

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

LIGIA MORICE ZAVALNEY
TX-1323224-G

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DOCKETED COMPLAINT NO. 08-043

AGREED FINAL ORDER

On this the 27th day of May - A JUNE, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Ligia Morice Zavalney (Respondent). 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 Ligia Morice Zavalney is a Texas state certified general real estate appraiser, holds certification number TX-1323224-G, 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 § 1103 et. seq. (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 June 7th, 2004, Respondent appraised real property located at 1204 and 1206 Cedar Avenue, Austin, Texas ("the property").
4. On or about November 20th, 2007, the Complainant, Ronnie Singleton, review appraiser for Apex Realty Advisors, filed a complaint with the Board. The complaint claimed that Respondent had failed to deliver a completed appraisal report despite having been paid for the appraisal assignment.
5. On or about November 27th, 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 complaint. Respondent's response to the complaint was received.
6. Respondent violated TEX. OCC. CODE § 1103.405, and 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 provide a statement of her rationale for her determination of the property's highest and best use;

- b) Respondent failed to provide any supporting data and/or analysis for the cost data, land sales and/or improved sales;
 - c) Respondent made substantial errors of omission; and,
 - d) Respondent failed to provide a signed certification in her report.
7. Respondent made omissions of material facts 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, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): 1-3(b) & 2-2(b)(x); 1-4(b)(i), 1-4(b)(ii) & 2-2(b)(ix), 1-1(b), and 2-3.
3. Respondent violated the provisions of 22 TEX. ADMIN. CODE § 153.20(a)(9).

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; and,
- b. 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. 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 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.

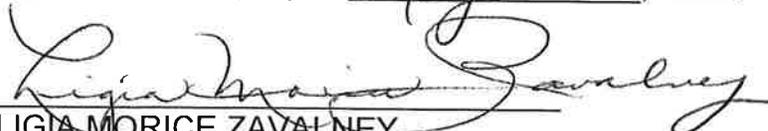
Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an

expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

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 27 day of May, 2008.


LIGIA MORICE ZAVALNEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 27 day of May, 2008, by LIGIA MORICE ZAVALNEY, to certify which, witness my hand and official seal.


Notary Public Signature

DIANE FLETCHER
Notary Public's Printed Name



Notary Without Bond

Signed by the Commissioner this 27th day of June, 2008.


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

Approved by the Board and Signed this 27th day of JUNE, 2008.


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