

BEFORE THE ARKANSAS
APPRAISER LICENSING AND CERTIFICATION BOARD

CASE NO. 17-0915

IN THE MATTER OF:
David J. Glauber, MAI
John D. Outlaw, CGPA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Appraiser Licensing and Certification Board (“Board”) on July 11, 2019 at 101 East Capitol Avenue, Little Rock, Arkansas, 72201. Respondents appeared personally and with counsel, David B. Vandergriff. Assistant Attorney General Juliane Chavis appeared on behalf of the Board.

Finding proper notice had been given Respondents, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

F-1. Respondents developed and reported an appraisal of **Breeder Hen Houses and Farm Land, Madison 8105, Hindsville, AR 72738** on or around June 30, 2015. This Report will hereinafter be referred to as “the report”.

F-2. Respondent Outlaw was not licensed or certified as an appraiser in the State of Arkansas at the time of the appraisal.

F-3. Respondents did not clearly and accurately set forth the appraisal in a manner that is not misleading. This is evidenced by the fact the Respondents stated in the Land Value section of the appraisal report, Sales Comparison Approach - AS IS, incorrect land sizes for Comparable Sales 2, 3, 4, and 5. The land sizes reflected on the deeds for each sale indicate a larger land size. Comparable Sale 1 is the pending sale of the subject. The land size is based on the unsigned Purchase Agreement.

F-4. Respondents did not clearly and accurately set forth the appraisal in a manner that is not misleading. This is evidenced by the fact the Respondents stated in the Sales Comparison Approach the incorrect description of all five Comparable Sales used. Comparable Sales 1, 2, 3,

and 4 are Broiler Houses, not Breeder Hen Houses as indicated in the report. Comparable Sale 5 is a Turkey Farm, not a Breeder Hen House as indicated in the report.

F-5. Respondents have not proven the competency to complete a Breeder Hen House appraisal report in the State of Arkansas.

CONCLUSIONS OF LAW

C-1 Respondent Outlaw's actions, as set forth above in Finding of Fact 2, constitute violations of Ark. Code Ann. § 17-14-302(a) and the Uniform Standards of Professional Appraisal Practice (USPAP) Competency Rule.

C-2 Outlaw's and Glauber's actions, as set forth above in Finding of Fact 3, constitute violations of Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-1(b), Standards Rule 1-4(a), Standards Rule 2-1(a), Standards Rule 2-2(a)(iii) and Standards Rule 2-2(a)(viii).

C-3 Outlaw's and Glauber's actions, as set forth above in Finding of Fact 4, constitute violations of Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-1(b), Standards Rule 1-4(a), Standards Rule 2-1(a), Standards Rule 2-2(a)(iii) and Standards Rule 2-2(a)(viii).

C-4 Outlaw's and Glauber's actions, as set forth above in Findings of Fact 2-5, constitute violations of the Uniform Standards of Professional Appraisal Practice (USPAP) Competency Rule.

ORDER

1. Respondent John D. Outlaw is ordered to pay a civil penalty totaling \$2,500.00 within thirty (30) days of receipt of this Order.
2. Respondent David J. Glauber is ordered to pay a civil penalty totaling \$2,000.00 within thirty (30) days of receipt of this Order.
3. The licenses of John D. Outlaw and David J. Glauber are hereby suspended for a period of two (2) years, after which they will be on probation for a period of three (3) years. During the three (3) year period of probation, Outlaw and Glauber shall submit to the Arkansas Appraiser Licensing and Certification Board copies of all reports completed on property located in the State of Arkansas.

4. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, *et seq.*, Respondents may petition for judicial review of this decision by filing a petition in the in the Circuit Court of Pulaski County within thirty (30) days after service of this Order.

IT IS SO ORDERED this 16th day of July, 2019

**ARKANSAS APPRAISER LICENSING &
CERTIFICATION BOARD**



**Diana Piechocki
Board Director**

CERTIFICATE OF SERVICE

I, Diana Piechocki, Director of the Arkansas Appraiser Licensing and Certification Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, U.S. Mail, postage prepaid on this 16th day of July, 2019 to the following: **David B. Vandergriff, Attorney for Respondents, 111 Center Street, Suite 1900, Little Rock, Arkansas 72201.**



**Diana Piechocki
Board Director**