

DISCIPLINARY REPORT

January 24, 2013

AB 10-39 On November 15, 2012, the Board adopted the recommendations of the Administrative Law Judge and revoked the license of Certified Residential appraiser George W. Whiting, Jr. Whiting had allowed his license to lapse during the pendency of the action. The violations in the report were: In the sales comparison approach, the location, the site and the age of the subject and comparable sales were not completely stated and neither was the analysis of the different elements of comparison. The report did not contain information about the number of comparable properties offered for sale within the neighborhood as of the date of the appraisal or the number of closed sales in the neighborhood within the 12 months preceding the date of the appraisal. The verification source for the sales comparison section is “exterior inspection” and yet there is data included that cannot be verified by “exterior inspection. Comparable #1 has a deck, patio and fence that were not analyzed in the sale and the site for Comparable #1 was two lots instead of one and that also was not analyzed. The three year sales history for the Subject property was inaccurate. A sale of the subject in October 2004 was not reported. There is inaccurate data for the sales history of Comparable #2 which is dated January, 2007. Whiting says there were no sales in the 12 months prior when there was another sale of Comparable #2 that occurred in July, 2006. In the cost approach, the cost of a storage area and a range and hood are omitted. The income approach was omitted from the report with no explanation. While the approach may not be necessary for the development of credible results, the report should state the reason why the income approach is not developed. The report has many inaccuracies. In the section of the report where the subject property address is provided, the appraiser has 1457 Barkley Drive instead of 1467 Barkley Drive. The correct lot number in the legal description of Lot 24 and the report says Lot 29. The assessor’s parcel number is incorrect in the report, the last two digits should be 53 and the report has 48, the owner of public record is reported inaccurately. The report says that the land use of the neighborhood is 100% single family residence and the investigator noted that there are other land uses within the neighborhood boundaries Whiting used such as a park, a day care and some commercial type properties along with a college. The dimensions of the subject property are not the same as the dimensions reported in the county tax records. The sales contract is not analyzed and the appraiser does not say what steps he took to obtain a copy of the contract when a copy is not made available for analysis. **Violations: §34-27A-20(a)(6), §34-27A-20(a)(7), §34-27A-20(a)(8), §34-27A-20(a)(9), §34-27A-20(a)(14), §34-27A-20(a)(15), Code of Alabama, 1975.**

AB 11-34 On November 15, 2012, the Board approved a Consent Settlement Order with Certified Residential appraiser Sean R. Tomlinson and ordered a \$250 administrative fine and a 7 hour sales analysis course. The course cannot be counted for Continuing Education purposes. The violations are as follows: Licensee did not verify the sales used as comparable sales sufficiently to learn that the sales were influenced by seller duress and so they were not true arms-length transactions. The analysis of the sales

was flawed as a result and adjustments were not made for Condition of Sale. **Violation: Standard Rules 1-4(a), 2-1(b), USPAP 2010-2011 Edition.**

AB 11-45, AB 11-46, AB 11-47 On November 15, 2012, the Board approved a Consent Settlement Order for an administrative fine for Kelly Jones Ross in the amount of \$250. In the reports, Licensee's conclusions about the Neighborhood Characteristics Housing Trends and the MC 1040 Market Conditions Analysis are inconsistent. No time adjustments are made to comparable sales and no explanation is made where the market is reported to be increasing in value. **Violation: 1-3(a); 2-2(b), USPAP 2010-2011 Edition.**