

DISCIPLINARY REPORT

May 21, 2009

AB 06-65, AB 07-23 On November 20, 2008, the Board entered an order following an administrative hearing and issued a public reprimand to Respondent, Everett Brooks, G00442 for violations in two appraisal reports. The Board also ordered Respondent to pay an administrative fine of \$1000.00. Respondent appealed the Board's order to the Montgomery County Circuit Court which affirmed the Board's action. The violations are as follows:

AB 06-65 Respondent was negligent or incompetent in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal by failing or refusing to prepare a proper analysis and by failing or refusing to show a proper analysis in his appraisal report or in his appraisal work file of the highest and best use of the subject property. Respondent failed or refused without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal by failing or refusing to prepare a proper analysis and by failing or refusing to show a proper analysis in his appraisal report or in his appraisal work file of the highest and best use of the subject property.

AB 07-23 Respondent was negligent or incompetent in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal by failing to make adjustments in his appraisal report for variances in size, zoning, and elevations between the comparable sales used in the appraisal report and the subject property. Respondent failed or refused without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal by failing to make adjustments in his appraisal report for variances in size, zoning, and elevations between the comparable sales used in the appraisal report and the subject property.

AB-08-26

On January 15, 2009, the Board issued a private reprimand to a Certified Residential Real Property Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a \$1200 Administrative fine and take a Board approved 7 hour USPAP course. The violations are: Licensee failed to clearly and accurately identify the intended use and intended user of the appraisal report (client). Licensee stated "unknown", for the driveway surface when it is concrete. There was an interior/exterior. Licensee stated the list price of comparable #1 for the sale price in the sales comparison approach. Licensee failed to accurately state within the summary of the sales comparison approach all of the sales except #8 were smaller. Licensee made a typographical error and stated "the sales were large except #8", when the sales were all smaller except #8. Licensee analyzed the effective age in the actual age section of the sales comparison approach. Licensee used the list price of comparable #1 for the sale price in his analysis. Licensee did not mention that the subject has one fireplace and comparable #1 has 3 fireplaces. Licensee failed to state the analysis of the difference between the subject being in "new" condition and comparable #2 being in "average" condition. Licensee did not mention that the subject

has a 3-car garage and comparable #2 has no car storage. Licensee used the list price of comparable #1 for the sales price. Licensee failed to analyze and adjust for the difference in the number of fireplaces between the subject and comparable #1 or state a reason for the lack of an adjustment in the sales comparison approach. (Subject 1/Comp 3) Licensee failed to analyze and adjust for the subject being in new condition and comparable #2 being in average condition or state a reason for the lack of an adjustment. Licensee failed to analyze and adjust for comparable #2 lack of a car storage area or state a reason for the lack of an adjustment. Licensee failed to state the analysis of the actual age difference between the subject and comparables in the actual age grid of the sales comparison approach. Licensee adjusted for effective age in the actual age grid. Licensee failed to clearly and accurately identify the intended use and intended user of the appraisal report. Licensee failed to provide sufficient information to understand the neighborhood name and neighborhood boundaries. Licensee failed to provide sufficient information to understand the subject fronted a lake and did not encompass the entire. Licensee failed to accurately state the statutory certification that is required. **Violations: Standards 1-1(c);1-2(a);1-2(b);1-4(a);2-1(a);2-1(b);2-2(b)(i);2-2(b)(ii); USPAP, 2008 Edition. §34-27A-3(b)(2), Code of Alabama, 1975.**

AB 08-43

On January 15, 2009 the Board suspended the license of Charles L. Robertson, III, R00602 for three months beginning on January 15, 2009 for a residential appraisal. Licensee signed a Consent Settlement Order and also agreed to complete 40 hours of Board approved residential appraisal courses. The violations are: Licensee's description of the neighborhood boundaries, the neighborhood market conditions, the unsupported effective age and the poor selection of comparables make this report misleading and fraudulent. Licensee failed to use the best comparable sales that were available at the time of the appraisal. Ethics Rule-Conduct, Standard Rule 1-1(a), USPAP, 2008 Edition.