

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

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

COMPLAINANT

VS.

CASE NO.: 12-1606

**JAMES P. MURDAUGH, APPRAISER
LICENSE NO.: TG-3241**

RESPONDENT

ORDER

THIS CAUSE came before the Mississippi Real Estate Appraiser Licensing and Certification Board (sometimes hereinafter “Board”), pursuant to authority of §§73-34-1, *et seq.*, Miss. Code Ann. (1972), as amended. The Board conducted a hearing on the formal complaint brought against James P. Murdaugh, Appraiser, (sometimes hereinafter “Respondent” or “Murdaugh”), License No.: TG-3241, at its offices in Jackson, Hinds County, Mississippi, on April 26, 2017 beginning at 10:00 a.m. The Respondent, James P. Murdaugh was present. The Board recognized its quorum and opened the hearing. The hearing was conducted with witnesses being sworn, documentary evidence being admitted as exhibits, the right to cross examination of witnesses and the verbatim transcript of the hearing being taken by an official court reporter. The Board makes its Findings of Fact, Conclusions of Law and issues its Disciplinary Order as set forth hereinafter based upon evidence that was clear and convincing.

FINDINGS OF FACT

I.

The Mississippi Real Estate Appraiser Licensing and Certification Board is charged by law with the regulation of the practice of real estate appraisal in Mississippi including matters relating

to real estate appraiser standards, qualifications and licensing, and disciplinary functions pursuant to §§73-34-1, *et seq.*, Miss. Code Ann. (1972), as amended. The Board, pursuant to this authority, has full, complete and proper jurisdiction over the parties and subject matter herein.

II.

Respondent, James P. Murdaugh is an adult resident citizen of Tennessee whose last known address of record with the Board is 9 Westwind Dr., Jackson, Tennessee 39305 (residence) and 38 Old Hickory Cove, Suite B-115, Jackson, Tennessee 38305 (business). Upon sworn application to the Board, Respondent Murdaugh was issued a Temporary Mississippi Certified General Appraiser credential on or about June 10, 2015, No. TG-3241 and, as such, he is subject to all of the provisions, rules, regulations and statutes governing the appraisal of real property and licensing of real estate appraisers under Mississippi law.

III.

On or about June 9, 2015, the Board received from Respondent James P. Murdaugh an executed *Application for Temporary License/Certification Privilege Non-Resident Real Estate Appraiser* (sometimes hereinafter "Application"). Acting upon the information submitted in the sworn Application, the Board issued a temporary credential to Murdaugh valid for the period of June 10, 2015 through October 4, 2015.

IV.

The information Murdaugh submitted, under oath, in his Application for a temporary Mississippi license/credential included, as required, a description of the appraisal assignment to be performed and the identification of the property/properties to be appraised. Respondent Murdaugh's sworn application reflected information of the property Murdaugh intended to appraise as a "Condo Unit" located on Hawthorn Drive in "Oxford, Mississippi."

V.

The sworn Application submitted by Respondent Murdaugh included his acknowledgement of Mississippi's requirement that any person granted Mississippi temporary licensing/certification privileges must place the temporary license number adjacent to their signature on any appraisal report completed during the temporary license period.

VI.

On or about June 29, 2016 the Board received a sworn complaint from Acceptance Capital Mortgage Corporation, by and through its Executive Vice President, William F. Johnston, Jr. ("Johnston"). Johnston complained that Respondent Murdaugh had completed an appraisal assignment for a lender from whom Acceptance Capital Mortgage Corporation had subsequently purchased the loan. The referenced appraisal was for a loan on a condominium unit located in Oxford, Mississippi and reflected the date of May 19, 2015.

VII.

Johnston complained that his staff had reached out to Murdaugh in effort to clear up one or more issues they had immediately noticed with the appraisal report completed by Murdaugh. Specifically, Johnston noted that Murdaugh had failed to include his Mississippi license number on the appraisal report he submitted for the Oxford property. Mr. Murdaugh was also requested to provide a copy of his Mississippi credential applicable to the subject appraisal report.

VIII.

Subsequently, Murdaugh supplied a copy of his Mississippi temporary license to Acceptance Capital Mortgage Corporation as requested. During the course of its investigation, the Board obtained a copy of the credential Murdaugh supplied to Acceptance Capital Mortgage Corporation. Johnston complained and alleged that the copy provided by Murdaugh had

apparently been altered, by hand, to reflect temporary Mississippi privileges for the period of “05/10/2015—10/04/2015” which period included the May 19 effective date of the appraisal report submitted by Murdaugh for the Oxford, Mississippi property. Respondent Murdaugh testified under oath at the hearing and denied any alteration of the credential; Murdaugh testified he believed there was an issue with the copier/scanner his office used to make the copy of the credential that was supplied to Johnston. Respondent Murdaugh admitted he had traveled to Mississippi to perform his appraisal inspection and to take photographs on or about March 19, 2015.

IX.

Board Investigator Danielle Morales testified at the hearing. Morales testified that, during the Board’s investigation, she reviewed Respondent Murdaugh’s license file maintained in the Board offices. Morales reviewed a copy of the temporary Mississippi credential issued to Respondent Murdaugh as maintained in the Board’s records. The temporary license issued by the Board to Respondent Murdaugh was not handwritten and did not reflect a starting date of May 10, 2015. The license reflected a June 10, 2015 starting date which was a date weeks after the effective date of the appraisal report Respondent Murdaugh had completed and over two months after the date Murdaugh admitted he had traveled to Mississippi for his inspection of the subject property in March. The Board finds that, without regard to any issue regarding alleged alteration of the credential issued by the Board to Murdaugh, Respondent Murdaugh was not licensed to appraise property in Mississippi as of either the date he inspected the subject property in March, 2015 or as of the May 19, 2015 effective date of the appraisal report.

X.

During the course of the Board’s investigation, the Board investigative staff obtained a copy of the appraisal report prepared by Respondent Murdaugh. In the certification section of the

appraisal report wherein Murdaugh was required to identify his Mississippi license number, Murdaugh hand wrote the words “temp filed for” when, according to Board records, the Board had neither received nor processed an application for a temporary Mississippi credential for Respondent Murdaugh as of the May 19, 2015 date of the appraisal report.

XI.

Board Administrative Assistant Michelle Denton testified at the hearing. Denton testified that the application received from Murdaugh was not received in the Board office until June 9, 2015 as reflected by the “Received” date stamp on the application. Testimony at the hearing indicated the \$75 application fee included within the application was in the form of a check. Although the check was dated in March, the back of the check indicated it was deposited by the Board on or about June 9, 2015, comporting with the date the Board received the application. Michael McGee, Deputy Director of the Mississippi Real Estate Commission testified he reviewed the application following its intake processing by Michelle Denton. McGee testified he approved the temporary license to be issued for the dates of June 10, 2015 through October 4, 2015.

XII.

Respondent James Murdaugh testified at the hearing. Murdaugh testified he was contacted and engaged to appraise the Oxford, Mississippi property in early March, 2015. Murdaugh testified the assignment was time sensitive. Murdaugh testified he completed the application for a temporary Mississippi credential on or about March 10, 2015, as reflected by his signature and notarization of the application, and mailed it off. Murdaugh admitted he proceeded to come into Mississippi to inspect the property and complete his appraisal report in March, 2015 without having obtained any temporary credential from the Board.

XIII.

Testimony at the hearing indicated that Murdaugh was ultimately requested to make a correction to the address of the property he had appraised in March. Murdaugh resubmitted the appraisal report to his client which is why the appraisal report reflected an effective date of May 19, 2015, even though he had completed the inspection and appraisal in March. The Board finds that, regardless of the date of the report, Murdaugh admitted he had come into the state and completed an appraisal assignment without first obtaining the temporary credential required by law. Murdaugh admitted at the hearing that the Board rules require that an appraiser's temporary license number appear on the appraisal report which was not done.

XIV.

Testimony at the hearing indicated that Murdaugh only followed up with the Board to inquire about his temporary licensure in late May or early June, 2015 after a representative from Acceptance Capital Mortgage Corporation requested a copy of his Mississippi temporary credential since it was not reflected on the appraisal report he had submitted. Murdaugh testified that he then learned that his application packet had been located in the "dead letter office" in Jackson, Tennessee. Murdaugh testified he then went to that post office in Jackson, Tennessee to retrieve the packet. Murdaugh testified that he then directed the packet with his application be delivered on to the Board in Jackson, Mississippi for processing. The Board finds that when Murdaugh went to the "dead letter office" to retrieve his application packet and then sent it on to the Board in Jackson, Mississippi, he knew that the subject appraisal assignment had already been completed some two months earlier. Murdaugh did not inform the Board that he was requesting a temporary credential be issued for an appraisal assignment that had already been completed more than two months earlier.

CONCLUSIONS OF LAW

XV.

The Board finds the above and foregoing described acts and omissions of Respondent James P. Murdaugh constitute violations of Mississippi's Real Estate Appraiser Licensing and Certification Act, Miss. Code Ann. §73-34-1, *et seq.* and the Rules and Regulations of the Board and, more specifically, §73-34-5 and §73-34-35 and Part 1501, Chapter 6, Rule 6.2, which state in relevant parts:

Miss. Code Ann. §73-34-5

(1) ...[I]t shall be unlawful for anyone to engage in real estate appraisal activity in this state without first obtaining one (1) of the... real estate appraiser licenses as provided in this chapter.

Miss. Code Ann. §73-34-35

(1) An application for licensure or renewal may be denied, and the 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:

(b) Procuring or attempting to procure licensure under this chapter by knowingly making a false statement, submitting false information or making a material misrepresentation in an application filed with the commission or procuring or attempting to procure licensure through any form of fraud or misrepresentation;

(i) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

(l) Any act or conduct, whether the same or of a different character than specified above, which constitutes or demonstrates bad faith, incompetency or untrustworthiness; or dishonest, fraudulent or improper dealing; or any other violation of the provisions of this chapter and of rules and regulations established by the board.

Part 1501, Chapter 6, Rule 6.2

(4) Persons granted temporary licensing/certification... must place their temporary privilege number adjacent to their signature on the appraisal report.

DISCIPLINARY ORDER

XVI.

The Board, having made its findings of violations of the statutes and Board rules by Respondent James P. Murdaugh, hereby orders and imposes discipline as follows:

- A) The temporary Mississippi appraiser credential issued to Respondent James P. Murdaugh by the Board, effective June 10, 2015, and being No. TG-3241 is hereby administratively **REVOKED**, same having been procured based upon a knowingly false statement and misrepresentation by Respondent Murdaugh.
- B) Respondent James P. Murdaugh shall not apply for nor be issued any Mississippi temporary appraiser credential, or any other appraiser credential by the Board, for a period of five (5) years from the date of this Order.
- C) This disciplinary action shall be reported to and posted with applicable and appropriate federal and state authorities including the Board's newsletter and/or website.
- D) This action and order of the Board shall be public record and shall be spread upon the minutes of the Board as its official act and deed.

SO ORDERED, this the 10 day of May, 2017.

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

By: *Douglas H. McKinnon*
Doug McKinnon, Chairman
For and on Behalf of the Board

