

DISCIPLINARY REPORT

January 21, 2010

AB 08-52

On November 19, 2009, the Board issued a private reprimand to a Certified Residential Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a \$1700 administrative fine. The violations were: The Licensee communicated a misleading report by failing to adequately describe the neighborhood and subject site and by concealing the existence of the concrete block building on the subject site and the railroad tracks adjacent to the subject. Licensee did not disclose, or consider the effect on value of a dilapidated concrete block building on the subject site and the active railroad track adjacent to the subject site. Licensee did not disclose, or consider the effect on value of a dilapidated concrete block building on the subject site and the active railroad track adjacent to the subject site. Licensee failed to properly analyze comparable sales to determine adjustments for site, location, age and condition. Licensee failed to analyze the current sales contract for the subject at time of appraisal. Licensee failed to adequately describe the neighborhood and concealed the existence of the concrete block building on the subject and the railroad tracks adjacent to the subject. Licensee did not disclose, or consider the effect on value of a dilapidated concrete block building on the subject site and the active railroad track adjacent to the subject site. Ethics Rule, Conduct, Standards Rule 1-1(b), Standards Rule 1-2(e)(i), Standards Rule 1-4(a) Standards Rule 1-5(a), Standards Rule 2-1(a), Standards Rule 2-2(b)(iii), USPAP, 2006 Ed.

AB 08-159, AB 08-160, AB 08-161

On November 19, 2009, the Board issued a private reprimand to a Certified Residential Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a \$1350 administrative fine. The violations were: Licensee failed to retain a complete copy of an appraisal report. The copy of the appraisal report presented to the Board was not a true copy of the original appraisal report under investigation. Licensee stated conflicting statements as to how the opinion of site value was determined in the Cost Approach. Licensee indicated both the reproduction cost and replacement cost was developed, when only the replacement cost was developed in the Cost Approach. Licensee, in the comparable photo addendum, represented photos of the adjoining properties to the comparable as a photo of comparable #1 and #2 in the addendum. Licensee failed to provide adequate information for the lender/client to replicate the cost figures and calculations in the cost approach. Licensee failed to accurately state the required statutory statement as required by law. Failed to provide sufficient information as to how a home built in 1975 would have an effective age of 10 years. Failed to provide adequate information for the lender/client to replicate the cost figures and calculations in the cost approach. Licensee, in the sales comparison approach, failed to analyze and adjust for the actual age of comparable #5 or state a reason in the appraisal report for the omission of an adjustment. Licensee stated sale 1 was over 6 months old when Sales 3, 4 and 5 were also over 6 months old. The comment was not accurate as to the complete list of

comparables with a sale date over 6 months old. Licensee failed to provide sufficient information as to how a home built in 1971 would have an effective age of 10 years. Failed to provide adequate information for the lender/client to replicate the cost figures and calculations in the cost approach. ETHICS RULE, Record Keeping;1-1(a), 2-1(a) 2-1(b); § 34-27A-3(b)(2), Code of Alabama 1975, UAPAP, 2006 Ed.

AB 09-26

On November 19, 2009 the Board issued a public reprimand to Michael Schilleci, a Trainee Appraiser. Licensee signed a CSO and agreed to pay an administrative fine of \$500. The violations were: The Licensee failed to renew his appraiser license and appraised a property while he was in a non-renewed status. Rule 780-X-14-.10, Alabama Real Estate Appraisers Board Administrative Code,

Letters of Warning were issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings:

AB 09-23 To a Licensed Real Property appraiser for an appraisal where in the Sales Analysis, quality of construction is reported as type of construction. The actual age of comparable sales is given as a range from MLS and exclusion of the Income Approach was not explained as required by 2-2(b)(viii). **Violation: 2-1(b),2-2(b)(viii), USPAP, 2008-09 Ed.**