

**BEFORE THE MISSISSIPPI REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD**

**IN THE MATTER OF:
LINDA (LYNN) MARTIN
LICENSE NO: LA-960**

CASE NO. 06-1304

CONSENT ORDER

This matter came before the Mississippi Real Estate Appraiser Licensing and Certification Board (Board) for entry of a Consent Order regarding the Respondent **LINDA (LYNN) MARTIN**, who has been issued Mississippi Real Estate Appraiser License Number **LA-960**. This action is before the Board as the result of Respondent's appraisal of real property located at **9385 James Drive, Collinsville, MS. 39325**. The Board having considered this matter, and Respondent Linda (Lynn) Martin having voluntarily agreed to the Board entry of this Consent Order, including the following Findings of Fact, Conclusion of Law and Disposition:

FINDINGS OF FACTS:

1. The Mississippi Real Estate Appraiser Licensing and Certification Board is charged by law with the responsibility for the regulation of the practice of real estate appraisal; and among other things, is responsible for matters relating to real estate appraiser standards, real estate appraiser qualifications and licensing, and disciplinary functions pursuant to Title 73, Chapter 34 of the Mississippi Code of 1972, as amended. The Board pursuant to this authority has full, complete and proper jurisdiction over the parties and the subject matter of this cause. The Respondent, **LINDA (LYNN) MARTIN**, is a licensee of the Board, holding License No. LA-960, and whose address is:

Linda (Lynn) Martin
325 Byrd Avenue
Philadelphia, MS 39350

2. Respondent acknowledges that she has a right to a formal hearing on the allegations of violations against her in this matter. Respondent expressly waives all further procedural steps, and expressly waives any all objections or legal challenges she may have regarding or arising out of this matter, the Board's consideration and entry of this Consent Order or any of its terms.

3. Respondent performed an appraisal of property located at 9385 James Drive, Collinsville, MS. 39325 on April 29, 2011.

4. Respondent does not provide documentation or analysis in her workfile to show the Respondent's scope of work to support the information used in the appraisal report. Respondent's actions and conduct in this regard violate Miss. Code Ann. Sections 73-34-35(1)(I) and 73-34-37, and 73-34-39(1)(b), as amended, the Years 2010-2011 USPAP Ethics Rule (Record Keeping), Scope of Work Rule (Problem Identification, Scope of Work Acceptability and Disclosure Obligations) and Standards Rule 1-2(h), 1-4(a), 1-4(b)(i),(ii), &(iii), and 2-2 (b)(vii) and (viii).

Respondent does not provide any documentation to support the site information such as acreage, easement, zoning and flood.

Respondent further does not provide any documentation and analysis for information used in the sales comparison approach. Respondent states in the Reconciliation section that she relied on the market analysis, but provides no documentation.

5. Respondent failed to disclose information in the appraisal report that was required by the client in the order request. Respondent's actions and conduct in this regard violate Miss. Code Ann. Sections 73-34- 35(1)(I) and 73-34-37, as amended, and the Years 2010-2011 USPAP Scope of Work Rule (Problem Identification, Scope of Work Acceptability and Disclosure Obligations) and Standards Rules 1-2(h), and 2-2 (b)(vii) and (viii).

Respondent did not explain the GLA difference as compared to the tax records. The tax records reflect the Gross Living Area (GLA) as 1734 sq. ft., and the Respondent shows the GLA as 1981 sq.ft.

Respondent did not explain the difference in the days on the market (DOM) which was different than what is disclosed in the body of the appraisal report. The appraisal report states the marketing time is 3-6 months when 3 of the 4 comparables' marketing times are listed over 200 days.

Respondent failed to disclose and explain her efforts and final basis for estimating property characteristics such as the GLA. Respondent was further required to verify comparables through MLS data, and if not available, explain. There is no MLS data in workfile or proof of comparables verification.

6. Respondent incorrectly concluded and stated the Gross Living Area (GLA) of the subject property. Respondent's actions and conduct in this regards violate Miss. Code Ann. Sections 73-34-35(1)(l), 73-34-37, as amended, and the Years 2010-2011 USPAP Scope of Work Rule (Problem Identification, Scope of Work Acceptability and Disclosure Obligations) and Standards Rule 1-2(h), and 2-2 (b)(vii) and (viii).

The tax records reflect the GLA as 1734 sq. ft. Respondent's sketch in the appraisal report shows the GLA as 1981 sq. ft. Respondent admits she incorrectly concluded and stated the GLA in the appraisal report.

CONCLUSIONS OF LAW

7. Respondent admits and agrees, that her actions and conduct set forth above in paragraphs 4-6 violated Miss. Code Ann. Sections 73-34-35(1)(l) and 73-34-37, as amended, which state in pertinent parts:

73-34-35(1): ... [T]he rights of any licensed appraiser or licensed certified real estate appraiser may be revoked or suspended, or the holder of the license may be otherwise disciplined, in accordance

with the provisions of this chapter for any of the following acts or omissions:

(I) Any act or conduct, whether, whether the same or of a different character than specified above, which constitutes or demonstrates ... untrustworthiness; or any other violation of the provisions of this chapter and of rules and regulations established by the board.”

73-34-37: “Each real estate appraiser licensed under this chapter must comply with generally accepted standards of professional appraisal practice and generally accepted ethical rule to be observed by a real estate appraiser. Generally accepted standards of professional appraisal practice are currently evidenced by the uniform standards of professional appraisal practice...” (USPAP).

8. Respondent admits and agrees that her actions and conduct set forth above in paragraph 4 violated Miss. Code Ann. Section **73-34-39**, as amended, which states in pertinent part:

(1) A licensed real estate appraiser shall retain for a period of five (5) years the original or a true copy of: ... (b) all supporting data assembled and formulated by the appraiser in preparing each such appraisal report.

9. Respondent admits and agrees that her actions and conduct set forth above in paragraph 4 violated the Years 2010 and 2011 Uniform Standards of Professional Appraisal Practice (“USPAP”) Ethic Rule (Record Keeping) which states in pertinent parts:

ETHIC RULE: An appraiser must promote and preserve the public trust inherent in appraisal practice by observing the highest standards of professional ethics.

RECORD KEEPING: An appraiser must prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. A work file must be in existence prior to the issuance of a written or oral report.

The workfile must include: ... all other data, information, and documentation necessary to support the appraiser’s opinions and conclusions and to show compliance with USPAP, or references to the locations(s) of such other documentation.

10. Respondent admits and agrees that her actions and conduct set forth above in paragraphs 4-6 violated the Years 2010 and 2011 Uniform Standards of Professional Appraisal Practice (“USPAP”) Scope of Work Rule (Problem Identification, Scope of Work Acceptability and Disclosure Obligations) which states in pertinent parts:

SCOPE OF WORK RULE: For each appraisal, appraisal review, and appraisal consulting assignment, an appraiser must:

Identify the problem to be solved;

Determine and perform the scope of work necessary to develop credible assignment results;

Disclose the scope of work in the report.

An appraiser must properly identify the problem to be solved in order to determine the appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results:

Credible assignment results require support by relevant evidence and logic. The credibility of assignment results is always measured in the context of the intended use.

PROBLEM IDENTIFICATION: An appraiser must gather and analyze information about those assignment elements that are necessary to properly identify the appraisal, appraisal review or appraisal consulting problem to be solved.

Subject of the assignment and its relevant characteristics; and
Assignment conditions

SCOPE OF WORK ACCEPTABILITY: The scope of work must include the research and analyses that are necessary to develop credible assignment results.

An appraiser must be prepared to support the decision to exclude any investigation, information, method, or technique that would appear relevant to the client, another intended user, or the appraiser's peers.

An appraiser must not allow assignment conditions to limit the scope of work to such a degree that the assignment results are not credible in the context of the intended use.

DISCLOSURE OBLIGATIONS: The report must contain sufficient information to allow intended users to understand the scope of work performed.

11. Respondent admits and agrees that her actions and conduct set forth above in paragraphs 4-6 violated the Years 2010 and 2011 Uniform Standards of Professional Appraisal Practice ("USPAP") Standards Rule 1-2(h), 1-4(a), 1-4(b)(i),(ii) and (iii) Standards Rules 2-2(b)(vii) and (viii), which state in pertinent parts:

Standard Rule 1-2: In developing a real property appraisal, an appraiser must....

(h) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE.

Standards Rule 1-4: In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

- (a) When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.
- (b) When a approach is necessary for credible assignment results, an appraiser must:
 - (i) Develop an opinion of site value by an appropriate appraisal method or techniques;
 - (ii) Analyze such comparable cost data as are available to estimate the cost new of the improvements (if any); and
 - (iii) Analyze such comparable data as are available to estimate the difference between the cost new and the present worth of the improvements (accrued depreciation).

Standard Rule 2-2: Each written real property appraisal report must be prepared under one of the following three options and prominently state which option is used: Self-Contained Appraisal Report, Summary Appraisal Report, or Restricted Use Appraisal Report;

(b) The content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum:

- (vii) summarize the scope of work used to develop the appraisal;
- (viii) summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained;

12. Respondent's violations of Miss. Code Ann. Sections 73-34-5(1)(I), 73-34-37 & 73-34-39(1)(b), as amended, and her violations of all sections of the Years 2010-2011 USPAP cited above, constitute grounds for the imposition of discipline, including revocation, suspension or other disciplinary action against her license with the Board, in accordance with Section 73-34-35(1).

DISPOSITION

13. Based upon the foregoing Findings of Fact and Conclusions of law, the Board, with Respondent **LINDA (LYNN) MARTIN's** consent, hereby Orders that:

- A) Respondent must complete a fifteen (15) hour national USPAP 2014- 2015 course and pass the accompanying examination, no later than one hundred eighty (180) days after the date of this Consent Order.
- B) Respondent must complete a four (4) hour continuing education course concerning a work file course, no later than one hundred eighty (180) days after the date of this Consent Order.
- C) Respondent must complete a seven (7) hour site inspection course and pass any accompanying examination, no later than one hundred eighty (180) days after the date of this Consent Order.
- D) The Board Staff recommends that the Respondent complete the mandated courses in a classroom environment; if available. The credit hours generated by the successful completion of the mandated courses may not be used to satisfy the twenty-eight (28) hours of continuing education that is required for license renewal.
- E) Respondent expressly agrees that if she fails to comply with any of the terms of this Consent Order within the time period ordered, that such failure shall constitute grounds for additional disciplinary action by the Board.
- F) This action shall be public record and shall be spread upon the Minutes of the Board as its official act and deed.
- G) Respondent expressly waives any all objections or legal challenges she may have regarding or arising out of this matter, the entry of this Consent Order or any of its terms. She further agrees to and expressly waives any objections or legal challenges to the Board taking this matter up

preliminarily for purpose of considering and voting on whether or not to enter into this Consent Order.

H) Should the Board decline the entry of this Consent Order, Respondent understands and

acknowledges that she remains entitled to a fair and impartial hearing of this matter.

SO ORDERED AND ENTERED, this the 27 day of February, 2014.

MISSISSIPPI REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: _____

GERALD BARBER, CHAIRMAN

AGREED TO:

Linda Lynn Martin
LINDA (LYNN) MARTIN

