

BEFORE THE STATE OF ALABAMA REAL ESTATE APPRAISERS BOARD



IN THE MATTER OF:)
)
TRAVIS GRANT BERRY)
)
ALABAMA LICENSE NO. R00784)

DISCIPLINARY ACTION NO.)
AB-16-01)

CONSENT SETTLEMENT ORDER

The Licensee, Travis Grant Berry, Alabama License No. R00784, practicing as a Certified Residential Real Property Appraiser in the State of Alabama (hereinafter "Licensee") and the Alabama Real Estate Appraisers Board (hereinafter "Board") hereby settle and resolve the violations of §§34-27A-1, et seq., Code of Alabama, 1975 and the Uniform Standards of Professional Appraisal Practice (hereinafter "USPAP"), 2012-2013 Edition, in Licensee's appraisal dated July 2, 2013, of the real property and improvements identified as 1623 Circlewood Drive, Birmingham, AL 35214.

These violations are more specifically as follows:

USPAP 2012-2013

January 1, 2012-December 31, 2013

STANDARD 1: REAL PROPERTY APPRAISAL, DEVELOPMENT

In developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses necessary to produce a credible appraisal.

Standards Rule 1-1(b)

In developing a real property appraisal, an appraiser must:

- (b) *not commit a substantial error of omission or commission that significantly affects an appraisal; and*

Licensee did not include in the report the summary of facts analyzed to support the opinion of the highest and best use.

STANDARD 2: REAL PROPERTY APPRAISAL, REPORTING

In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

Standard Rule 2-1(a)

Each written or oral real property appraisal report must:

- (a) *Clearly and accurately set forth the appraisal in a manner that will not be misleading;*

1. Licensee provided the effective age of 4 years for a home built in 2005 (*actual age of 8 years at the time of the appraisal*). The Licensee did not include in the report a summary of facts analyzed to support an effective age less than the actual age.
2. Licensee failed to provide a list of all the verification sources consulted when selecting sales data.
3. USPAP 2012-2013 was the current edition of USPAP at the time of the appraisal assignment and Licensee stated he used the 2010 edition.

Standards Rule 2-1(b)

Each written or oral real property appraisal report must:

(b) contain sufficient information to enable the intended users of the appraisal to understand the report properly; and

1. In the URAR/Site/Dimensions section, the source of the dimensions analyzed was stated but failed to provide the actual dimensions.
2. Licensee failed to summarize the information analyzed to support present use as the highest and best use of the Subject property.
3. In the URAR/Cost Approach/Support for the Opinion of Site Value section, Licensee failed to provide the data/information analyzed to support the opinion of site value.
4. In the Photograph Addendum/Comparables section, Licensee failed to provide information the MLS photographs provided were not photographs taken by the Licensee.

Standard Rule 2-2(b)(viii)

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:

1) Licensee:

- A. Failed to summarize the information analyzed to support highest and best use of the Subject property being the present use.
- B. Failed to summarize the information analyzed to support of the effective age of the Subject property.
- C. Failed to summarize the information analyzed to support the opinion of site value.

The above constitute violations of §34-27A-20(a)(6), Code of Alabama, 1975.

Pursuant to §34-27A-5; §34-27A-20; §34-27A-21, §34-27A-22, and §§41-22-1, et. seq. Code of Alabama, 1975 and §780-X-14-.02, Alabama Real Estate Appraisers Board Administrative Code, March 2009 Edition, Licensee and the Board agree to the following:

A. Licensee admits the factual allegations as set out above and further admits that said facts constitute violations of §34-27A-20(a), Code of Alabama, 1975, and USPAP as set out above.

B. Licensee agrees to pay an administrative fine of \$500.00 to the Board within 30 days of the acceptance of this Consent Settlement by the Board. This represents a \$125.00 fine for each of the 4 USPAP standards violated. For purposes of computing this fine, only one violation of each standard has been assessed.

C. The Licensee further agrees that if the conditions set forth in this Consent Settlement Order are not complied with in a timely manner, his license will be suspended without notice and opportunity for a hearing until such time as compliance is complete. In the event of a suspension pursuant to this provision, notification and publication of the suspension shall be

made to the Appraiser Subcommittee and as otherwise provided for in the AREAB Administrative Code, 780-X-14-.07.

D. The Licensee understands that he has the right to a hearing in this matter and hereby freely, knowingly, and voluntarily waives such right and the right to judicial review of these proceedings. The Licensee further understands that disciplinary action is progressive in nature and that this disciplinary action will be considered should any future discipline be warranted. This voluntary agreement shall become effective immediately upon acceptance thereof by the Board. In the event that this Consent Settlement of the violations enumerated herein is not accepted by Licensee, the Board will proceed to take formal action and issue a summons and complaint. The Licensee shall have the right to withdraw any plea of guilt to the violation, if applicable.

E. The Licensee, Travis Grant Berry, understands that this document will be considered a public record entered as a final disposition of disciplinary proceedings presently pending against him, and that this action shall be considered to be and will be recorded as a final order of the Board.

EXECUTED this the 4th day of November, 2016.

Travis Grant Berry
TRAVIS GRANT BERRY, LICENSEE

SWORN to and subscribed before me this the 4 day of November, 2016.

Barbara Hunter Smith
Notary Public
My Commission Expires: 9/22/20



APPROVED AND ACCEPTED, by the Alabama Real Estate Appraisers Board on the 17th
day of November, 2016.

ALABAMA REAL ESTATE
APPRAISERS BOARD

BY:

Lisa Brooks
LISA BROOKS
EXECUTIVE DIRECTOR