment results;
- c. USPAP Standards Rules 1-2(f), 2-1(c) and 2-2(a)(x) – Respondent failed to identify and report extraordinary assumptions;
- d. USPAP Standards Rules 1-2(e)(i) and 2-2(a)(iii) – Respondent failed to adequately identify and report the improvements; Respondent failed to adequately identify and report the site description;
- e. USPAP Standards Rules 1-2(e)(iv) and 2-2(a)(viii); 1-2(e)(iv) and 2-2(a)(viii); 1-3(b) and 2-2(a)(ix) – Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature; Respondent failed to identify and report the Property's zoning; Respondent failed to properly develop the opinion of highest and best use;
- f. USPAP Standards Rules 1-4(b)(i), 1-4(b)(ii) and 2-2(a)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements;
- g. USPAP Standards Rules 1-4(a) and 2-2(a)(viii); 1-1(a) and 1-4(a); 1-6(a), 1-6(b), and 2-2(a)(viii) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments to the sales used, and did not disclose the analysis and reasoning behind the adjustments made or not made; Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach;

- h. USPAP Standards Rules 1-4(c) and 2-2(a)(viii) – Respondent failed to properly support the exclusion of the income approach;
- i. USPAP Standards Rules 1-5(a) and 2-2(a)(viii) – Respondent failed to disclose and analyze information regarding the property's current listing; and
- j. USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), and 2-1(a) – For the reasons detailed above, Respondent produced an appraisal report for the Property that contained substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.

6. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Lake Sawyer Property:

- a. USPAP Record Keeping Rule – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
- b. USPAP Scope of Work Rule, USPAP Standards Rules 1-2(h) and 2-2(a)(viii) – Respondent failed to perform the scope of work necessary for credible assignment results;
- c. USPAP Standards Rules 1-2(f), 2-1(c) and 2-2(a)(x) – Respondent failed to identify and report extraordinary assumptions;
- d. USPAP Standards Rules 1-2(e)(iv) and 2-2(a)(viii); 1-3(b) and 2-2(a)(ix) – Respondent failed to identify and report the Property's zoning; Respondent failed to properly develop the opinion of highest and best use;
- e. USPAP Standards Rules 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) and 2-2(a)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements; Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
- f. USPAP Standards Rules 1-4(a) and 2-2(a)(viii); 1-1(a) and 1-4(a); 1-6(a), 1-6(b), and 2-2(a)(viii) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments to the sales used, and did not disclose the analysis and reasoning

behind the adjustments made or not made; Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach;

- g. USPAP Standards Rules 1-4(c) and 2-2(a)(viii) – Respondent failed to explain and support the exclusion of the income approach; and
- h. USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), and 2-1(a) – For the reasons detailed above, Respondent produced an appraisal report for the Property that contained substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.

7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE §1103.458.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction over this matter pursuant to the Act.
- 2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
- 3. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

- 1. **EDUCATION.** On or before November 20, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A classroom course in USPAP, a minimum of fifteen (15) class hours, on or before November 20, 2016.
 - b. A classroom course on the sales comparison approach, a minimum of thirty (30) class hours, on or before November 20, 2016.

- c. A classroom course on the cost approach, a minimum of fifteen (15) class hours, on or before November 20, 2016.
 - d. A classroom course on report writing, a minimum of fifteen (15) class hours, on or before November 20, 2016.
2. **MENTORSHIP.** On or before November 20, 2016, Respondent shall complete eighteen (18) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
- a. Six (6) hours of mentorship concerning the sales comparison approach, on or before November 20, 2016.
 - b. Six (6) hours of mentorship concerning the cost approach, on or before November 20, 2016.
 - c. Three (3) hours of mentorship concerning report writing, on or before November 20, 2016.
 - d. Three (3) hours of mentorship concerning USPAP Standards 1 and 2, on or before November 20, 2016.
3. **TRAINEES.** Respondent shall not sponsor any trainees for twelve (12) months, from November 20, 2015 to November 20, 2016.
4. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
5. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered

via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

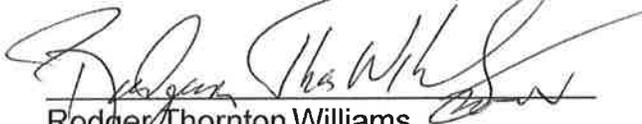
EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

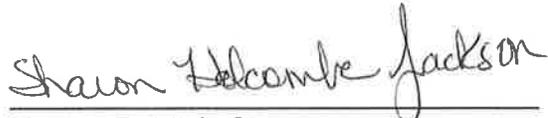
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

Signed this 21 day of September, 2015.


Rodger Thornton Williams

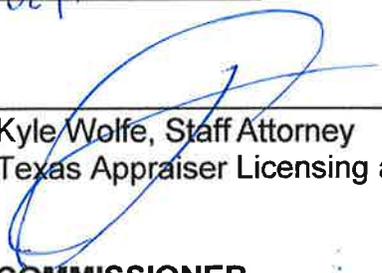
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 21 day of September, 2015, by Rodger Thornton Williams, to certify which witness my hand and official seal.


Notary Public's Signature



STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 23 day of September, 2015.



Kyle Wolfe, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 28 day of Sep, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this 20 day of November, 2015.



Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board