

**BEFORE THE ARKANSAS APPRAISER LICENSING
AND
CERTIFICATION BOARD**

**IN THE MATTER OF
Lura Merrill, Respondent
Case: 18-0933**

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 April 25, 2019 in the Tobacco Control Board Room, 101 East Capitol Avenue, Suite 119, Little Rock, Arkansas 72201. Respondent, Lura Merrill, did not appear, although the record reflects she was served properly. Assistant Attorney General Juliane Chavis appeared on behalf of the Board.

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

FINDINGS OF FACT

F-1. Respondent developed and reported an appraisal on 2438 E. Frontier Elm Drive, Fayetteville, AR 72703 with a report date of June 5, 2015. This report will hereinafter be referred to as, “the Report.”

F-2. The Board received a complaint regarding the Report on May 29, 2018, alleging Respondent made a miscalculation of the square footage of the subject property. The complaint alleges this miscalculation is a violation of USPAP Standards Rule 1-1(b) and Standards Rule 1-1(c).

F-3. Respondent was informed of the complaint on July 23, 2018. Respondent responded to Chief Investigator Hendrik vanDuyvendijk on September 17, 2018, that she will not provide any documentation in response to this complaint.

F-4. Respondent did not renew her Certified Residential Appraiser credential on June 30, 2018, and her credential is currently in inactive status.

CONCLUSIONS OF LAW

C-1. The Board found that the miscalculation of square footage as described in paragraph A-2 is not a violation of The Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(b) and Standards Rule 1-1(c):

Std Rule 1-1 In developing a real property appraisal, an appraiser must:

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

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

The Board determined that Respondent stated the square footage of the subject property as 1,744. The subsequent appraisal performed in November 2017 stated the square footage of the same property as 1,662, a difference of 82 square feet. This difference in calculation did not significantly change the opinion of market value. The opinion of market value based on 1,744 square feet is between \$244,910 and \$247,010. The opinion of market value based on 1,662 square feet is between \$243,680 and \$245,780. The opinion of market value based upon 1,662 square feet is within the comparable range of value of 1,744 square feet. Therefore, the Board concluded that there was no substantial error that significantly affected the appraisal and that Respondent did not render appraisal services in a careless or negligent manner.

C-2. The Board found the foregoing described in paragraph A-3 is a violation of Arkansas Appraiser Licensing and Certification Board Rules, Section I – General (D) Action of the Board, which states:

If jurisdiction is established or the Board initiates its own complaint, the Executive Director, or board staff, shall notify in writing every person complained against, and provide that person an opportunity to respond in writing. A copy of the written complaint shall be furnished to the appraiser under investigation and a copy of the appraiser's response shall be furnished to the complainant. *Appraisers falling to respond in writing within thirty (30) days of receipt of the complaint will be deemed unresponsive and the complaint will be further considered without the benefit of the appraiser's input.*

C-3. The Board found the foregoing described in paragraph A-4 is a violation of Arkansas Appraiser Licensing and Certification Board Rules, Section IX – Licensure Expiration, Renewal, Upgrade, and Inactive Status, which states:

Appraiser credentials must be renewed each year, or they will be placed on inactive status. Each State Licensed (SL), Certified Residential (CR) and Certified General (CG) credential renewal is June 30th of each year. Each State Registered (SR) credential renewal is June 30th of each year.

ORDER

1. Based upon its findings in C-2 and C-3, the Board determined that the Respondent's Certified Residential Appraiser credential shall be suspended for two (2) years, one year for each of the charges.
2. The Board directed the staff to prepare a consent agreement in which Respondent agrees that her Certified Residential Appraiser credential is suspended for two (2) years, and present it to Respondent for her approval. If Respondent refuses to sign the consent agreement, her credential will be automatically revoked.
3. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which she resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service of this order.

IT IS SO ORDERED this 13th day of May, 2019.


**ARKANSAS APPRAISER LICENSING AND
CERTIFICATION BOARD**



DIANA PIECHOCKI
EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

I, Diana Piechocki, Executive 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 Final Order by mailing a copy of same, U.S. Mail, postage prepaid, on this 13th day of May, 2019 to the following: Ms. Lura Merrill.


Diana Piechocki
Executive Director