

1 CAUSE NO. 21-2989-467

2 MAVEX SHOPS OF FLOWER MOUND, ) IN THE DISTRICT COURT of  
 LP, )  
 3 Plaintiff, )  
 )  
 4 VS. ) DENTON COUNTY, TEXAS  
 )  
 5 DENTON COUNTY APPRAISAL )  
 DISTRICT, and HOPE MCCLURE, In)  
 6 her Capacity as Chief )  
 Appraiser, )  
 7 Defendants. ) 467TH JUDICIAL DISTRICT

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10 ORAL AND VIDEOTAPED DEPOSITION OF

11 HOPE M. MCCLURE

12 FEBRUARY 15, 2022

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15 ORAL AND VIDEOTAPED DEPOSITION OF HOPE M. MCCLURE,

16 produced as a witness at the instance of the Plaintiff,

17 and duly sworn, was taken in the above-styled and

18 numbered cause on the 15th day of February, 2022, from

19 10:05 a.m. to 4:10 p.m., before Trisha Myler, CSR in and

20 for the State of Texas, reported by machine shorthand,

21 at the offices of Nichols, Jackson, Dillard, Hager &

22 Smith, L.L.P., 1800 Ross Tower, 500 N. Akard Street,

23 Dallas, Texas 75201, pursuant to the Texas Rules of

24 Civil Procedure and the provisions stated on the record

25 or attached hereto.

## A P P E A R A N C E S

1  
2  
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10 FOR THE DEFENDANTS, DENTON COUNTY APPRAISAL DISTRICT AND  
11 HOPE MCCLURE, IN HER CAPACITY AS CHIEF APPRAISER:

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19 ALSO PRESENT:

20 Mr. Mitchell Vexler  
21 Ms. Leslie Robbins  
22 Ms. Sonja Pendergrast, Videographer  
23  
24  
25

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1 P R O C E E D I N G S :

2 (Exhibits 1 - 30 marked)

3 THE VIDEOGRAPHER: Good morning. We are  
4 on the record at 10:05 a.m. Today is February 15th,  
5 2022. This is the video deposition of Hope McClure.

6 Will counsel please state their  
7 appearances and agreements for the record.

8 MR. NOWAK: Matthew Nowak on behalf of the  
9 plaintiff, Mavex Shops of Flower Mound, LP.

10 Just pursuant to the Rules.

11 MR. METCALF: Agreed. Pursuant to the  
12 Rules.

13 Braden Metcalf for the defendants.

14 THE VIDEOGRAPHER: Will the court reporter  
15 please swear in the witness.

16 HOPE M. MCCLURE,  
17 having been first duly sworn, testified as follows:

18 EXAMINATION

19 BY MR. NOWAK:

20 Q. Ms. McClure, my name is Matthew Nowak. I'm the  
21 lawyer for Mavex Shops of Flower Mound, LP. You  
22 understand that my client is suing Denton County  
23 Appraisal District and you as the chief appraiser in  
24 your capacity?

25 A. Yes, sir.

1 Q. We have never met, have we?

2 A. No.

3 Q. Have you ever had your -- let me ask you this:

4 Please state your name for the record.

5 A. Hope McClure.

6 Q. And what is your date of birth?

7 A. 6/19/82.

8 Q. Where do you currently reside?

9 A. Denton, Texas.

10 Q. And where do you currently work?

11 A. Denton Central Appraisal District.

12 Q. And what is your title there?

13 A. Chief appraiser.

14 Q. And how long have you been chief appraiser?

15 A. Two years.

16 Q. Have you ever had your deposition taken before,

17 ma'am?

18 A. No.

19 Q. Let me kind of just lay down the ground rules

20 so it'll be easy for you and me and the lady to your

21 right. I'm going to be asking you a lot of questions

22 here today. I ask that you let me finish my question,

23 and then I'll let you finish your answer so we're not

24 take -- or talking at the same time so the lady to your

25 right can take down everything. Agreed?

1 A. Agreed.

2 Q. If you don't understand my question at any  
3 time, I'll ask that you ask me to rephrase or restate  
4 the question. Otherwise, I'll take it that you  
5 understood the question. Fair?

6 A. Uh-huh.

7 Q. Is that fair?

8 A. Yes, fair.

9 Q. And you just -- I'll remind you throughout the  
10 deposition I'll need verbal responses, yes, no, or an  
11 explanation. Uh-huhs or huh-uhs don't take down on the  
12 record.

13 A. Okay.

14 Q. So I'm not being impolite when I'm saying -- or  
15 following up on that. It's casual conversation, but we  
16 need to make sure the record's clear, okay?

17 A. Yes, sir.

18 Q. If you ever need a break, let me know. I'll  
19 finish that line of questioning, and then we'll have a  
20 break, okay?

21 A. Okay.

22 Q. Are you under the influence of any medications,  
23 drugs, or prescriptions that would impact your testimony  
24 here today?

25 A. No, sir.

1 Q. You understand that you're under oath?

2 A. Yes, sir.

3 Q. You swore to tell the truth?

4 A. Yes, sir.

5 Q. And you're subject to perjury if you don't tell  
6 the truth?

7 A. Yes, sir.

8 Q. Have you ever been involved in another lawsuit  
9 besides this one?

10 A. Yes, sir.

11 Q. Could you tell me about that lawsuit or those  
12 lawsuits, please?

13 A. Just the one, and it was a employee -- employee  
14 case where I fired an employee, and then she sued the  
15 district.

16 Q. And this employee, did that employee work for  
17 Denton County Appraisal District?

18 A. Uh-huh, yes, sir.

19 Q. And who was the employee?

20 A. Margaret Vyers, and it's V-y-e-r-s.

21 Q. And was Ms. Vyers suing for wrongful  
22 termination, or do you know?

23 A. It was a first amendment right.

24 Q. Where was that lawsuit filed, ma'am?

25 A. Eastern District.

1 Q. Eastern District of Texas?

2 A. Federal, yeah. Federal.

3 Q. Is that case still pending?

4 A. No, sir. There's a settlement that hasn't been  
5 official yet. I think it's going to be official this  
6 week, but it's done in court.

7 Q. So if I understood your testimony, there's been  
8 a settlement reached between the parties. And so in all  
9 probability, the case in the Eastern District -- Eastern  
10 District of Texas will be dismissed?

11 A. Yes.

12 Q. Okay. As far as the terms of that settlement,  
13 I assume they're confidential, or do you know?

14 MR. NOWAK: I'm asking her.

15 MR. METCALF: Yeah, if you know or not.  
16 I'm not answering.

17 A. I think the settlement will be open record when  
18 it is -- when it comes out.

19 Q. (BY MR. NOWAK) And the lawyer or law firm that  
20 was representing you in that case was who?

21 A. Well, TML Insurance.

22 MR. METCALF: Objection. Nonresponsive.

23 Q. (BY MR. NOWAK) I understand there might have  
24 been insurance applicable to that case, TML Insurance.  
25 But was there a lawyer or a law firm that was, I guess,

1 utilized to represent you in that case?

2 A. I know the attorney. It was David Craft. But  
3 I can't remember his law firm's name. Gerald Bright. I  
4 think it was, like, Bright & Walker or something like  
5 that.

6 Q. So David Craft was the attorney that  
7 represented you and was part of the Bright law firm?

8 A. I think, yes, sir.

9 Q. How long did that lawsuit last, approximately?

10 A. A year and a half.

11 Q. And your deposition was never taken in that  
12 case?

13 A. No, sir.

14 Q. Was anybody's deposition taken in that case?

15 A. No, sir. I did an affidavit, but not a  
16 deposition.

17 Q. Were there any hearings conducted in that case,  
18 to your knowledge?

19 A. No, sir.

20 Q. And if I understood you correctly, whatever the  
21 settlement is, it's going to be open to public, I  
22 assume?

23 A. Yes, sir.

24 Q. Since that -- since that is the case, what are  
25 the terms of that settlement, if you know?

1 A. The insurance company will be paying her  
2 100,000, and the district will be paying 25,000.

3 Q. And in return for those funds, the case will be  
4 dismissed?

5 A. Yes, sir.

6 Q. Was there any written discovery conducted in  
7 that case? And what I mean by that, because you're not  
8 a lawyer, it's like interrogatories, which are  
9 questions, or request for production, to your knowledge.

10 A. No. We were qualified immunity. So there was  
11 no discovery.

12 Q. In that lawsuit, ma'am, did Ms. Myers [sic]  
13 complain that you only got the job as chief appraiser  
14 because your mother, Kathy Williams, was a long-time  
15 chief appraiser of Denton County Appraisal District? Is  
16 that what she alleged?

17 A. That was one of the things.

18 Q. I'm sorry. Go ahead.

19 A. I was just going to say, my mother was never  
20 chief, though.

21 Q. Okay. What position did your mother have?

22 A. Deputy chief.

23 Q. For Denton County Appraisal District?

24 A. Yes.

25 Q. And I might refer to it as "DCAD" -- just it'll

1 be easier than "Denton County Appraisal District" --  
2 throughout this deposition, just so the terminology's --  
3 you'll understand my terminology.

4           Besides that allegation that there was nepotism  
5 or that your mother was able to get you the job because  
6 of her position with DCAD, what else was alleged, to  
7 your knowledge?

8           A.    As far as the case goes, that her first  
9 amendment right was in question, I guess.

10          Q.    And her first amendment right to do what?

11          A.    To speak out against me in an open meeting.

12          Q.    Did she do that?

13          A.    I think the question was, was it an open  
14 meeting or not.

15          Q.    And what was your understanding of the  
16 allegations concerning whether the meeting was open?  
17 How many people were at the meeting? Who was there?

18          A.    It was an internal meeting, so it was all the  
19 employees and our board of directors. It was not a  
20 publicly posted meeting.

21          Q.    Meaning the public was not made aware that they  
22 could attend?

23          A.    Correct.

24          Q.    You mentioned that the DCAD or Denton County  
25 Appraisal District Board of Directors was at that

1 meeting?

2 A. Yes.

3 Q. Who were the members of the Denton County  
4 Appraisal District, or DCAD, Board of Directors at that  
5 time at that meeting?

6 A. Charles Stafford, David Terre. If you need me  
7 to spell any of these, I can.

8 Q. I might on the Terre. And more for the court  
9 reporter's purposes, make sure we spell it correctly.

10 A. T-e-r-r-e. Roy Atwood with one "T." Michelle  
11 French. George Pryor, P-r-y-o-r. Oh, and then Bryan  
12 Webb.

13 Q. And all the individuals you just listed, are  
14 they -- or were they all board of directors at that  
15 time?

16 A. Yes, sir.

17 Q. Are they still board of directors at this time?

18 A. No. Bryan and George are both off the board.

19 Q. Okay. And why are they off the board, if you  
20 know?

21 A. They both termed out -- or not termed out, but,  
22 at the end of their term, decided not to elect to be  
23 back on the board.

24 Q. Who took their places?

25 A. Ann Pomykal.

1 Q. Could you spell that last name?

2 A. Yeah. Let me -- P-o-m-y-k-a-l.

3 MR. METCALF: And if you're not certain,  
4 we can always stop and get that for the court reporter.

5 THE WITNESS: I'm pretty positive  
6 that's -- yeah. She's new, so I've only spelled it a  
7 couple of times. So I think it's P-o-m-y-k-a-l.

8 A. And then Alex Buck.

9 Q. (BY MR. NOWAK) And when did Ann and Alex  
10 become board members for DCAD? What date,  
11 approximately?

12 A. January 26th. I'm pretty sure we swore them  
13 in on -- if that's the fourth Thursday, I think it was  
14 January 26th.

15 Q. Of this year?

16 A. Yes, sir.

17 Q. So the board of directors that you listed a few  
18 minutes ago were at the internal meeting with you and  
19 Margaret Vyers. Who else was there?

20 A. All of the staff at that time, on  
21 February 3rd, 2020.

22 Q. And when you say, "all of the staff," are you  
23 talking about all the appraisers?

24 A. Yes.

25 Q. And how many appraisers, approximately, did

1 they -- did DCAD have at that time?

2 A. Appraisers or employees?

3 Q. Let's start with the number of employees that  
4 were there, approximately.

5 A. Maybe 40 to 50.

6 Q. And how many appraisers were working for DCAD  
7 at that time?

8 A. I'd have to do some serious math. I --

9 Q. Okay. That's fine. So approximately 40  
10 employees were at that internal meeting along with the  
11 board of directors at DCAD, yourself included, and  
12 Margaret Vyers included. Is that a fair statement?

13 A. Yes, sir.

14 Q. Okay. And so Ms. Vyers was asserting or  
15 alleging that she did not have the ability to speak out  
16 at that meeting?

17 A. Can you --

18 Q. Yeah. Well, I'll -- I'll ask it this way.  
19 Strike the question.

20 What was Ms. Vyers alleging that she was not  
21 able to speak out at that meeting?

22 A. I think it was that she did speak out at that  
23 meeting.

24 Q. And then because she spoke out, she got fired  
25 or terminated?

1 A. Eight months later.

2 Q. Was that meeting recorded, to your knowledge?

3 A. Yes.

4 Q. When she was terminated about eight months  
5 later, what was the basis for her termination, if you  
6 know?

7 A. Disruptive workplace behavior.

8 Q. Did Ms. Vyers ever assert, during that meeting,  
9 that there was issues with how DCAD was running the  
10 appraisal department?

11 A. Not that I can recall.

12 Q. Is that recording of that meeting still in  
13 existence?

14 A. Yes. It's a video.

15 Q. Was it done by Zoom maybe?

16 A. No. It was actually just internal cameras. It  
17 wasn't -- the meeting wasn't purposely being recorded  
18 for the purpose of a meeting. We just had internal  
19 cameras.

20 Q. That were videoing?

21 A. That were videoing.

22 Q. Okay. How long did that meeting go, if you  
23 know?

24 A. Maybe 15 minutes.

25 Q. At that meeting, what did Ms. Vyers state, if

1 you recall?

2 A. That she didn't want me to become chief  
3 appraiser.

4 Q. Did she say why?

5 A. That I -- I guess maybe a general statement  
6 that I was unqualified in her opinion.

7 Q. Did she go into any more specifics on why you  
8 were unqualified in her opinion?

9 A. That I had never had a gun pulled on me in the  
10 field --

11 Q. Okay.

12 A. -- that I hadn't earned any of the license that  
13 the Texas Department of Licensing and Regulation had  
14 granted me, and that all my promotions there were only  
15 because of who my mom was.

16 Q. And you referenced a little while ago your  
17 mother, Kathy Williams. She was a deputy chief  
18 appraiser; is that correct?

19 A. Yes, sir.

20 Q. How long was she the deputy chief appraiser at  
21 DCAD?

22 A. Maybe five years.

23 Q. What years would have those been?

24 A. Ooh, maybe, like, '08 through '20. No. That's  
25 way longer. Not '08. I'm sorry. Not '08. '18 through

1 '20 -- '17 through '20, so maybe three years, somewhere  
2 in there.

3 Q. At the time that you were promoted to chief  
4 appraiser, was your mother, Kathy Williams, deputy chief  
5 appraiser?

6 A. She was supposed to retire in December of '19.  
7 The board asked her to stay on until they hired a chief.  
8 And so she left as soon as they -- like, before I took  
9 off the position, she left right before.

10 Q. How long was DCAD without a chief appraiser?

11 A. From October of 2019 to February of 2020, so  
12 roughly six months.

13 Q. And if you know, how was the chief  
14 appraisers -- or how were you selected as the chief  
15 appraiser?

16 A. They hired a third-party consultant, and people  
17 applied, and he went out to find good candidates. I  
18 think 11 people applied. They interviewed all but one,  
19 so they went through ten different interviews. And then  
20 I was hired from there.

21 Q. Now, this third-party consultant, do you know  
22 who that was?

23 A. Uh-huh. Gary Zeitler. And I think that's  
24 Z-e-i-t-l-e-r.

25 Q. So Gary Zeitler is a third party, I guess, that

1 was brought in to assist in this process. Is that a  
2 fair statement?

3 A. Uh-huh, yes.

4 Q. 11 people were interviewed. After those  
5 interviews, how did the selection process work, if you  
6 know? Who made the decision, I guess, is --

7 A. The board of directors.

8 Q. And do they do that by vote?

9 A. Yes, sir.

10 Q. Is there a record of how the vote took place  
11 and who voted for whom?

12 A. No. It's an executive session, because it's a  
13 personnel matter.

14 Q. But if I understood you correctly, it's the  
15 vote of the board of directors for DCAD that decided  
16 that you would become the chief appraiser. Fair  
17 statement?

18 A. Yes, sir.

19 Q. You were not there for it, are you?

20 A. No.

21 Q. And after or right before you became chief  
22 appraiser, your mother, Kathy Williams, resigned?

23 A. Yes.

24 Q. Okay. So if you were not appointed chief  
25 appraiser, she still would have resigned?

1 A. Yes.

2 Q. Who was the chief appraiser prior to you?

3 A. Rudy Durham.

4 Q. Could you spell the last name?

5 A. Yeah, D-u-r-h-a-m.

6 Q. And how long was he chief?

7 A. Seven years.

8 Q. Could you tell us what your job  
9 responsibilities are as chief appraiser for DCAD,  
10 please?

11 A. I'm CEO over the appraisal district.

12 Q. And as CEO of the appraisal district for DCAD,  
13 what responsibilities does that entail?

14 A. We have 8 departments, roughly 80 employees.  
15 So, policies and procedures, personnel.

16 Q. Are you involved in ensuring policies and  
17 procedures are in place?

18 A. Yes, sir.

19 Q. Are you involved in ensuring policies and  
20 procedures are implemented?

21 A. Yes, sir.

22 Q. After you took the position as chief appraiser,  
23 did you review the policies and procedures of DCAD?

24 A. Yes, sir.

25 Q. And approximately how many policies and

1 procedures are there for DCAD?

2 A. I -- I wouldn't know that number. I think it's  
3 about a 36-page document, but I don't know how many --  
4 that's just the employee handbook. We have the employee  
5 handbook. We have the appraisal manual, the reappraisal  
6 plan, board of directors manual, and various reports  
7 that the State requires.

8 Q. So there is an employee handbook manual. Is  
9 that a fair statement?

10 A. Yes, sir.

11 Q. And there was one when you became chief?

12 A. Yes. I redid it when I became chief.

13 Q. That was going to be my next question.  
14 Did you revise it?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes, sir.

18 Q. How long did that take?

19 A. Months.

20 Q. Did anyone assist in revising it?

21 A. My deputy, Don Spencer.

22 Q. Is Dawn D-a-w-n?

23 A. No, just D-o-n.

24 Q. Oh.

25 A. Yeah.

1 Q. Anyone else?

2 A. No.

3 Q. And you referenced that there was a board of  
4 directors manual. Did you review that after you became  
5 chief appraiser?

6 A. Yes, sir.

7 Q. Did you revise that in any way?

8 A. Yes, sir.

9 Q. And did Don Spencer again assist you in that?

10 A. Not that -- no.

11 Q. Did anyone?

12 A. The board of directors has to approve it. They  
13 look over it, and they approve it.

14 Q. So, fair statement the board of directors was  
15 probably involved?

16 A. Yes.

17 Q. Anybody else?

18 A. Our -- our attorney, the district's attorney.

19 Q. Which is who?

20 A. David Tabor, T-a-b-o-r.

21 Q. So when you were providing your answers a few  
22 minutes ago, I wrote down "employee handbook, board of  
23 directors manual." What other policies and procedures  
24 you referenced? I want to make sure I --

25 A. Appraisal manual.

1 Q. Okay.

2 A. And then reappraisal plan.

3 Q. Let's start with the appraisal manual. Did you  
4 review that after you became chief of DCAD?

5 A. My staff did.

6 Q. Who on your staff reviewed it?

7 A. Paul DeLeon, and it's D-e-L-e-o-n.

8 Q. Anyone else?

9 A. Probably Marc Moffitt. They work hand in hand.

10 Q. Is Marc M-a-r-k or M-a-r-c?

11 A. "C." And Moffitt is two F's, two T's,  
12 M-o-f-f-i-t-t.

13 Q. So Paul and Marc would have reviewed that  
14 appraisal manual, and then they report to you?

15 A. Yes.

16 Q. Did they do any type of memorandum or report  
17 about that manual, to your knowledge?

18 A. Can you rephrase that?

19 Q. Sure. Let me -- Paul and Marc, I guess --  
20 well, strike that.

21 Did you request Paul and Marc to review the  
22 appraisal manual?

23 A. Yes.

24 Q. And based on your instructions, did you ask  
25 them or request them to provide any type of report or

1 memorandum or any type of document concerning the review  
2 of the appraisal manual?

3 A. They get with the residential manager and the  
4 commercial manager and update it through their policies,  
5 and then that's always done through the tax code and  
6 through -- there are certain procedures that we have to  
7 follow with the appraisal manual. It has to be sent to  
8 the state comptroller. Within so many days, there has  
9 to be -- no. There's no public hearing on the appraisal  
10 plan. That's the reappraisal plan.

11 Q. So Paul and Marc reviewed the appraisal manual.  
12 Then they got with the residential manager and the  
13 commercial manager?

14 A. Uh-huh.

15 Q. And if -- and is that a yes?

16 A. Yes, sir.

17 Q. And who was the residential manager at that  
18 time?

19 A. Jenna. I'll spell the last name. Simek,  
20 S-i-m-e-k.

21 Q. And then they also met with the commercial  
22 manager at the time -- was who?

23 A. Chuck Saling, S-a-l-i-n-g.

24 Q. And after Paul and Marc met with Janek -- I  
25 mean, excuse me. Is it Janet?

1 A. Jenna.

2 Q. Jenna. I wrote it down wrong. I apologize. I  
3 can't read my own writing.

4 After Paul and Marc met with Jenna and Chuck,  
5 what took place after that?

6 A. They just revised it per the schedules.

7 Q. So I take it after Paul and Marc review it,  
8 then they meet with the residential manager, who is  
9 Jenna, and the commercial manager, who is Chuck. Then  
10 revisions are made to it?

11 A. Yes.

12 Q. Who does the revisions? Is it a group effort?  
13 Do the --

14 A. It's a group effort.

15 Q. Do they each give their own input?

16 A. Uh-huh.

17 Q. How does that work?

18 A. Yeah, they each give their own input. And then  
19 we usually, you know, proof it for errors and --

20 Q. Is it actually redlined?

21 A. I -- I don't know. I think so. I don't know  
22 if I have a copy of that, but --

23 Q. Okay. So based off this group meeting between  
24 Paul, Marc, Jenna, and Chuck, there's some type of  
25 redline or revision to this appraisal manual? Fair

1 statement?

2 A. Yes. We use Google Docs, so it's shared  
3 documents, so everybody's in the same document usually  
4 at one time.

5 Q. Meaning, from Google Doc, the way I understand  
6 it is you can all be in the document. You can all make  
7 revisions and changes, and it actually shows who's doing  
8 what. Is that a fair statement?

9 A. Uh-huh, yes, sir.

10 Q. Okay. So based off that meeting, then  
11 revisions are made through Google Doc. And after those  
12 revisions are made, do you review it?

13 A. Yes.

14 Q. Does anybody else review it?

15 A. Our deputy.

16 Q. And after it's reviewed by you and your deputy,  
17 do you or your deputy make changes to it?

18 A. If needed.

19 Q. Do you recall doing that?

20 A. No.

21 Q. Did your deputy do that, to your knowledge?

22 A. No.

23 Q. And then after that is done, what happens with  
24 the appraisal manual?

25 A. It gets sent out to all of the appraisers so

1 they're using the same manual, same concepts. And it is  
2 posted on our website.

3 Q. Approximately when was it revised or -- strike  
4 that.

5 Approximately when was the appraisal manual  
6 revised and finalized after you and the deputy reviewed  
7 it?

8 A. We do that, roughly, April of every year.

9 Q. And after it's reviewed by you and the deputy  
10 and given a stamp of approval, then it's finalized and  
11 then sent to all the appraisers?

12 A. Yes, sir.

13 Q. And those appraisers then use that manual to  
14 conduct their appraisers both for residential and  
15 commercial properties. Fair statement?

16 A. Along with other manuals, yes, call schedules  
17 and --

18 Q. As you sit here today, do you recall what  
19 revisions were made to the 2022 appraiser manual?

20 A. No, sir.

21 Q. Were there a lot?

22 A. I wouldn't know that.

23 Q. Fair statement, though, it sounds like that  
24 DCAD would have a copy of the revisions that are made  
25 through Google Doc of the appraisal manual in the final

1 version. Fair statement?

2 A. We would have 2021's and then 2022's so you  
3 could find the differences. I don't know if we have the  
4 edited copies. Or I'm sorry. We haven't made 2022's  
5 yet. That would be 2020, 2021.

6 Q. That's true. We're in February.

7 A. Yeah.

8 Q. Okay. I'm getting ahead of myself as well.

9 So there would be a 2021 appraiser manual.  
10 You're in the process or will be in the process of doing  
11 2022 pretty soon?

12 A. Yes, sir.

13 Q. So if we wanted to compare 2021 appraiser  
14 manual to 2020's appraisal manual, we could do that?

15 A. Yes, sir.

16 Q. But as far as the redline or revisions or who  
17 made what on Google Doc, you don't know if that exists  
18 or not?

19 A. I'm pretty positive it doesn't.

20 Q. Is it just -- after the revisions are made, are  
21 those deleted from the system, or how does that work?

22 A. Well, they're done within the Google Docs, so  
23 it just becomes the document.

24 Q. Okay. And after this appraisal manual is  
25 finalized by you and the deputy chief and sent to the

1 appraisers, is it a fair statement the appraisers are  
2 supposed to adhere by that manual?

3 A. Along with other things, yes.

4 Q. Okay. Tell me about what other things are the  
5 appraisers supposed to utilize or follow.

6 A. Market value of what's happening within the  
7 different areas at different times; cost schedules; comp  
8 grids; closing statements, which is market value.

9 Q. Anything else?

10 A. Probably, but I can't think of anything right  
11 now.

12 Q. If something comes to you --

13 A. Okay.

14 Q. -- just let me know, and we can go back to it.  
15 But if I understand you correctly, besides using this  
16 appraiser manual that the appraisers use, the market  
17 value of the properties, which is determined by closing  
18 statements -- is that a fair statement?

19 MR. METCALF: Objection to form.

20 You can answer.

21 Q. (BY MR. NOWAK) You can answer.

22 A. Market value is determined by what -- what  
23 things are selling for within the market.

24 Q. Okay. I think you mentioned one of the things  
25 the appraiser would use would be closing statements?

1 A. They -- they can use that.

2 Q. What else can they use to determine the market  
3 value?

4 A. A closing statement, if it's within a year. I  
5 should specify. Not just any closing statement at any  
6 time.

7 Q. Sure. It wouldn't really make sense if you're  
8 going back to 2000.

9 A. Right.

10 Q. So they could utilize closing statements  
11 within -- if it's within a year. What else can they  
12 utilize in order to determine market value?

13 A. Any sold properties, so, like, a posted MLS or  
14 a -- anything that sold within the area.

15 Q. And did they have access to those posted MLS?

16 A. Sometimes, if it's -- if it's posted, yes.

17 Q. Okay. And how do the appraisers get the  
18 closing statements?

19 A. Through the taxpayer --

20 (Reporter requests clarification)

21 A. -- or the property owner. Taxpayer/property  
22 owner, kind of interchangeable.

23 Q. (BY MR. NOWAK) So besides getting these  
24 closing statements from the taxpayer or property owner,  
25 then they can access MLS if it's posted. Fair

1 statement?

2 A. Yes, sir.

3 Q. What else can they utilize or what else are  
4 they supposed to utilize at DCAD in order to determine  
5 market value?

6 A. Comp grids and comparable properties.

7 Q. Let's start with comp grids. Where does DCAD  
8 get these comp grids?

9 A. In our CAMA software, which is a mass  
10 appraisal -- I think it's called computerized assisted  
11 mass appraisal software. We call it CAMA, C-A-M-A.

12 Q. And that acronym is certified -- what is it?

13 A. Yeah. You --

14 Q. If you know.

15 A. Don't get me -- I think it's, like, computer  
16 assisted mass appraisal system.

17 Q. Okay.

18 A. But I could be wrong on that.

19 Q. We call it "CAMA" for short.

20 A. That's what we call it. Yeah, we just call it  
21 "CAMA software."

22 Q. This CAMA software is utilized, then, is my  
23 understanding, by the appraisers for comp grids?

24 A. Yes, sir.

25 Q. Okay. And where does this CAMA software come

1 from?

2 A. Our -- we have -- different districts use  
3 different ones. We use Harris Govern.

4 Q. Is that purchased?

5 A. Yes.

6 Q. And Harris Govern -- Governed, is it?

7 A. It's Govern, G-o-v-e-r-n.

8 Q. And when is Harris Govern purchased by DCAD?  
9 Every year?

10 A. No. We have a contract.

11 Q. And so as part of that contract between Harris  
12 Govern and DCAD, they provide the comp grids through  
13 this CAMA software?

14 A. Yes.

15 Q. And was Harris Govern -- or strike that.  
16 How long has DCAD been using Harris Govern?

17 A. We were using them for roughly 12 years. The  
18 chief appraiser and the IT manager previous to me tried  
19 switching to a different software. It failed. And then  
20 as chief, I went back to Harris Govern in 2020, yeah,  
21 and we've been with them since.

22 Q. And when did you become chief?

23 A. February 3rd, 2020.

24 Q. Okay. And so if I understood your testimony  
25 correctly, after you became chief, you went back to

1 Harris Govern for the CAMA software; is that correct?

2 A. Yes, correct.

3 Q. And you did that because the prior software was  
4 failing?

5 A. It was not. They had kind of  
6 overpromised/underdelivered. They had promised it would  
7 be done by protest season, and it was only about  
8 30 percent complete, so we couldn't fully use -- utilize  
9 their system.

10 Q. Who was the prior CAMA software?

11 A. True Prodigy.

12 Q. Is it T-r-u-e?

13 A. T-r -- yeah, yes, sir.

14 Q. And Prodigy, just as it sounds?

15 A. Yes, sir.

16 Q. You said they overpromised and underdelivered.  
17 They couldn't deliver, you said, about a third?

18 A. They promised us it would be done by -- we call  
19 it our protest period. That's when all the property  
20 owners come to protest, and that's when we -- our  
21 biggest, busiest time. And it was only about -- it was  
22 a beta software that, I guess, the previous chief and  
23 the previous IT manager chose to do. But it was only  
24 about 30 percent complete when we needed it to be  
25 100 percent complete.

1 Q. And when you say it was 30 percent complete,  
2 that would have been at the time of the protest?

3 A. Yes, sir.

4 Q. So, fair statement -- I know you started in  
5 2020, and you switched back to Harris Govern. Was True  
6 Prodigy utilized in 2020, or was Harris Govern used in  
7 2020?

8 A. It was used for about eight months, which was  
9 the end of '19 to the beginning of 2020. Well, I guess  
10 '19 would have stayed on our old one. And then they  
11 canceled -- the prior IT manager canceled Harris Govern  
12 on December 31st of '19 and just strictly went to True  
13 Prodigy in 2020.

14 Q. I want to make sure I understand this. Can you  
15 tell me, then, for the year 2020, what CAMA software was  
16 used? Was it Harris Govern or True Prodigy?

17 A. True Prodigy.

18 Q. Now, I know you said once you became chief  
19 appraiser, you wanted to move back to Harris Govern.  
20 When did that occur, approximately?

21 A. We -- we were under contract with True Prodigy  
22 and -- until August.

23 Q. Of 2020?

24 A. Yes, sir.

25 Q. Sorry to interrupt.

1 A. No.

2 Q. I just want to make sure.

3 A. I'm trying to think of the dates too.

4 In June of 2020, I notified them that we were  
5 not going to renew our contract with them if things did  
6 not get fixed. And then they -- and then we used them  
7 until September and then switched back to -- or  
8 converted back -- Harris Govern had to try to convert us  
9 back to them. It's not as easy as just switching. They  
10 had to convert us back.

11 Q. So if I understood you correctly, in June of  
12 2020, you told True Prodigy that you were not going to  
13 renew their contract unless they could fix things?

14 A. Uh-huh.

15 Q. Is that correct?

16 A. That's correct.

17 Q. And then in approximately August of 2020,  
18 things did not get fixed, so the contract was canceled?

19 A. Yes.

20 Q. And then -- I'm sorry. Go ahead.

21 A. They stayed with us until September 18th,  
22 roughly, to finish out the certification process. And  
23 then Harris Govern took over the conversion.

24 Q. Did you have to enter into a new contract with  
25 Harris Govern?

1 A. Yes, sir.

2 Q. And approximately what date did that occur in  
3 2020?

4 A. I don't know.

5 Q. And when you said Harris Govern had to convert  
6 back to, I guess, what was previously being used by  
7 DCAD, how long did that conversion take?

8 A. Over four months.

9 Q. And if you know, how does that conversion  
10 happen?

11 A. Not a clue.

12 Q. Okay. That's kind of a tech --

13 A. Magic.

14 Q. -- technical -- technology -- somehow --

15 A. Yes.

16 Q. -- somehow it's converted back to that old  
17 system?

18 A. Yeah. It is done in their office and not in  
19 ours, and it is --

20 Q. Fair statement, then, for the tax year 2020,  
21 the -- the CAMA software that was used was True  
22 Prodigy --

23 A. Yes.

24 Q. -- and not Harris Govern at all. Fair  
25 statement?

1 A. Yes.

2 Q. Let me ask you this: Who at True Prodigy were  
3 you dealing with when you were telling them they were  
4 having problems?

5 A. Os Morales.

6 Q. And what position did he have with True  
7 Prodigy?

8 A. President or owner of the company.

9 Q. And where are they based, if you know?

10 A. I don't know. I think Frisco or Dallas or --

11 Q. They're in Texas, though?

12 A. Yes.

13 Q. And when this whole process was going on and  
14 these issues and problems with True Prodigy, were you  
15 communicating with Os Morales via email? Letter? How  
16 were you communicating with him?

17 A. Our staff was communicating daily through  
18 emails, through Help Desk, through Slack. That's like a  
19 chat.

20 Q. Were you communicating directly to Os Morales  
21 at all?

22 A. A few emails.

23 Q. And in those emails, were you communicating  
24 with Os Morales that DCAD was having issues with the  
25 software and it needed to be corrected?

1 A. Yes, sir.

2 Q. Did you give him a time frame in order to make  
3 those corrections?

4 A. In the June 10th legal letter, we asked them  
5 to correct everything. How did -- I don't really  
6 remember. It was like a -- we asked them to waive the  
7 renewal of the contract until they could get everything  
8 fixed, that we weren't going to sign a new contract  
9 until they fixed the things that needed fixed. And then  
10 on June 12th, they came back and fired us as clients  
11 and said they weren't going to fix it.

12 Q. Okay. The emails that you were having with Os  
13 Morales, are they still in existence, to your knowledge?

14 A. Yes, sir.

15 Q. Okay.

16 A. The IT manager that put the system in place, he  
17 has deleted all of his emails from the record before he  
18 left the appraisal district, and now he works for Os  
19 Morales.

20 MR. METCALF: Objection. Nonresponsive  
21 after she answered the question.

22 Q. (BY MR. NOWAK) Who was the IT manager that  
23 deleted the emails?

24 A. Brad Green.

25 Q. And what was his title with DCAD?

1 A. IT manager.

2 Q. And now Mr. Green works for True Prodigy?

3 A. Yes, sir.

4 Q. When did he leave DCAD?

5 A. February -- February of 2020.

6 Q. And did he start with True Prodigy right after  
7 that?

8 A. Within that month.

9 Q. When did you find out that Brad Green, the IT  
10 manager that worked for DCAD, deleted all the emails at  
11 DCAD?

12 A. Sometime within 2020.

13 Q. How did you find that out?

14 A. I looked.

15 Q. Now, I'm not an IT expert, but I know when you  
16 delete something, it's not necessarily always deleted.  
17 You can still go into the system. Have you instructed  
18 or requested anybody to go into DCAD's system to see if  
19 those emails that Mr. Green deleted are still in  
20 existence some way, somehow?

21 A. Yes, sir. Apparently, Google has a vault that  
22 you can turn on and off, and Brad Green had turned off  
23 the vault, so they could be -- you can delete the  
24 deleteds. The vault has since been turned back on.

25 Q. That was going to be my next question. So the

1 Google Vault's back on?

2 A. Yes, sir.

3 Q. How long was the Google Vault off, to your  
4 knowledge?

5 A. I have no way of knowing.

6 Q. Was it just his emails that were allowed to be  
7 deleted, or were other people's emails allowed to be  
8 deleted, to your knowledge?

9 A. It's to my knowledge, everyone in the appraisal  
10 district at that time.

11 Q. Could delete emails, and there would be no  
12 record of them?

13 A. Yes. That was prior to me being chief.

14 Q. Does DCAD have anything set up now to ensure  
15 something like that doesn't happen again?

16 A. Yes, sir.

17 Q. What has DCAD done?

18 A. Turned on the vault, and you can't delete  
19 emails.

20 Q. When it's turned on?

21 A. Yeah, yes, sir.

22 Q. But my question is, is there any way to make  
23 sure that the new IT manager doesn't turn off the vault,  
24 or someone else? Or is there any type of what I call  
25 checks and balances in place to make sure that doesn't

1 happen again?

2 A. I mean, I check it.

3 Q. Okay.

4 A. I mean, follow up with them and --

5 Q. The fact that Brad Green deleted these emails  
6 from the Google Vault and his communications with True  
7 Prodigy, did that cause you any concern?

8 A. Yes, sir.

9 Q. Did you have any meetings with the board of  
10 directors of DCAD about that?

11 A. Within executive session, as a personnel  
12 matter.

13 Q. So that would not have been recorded?

14 A. No, sir.

15 Q. And if I understood you right, Brad Green's  
16 emails were deleted; but, for example, your emails are  
17 still in existence between you and Os Morales of True  
18 Prodigy. Fair statement?

19 A. Fair statement.

20 Q. Did you deal with anybody else, besides Os  
21 Morales, at True Prodigy while you were working for  
22 DCAD?

23 A. His -- he has a partner, John Coco. Yeah, I --  
24 I emailed John. There's emails with me and John. It's  
25 just C-o-c-o.

1 Q. Anybody besides John Coco and Os Morales that  
2 you dealt with at True Prodigy?

3 A. No, sir.

4 Q. Now, you mentioned there was a legal letter  
5 sent out on June 10th of 2020 basically explaining to  
6 True Prodigy they needed to fix these things or there  
7 was going to be a waiver of renewal. Who was the  
8 attorney that prepared that correspondence?

9 A. Brian Shaw.

10 Q. And what's Brian Shaw's position?

11 A. Attorney. I don't --

12 Q. Does he work in-house or --

13 A. No.

14 Q. -- with a law firm?

15 A. A law firm.

16 Q. Do you know what law firm?

17 A. No. I cannot think of it.

18 MR. METCALF: Who does he work with?  
19 Tabor?

20 THE WITNESS: No. He was in his own law  
21 firm. He was a contract attorney.

22 Q. (BY MR. NOWAK) Okay. That's fine.

23 A. I can look -- I can get it.

24 Q. Yeah.

25 A. He's actually, since then, has moved law firms,

1 so he's no longer with the law firm he was with.

2 Q. Do you know who he's with now?

3 A. No. I have it in an email, but I don't.

4 MR. METCALF: What do we need to look up?  
5 Brian Shaw's law firm?

6 MR. NOWAK: Brian Shaw, yeah.

7 MR. METCALF: Okay.

8 MR. NOWAK: That would be great.

9 Q. (BY MR. NOWAK) Okay. Now, then you said on  
10 June 12th of 2020 True Prodigy responded back, and  
11 they basically terminated you as the customer?

12 A. Yes.

13 Q. Did that surprise you?

14 A. Nothing they did really surprised me after a  
15 point.

16 Q. Fair to say that you were disappointed in True  
17 Prodigy and the services they were providing?

18 A. Yes, sir.

19 Q. Now, you referenced that in approximately  
20 September of 2020, you contacted Harris Govern again to  
21 get back -- or strike that.

22 You referenced that in September 2020, you  
23 communicated with Harris Govern again to come back and  
24 renew a contract with them. Is that a fair statement?

25 A. We had to go out for RFP.

1 Q. Okay.

2 A. Two companies went out for RFP, and we chose --  
3 the board chose Harris Govern to be our CAMA software.

4 Q. Who was the other one on the RFP?

5 A. Tyler Technology.

6 Q. Okay. And then the board chose Harris Govern  
7 again. When did the board choose Harris Govern again  
8 for 2020 --

9 A. I --

10 Q. -- or in 2020? Excuse me.

11 A. I'm going to roughly say August of 2020.

12 Q. Okay. And then after that was chosen, was a  
13 contract entered?

14 A. Yes, sir.

15 Q. And after the contract was entered, a  
16 conversion process took place --

17 A. Yes, sir.

18 Q. -- which you said took about approximately four  
19 months?

20 A. Yes, sir.

21 Q. And then fair statement in 2021, then, DCAD  
22 started using Harris Govern again as the CAMA software?

23 A. Yes, sir.

24 Q. I want to go back now to what you told me a  
25 little bit -- or a few minutes ago about the beta

1 software was only 30 percent complete for True Prodigy.  
2 By the beta software only being 30 percent complete, did  
3 that impact the information that your appraisers were  
4 using when they were preparing their appraisals?

5 A. No, sir.

6 Q. Why not?

7 A. It doesn't affect what they use to come up with  
8 appraisals. It just affected what could be entered into  
9 the system and how effective we could be -- how  
10 efficient and effective we could be by entering all that  
11 into a system that isn't complete.

12 Q. Okay. So -- and I want to make sure I  
13 understand this. The CAMA software, True Prodigy, that  
14 was being used by the appraisers, you said the beta  
15 software was only 30 percent complete -- fair  
16 statement? -- approximately?

17 A. Yeah, that's my statement.

18 Q. Okay. And by it only being 30 percent  
19 complete, did that cause the appraisers to have to do  
20 more work?

21 A. Yes.

22 Q. Okay. And can you kind of tell me and walk me  
23 through the process, if you don't mind, on what the  
24 appraisers had to do because this beta software was only  
25 30 percent, approximately, complete?

1       A.     Different things like, you know, if we -- right  
2 now, during -- they have iPads that they can go to the  
3 field and put information directly into an iPad, which  
4 goes directly into our CAMA software. But when the  
5 system's not complete, you have to do it all by paper.  
6 You know, you still do all your field work correctly,  
7 but it's all done on paper, and then you have to enter  
8 it later.

9             The software also -- or the True Prodigy  
10 software also deleted exemptions that were on, so we had  
11 to do double work and reenter thousands of exemptions  
12 that got deleted during the 2020 conversion, so it was  
13 just double work.

14            Agents, like, they didn't have their agent  
15 portal done, so we had to get creative and use -- any of  
16 their portals that they didn't have done, we had to use,  
17 like, Google Sheets and Google Docs to try to enter them  
18 and keep track of them that way. So our agents and our  
19 appraisers would just send Google Sheets back and forth  
20 or share documents back and forth instead of actually  
21 having, like, an agent portal where they enter the  
22 information into.

23       Q.     Anything else?

24       A.     Yes, but those are --

25       Q.     Well, let me -- I'm going to kind of go back

1 and touch on some of the things you just testified to.  
2 If I understood you correctly, then, under the True  
3 Prodigy software, the field worker for the appraisal  
4 office could not use an iPad and input that information.  
5 It would be stored in the system. They had to manually  
6 take down the information. Fair statement?

7 A. Yes, sir.

8 Q. And if the field worker manually took down this  
9 information, was it kept?

10 A. Yes.

11 Q. So if, for example, I go out on the field to  
12 look at a property I'm evaluating as a field worker for  
13 DCAD, I'm writing down information, maybe the location,  
14 is it near the street, off the street, that sort of  
15 stuff, the size of it, so forth, how many -- you know,  
16 is it vacant, certain parts being vacant; and all that  
17 information's written down. It's your testimony that  
18 after that's done by the field worker and put on a  
19 manual piece of paper, that's still -- that's still  
20 kept?

21 A. I'm almost positive they scan all that  
22 information in and load it to the account that it -- it  
23 correlates with.

24 Q. But fair statement, according to you, because  
25 True Prodigy was being used, they would have to take

1 this manual or manual papers and actually scan them into  
2 the system; it wouldn't be there stored?

3 A. Correct.

4 Q. And I take it when you're utilizing this Harris  
5 Govern system, you don't have to do that. Is that a  
6 fair statement?

7 A. Correct. We have mobile app -- a mobile app  
8 that we use.

9 Q. You also mentioned that True Prodigy deleted  
10 exemptions -- thousands of exemptions?

11 A. I don't want to say they deleted them. It  
12 got -- they got deleted in the conversion, because they  
13 weren't entered correctly.

14 Q. Meaning that --

15 A. Or not entered correctly, but they weren't --  
16 they didn't get converted over --

17 Q. From the prior system --

18 A. Yes.

19 Q. -- which was Harris Govern?

20 A. No.

21 Q. Okay.

22 A. In True Prodigy, when Harris Govern tried to  
23 convert them back, they didn't get converted back,  
24 because, essentially, True Prodigy kind of being a  
25 half -- half-done system, they couldn't convert

1 everything back correctly, because -- I don't know,  
2 really. That's kind of a technical -- I'm not really  
3 sure.

4 Q. Okay. Well, let me ask you this, and maybe I'm  
5 not understanding. I thought you said that the system  
6 True Prodigy was being utilized. The exceptions were  
7 not noted there. You couldn't tell for 2020. You had  
8 to go back manually and look?

9 A. No. They were in there for 2020.

10 Q. Oh, okay.

11 A. But when we -- when Harris Govern converted  
12 them back, we lost all of them for 2020. So we had to  
13 enter them back in before 2021 started.

14 Q. Got it. Then you referenced that because the  
15 agent portals were not set up, the agents had to use  
16 Google Docs or Google Sheets. Is that a fair statement?

17 A. Yes, sir.

18 Q. And they were doing that again when they're  
19 conducting their appraisers -- appraisals?

20 A. I --

21 Q. Well, how were the Google Docs and Google  
22 Sheets utilized by the agent?

23 A. Agents have thousands and thousands of  
24 accounts. And so they're all put into spreadsheets and  
25 sent over in a mass system. And then the agents will go

1 through and mark which properties, like, their opinion  
2 of value on the sheet. Like, our appraisers will lock  
3 down the cells that they can't change, and then the  
4 agents will put in their opinion of value, and then our  
5 appraisers will work off of their opinion of value and  
6 go back and forth with them until everything is agreed  
7 upon.

8 Q. And how many agents work for DCAD?

9 A. Oh, I -- I have no idea.

10 MR. METCALF: How many agents --

11 A. They don't work for DCAD. No agents work for  
12 DCAD.

13 MR. METCALF: Just clarify what an  
14 agent --

15 (Reporter requests clarification)

16 MR. METCALF: Please clarify for him what  
17 an agent is.

18 MR. NOWAK: Yes. I was about to ask the  
19 same question.

20 Q. (BY MR. NOWAK) So go ahead, please.

21 A. Yes. An agent is a rep -- a tax rep that  
22 represents property owners. The property owners hire an  
23 agency to represent the amount the appraisal district --  
24 to fight their property taxes -- or property value.

25 Q. Okay. So an agent is just someone's hired by

1 the property owner to fight the appraisal district on  
2 the appraised value?

3 A. Yes, sir.

4 Q. And these agents, they could be just the  
5 individual property owner, couldn't they?

6 A. Those aren't agents.

7 Q. Okay.

8 A. It has to be somebody representing a property  
9 owner.

10 Q. So they're classified or characterized  
11 differently?

12 A. Yes.

13 Q. Okay. So these agents actually, in 2020, would  
14 use these Google Doc or Google Sheets, because they  
15 couldn't access the portals?

16 A. Yes.

17 Q. Okay. And then how would they relay that  
18 information to DCAD with these Google Docs or Google  
19 Sheets? Would they scan it in and send it to you?  
20 Email? How?

21 A. Shared docs so they could work within the  
22 documentation. So can our appraiser.

23 Q. And when the shared docs are utilized by the  
24 agent, then the agent and the appraiser can go back and  
25 forth and make a final determination based off the

1 information?

2 A. Yes.

3 Q. Are these Google Docs or Google Sheets for  
4 2020 -- were they kept for the properties?

5 A. I would assume, yes.

6 Q. Okay. And how are they kept? Are they scanned  
7 into the system, or do you know, or just part of --

8 A. I don't know.

9 Q. I'm sorry. I'll let you finish your answer.

10 A. Okay.

11 Q. We were talking over each other. Go ahead.

12 A. I don't know that.

13 Q. Okay. So you don't know, as you sit here, if  
14 the Google -- or Google Sheets were being utilized by  
15 the agents with the appraisers for the properties back  
16 in 2020 were kept or not?

17 A. They'd have to be kept, because it's a  
18 retention thing. I just don't know how they're kept. I  
19 don't know if they're kept in a -- just a saved Google  
20 file or if they're scanned into the CAMA software now.

21 Q. And why do they have to be kept?

22 A. Well, I guess I was going to say, I guess they  
23 don't have to be kept. We -- once the value is agreed  
24 upon, there are settlements written up, settlement -- a  
25 settlement document written up between the appraisal

1 district and the agent, and that is what would need to  
2 be kept. So once the value's agreed upon, it goes into  
3 an agreement contract kind of document, and that's  
4 what's kept.

5 Q. What if it's not agreed upon? Then is it kept?

6 A. It goes to the ARB, and then that -- the ARB  
7 order is kept.

8 Q. But not necessarily the Google Sheets?

9 A. No, not necessarily the Google Sheet.

10 Q. When inputting this -- the information into the  
11 True Prodigy system, did it actually -- was that system  
12 utilized -- well, strike that.

13 The True Prodigy system, when it's utilized,  
14 are you inputting information, or is it just providing  
15 you information on comps -- a comp --

16 MR. METCALF: I'm going to object to form.

17 Q. (BY MR. NOWAK) -- because I thought you said  
18 there were comp grids that came out of the software?

19 A. It's an algorithm --

20 Q. Okay.

21 A. -- that is done. And I would -- I don't know  
22 how that's done.

23 Q. Who would know, from DCAD, how that algorithm's  
24 done for the True Prodigy system?

25 A. I would argue that none of us know the exact

1 algorithm that's used.

2 Q. Would True Prodigy know, I hope?

3 A. Yes, and Harris Govern. That's part of the  
4 CAMA software that we use.

5 Q. Okay. But when you talked about earlier these  
6 comp grids, I envisioned in True Prodigy that when I put  
7 in a property, I'm given comparable properties from the  
8 system itself.

9 A. Correct.

10 Q. Is that how it worked for True Prodigy?

11 A. I'm pretty positive, yeah.

12 Q. Okay. And -- and how many comps would be  
13 provided for each property from True Prodigy, if you  
14 know?

15 A. I don't know that.

16 Q. Would there be different numbers if --  
17 depending on the property and the classification of the  
18 property?

19 A. Yes, correct, yeah.

20 Q. Did you ever use the True Prodigy system while  
21 you were at DCAD?

22 A. I did not.

23 Q. The appraisers did, though, did they not?

24 A. Yes, the staff does.

25 Q. But you understood how it worked, fair?

1 A. I guess. I mean, no, because it's a software.

2 I mean, there's a lot of --

3 Q. And I'm not asking the internal software.

4 A. Okay.

5 Q. Maybe I'm -- and I don't mean that you're an IT  
6 expert. What I'm trying to understand is, if I'm

7 sitting down and I'm an appraiser, I'm going to use this  
8 True Prodigy system, and I'm inputting information --

9 (Reporter requests clarification)

10 Q. (BY MR. NOWAK) -- into the software package or  
11 True Prodigy system.

12 A. Uh-huh.

13 Q. Is that correct?

14 A. Correct.

15 Q. So walk me through, if I'm sitting down, and I  
16 am an appraiser and I'm using the True Prodigy system  
17 and I'm trying to come up with an appraisal for 2020,  
18 how would that -- would that work? Because I haven't  
19 seen the system. Do you log in a property? Walk me  
20 through how that process -- if you know.

21 A. Yeah. I don't know that.

22 Q. Okay.

23 A. I mean, that -- that was almost a year and a  
24 half ago too, so I wouldn't remember how all that works.

25 Q. Would the appraisers know?

1 A. Oh, yeah, yeah. They used it constantly.

2 Q. Okay. I would assume that, using the True  
3 Prodigy system, you would have to input some information  
4 or data in order for it to kick back some information?

5 A. Absolutely, yeah.

6 Q. And by inputting that data, I assume -- you  
7 said they had comp grids or comps for that property  
8 would come up?

9 A. Correct.

10 Q. Okay. Do you know how the True Prodigy system  
11 worked when it would take the property that was inputted  
12 and come up with the comps?

13 A. No.

14 Q. And that would be part of the algorithm. Is  
15 that --

16 A. Yes.

17 Q. -- fair?

18 A. Yes.

19 Q. And again, DCAD -- or no one at DCAD would know  
20 how that algorithm worked; it would be someone at True  
21 Prodigy?

22 A. Correct.

23 Q. Is True Prodigy still in business?

24 A. Yes.

25 Q. When you were working for DCAD and True Prodigy

1 was being utilized in 2020, were you experiencing any  
2 issues with the comp grids, meaning the comp grids were  
3 not coming out correctly?

4 MR. METCALF: Objection to Form.

5 You may answer.

6 A. Not that I'm aware.

7 Q. (BY MR. NOWAK) Did any appraiser at any time  
8 come to you or the deputy chief or anyone, to your  
9 knowledge, and say, "Hey, when I put information into  
10 True Prodigy to come up with comp grids, it's not  
11 working properly"?

12 A. No, they did not come up. I had a long list,  
13 but that was not one of them.

14 Q. Okay. Were you ever made aware that there was  
15 issues with the comps; meaning, the comps were not  
16 comparable comps to the property coming out of True  
17 Prodigy?

18 A. No, there was no issues with that.

19 Q. And how would you know if there were no issues  
20 with that?

21 A. My employees did not tell me of issues of that.

22 Q. Did anyone, to your knowledge -- the  
23 appraisers -- go back and look at the comps and the comp  
24 grids when they would come out for a specific property  
25 and check and see if True Prodigy was providing good

1 comps?

2 A. Yes.

3 Q. Who did that at DCAD in 2020?

4 A. I wouldn't know that.

5 Q. Was there anyone working for DCAD in 2020 that  
6 that would fall under their job responsibilities?

7 A. No. I restructured at the end of 2020, so no.

8 Q. Let's just say, hypothetically speaking, that  
9 someone was having issues with the comp grids coming out  
10 of the True Prodigy system. Where would they go at  
11 DCAD? To you? To the deputy chief?

12 A. No. To the help desk of True Prodigy.

13 Q. Okay. And would the help desk give them  
14 answers?

15 A. I mean, it was True -- the help desk would go  
16 directly to True Prodigy, so True Prodigy would fix the  
17 issue if they could. I mean --

18 Q. Was -- was there somebody else on the other  
19 line of that help desk for True Prodigy, to your  
20 knowledge?

21 A. Yes.

22 Q. Do you know who that person or person was?

23 A. Usually it was John Coco, the partner in True  
24 Prodigy.

25 Q. Any other issues that you can recall, as you

1 sit here today, or problems with the True Prodigy  
2 software that you haven't told us about?

3 A. I mean, I had -- I have documents of the things  
4 that were not complete, but I can't remember any of them  
5 at this time.

6 Q. These documents that you -- are they still kept  
7 by you?

8 A. Yeah. They were not official documents. They  
9 were notes that I was making.

10 Q. Okay. But do you still have them?

11 A. Yes, sir.

12 Q. And those notes that were kept were -- would  
13 that be kind of a list of the things or issues you were  
14 having with True Prodigy?

15 A. Yes, sir.

16 Q. I'll just ask that you keep those.

17 A. Okay.

18 Q. I'll probably make a request through your  
19 counsel. But just maintain and preserve those, if you  
20 could, please.

21 A. Okay.

22 MR. METCALF: I'm pretty sure she never  
23 throws anything away ever.

24 THE WITNESS: I don't.

25 MR. NOWAK: I like that. I have some

1 witnesses that they don't have anything left. So that  
2 makes it much easier.

3 Q. (BY MR. NOWAK) I want to go back to something.  
4 Your mother, you said, was the deputy chief appraiser.  
5 And what were the years she was chief appraiser? I  
6 think you said 2017 to approximately 2020?

7 A. She was never chief.

8 Q. Deputy chief?

9 A. Deputy chief.

10 I can't recall. She was there for, like, 30  
11 years, but she was deputy for -- I don't know -- maybe  
12 three or four.

13 Q. Okay.

14 A. I'm really not -- I don't remember.

15 Q. But she left in 2020 before you became chief  
16 appraiser?

17 A. Yes, sir.

18 Q. And you -- that was another thing I was going  
19 to follow up. You said your mom had been with DCAD for  
20 almost 30 years. Did she hold different positions  
21 there?

22 A. Yes, sir.

23 Q. Do you recall what positions those were?

24 A. Director of -- well, I think she started out as  
25 data entry up front. But she -- the longest one was she

1 was the director of finance.

2 Q. Okay. Did she ever work as an appraiser?

3 A. No, sir.

4 Q. What did you do in order to prepare for your  
5 deposition today?

6 A. Talked to --

7 Q. I don't want to know what you talked to with  
8 your attorney. Did you talk with your attorney, though?

9 A. Just told me where to park and how to get here.

10 MR. METCALF: Just say --

11 THE WITNESS: Okay. Yes.

12 Q. (BY MR. NOWAK) I don't want to get into your  
13 communications. That's privileged.

14 A. Okay. Yes.

15 Q. So did you meet with anybody else to prepare  
16 for your deposition?

17 A. No.

18 Q. Did you review any documents or talk with  
19 anyone in order to prepare for your deposition?

20 A. I read the petition and the --

21 MR. METCALF: Deposition notice.

22 A. -- deposition.

23 Q. (BY MR. NOWAK) Deposition?

24 MR. METCALF: Deposition notice.

25 A. Notice.

1 Q. (BY MR. NOWAK) Oh, okay.

2 Anything else?

3 A. No.

4 Q. I take it from your answer you never reviewed  
5 the deposition of Charles Saling from the prior lawsuit?

6 A. No, sir.

7 Q. If you could open your book -- actually, we've  
8 been going for about an hour. Do you want to take a  
9 break now, or do you want to keep going?

10 MR. METCALF: I don't.

11 MR. NOWAK: Okay.

12 MR. METCALF: But you're welcome to.

13 Q. (BY MR. NOWAK) Let's go for a few more  
14 minutes. That's fine. Or do you want to take a break?

15 A. No.

16 Q. Okay. I don't need a bathroom break yet, so  
17 we'll wait.

18 MR. METCALF: I've got a hard out at 4:30  
19 for children. But other than that, we're good.

20 Q. (BY MR. NOWAK) Go to Exhibit No. 1, please.  
21 This is your amended notice of deposition. Is this a  
22 document that you reviewed?

23 A. Looks like it.

24 Q. Okay. And when did you review that document,  
25 if you remember?

1 A. Last night.

2 Q. Anytime before that?

3 A. No. No, sir.

4 Q. Let's go to the subpoena duces tecum. It's on  
5 Page 4, ma'am, of Exhibit 1. Did you understand there  
6 was a subpoena duces tecum with this amended notice?

7 A. No, sir. I've never heard that term before.

8 Q. Did you understand, as part of that subpoena  
9 duces tecum, you were to look for and provide documents  
10 here today for your deposition?

11 A. It is my understanding that my attorney  
12 supplied all these documents.

13 Q. Okay. And let me back up.

14 You hadn't seen this document until last night.  
15 Is that a fair statement?

16 A. Yes.

17 Q. Had you seen the first notice before last  
18 night?

19 A. No, sir.

20 Q. The categories that are listed in our subpoena  
21 duces tecum, 1 through 16, there are different  
22 references to different type of documents. Did you go  
23 back and look for any of those documents?

24 A. No, sir.

25 Q. So, for example, No. 1 on Page 4, it says, "All

1 documents and communications related to the appraised  
2 value of the property for the years 2016 through 2021."  
3 And property is defined as my client's retail strip  
4 center in Denton County, Texas.

5           Did you go back and look for any documents or  
6 communications?

7           A.    No, sir.

8           Q.    If such documents exist, do you know?

9           A.    No, sir.

10          Q.    Let's go to No. 2.  It says, "All documents and  
11 communications related to the structure and improvement  
12 market value for the property," again, which is defined  
13 for the years 2016 through 2021.

14                Again, did you go back and look for any  
15 documents or communications related to the structure and  
16 improvement market value for the property for the years  
17 2016 through 2021?

18          A.    No, sir.

19          Q.    Going to No. 3, it says, "All documents and  
20 communications related to the 2020 and 2021 Appraisal  
21 Review Board hearing regarding the property, including  
22 but not limited to the recordings of said hearings."

23                Did you go back and look for any documents and  
24 communications related to the 2020 and 2021 Appraisal  
25 Review Board hearing regarding the property?

1 A. No, sir.

2 Q. No. 4, it says, "All documents and  
3 communications regarding the income calculation  
4 worksheet used by DCAD for the property for the years  
5 2016 through 2021."

6 Again, did you go back and look for any  
7 documents or communications regarding the income  
8 calculation worksheet used by DCAD for the property?

9 A. No, sir.

10 Q. You know what an income calculation worksheet  
11 is, do you not?

12 A. No, sir.

13 Q. You've never seen the income calculation  
14 worksheets used by DCAD to -- or used by the appraisers?

15 A. Not through 2016 through 2021.

16 Q. Okay. So you've never seen an example of what  
17 that looks like?

18 A. No, no, sir.

19 Q. Do you know what an income calculation  
20 worksheet is that DCAD utilizes?

21 A. No, sir.

22 Q. Did you ever work as an appraiser for DCAD?

23 A. No, sir.

24 Q. No. 5, "All documents and communications  
25 regarding the capitalization rates used by DCAD for the

1 property for the years 2016 through 2021."

2           And capitalization rates, do you know what  
3 those are?

4           A.    Yes, sir.

5           Q.    Okay. Did you go back and look for any  
6 documents and communications regarding the  
7 capitalization rates used by DCAD for the property for  
8 the years 2016 through 2021?

9           A.    No, sir.

10          Q.    No. 6, "All documents and communications  
11 related to the PACS computer system utilized by DCAD for  
12 the years 2016 to 2021."

13                My first question is, do you know what the PACS  
14 computer system is?

15          A.    Yes, sir.

16          Q.    What is the PACS computer system -- your  
17 understanding of it?

18          A.    PACS is Harris Govern's CAMA software. That's  
19 what they call their CAMA software is PACS.

20          Q.    That is not -- let me rephrase that.

21                Does True Prodigy call their computer system  
22 PACS?

23          A.    No.

24          Q.    So your understanding of the PACS computer  
25 system relates to the Harris Govern's software system we

1 already talked about early in your deposition. Is that  
2 a fair statement?

3 A. Yes, sir.

4 Q. Did you go back and look for any documents and  
5 communications related to the PACS computer system  
6 utilized by DCAD for the years 2016 through 2021?

7 A. No, sir.

8 Q. No. 7, "All documents and communications  
9 related to Mitch Vexler."

10 Did you go back and look for any documents and  
11 communications related to Mitch Vexler? Excuse me.

12 A. No, sir.

13 Q. No. 8, your appraisal license.

14 I assume you don't have an appraisal license?

15 A. I do.

16 Q. Okay. When did you get an appraiser --  
17 appraisal license?

18 MR. METCALF: You don't have to guess.  
19 You can tell him you'll get it at a break.

20 THE WITNESS: Okay.

21 MR. NOWAK: That's fine. Yeah. We'll  
22 just do that.

23 You don't have to have it memorized.

24 MR. METCALF: What is it? Appraisal  
25 license?

1 MR. NOWAK: Yeah.

2 MR. METCALF: I'll make a note. So when  
3 we take a break, I'll tell you to look those things up.

4 Q. (BY MR. NOWAK) No. 9, your current resume. Do  
5 you have a current resume or curriculum vitae?

6 A. It would be from 2021.

7 Q. Okay. Did you go look for that prior to your  
8 deposition?

9 A. No.

10 Q. And I take it you didn't bring it here?

11 A. No.

12 Q. No. 10, on Page 5 -- you can turn the page,  
13 ma'am -- it says, "All documents and communications  
14 regarding any testing or calibration of the PACS  
15 computer system utilized by DCAD for the years 2016  
16 through 2021."

17 And again, I think you told me your  
18 understanding of the PACS computer system is the Harris  
19 Govern software system; is that right?

20 A. Correct.

21 Q. Did you go back and look for any documents and  
22 communications regarding any testing or calibration of  
23 the PACS computer system utilized by DCAD for the years  
24 2016 through 2021?

25 A. No, sir.

1 Q. Now, as chief appraiser, you would have access  
2 to that information, would you not?

3 A. I'm not even sure I understand what testing and  
4 calibration is for the PACS system.

5 Q. Okay. Who at DCAD would understand or do you  
6 know would have an understanding of testing or  
7 calibration of the PACS computer system?

8 A. I would think only Harris Govern.

9 Q. There's no one within DCAD that would have a  
10 way to test or calibrate the Harris Govern system, to  
11 your knowledge?

12 A. No, sir.

13 Q. Okay. No. 11, "All documents and  
14 communications regarding the schedules used to test and  
15 calibrate the capitalization rates that DCAD used for  
16 the years 2016 through 2021."

17 Did you go back and look for any documents and  
18 communications regarding the schedules used to test and  
19 calibrate the capitalization rates?

20 A. No, sir.

21 Q. Did you or do you have an understanding that  
22 appraisers that work for DCAD actually go back and check  
23 to see if the capitalization rates are correct for  
24 properties?

25 A. I know that we have to post capitalization

1 rates every year, and Chuck Saling does that.

2 Q. And do you know that the appraisers actually do  
3 random sampling testing to make sure those  
4 capitalization rates are correct?

5 A. I do not.

6 Q. Okay. Did you bother to talk with Chuck Saling  
7 about the capitalization rates for the years that are  
8 denoted here, 2016 through 2021, on No. 11?

9 A. No.

10 Q. Did you ask Mr. Saling to go look for any  
11 schedules used to test or calibrate the capitalization  
12 rates for DCAD?

13 A. No, sir.

14 Q. And you are his boss?

15 A. Yes.

16 Q. You could have done so?

17 A. Yes, sir.

18 Q. But you did not?

19 A. Correct.

20 Q. Go to No. 12, "The source documents for the  
21 capitalization rates and model used by DCAD to value  
22 commercial properties in the same class and category as  
23 the property" -- which is defined in this -- "for the  
24 years 2016 through 2021."

25 Again, did you go back and look for any source

1 documents for the capitalization rates and models used  
2 by DCAD to value commercial properties in the same class  
3 and category as the property which is defined herein for  
4 the years 2016 through 2021?

5 A. No, I did not.

6 Q. Did you go talk to Chuck Saling about this at  
7 all?

8 A. No.

9 Q. Did you talk with anybody at DCAD to see if  
10 they could come up with the source documents for the  
11 capitalization rates and models used by DCAD to value  
12 commercial properties in the same class and category as  
13 the property for the years 2016 through 2021?

14 A. No.

15 Q. Now, again, you're chief appraiser?

16 A. Yes.

17 Q. You're the CEO, correct?

18 A. Yes.

19 Q. You could have asked people or individuals at  
20 DCAD to do so, could you have not?

21 A. Yes.

22 Q. But you did not?

23 A. Correct.

24 Q. You do understand, again, what a capitalization  
25 rate is, correct?

1 A. I have a rough understanding of it.

2 Q. Do you understand there's documents that are  
3 used by DCAD to come up with those capitalization rates?

4 MR. METCALF: Objection to the form.

5 A. No.

6 Q. (BY MR. NOWAK) You don't know that?

7 A. I don't know what documents they use.

8 Q. No. 13, "In any" -- 13, "Any analysis  
9 spreadsheets conducted on the property for the years  
10 2016 through 2021."

11 Again, did you attempt to locate any analysis  
12 spreadsheets conducted on the property for the years  
13 2016 through 2021?

14 A. No.

15 Q. Did you request or talk with anyone at DCAD to  
16 look for such documents?

17 A. No.

18 Q. I think you told me before -- well, strike  
19 that.

20 My understanding, at least for the year 2020,  
21 these Google Docs and Google spreadsheets were being  
22 utilized by agents and the appraisers, correct?

23 A. Yes.

24 Q. And those should be kept somewhere, correct?

25 A. If -- the closing statements are.

1 Q. Okay. But not necessarily the Google  
2 spreadsheets?

3 A. I wouldn't -- no, I don't know that.

4 Q. Okay. Did you go back and find out if such  
5 Google spreadsheets or documents existed for the years  
6 2016 through 2021 for this property?

7 A. No.

8 Q. Could you have done that?

9 A. Yes.

10 Q. But you did not?

11 A. Correct.

12 Q. No. 14, "All policies and manuals of DCAD  
13 related to commercial properties, including the  
14 commercial procedural manual."

15 Again, did you bring the policy or manuals of  
16 DCAD related to commercial properties here today?

17 A. No.

18 Q. Okay. Is there such a document?

19 A. The appraisal manual would be the commercial  
20 properties. The commercial procedural manual, I think  
21 one exists. I'm not really sure when it's been updated.

22 Q. And the appraisal manual is what we talked  
23 about a little while ago, correct?

24 A. Yes, sir.

25 Q. And then you mentioned -- I'm sorry. What was

1 the next thing?

2 A. It just says, "including the procedural manual  
3 for commercial," and that's done per department. And I  
4 don't know when the last time it's been updated.

5 Q. Did you go back and talk with anyone about the  
6 commercial procedural manual?

7 A. No.

8 Q. Who is the head of that department?

9 A. Chuck Saling.

10 Q. Did you ask Chuck to see if there's a  
11 version -- most recent version of that?

12 A. No.

13 Q. And did you bring anything like that here  
14 today?

15 A. No.

16 Q. No. 15, "All documents and communications  
17 regarding the categories or classes of commercial  
18 properties DCAD used for the years 2016 through 2021."

19 Again, did you attempt to locate any documents  
20 or communications regarding the categories or classes of  
21 commercial properties DCAD used for the years 2016  
22 through 2021?

23 A. No.

24 Q. You do understand, do you not, that properties  
25 are categorized or classified?

1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes.

4 Q. And they're given a designation such as A, B,  
5 or C?

6 A. Yes, sir.

7 Q. Do they even have one lower than C, to your  
8 knowledge?

9 A. Not to my knowledge.

10 Q. Okay. And again, who would you have asked at  
11 DCAD to look for such documents if you would have asked?

12 A. Chuck Saling.

13 Q. Okay. And you did not do that, did you?

14 A. No.

15 Q. And you did not bring any documents or  
16 communications here regarding the categories or classes  
17 of commercial properties DCAD used for the years 2016  
18 through 2021, correct?

19 A. Correct.

20 Q. And again, you're the CEO. You could have  
21 requested those documents and brought them here today,  
22 fair?

23 A. Yes.

24 Q. 16, "DCAD's document retention policy," does  
25 that exist?

1 A. Yes. I don't -- yeah. I don't know if DCAD  
2 has a document retention policy, but we follow that of  
3 the State's retention policy.

4 Q. What is the State's retention policy, to your  
5 knowledge?

6 A. I don't know it.

7 Q. Okay. Is there a copy of the State's retention  
8 policy that's kept by DCAD?

9 A. Yes.

10 Q. Are okay. And who would have a copy of that at  
11 DCAD?

12 A. Kim Collins.

13 Q. And did you go to Kim Collins prior to coming  
14 here today and request such a copy?

15 A. No.

16 Q. Fair statement that you really didn't know you  
17 were to bring any documents here today?

18 MR. METCALF: Objection to form.

19 Don't answer it.

20 MR. NOWAK: Based off of what?

21 MR. METCALF: She's under no obligation to  
22 bring documents if she has no responsive documents. It  
23 assumes facts not in evidence.

24 MR. NOWAK: Okay.

25 MR. METCALF: It mischaracterizes the

1 testimony of the witness.

2 MR. NOWAK: No, it doesn't, but we can  
3 argue about that later.

4 MR. METCALF: Sure.

5 Q. (BY MR. NOWAK) Let me ask you this: Prior --  
6 you said you looked at this last night, correct?

7 A. Correct.

8 Q. Approximately what time?

9 A. 7:00 p.m.

10 Q. And prior to 7:00 p.m., did you ever look at  
11 this document marked as Exhibit 1?

12 A. No.

13 Q. Did you make any attempt to do any type of  
14 investigation, search, or analysis regarding Exhibit 1?

15 A. No.

16 Q. So with regard to if documents actually exist  
17 concerning No. 1 through No. 16 on Page 4 and 5 of  
18 Exhibit 1, you can't tell us, as you sit here today, can  
19 you?

20 A. My appraisal license.

21 Q. Other than that?

22 A. And my resume.

23 Q. Other than that?

24 A. No.

25 Q. Other than your appraisal license and your

1 resume, with regard to these documents and  
2 communications we're requesting, you didn't do any  
3 independent investigation or make any type of request to  
4 look for those documents. Fair statement?

5 A. Fair statement.

6 Q. And you obviously didn't bring any documents  
7 here today with you, did you?

8 A. No.

9 Q. That's including your resume, correct?

10 A. Correct.

11 Q. And that's something you easily could have  
12 accessed, agreed?

13 A. It's not updated.

14 Q. I understand that. But the most current one  
15 you could have brought here, right?

16 A. Yes.

17 Q. You didn't do that, did you?

18 A. No.

19 Q. Did you do anything after you looked at this  
20 after 7:00 p.m. to see if any documents or  
21 communications or materials existed that are relevant or  
22 pertinent from No. 1 through No. 7 and No. 10 through  
23 No. 16 on Exhibit 1?

24 A. No.

25 Q. To your knowledge, did anyone else look for

1 documents that are relevant or pertinent for No. 1  
2 through No. 7 and No. 10 through No. 16, to your  
3 knowledge?

4 A. No.

5 Q. I want to finish up on one thing. Then we'll  
6 take a little break.

7 We talked about the appraisal manual, I  
8 believe. You mentioned a reappraisal plan, I think.

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes, sir.

12 Q. That's all right.

13 Tell me about the reappraisal plan and how that  
14 works.

15 A. By September 15th of every even year, you  
16 have to create a reappraisal plan that gets approved by  
17 a board of directors, and that gets sent to the  
18 comptroller.

19 Q. And who's involved in doing that at DCAD?

20 A. Well, this current year will be Paul -- Paul  
21 DeLeon and Marc Moffitt.

22 Q. Who was the individuals responsible for the  
23 reappraisal plan, if you know, for the year 2020?

24 A. I don't know.

25 Q. That's because you just became chief appraiser

1 in 2020?

2 A. Yeah. I think Paul helped with it.

3 Q. Anyone else, to your knowledge?

4 A. No.

5 Q. Do you know who was involved for the  
6 reappraisal plan for the year 2021?

7 A. There was none. It's a two-year --

8 Q. Oh, every two years. I apologize.

9 A. Yeah. It's an even --

10 Q. So it's every even year, so it's going to be  
11 this year again?

12 A. Yes, sir.

13 Q. And is that reappraisal plan typically looked  
14 at, reviewed, and then revised?

15 A. Yes.

16 Q. And then it's submitted to the board of  
17 directors?

18 A. Yeah, for approval.

19 Q. In the year 2020, you must have been involved  
20 in that, were you not?

21 MR. METCALF: Objection to form.

22 I just don't understand what you mean by  
23 "involved." In which plan?

24 MR. NOWAK: Well, the reappraisal plan  
25 you --

1 Q. (BY MR. NOWAK) Let me ask it this way: With  
2 regard to the reappraisal plan for the year 2020, did  
3 you get to review it?

4 A. I delegated that to my staff -- staff.

5 Q. And who would you have delegated that for the  
6 year 2020?

7 A. Paul DeLeon.

8 Q. Okay. And you said, though, in  
9 September 15th, the year prior is when it starts; is  
10 that correct? Or is it of the same year when it's  
11 approved and finalized?

12 A. Maybe I'm not clear on your question.

13 Q. Let me ask it this way: I think I understand.  
14 The reappraisal plan's done every two years?

15 A. Yes, sir.

16 Q. And you said in September -- September 15th,  
17 it has to be finalized and completed?

18 A. It has to be approved by your board and  
19 submitted to the comptroller by September 15th of  
20 every even year.

21 Q. Right. And so prior to September 15, there is  
22 a process that's in place, I assume, prior to that being  
23 submitted?

24 A. It would be the reappraisal plan, then, for  
25 2018.

1 Q. And I understand that. But when it's being  
2 revised, how long of a process is that? That's what I'm  
3 trying to understand.

4 A. Oh, two or three -- two or three months  
5 probably.

6 Q. And then you told me Paul's typically involved  
7 in that and probably would have been involved in that  
8 for the year 2020?

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes, sir.

12 Q. Anybody else?

13 A. I don't know.

14 Q. Okay. And have you started that process for  
15 the year 2022 currently?

16 A. No, sir.

17 Q. Who will be involved for this year, to your  
18 knowledge?

19 A. Paul, again, Marc, and then the -- the  
20 appraisal managers.

21 Q. Going back to what you referenced earlier, what  
22 an appraiser would use at DCAD in order to come up with  
23 comps, we talked about the market value of the property  
24 and where the appraiser would get that. We talked about  
25 these comp grids that came from the actual software

1 package. The CAMA software, we talked about that. You  
2 also said "cost schedules." Where would those come  
3 from, to your knowledge?

4 A. Those can be found in our appraisal manual.

5 Q. Anywhere else?

6 A. Not that I'm aware.

7 Q. So, for example, for the year 2020, an  
8 appraiser's evaluating my client's property. The market  
9 value would be looked at. The comp grids would be  
10 looked at from True Prodigy. And then these cost  
11 schedules would be looked at, utilizing the appraisal  
12 manual; is that correct?

13 A. Yes.

14 Q. Anything else, to your knowledge?

15 A. Not to my knowledge.

16 Q. And does the appraisal manual actually have  
17 cost schedules listed in there?

18 A. Yes.

19 Q. If I wanted to know as much as I could about  
20 this True Prodigy system and how it worked or how it did  
21 not work at DCAD, who would I talk to at DCAD, to your  
22 knowledge?

23 A. Our entire IT staff now works for True Prodigy,  
24 so we have an all new IT staff.

25 Q. Okay. I know you mentioned that Mr. Green

1 left?

2 A. We had three others go.

3 Q. And Mr. Green was the head of the IT  
4 department, correct?

5 A. Correct.

6 Q. And then there was people underneath him, I  
7 assume?

8 A. Uh-huh.

9 Q. Is that a yes?

10 A. Yes.

11 Q. And those people now, I understand, no longer  
12 work for DCAD?

13 A. Yeah. Our longest -- we have one employee  
14 left. He's our longest running IT at three years.

15 MR. METCALF: Objection. Nonresponsive  
16 after "yes."

17 Q. (BY MR. NOWAK) Okay. So three years, that IT  
18 person would have had some involvement with True  
19 Prodigy. Fair statement?

20 A. I don't know.

21 Q. Or do you know?

22 Who was it -- who was this IT person that's  
23 been there for three years at DCAD?

24 A. Mark Sayler.

25 Q. Is that with a "C" or a "K"?

1 A. "K."

2 Q. And how do you spell the last name?

3 A. S-a-y-l-e-r.

4 Q. And he's still there, correct?

5 A. Yes.

6 Q. And what's his position now, currently, with  
7 DCAD?

8 A. IT supervisor.

9 Q. Then you referenced a few minutes ago that  
10 other people who used to be at the IT department that  
11 worked under Mr. Green have left. Who are those  
12 individuals that left with Mr. Green to go to True  
13 Prodigy?

14 A. I've only heard rumors, so I don't know who  
15 still works there, but Chris Mulkey and Roger Roden,  
16 R-o-d-e-n.

17 Q. And Chris Mulkey and Roger Roden worked for  
18 Mr. Green -- is that a fair statement? -- before they  
19 left DCAD?

20 A. Yes.

21 Q. And what were their positions? Do you know?

22 A. No. I probably shouldn't say, because I don't  
23 know for sure.

24 Q. Okay. But they did work in the IT department?

25 A. Yes. I know Roger -- Roger was software

1 engineer. I can't remember if -- Chris might have been  
2 a database administrator. I'm not sure.

3 Q. But they all reported to Mr. Green?

4 A. Yes, sir.

5 Q. And then, to your knowledge, at least through  
6 rumors, you believe they're working at True Prodigy?

7 A. Yes, sir.

8 Q. And the only employee that's left at DCAD that  
9 would have been there when this True Prodigy was  
10 implemented would be this Mark Saylor?

11 A. Yes, sir.

12 Q. And to your knowledge, did Mark Saylor have any  
13 involvement with the True Prodigy software?

14 A. Not implementing it, like, getting it up,  
15 helping employees.

16 Q. How about the conversion process back to --  
17 from True Prodigy back to Harris Govern?

18 A. That was not done in-house. That was done  
19 through Harris Govern in their offices.

20 MR. NOWAK: I think this is a good break  
21 point. Let's take a five-minute break. Thank you.

22 THE VIDEOGRAPHER: Off the record at  
23 11:37.

24 (Recess from 11:37 a.m. to 11:55 a.m.)

25 THE VIDEOGRAPHER: Back on the record at

1 11:55.

2 Q. (BY MR. NOWAK) Ms. McClure, we're back from a  
3 brief break, and at the break I think you printed off  
4 some materials. I'm going to mark them, and I'll ask  
5 you some questions about them.

6 A. Okay.

7 Q. I'm going to mark as Exhibit 31 to your  
8 deposition, ma'am --

9 (Exhibit 31 marked)

10 Q. (BY MR. NOWAK) This appears to be some courses  
11 or core courses and examinations that you took. If you  
12 could tell me what we're looking at here, Exhibit 31.

13 A. That's TDLR. Texas Department of Licensing and  
14 Regulation has you require -- or requires you to pass  
15 certain classes before you can become either an RPA,  
16 which is a registered professional appraiser, or an RTA,  
17 which is a registered tax assessor/collector. And I  
18 have met all the requirements for both.

19 Q. Okay. And on Exhibit 31, tell me what year you  
20 became a registered professional appraiser.

21 A. 2011.

22 Q. Okay. And it looks like you -- prior to 2011,  
23 you were taking some courses. Is that a fair --

24 A. Yes, sir.

25 Q. -- statement?

1           And then tell us what year you became a  
2 registered Texas assessor/collector.

3           A.     2014.

4           Q.     Okay. Now, as a registered professional  
5 appraiser, is it a fair statement you never utilized  
6 that license while working at DCAD?

7           A.     I was never an appraiser.

8           Q.     Okay. So did you utilize that license at all?

9           A.     I mean, I utilized the information obtained  
10 from the classes, but not -- I guess I wouldn't need the  
11 license. You have to change value to be the license.

12          Q.     Right. You weren't changing any values --

13          A.     Correct.

14          Q.     -- for anybody's properties, were you?

15          A.     Correct.

16          Q.     Okay. As a registered Texas  
17 assessor/collector, you were licensed in 2014. Did you  
18 use that license at all while working for DCAD?

19          A.     No. I used the knowledge.

20          Q.     And why did you obtain these licenses?

21          A.     To further my career.

22          Q.     Okay. These appear to be scanned on both front  
23 and back. Are they different documents?

24          A.     Yes.

25          Q.     Okay. That's okay. We'll talk about them.

1 I'll just mark them differently so that we can be clear  
2 on the record.

3 I'm going to mark as Exhibit 32 of this  
4 sheet --

5 (Exhibit 32 marked)

6 Q. (BY MR. NOWAK) It says, "Institute of  
7 Certified Tax Administrators of the Texas Association of  
8 Assessing Officers, Certificate of Appointment, Hope  
9 Pierson, Certified Tax Administrator, No. 73055." Is  
10 that your license number, ma'am?

11 A. Yes.

12 Q. And that's what's reflected on Exhibit 32; is  
13 that correct?

14 A. Yes.

15 Q. Okay. And it appears this is dated August 28,  
16 2016. Is that correct?

17 A. Yes, sir.

18 Q. Okay. But you became an actual registered  
19 Texas assessor back in 2014; is that correct?

20 A. Yes.

21 Q. Is this just kind of a recertification?

22 A. So the Document 31 --

23 Q. Yes, ma'am.

24 A. -- is the TDLR, the Texas Department of  
25 Licensing. The Document 32 -- is that right?

1 Q. Yes.

2 A. Texas -- we call it TAAO, which is Texas  
3 Association of Appraising Officers. That's an  
4 association that -- in Texas -- that assessing officers.  
5 And then we have TAAD, which is appraisal districts --  
6 all join. So this is -- if you receive both your RPA  
7 and your RTA, you apply for the CTA.

8 Q. Okay.

9 A. I know. I know.  
10 And they'll -- the association will approve you  
11 for a CTA. So it's kind of an extra honor within the  
12 association but not TLDR. It's not an official license.

13 Q. Okay.

14 A. It's just an honor that you receive if they  
15 choose you after you've received your other two  
16 licenses.

17 Q. And if I understood you correctly, in order to  
18 get a CTA, you have to have the RPA and the RTA?

19 A. Yes, sir.

20 Q. Okay. And so you received this certification  
21 of the CTA August 28, 2016; is that correct?

22 A. Yes, sir.

23 Q. Okay. I'm going to mark as Exhibit No. 33 just  
24 on the other side of this exhibit, because we have --  
25 it's two-sided.

1 MR. METCALF: I don't think you can do  
2 that, can you?

3 MR. NOWAK: Well, I don't know how else to  
4 do it.

5 MR. METCALF: Refer to it as the back of  
6 Exhibit 30-whatever --

7 MR. NOWAK: I guess. I guess we can.

8 MR. METCALF: Or you can make another  
9 copy.

10 MR. NOWAK: Yeah. I don't want to do  
11 that.

12 MR. METCALF: I don't believe you can  
13 legally put two stickers.

14 MR. NOWAK: You're probably right. I  
15 probably have done it before, but it may not be proper.

16 Q. (BY MR. NOWAK) Exhibit No. 32, it says, "Texas  
17 Association of Appraisal Districts, Inc., hereby  
18 certifies Hope Pierson has successfully completed The  
19 Chief Appraiser Institute of 2015." That's what's  
20 written there.

21 A. Yes, sir.

22 Q. Is that correct?

23 A. Yes, sir.

24 Q. And is that different than what we were looking  
25 at on Exhibit 31 again?

1       A.    Yes, sir.  So where the back side is Texas  
2 Association of Assessing Officers, this is Texas  
3 Association of Appraisal Districts.  And to become a  
4 chief appraiser, you have to go through this institute.  
5 To become any chief appraiser anywhere in the state of  
6 Texas, TAAD requires you to go through this institute.  
7 And you have to pass it, obviously, to successfully  
8 complete it.

9       Q.    And just for purposes of the record, I notice,  
10 on Exhibit No. 32, your name Hope Pierson is used.  I  
11 assume that's your maiden name?

12       A.    Yes, sir.

13       Q.    When did you get married?

14       A.    October of '18, 2018.

15       Q.    Not a trick question.

16       A.    I had to think.  That's bad.

17                   MR. METCALF:  You already asked her age,  
18 so --

19                   MR. NOWAK:  That's because she looks  
20 young.  I wouldn't ask that if she didn't.

21                   MR. METCALF:  Likely story.

22                   THE WITNESS:  I'll take it.

23       Q.    (BY MR. NOWAK)  I'm going to mark as Exhibit  
24 No. 33 to your deposition -- again, this is two-sided.

25                               (Exhibit 33 marked)

1 Q. (BY MR. NOWAK) We have a Registered  
2 Professional Appraiser, Hope McClure, Registration  
3 No. 73055. This is from the Texas Department of  
4 Licensing and Regulation, and it says that the  
5 registration expires August 26th, 2021. What are we  
6 looking at here, ma'am?

7 A. These are my actual physical licenses that they  
8 send you in the mail. I do have current -- that is  
9 up-to-date now in my office.

10 Q. Okay.

11 A. But these are just the last time I had taken a  
12 scan of them.

13 Q. Okay.

14 A. But these are the actual RPA and RTA licensing  
15 that the State sends you.

16 Q. And so what we're looking at in Exhibit 33 is  
17 the RPA license itself; is that correct?

18 A. Yes, sir.

19 Q. Okay.

20 A. That's the --

21 Q. And then on the back of Exhibit 33, this is the  
22 Registered Texas Assessor/Collector license for Hope  
23 McClure, Registration No. 73005. Again, this says it  
24 expires July 18th, 2021; is that correct?

25 A. Yes, sir.

1 Q. But again, then you renewed it?

2 A. Yeah. The new ones are in my office right now.

3 Q. Perfect.

4 A. And those can be checked at the State.

5 Q. Thank you for getting that information for me.

6 MR. METCALF: Where is the official  
7 booklet? Is it this one?

8 MR. NOWAK: It's that one, yes. Just put  
9 it to the side so we don't lose it and the court  
10 reporter gets upset with us.

11 MR. METCALF: And we have to find it or we  
12 can't leave, so --

13 Actually, just put it in that little  
14 folder there.

15 MR. NOWAK: Yeah, on the side. That would  
16 be perfect. Thank you, ma'am.

17 Q. (BY MR. NOWAK) All right. I want to go back  
18 to a few points I want to touch on just to make sure I  
19 understand it. Then we'll move on. On the CAMA  
20 software, the Texas Prodigy and -- the company Texas  
21 Prodigy, in your contacts, is John Coco and this Os  
22 Morales. They were the owners of Texas Prodigy?

23 A. True Prodigy.

24 Q. True Prodigy. I'm sorry.

25 A. Yes. Yes, sir.

1 Q. Okay. And so they weren't resellers of the  
2 software. They actually were the owners of --

3 A. Yes, sir.

4 Q. -- of the software, to your knowledge?

5 A. To my knowledge.

6 Q. So did they, to your knowledge -- Os Morales  
7 and this John Coco of True Prodigy -- actually build the  
8 software in-house?

9 A. To my knowledge.

10 Q. Okay. I just want to make sure. Sometimes  
11 there's softwares out there, and people resell them.  
12 But that's not your understanding, is it?

13 A. That's not my understanding, no.

14 Q. Okay. And I don't know if I asked you this  
15 before the break: With regard to the Harris Govern  
16 software, do you have a contact you utilized there?

17 A. The one I get the most response from is Angela  
18 Keeton, and it's K-e-e-t-o-n.

19 Q. And what's her position --

20 A. You're going to ask that. I -- I don't know.

21 MR. METCALF: Let him -- let him finish.

22 THE WITNESS: Okay.

23 Q. (BY MR. NOWAK) Yeah. You're anticipating my  
24 questions, which is great, but she's going to get upset  
25 with us pretty soon.

1           Let me ask you this, Ms. McClure: What is  
2 Angela Keeton's position, if you know, at --

3           A.    I don't -- I do not know.

4           Q.    Do you email with Angela Keeton sometimes?

5           A.    Yes.

6           Q.    Okay. And who at DCAD probably has the most  
7 contact with Harris and -- Harris Govern concerning the  
8 software?

9           A.    We all contact them for different things.

10          Q.    Okay.

11          A.    Hard to say.

12          Q.    Let me ask you this: When the conversion was  
13 going from True Prodigy to Harris Govern, who would have  
14 been the individual in charge of that at DCAD?

15          A.    An IT manager who's no longer there.

16          Q.    And which IT manager is that?

17          A.    Thomas Soret, and it's S-o-r-e-t.

18          Q.    Do you know where Mr. Soret is now?

19          A.    No.

20          Q.    Okay. I know we had Thomas Soret. We had  
21 Chris Mulkey. We had Roger Roden and Brad Green that  
22 worked in the IT department. Anybody else that's no  
23 longer there that was there in 2020?

24          A.    Pam Pockrus, P-o-c-k-r-u-s.

25          Q.    Okay. And why did Pam leave, if you know?

1 A. Retirement.

2 Q. What year did she leave?

3 A. 2020.

4 Q. And do you know where she resides?

5 A. No.

6 Q. What was her position in the IT department, if  
7 you know?

8 A. I don't know.

9 Q. And how long has she been with the IT  
10 department?

11 A. Probably close to 20 -- over 20 years.

12 Q. And with Thomas Soret, why did he leave?

13 A. Personal reasons.

14 Q. He wasn't terminated?

15 A. No. He resigned.

16 Q. And how long was he in the IT department?

17 A. I'm not -- I can easily say ten years, but  
18 longer, I think. I don't know.

19 Q. I'm going to talk a little bit about your  
20 background, and then we're going to get into the  
21 substance of some of the questions I have here today  
22 involving my clients' property.

23 Tell me a little bit about your education,  
24 where you went to high school and graduated -- and  
25 college and graduated and your degrees, please.

1 A. Lake Dallas High School. I have an associate's  
2 degree from North Central Texas College, NCTC. I have a  
3 bachelor's degree from University of North Texas.

4 Q. In what?

5 A. Psychology. And I have a master's degree from  
6 Texas Woman's University, and that's an EMBA.

7 Q. Okay. When did you graduate from Lake Dallas  
8 High School, ma'am?

9 A. 2000.

10 Q. When did you receive your associate's degree  
11 from North Central Texas College?

12 A. 2012.

13 Q. And what was that a degree in as an associate  
14 degree?

15 A. I think applied science or -- yeah, applied  
16 science.

17 Q. And then you said from University of North  
18 Texas, you received your bachelor's -- your BA in  
19 psychology?

20 A. Yes, sir.

21 Q. And what year would that have been?

22 A. 2004. Did I say 2012?

23 Q. You did.

24 A. I meant 2002 for my -- my associate's was 2002.

25 Q. Okay.

1 A. My bachelor's was 2004.

2 Q. And then you received your master's from TWA?

3 A. 2008.

4 Q. And what was that in again?

5 A. Executive business administration.

6 Q. Okay. Any other education or degrees?

7 A. No.

8 Q. Did you ever use your appraisal license as a  
9 licensed appraiser?

10 A. No.

11 Q. And did you ever use your -- your tax license?

12 A. No.

13 Q. Did you just get those licenses -- tell me, why  
14 did you get those licenses?

15 A. Knowledge. It -- it helps you -- I mean, the  
16 knowledge that you receive from the license, you use  
17 every day.

18 Q. Okay. When did you start working for DCAD?

19 A. Officially -- well, okay. Part-time, in 1997.  
20 Then I went on full-time in 2000 -- no -- 2004 -- 2004,  
21 August of -- August 1st of 2004, full-time.

22 Q. Okay. So you started with DCAD in 1997  
23 part-time. What were you doing, ma'am?

24 A. I worked summers at first, and I was an  
25 evidence girl in the ARB rooms. I took evidence from

1 the property owners for the Appraisal Review Board.

2 MR. METCALF: Evidence person, not  
3 evidence girl.

4 THE WITNESS: Evidence person.

5 Q. (BY MR. NOWAK) And how did you obtain that  
6 job, ma'am?

7 A. My mother worked there.

8 Q. And then you started full-time in 2004?

9 A. Yes, sir.

10 Q. And what was your first position with DCAD in  
11 2004?

12 A. Business personal property appraisal support.

13 Q. And what did you do in that position?

14 A. Data entry for the -- we call it the BBP, the  
15 business personal property department.

16 Q. And data entry, how so? What would you enter?

17 A. Renditions.

18 Q. And what is a rendition?

19 A. So companies -- where, in commercial, they have  
20 the land -- the actual building, business personal  
21 property is what's found inside the building -- your  
22 machinery, your furniture and fixtures, your inventory.  
23 And so every company has to render every year what they  
24 have inside their -- or even, like, home offices.

25 Q. Sure, like, desks, equipment, so forth?

1 A. Yes, sir.

2 Q. And I assume someone goes out in the field or  
3 randomly selects someone to go check that?

4 A. Usually it's the new -- we pick up new  
5 businesses. But it's a requirement of the business to  
6 render to us.

7 Q. Okay. And so you would enter those renditions  
8 into a system?

9 A. Yes, sir.

10 Q. And how long did you do that for, ma'am?

11 A. A year.

12 Q. And then where did you go next in DCAD?

13 A. I was promoted to administrative assistant  
14 under the current chief at that time.

15 Q. And who was that?

16 A. Joe Rogers.

17 Q. And what did you do as the administrative  
18 assistant?

19 A. I kind of -- it kind of took a life of its own.  
20 I kind of did whatever he needed me to do. But it just  
21 kept growing, just the administrative duties. Every  
22 year, legislation adds new things to the appraisal  
23 district, and so kind of just grew with the -- with the  
24 time.

25 Q. How long were you the administrative assistant?

1 A. Somewhere in there, I got promoted to office  
2 manager, which was essentially just because I had taken  
3 on so many duties. I'm not sure when that is.

4 Q. Okay.

5 MR. METCALF: Can you find that?

6 THE WITNESS: Yes, yeah.

7 MR. METCALF: We'll do that.

8 THE WITNESS: It's on my resume.

9 MR. NOWAK: Okay.

10 Q. (BY MR. NOWAK) So you became office manager?

11 MR. METCALF: What position were you  
12 checking the date for?

13 THE WITNESS: Administrative assistant.

14 MR. METCALF: Date of promotion. Okay.

15 Q. (BY MR. NOWAK) And how long were you office  
16 manager, ma'am?

17 A. Up until I was hired as chief.

18 Q. Okay. So how many years, approximately, you  
19 were office manager for DCAD?

20 A. Probably eight. I have those -- I have those  
21 dates. I can get them for you.

22 Q. Okay. And as office manager, what were your  
23 job responsibilities for DCAD?

24 A. We do a lot of audits through the State. It's  
25 called the MAP -- MAPs. And it's Methods and Assistance

1 Program. I did that. I did, like, a lot of -- I worked  
2 with the board of directors. I was their -- kind of the  
3 secretary to the board of directors, a lot of the kind  
4 of just the administrative side. So I'd help with  
5 budget. I'd help with insurance. I'd help with  
6 anything administrative; employees; training; even the  
7 office part, which was, you know, calling out the  
8 plumbers; and, you know, all the maintenance of an  
9 office. I did all that. Oh, I worked directly with all  
10 the entities -- the Denton County entities.

11 Q. Anything else that you can recall?

12 A. No.

13 Q. I want to talk a little bit about this MAPs.  
14 You said Methods and Assistance Program?

15 A. Uh-huh, yes, sir.

16 Q. And what would you do with the MAPs?

17 A. So every even year, the comptroller -- well,  
18 every year, the comptroller audits the appraisal  
19 district. Every even year, it's methods and appraisal.  
20 And then every odd year, it's property value study. And  
21 so I would do the procedural part and just more or less  
22 gather any kind of manuals that we had in the office,  
23 any -- that the State gives you every year. It's a new  
24 set of standards, and so it's like a binder this thick  
25 (indicating) of things they request from the appraisal

1 district, and you have to come up with those.

2 Q. So is it part of the audit program, really?

3 A. Yes.

4 Q. And you're basically dealing with the State,  
5 getting and gathering information together as part of  
6 the Methods and the Assistance Program?

7 A. Yes, sir.

8 Q. And then does somebody from the State check it  
9 and make sure it's all in compliance?

10 A. Yes. They have an off-site review and an  
11 on-site review where they send an auditor out to review  
12 it on-site.

13 Q. And since you were familiar with that, this  
14 on-site review, how is that conducted?

15 A. An auditor comes in and sits in a conference  
16 room like this and asks for all the -- I usually  
17 prepared it before he got there, but -- or she -- and  
18 just had it -- we had a computer set up for him, and I  
19 would number them all and prepare them all.

20 Q. And were they really looking at more of the  
21 policies and procedures?

22 A. During that, yes, yeah.

23 Q. Is there any type of audit that's conducted by  
24 the State concerning whether or not the appraisal  
25 process is being conducted properly?

1 A. Yes.

2 Q. And what is that?

3 A. It's called the property value study.

4 Q. And that's every other year too?

5 A. Every odd year for Denton.

6 Q. Were you involved in that at all?

7 A. No, sir.

8 Q. Who was at DCAD? Is there a certain position,  
9 I guess, is what I'm trying to figure out?

10 A. It kind of takes a team of people.

11 Q. Who is the head of that team, typically?

12 A. I would say George Clerihew, probably. He's  
13 retired since.

14 Q. Who has taken his position?

15 A. Nobody yet.

16 Q. And this property value study, does someone  
17 from the State come in and actually come on-site?

18 A. They run their own study at their office.

19 Q. And then they compare it with what, I guess,  
20 the comps that are -- not the comps -- the valuations  
21 that are being provided by DCAD?

22 A. Yes, sir.

23 Q. And the result of those audits, do they ever  
24 show that to you as the chief appraiser?

25 A. Yes, sir.

1 Q. Were they ever shown to you when you were  
2 office manager?

3 A. No. They're on the State website. But, no, I  
4 didn't look at them.

5 Q. And then you were office manager, you said, for  
6 approximately eight years, and then you became chief  
7 appraiser?

8 A. Yes, sir.

9 Q. And I think we talked about your duties were  
10 CEO, and basically you were in charge of 80 employees in  
11 8 departments. Is that fair?

12 A. Yes, sir.

13 Q. And you said you deal with policies and  
14 procedures. I think we talked about all of those  
15 policies and procedures, have we not?

16 A. Yes, sir.

17 Q. Is there anything I missed that we haven't  
18 talked about?

19 A. Not that I can recall.

20 Q. Okay. And as far as these eight departments,  
21 what are the eight departments, ma'am, that you're in  
22 charge of?

23 A. Customer service, commercial, mapping, business  
24 personal property, residential, IT, administration. How  
25 many is that?

1 Q. That, I have --

2 MR. METCALF: One short.

3 Q. (BY MR. NOWAK) -- seven. It's pretty good,  
4 though.

5 A. Appeals. Appeals.

6 MR. METCALF: It's like Rick Perry.

7 Q. (BY MR. NOWAK) And in each of these  
8 departments, is there a department head?

9 A. Yes, sir.

10 Q. Could you run or tell me who the department  
11 head was in 2020 and if that's changed, starting with, I  
12 guess, appeals?

13 A. Okay. So appeals in 2020 would have been  
14 George Clerihew. That's C-l-e-r-i-h-e-w.

15 Q. Okay. George is no longer there, and so you're  
16 still looking for a replacement, I think you said?

17 A. Yes. He just retired.

18 Q. Okay. Administration, who is -- who is in  
19 charge of that -- or was in charge of that in 2020?

20 A. So I hired everybody in 2020. So it's going to  
21 be, like, a split, like, who started and who -- so I  
22 don't know.

23 Q. Okay. Well, let's just go with who you hired.

24 A. Okay.

25 Q. It'll probably be easier.

1 A. Kim Collins.

2 Q. And I assume Kim took place of whoever was  
3 there before her?

4 A. Yeah. We kind of -- I restructured, so she  
5 essentially took over Kathy Williams. That would have  
6 been my mom's -- more or less -- her position.

7 Q. Okay. Then IT. Who took over for IT?

8 A. It went -- we had two for -- it was Thomas  
9 Soret and then went to David Steele, Steele with an "E"  
10 at the end.

11 Q. Thomas Toret, you said?

12 A. Soret, S-o-r --

13 Q. Oh, you already told me.

14 A. Yeah.

15 Q. That's right. Okay.

16 Then you had residential?

17 A. It wasn't filled for a while. I don't remember  
18 when I hired, but now it's Jenna Simek.

19 Q. Okay. And then you had business personal  
20 property?

21 A. Dustin Vernor, and it's V-e-r-n-o-r.

22 Q. And then commercial?

23 A. Chuck Saling.

24 Q. And Chuck's still there?

25 A. Yes, sir.

1 Q. And then you had mapping?

2 A. John Martin.

3 Q. Is John still there?

4 A. Yes.

5 Q. Okay. That gives me seven.

6 A. Rebecca. Customer service is Rebecca Townsend.

7 Q. Is she still there?

8 A. Yes, sir.

9 Q. As CEO or chief appraiser, do you agree with me  
10 the buck kind of stops with you at DCAD?

11 A. Depending on what you're --

12 Q. Well, you're in charge of all these departments  
13 we just listed, correct?

14 A. Yes, sir.

15 Q. You oversee them?

16 A. Yes, sir.

17 Q. It's your responsibility to make sure that  
18 they're running correctly?

19 A. Yes, sir.

20 Q. And then you answer to the DCAD board of  
21 directors. Fair statement?

22 A. Yes, sir.

23 Q. And you've already told us who's on the board  
24 and who's changed, correct?

25 A. Yes, sir.

1 Q. How often do you meet with the DCAD board of  
2 directors as chief appraiser?

3 A. It's usually once a month, but we -- per law,  
4 we can't go longer than once a quarter.

5 Q. And then are those meetings recorded?

6 A. Yes, sir.

7 Q. And how long are those meetings that are  
8 recorded kept?

9 A. I know I've got all the way back from -- to  
10 2006, when I became administrative assistant.

11 Q. How are the DCAD board of directors chosen?

12 A. They're chosen by the Denton County entities.

13 MR. METCALF: Statute. There's a  
14 statute --

15 MR. NOWAK: Okay.

16 MR. METCALF: -- that she wouldn't know  
17 how to explain it to you, but there's a statute that  
18 outlines it.

19 MR. NOWAK: Okay.

20 THE WITNESS: Uh-huh.

21 Q. (BY MR. NOWAK) Have you ever worked as a  
22 residential appraiser?

23 A. No, sir.

24 Q. So, fair statement you never determine market  
25 value for homes with a mass appraisal system, correct?

1 A. Correct.

2 Q. It's your understanding, though, that a CAMA  
3 system was utilized at DCAD to conduct residential  
4 appraisals, correct?

5 A. No.

6 Q. Okay. How is the residential appraisals  
7 conducted?

8 A. Through a lot of different methods.

9 Q. Not the same as the commercial?

10 A. No. They're -- they're -- no. They're  
11 different.

12 Q. Okay. So tell me or explain to me the process  
13 of how DCAD conducts an appraisal on the residential  
14 side.

15 A. Lots of different ways. They -- there's an  
16 analysis phase where they analyze neighborhoods, size,  
17 similarities, age.

18 Q. And this analysis that's conducted, is that  
19 done in-house?

20 A. Yes.

21 Q. And is it done as a team, or do they do it  
22 separately -- the appraisers? How does that work?

23 A. The appraisers are all assigned a subdivision.

24 Q. And then they look at the subdivision, like you  
25 said, for size, similarities, location, I assume?

1 A. Yes.

2 Q. And those analyses, are they kept by DCAD, to  
3 your knowledge?

4 A. I don't know.

5 Q. Besides looking at this analysis, how else is a  
6 residential appraisal conducted at DCAD, to your  
7 knowledge?

8 A. I don't know. I don't know their whole  
9 process.

10 Q. Do they look at comps?

11 A. Yes, sir.

12 Q. Do you know how those comps are prepared for  
13 the residential side?

14 A. I do not.

15 Q. Is there a system like there is the CAMA system  
16 on the commercial side for the residential side?

17 A. Yes.

18 Q. Is it a different type of software?

19 A. No.

20 Q. So comps are utilized on the residential side  
21 just like comps are used on the commercial side?

22 A. No. Residential is --

23 MR. METCALF: Objection. Nonresponsive  
24 after "no."

25 Q. (BY MR. NOWAK) Go ahead. You can finish what

1 you were saying. You said, "No," but --

2 A. There's different methods to -- there's three  
3 different methods to appraise.

4 Q. Sure. There's a sales approach, right, the  
5 cost approach, and the income approach?

6 A. Yes, sir.

7 Q. And obviously there's not an income approach  
8 for residential, correct?

9 A. Correct.

10 Q. So what I'm getting at is, how do they do -- do  
11 they use the sales approach? Do they do the cost  
12 approach when something's built, or how do they do it,  
13 if you know?

14 A. The majority are done through sales approach  
15 for residential.

16 Q. And how is that information obtained, to your  
17 knowledge, at DCAD?

18 A. I don't -- I don't know.

19 Q. And going back to my last question, again, is  
20 there a system in place so that these sales come out  
21 of -- or data -- in order to use comps for the  
22 residential side?

23 A. Can you rephrase?

24 Q. Sure. If you're trying to conduct and figure  
25 out what a -- an appraisal value of a residential home,

1 for example, and that home hasn't been sold in quite  
2 some time, you have to use comps, do you not, in the  
3 surrounding neighborhood?

4 A. They do a mass appraisal system, so it's done  
5 per neighborhood, not individual.

6 Q. Okay.

7 A. Individual is affected, but it is done through  
8 a mass system.

9 Q. And this mass system has to have some type of  
10 algorithm, correct?

11 A. Correct.

12 Q. And that's where I'm going. What system is  
13 used at DCAD to get this utilizing this mass appraisal  
14 algorithm?

15 A. I don't know how exactly they use it.

16 Q. Okay. Is it still through this Harris Govern?

17 A. Yes.

18 Q. Okay. That's where I was going. Sorry.

19 A. Okay. Sorry.

20 Q. I didn't know if it was a separate system.

21 A. No.

22 Q. Is it a fair statement, then, in 2020 it would  
23 actually be -- it would have been True Prodigy, correct?

24 A. Not all the way, because they do their analysis  
25 phase and -- or they -- they do a lot of their field

1 work in the fall of --

2 Q. Prior year?

3 A. -- prior year.

4 Q. Okay. So --

5 A. Topo systems would have been utilized.

6 Q. That was going to be my next question. The  
7 True Prodigy and -- and Harris Govern would have been  
8 utilized in 2020 for the residential side?

9 A. Yes.

10 Q. Okay. And it sounds like for 2021, then, the  
11 same would be true, or no?

12 A. No.

13 Q. And why not? If it's used in the fall, it's  
14 because you canceled in the fall?

15 A. Yeah. I mean, we didn't have a system for four  
16 months, so they were working off appraisal cards.

17 Q. Okay. Tell me how that worked.

18 A. Oh. We just printed thousands of appraisal  
19 cards before Harris Govern shut us down to convert  
20 everything.

21 Q. And where were these appraisal cards coming  
22 from? Harris Govern or True Prodigy?

23 A. True Prodigy.

24 Q. And the system allowed you to do that?

25 A. Yes. We had viewing rights.

1 Q. And then by printing those, then the appraisers  
2 could use those as comps. Is that fair?

3 A. Yes.

4 Q. Did they?

5 A. I have no idea.

6 Q. Who would know how they would have done the  
7 residential appraisal process in 2020?

8 A. Jenna Simek.

9 Q. Have you ever worked as a commercial appraiser?

10 A. No, sir.

11 Q. So it's a fair statement you never worked with  
12 a computer mass appraisal system in order to appraise  
13 commercial properties?

14 A. That's correct.

15 Q. And it's a fair system -- you never actually  
16 worked with the actual Harris Govern or True Prodigy  
17 software program while working at DCAD?

18 A. That's correct.

19 Q. You have an understanding of it, but you didn't  
20 actually use it and input information into it, correct?

21 A. Correct.

22 Q. Who is David Posey?

23 A. He is a commercial supervisor who just retired,  
24 like, a week ago.

25 Q. Oh, wow. Okay.

1           How long was he a commercial supervisor?

2           A.    I don't know how long he was supervisor, but he  
3 had been at the district about 32 years.

4           Q.    And he was leaving just a week ago?

5           A.    Uh-huh.

6           Q.    Is that a yes?

7           A.    Yes, sir.

8           Q.    Okay. Was he terminated, or he left on his own  
9 accord?

10          A.    His own.

11          Q.    Do you know why?

12          A.    Retirement.

13          Q.    As a commercial supervisor, do you know how  
14 many cases or properties Mr. Posey would have oversaw  
15 per year?

16          A.    Oh, no. No, I do not.

17          Q.    Do you know what David Posey's experience was  
18 with DCAD prior to becoming a commercial supervisor?

19          A.    A commercial appraiser.

20          Q.    Did he do anything else at DCAD besides being a  
21 commercial appraiser and a commercial supervisor?

22          A.    I think so, but I can't -- I don't -- I don't  
23 know.

24          Q.    We've talked about Charles or Chuck Saling.  
25 He's in charge of the commercial side; is that correct?

1 A. That's correct.

2 Q. And you appointed him to that; is that correct?

3 A. No. He was -- he was there before I became  
4 chief.

5 Q. Okay. And he's still there; is that correct?

6 A. Correct.

7 Q. You did not change his position?

8 A. No.

9 Q. Did you feel comfortable in the fact that  
10 Charles Saling was going to stay in that position?

11 A. Yes.

12 Q. Did you interview anybody else for that  
13 position?

14 A. No.

15 Q. And as head of the commercial division, what  
16 are Charles Saling's responsibilities?

17 A. He is over our commercial department and our --  
18 well, since our restructure, he is now over our ag and  
19 land division.

20 Q. So he has ag and land division and commercial?

21 A. Yes.

22 Q. And how many people does he supervise,  
23 approximately.

24 A. Roughly, 12.

25 Q. Who is Karen Singleton?

1 A. She was the commercial supervisor. She  
2 retired.

3 Q. How long was she the commercial supervisor, if  
4 you know?

5 A. I don't know.

6 Q. Do you know what Karen Singleton's experience  
7 was?

8 A. Commercial appraiser.

9 Q. Do you know how long she was a commercial  
10 appraiser for, approximately?

11 A. No. I know she, you know, retired 20-plus  
12 years.

13 Q. Who is George Clerihew?

14 A. He was -- held many titles, but when he  
15 retired, he was the appeals manager.

16 Q. I'd like you, if you could, turn to Exhibit 2,  
17 ma'am, of your deposition, in your notebook. This is  
18 the Denton Central Appraisal District Commercial  
19 Department Procedures. Have you ever seen these before?

20 A. Yes, I've seen that.

21 Q. Okay. And how are these procedures  
22 implemented?

23 A. I've only seen them through working with the  
24 MAP, the audit that I was telling you about, providing  
25 them for the State.

1 Q. Whose job is it to make sure these  
2 procedures -- or let me strike that.

3 Are these procedures ever revised?

4 A. They should be.

5 Q. Okay. And --

6 A. I don't know the last time they were.

7 Q. That was going to be my next question. Do you  
8 know the last time they were revised?

9 A. Huh-uh.

10 Q. Is that a no?

11 A. No.

12 Q. Okay. I want to run through a few of these  
13 pages with you, and then we'll go to the next subject.  
14 It -- it says, "Introduction. Definition of Appraisal  
15 Responsibility." It says, "The commercial Department of  
16 the Denton Central Appraisal District (DCAD) is  
17 responsible for developing fair and uniform market  
18 values for all multifamily, commercial, industrial  
19 properties as well as commercially zoned land inside  
20 city limits, non-subdivided rural land outside city  
21 limits, and newly plotted residential subdivisions  
22 within district boundaries."

23 Would you agree with that?

24 A. Yes.

25 Q. And would you agree that's the responsibility

1 of DCAD?

2 A. Yes.

3 Q. Okay. Under "B," it says, "Legal and Statutory  
4 Requirements. The Denton County Appraisal District  
5 adheres to the policies and regulations of the Texas  
6 Property Code (TPTC)."

7 It states that, does it not?

8 A. Yes.

9 Q. And do you agree that DCAD, or Denton County  
10 Appraisal District, needs to adhere to the policies and  
11 regulations of the Texas Property Code?

12 A. Yes.

13 Q. Okay. Under "Administrative Requirements,"  
14 "C," it says, "An appraisal management policy should  
15 reflect regulatory obligations, mandate due diligence,  
16 ensure conformance to professional standards, generate  
17 current and meaningful valuations, and establish  
18 criteria for a thorough review process."

19 Again, do you agree that the Denton County  
20 Appraisal District's appraisal management policy  
21 reflects that standards?

22 A. Does our policy reflect those standards?

23 Q. Well, it says, "An appraisal management policy  
24 should reflect." Does it, I guess, is my question?

25 MR. METCALF: Objection to the form.

1                   You may answer, if you know.

2           A.     I mean, I -- I don't know if these are  
3 up-to-date or not, so hopefully they do, per -- per the  
4 time.

5           Q.     (BY MR. NOWAK) Okay. Does DCAD have an  
6 appraisal management policy?

7           A.     Just the one that the State requires.

8           Q.     That's not the appraisal manual, is it, that  
9 we're referring to, or is it something different?

10          A.     Well, the State, during their audit, requires  
11 different. I know that they required this at one point.  
12 That's why it was created. So this could be up-to-date  
13 for those when it was created. I don't know if it  
14 currently is, because IAAO changes their standards every  
15 year.

16          Q.     I guess my question is -- and maybe it's a dumb  
17 question, but I'm going to ask it anyway -- is there an  
18 appraisal management policy for DCAD?

19          A.     Management?

20          Q.     Yeah, like it's reflected here.

21          A.     "Appraisal management policy should reflect" --  
22 I think that means the appraisal -- yeah, that's just  
23 the appraisal manual.

24          Q.     Okay.

25          A.     Yeah.

1 Q. And that's fine. If that's what that means --

2 A. Yeah.

3 Q. -- that's fine. Okay.

4 Does the appraisal manual reflect regulatory  
5 obligations, mandate due diligence, and ensure  
6 conformance to the professional standards, generate  
7 current and meaningful valuations, and establish  
8 criteria for a thorough review process?

9 A. Yes.

10 Q. It says, "DCAD" -- or Denton County Appraisal  
11 District -- "subscribes to the standards of the  
12 International Association of Assessing Officers (IAAO)  
13 regarding its appraisal practices and procedures."

14 Is that a true statement?

15 A. Yes.

16 Q. It goes on to state, "DCAD" -- or Denton County  
17 Appraisal District -- "also subscribes to the standards  
18 promulgated by the appraisal foundation known as the  
19 Uniform Standards of Professional Appraisal Practice" --  
20 or -- "(USPAP)."

21 Does DCAD follow those standards?

22 A. Yes.

23 Q. Do you believe DCAD should adhere to those  
24 standards?

25 A. Yes.

1 Q. If you go to the next page, please, under  
2 "Appraisal Resources" -- excuse me. Excuse me. Under  
3 "Data," I want to talk about -- under "Personnel," it  
4 says "Data." It says, "The data used by the commercial  
5 department includes verified sales of vacant land and  
6 improved properties and the pertinent data obtained from  
7 each (sales price levels, capitalization rates, income  
8 multipliers, et cetera)."

9 Is that a true statement? Is that where the  
10 data is used by the commercial -- how the data is  
11 utilized by the commercial department?

12 A. Yes.

13 Q. It goes on to state, "Other data used by the  
14 department includes actual income and expense data  
15 (typically obtained through the hearing process), actual  
16 contract rental data, leasing information (commissions,  
17 tenant finish, length of terms, et cetera), and  
18 actually -- and actual occupancy rates."

19 Is that a true statement, that other data is  
20 used by the department in that way?

21 A. Yes.

22 Q. It goes on to state, "In addition to the actual  
23 data obtained from specific properties, market data  
24 publications are also reviewed to provide additional  
25 support for local and regional market trends such as" --

1 and it's listed there.

2           Is that a true statement? Are actual data  
3 obtained from specific properties and also from market  
4 data publications, as listed here?

5       A.    Yes. I don't know if these are still used.

6       Q.    When I took Chuck Saling's deposition -- I  
7 think it was April 2021. It's been a while, about a  
8 year and a half ago, almost two years. No. A year -- a  
9 year ago. I apologize -- he listed some of the  
10 publications that are utilized. Do you know what DCAD's  
11 utilizing now?

12       A.    I know we use CoStar, but that's the only one I  
13 know that we use --

14       Q.    Okay.

15       A.    -- just because I'm used to seeing the budget,  
16 that we pay for it.

17       Q.    Okay. And CoStar Group's listed right here  
18 below?

19       A.    Yes, sir.

20       Q.    If you're -- would you agree with me, if you're  
21 using these specific market data publications, they're  
22 not free, are they? Or are some of them free?

23       A.    I don't know that.

24       Q.    Okay. If there are contracts or -- that are  
25 entered into with these different publications, there

1 has to be, I guess, payments made; and that's what you  
2 see in the budget? And that's how you saw CoStar Group?

3 A. Yes, sir.

4 Q. Do you recognize any of these other groups?

5 A. I do not.

6 Q. Okay. To your knowledge, does DCAD change  
7 these market data publications it utilizes each year?

8 A. I don't know.

9 Q. Who would be the person best to ask that  
10 question?

11 A. Chuck Saling.

12 Q. The head of the commercial division?

13 A. Yes, sir.

14 Q. If you go to -- I wish these were numbered, and  
15 I apologize. They're not. Go a couple pages into it  
16 where it says "Data Collection/Validation."

17 A. Okay.

18 Q. Are you there?

19 A. Yes, sir.

20 Q. On the bottom of the page, under "A," it says,  
21 "Data Collection Manuals. Field data collections  
22 requires organization, planning, and supervision of the  
23 field staff."

24 Do you agree with that statement?

25 A. Yes, sir.

1 Q. "Data collection procedures have been  
2 established for land, residential, commercial, and  
3 personal property."

4 Has that taken place in DCAD?

5 A. Yes.

6 Q. "The appraisal cost manual and property tax  
7 appraisal and data collection procedure manual is  
8 published and distributed to all appraisers involved in  
9 the appraisal and valuation of commercial properties."

10 Is that a true statement?

11 A. I know that the appraisal manual is. I don't  
12 know about the property tax appraisal and data  
13 collection. That would be Chuck's manual that he  
14 provides for them. So I don't know.

15 Q. Okay. So you do know, though, the appraisal  
16 cost manual is utilized --

17 A. Yes.

18 Q. -- and distributed to all the appraisers?

19 A. Yes.

20 Q. As far as this property tax appraisal and data  
21 collection procedure manual, you don't know if that is  
22 distributed to all the appraisers?

23 A. No.

24 Q. But Chuck -- or Charles Saling would know?

25 A. Yes.

1 Q. You're not saying it's not happening; you just  
2 don't know?

3 A. Correct.

4 Q. If you go to the next page, ma'am, it says,  
5 "C. Data Collection Procedures." It reads here in the  
6 middle of the page, "The appraisal support staff  
7 processes and enters building permit data into the PACS  
8 appraisal system. When building blueprints are attached  
9 to the permit, the appraisal support staff enters the  
10 building dimensions and characteristics data into PACS."

11 And again, do you agree with that statement or  
12 statements?

13 A. I restructured the company in 2021, and this is  
14 now part of the mapping department.

15 Q. Okay.

16 A. So this is probably outdated. I think  
17 commercial helps when we're backlogged --

18 Q. Okay.

19 A. -- but it is mainly now mapping.

20 Q. Okay. So this is no longer done by commercial?

21 A. They help.

22 Q. But mapping does it as well?

23 A. As a majority, yes.

24 Q. And when PACS is listed here -- again, we  
25 talked about this, but just for the record -- that's the

1 Harris Govern system?

2 A. Yes, sir.

3 Q. And that's what it's meant to mean there; is  
4 that correct?

5 A. Yes, sir.

6 Q. If you go on a little bit down after the second  
7 paragraph, it says, "Upon" -- it's in the middle of the  
8 paragraph. It says, "Upon completion of the field  
9 inspection, the updated information on the appraisal  
10 cards is entered into PACS by the appraisal support  
11 staff."

12 Is that done in that way at DCAD?

13 A. I'm not sure where you -- okay. Yes. Yes.

14 Q. And are there actual field inspections  
15 conducted at DCAD?

16 A. Yes.

17 Q. Who does that at DCAD? Is it the appraiser or  
18 somebody that works for the appraiser?

19 A. The appraiser.

20 Q. Okay. So they go out in the field. They look,  
21 and they note if there's vacancies, if there is even  
22 tenants in there, those sort of things?

23 A. Yes, sir.

24 Q. Do you know what else they look for?

25 A. No.

1 Q. Okay. But after they do those inspections,  
2 that's -- the updated information on the appraisal card  
3 is then entered into the PACS system; is that right?

4 A. Correct.

5 Q. Is it entered into by their support staff or  
6 them -- by the appraiser -- appraisers themselves?

7 A. Both. We're short-staffed, so whoever --

8 Q. Okay.

9 A. -- whoever can do it.

10 Q. And why are you short-staffed?

11 A. Our board did not -- our past chief did not  
12 keep us up with the growing county.

13 Q. Okay. Are you in the process of trying to hire  
14 more people?

15 A. Yes, sir.

16 Q. Okay. It goes on to read, "The appraisers are  
17 required to check the data entry on each property to  
18 ensure that the new information was entered correctly."

19 And does DCAD adhere to that statement?

20 A. Yes.

21 Q. And right after here -- it's in the middle of  
22 the paragraph. After the "upon completion of the field  
23 inspection," I'm on the next sentence. It says, "The  
24 appraisers are required to check the data entry on each  
25 property to ensure that new information was entered

1 correctly."

2 A. Yes.

3 Q. Is that adhered to at DCAD?

4 A. Yes.

5 Q. "The information collected by the appraiser and  
6 entered into the PACS appraisal system serves as the  
7 basis for the valuation of real property."

8 That's what's written there; is that correct?

9 A. Yes, sir.

10 Q. And is that a true statement, and is that  
11 adhered to?

12 A. Yes, sir.

13 Q. Okay. Going down, we're now going to the last  
14 paragraph. It says, "The DCAD boundaries are divided in  
15 geographic areas with each appraiser assigned an area  
16 for which they are responsible for data collection."

17 Is that still true?

18 A. Yes, sir.

19 Q. "The commercial department conducts periodic  
20 meetings where each appraiser gives a verbal report of  
21 their work progress."

22 Is that still true?

23 A. Yes, sir.

24 Q. Then it goes, "Additionally, each appraiser's  
25 work is reviewed by the appraisal supervisor before it

1 is given to an appraisal support -- to appraisal support  
2 for data entry."

3 That's what it reads; is that correct?

4 A. I don't know that.

5 Q. And that was going to be my next question. Is  
6 that adhered to?

7 A. I don't know.

8 Q. Who would I need to ask to find out if that is  
9 adhered to?

10 A. Chuck Saling.

11 Q. So right now, as you sit here today, you don't  
12 know if each appraiser's work is reviewed by the  
13 appraisal supervisor before it is given to the  
14 appraisal --

15 A. I don't know.

16 Q. -- support for data entry?

17 A. I do not know.

18 Q. Go to the next page, please, under "Class  
19 System." It reads, "A class system for commercial  
20 properties has been developed to help ensure appraisal  
21 uniformity."

22 That's what it reads; is that correct?

23 A. Yes.

24 Q. Is that a true statement?

25 A. Yes.

1 Q. It goes on to state, "The commercial class  
2 system currently consists of 106 classes."

3 Again, is that a true statement?

4 A. I don't know, because it may have been updated  
5 since then.

6 Q. Okay. Who would know that?

7 A. Chuck.

8 Q. Chuck Saling?

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes.

12 Q. Okay. It goes on to read, "These classes are  
13 based on occupancy and are grouped together in clusters  
14 of like occupancy."

15 Is that a true statement?

16 A. You would have to ask Chuck.

17 Q. Okay. Again, Chuck Saling?

18 A. Yes, sir.

19 Q. And then it goes on to read, "Within each  
20 occupancy group, classes are based on levels of quality,  
21 such as excellent, good, average, and low cost."

22 Is that a true statement?

23 A. That is a true statement.

24 Q. Okay. If you go on to the next paragraph, it  
25 says, "The different classes will reference" -- under

1 "Class Systems" still. "The different classes will  
2 reference the computer to cost tables developed from the  
3 CoreLogic valuation service, which is an appraisal guide  
4 for developing replacement costs for a wide range of  
5 construction classes and type of occupancies."

6 Does that occur at DCAD?

7 A. I don't know if that's still used or not.

8 Q. Okay. And again, would that be a question for  
9 Chuck Saling?

10 A. Yes, sir.

11 Q. It goes on to state, "CoreLogic valuation  
12 service software utilizes the comparative unit method to  
13 derive a cost per unit for the structure being  
14 appraised."

15 Again, is that being conducted that way at  
16 DCAD?

17 A. I don't know.

18 Q. Again, better question for Chuck Saling?

19 A. Yes, sir.

20 Q. Then I'm going to skip way ahead towards the  
21 end of this, ma'am, where it's "NOI" -- net operating  
22 income -- "equals EGI less Operating" --

23 MR. METCALF: Do you just want to show it  
24 to her, because it's --

25 THE WITNESS: Yeah, I've got it. I've got

1 it.

2 MR. METCALF: Cool.

3 THE WITNESS: Yeah. I found it.

4 MR. NOWAK: She's got good eyesight. I  
5 need my readers now.

6 Q. (BY MR. NOWAK) I'd like to direct your  
7 attention where it talks about here -- right below "Net  
8 Operating Income," or "NOI," it says, "Capitalization  
9 rates are used to convert net operating income into an  
10 estimate of market value."

11 Again, is that being conducted at DCAD that  
12 way?

13 A. I don't know.

14 Q. Would that be a better question for Chuck  
15 Saling?

16 A. Yes, sir.

17 Q. It goes on to state, "These rates vary between  
18 property types as well as by location, quality,  
19 condition, design, age, and other factors."

20 Again, is that being conducted that way at  
21 DCAD?

22 A. To my understanding.

23 Q. Do you know for a fact, or is that --

24 A. No.

25 Q. -- a better question for Chuck Saling?

1 A. Yes, sir.

2 Q. Okay. It says, "Overall capitalization rates  
3 for the direct capitalization method can be derived from  
4 the market."

5 Is that being done that way?

6 A. I don't know.

7 Q. Again, better question for Chuck Saling?

8 A. Yes, sir.

9 Q. It says, "Sales of improved properties from  
10 which actual income and expense data are obtained  
11 provide a very good indication of what a specific market  
12 participant is requiring for an investment at a specific  
13 point in time."

14 Do you know, again, if sales of improved  
15 properties from which actual income and expense data are  
16 obtained -- do they provide good indication?

17 A. I don't know.

18 Q. Again, better question for Chuck Saling?

19 A. Yes, sir.

20 Q. It says -- it says also here, "We also rely on  
21 Henry S. Miller, Real Estate Investment Trends, Real  
22 Estate Research Corp., Integra Realty  
23 Resources, Inc." -- I'm going to butcher this --  
24 Korpacz, Inc., for capitalization rate information for  
25 the different types of commercial properties."

1 Do you know if that's what's relied on by DCAD?

2 A. I do not.

3 Q. Again, better question for Chuck Saling?

4 A. Yes, sir.

5 Q. Then it says, "Additionally, we survey local  
6 fee appraisers regarding typical capitalization rates by  
7 property type."

8 Is that conducted?

9 A. I don't know.

10 Q. Again, better question for Chuck Saling?

11 A. Yes, sir.

12 Q. Lastly, it says, "Rent loss concessions are  
13 sometimes made to specific properties with vacancy  
14 problems. A rent loss concession accounts for the  
15 impact of lost rental income as the building is moving  
16 towards stabilized occupancy." It says, "The rent loss  
17 is calculated by multiplying the rental rate by the  
18 percent difference of the property's stabilized  
19 occupancy and its actual occupancy."

20 Do you know if this is conducted at DCAD?

21 A. I do not.

22 Q. Again, better question for Chuck Saling?

23 A. Yes, sir.

24 Q. Then if you go to a couple pages more,  
25 "F. Statistical Analysis," are you there?

1 A. Uh-huh.

2 Q. Under that section, it reads, "The appraisers  
3 in the commercial department perform an annual  
4 statistical analysis to evaluate whether values are  
5 equitable and consistent with the market."

6 Do you know if this is conducted at DCAD?

7 A. Yes.

8 Q. Who conducts these statistical analyses?

9 A. The appraisers.

10 Q. Themselves?

11 A. Through help, through other --

12 Q. And what do you mean "through help"?

13 A. I mean, they use other methods and -- I'll say  
14 it's a better question for Chuck Saling.

15 Q. Okay. And that's fine. If you know, I'd love  
16 to know what you know. But if you think Chuck would be  
17 a better person to ask this question and would have a  
18 better understanding, I'll ask Chuck. Would you agree  
19 that would be the route to go?

20 A. Yes, sir.

21 Q. Okay. It goes on to say, "Ratio studies are  
22 conducted on each neighborhood and ISD to judge the two  
23 primary aspects of mass appraisal accuracy: Level, and  
24 uniformity of value. Again, a ratio study is conducted  
25 on each neighborhood and ISD to judge these two primary

1 aspects of mass appraisal: Level and uniformity of  
2 value at DCAD."

3 MR. METCALF: It's almost lunchtime. Mine  
4 is doing the same thing.

5 MR. NOWAK: Mine is too.

6 Q. (BY MR. NOWAK) But do you know if that's done  
7 at DCAD?

8 A. Yes.

9 Q. Okay. Do you know how it's done?

10 A. No.

11 Q. Would that be a better question for Chuck  
12 Saling?

13 A. Yes.

14 Q. It goes on to read, "Appraisal statistics of  
15 central tendency and dispersion generated from sales  
16 ratios are available from each property type being  
17 studied."

18 Is that a true statement?

19 A. I don't know.

20 Q. Better question for Chuck Saling?

21 A. Yes, sir.

22 Q. "These summary statistics, including, but not  
23 limited to, the median, the mean, the weighted mean,  
24 standard deviation, coefficient of dispersion (COD), and  
25 coefficient of variation (COV), provide the appraiser a

1 tool by which to determine both the level and uniformity  
2 of appraised value of a particular property type."

3           Again, are these summary statistics available  
4 at DCAD?

5       A.    I don't know.

6       Q.    Better question for Chuck Saling?

7       A.    Yes, sir.

8       Q.    Okay. I'll go on to the next paragraph. It  
9 says, "Every commercial property type is reviewed  
10 annually by the appraiser through the sales ratio  
11 analysis process."

12           Is that done at DCAD?

13       A.    I don't know.

14       Q.    Better question for Chuck Saling?

15       A.    Yes.

16       Q.    It describes the different phases. It says,  
17 "The first phase involves ratio studies that compare the  
18 recent sales price of properties to the appraised value  
19 of the sold properties."

20           Is that done at DCAD?

21       A.    I don't know.

22       Q.    Again, better question for Chuck Saling?

23       A.    Yes.

24       Q.    It goes on to read, "This set of ratio studies  
25 affords the appraiser an excellent means of judging the

1 present value of appraised value and uniformity of the  
2 appraised values."

3 Do you agree with that statement?

4 A. That would be better for Chuck Saling.

5 Q. Okay. It goes on to read, "The appraiser,  
6 based on the sales ratio statistics and designated  
7 parameters for valuation update, makes a preliminary  
8 decision as to whether the value level of a particular  
9 property type needs to be updated in an upcoming  
10 reappraisal or whether the level of market value is at  
11 an acceptable level."

12 Is that done at DCAD?

13 A. I don't know.

14 Q. Better question for Chuck Saling?

15 A. Yes, sir.

16 Q. I'm going to move several pages. "2.08," it  
17 says, "Sales Ratio Studies. Performance Tests." It  
18 might be still farther down or getting towards the end.

19 A. Okay.

20 Q. Okay. Under "2.8" -- "2.08, Performance  
21 Tests," it says, "Sales Ratio Studies" under "A." "The  
22 primary tool used to measure mass appraisal performance  
23 is the ratio study." It says, "A ratio study compares  
24 appraised values to market values."

25 Do you agree with that statement?

1 A. Yes.

2 Q. Okay. Do you know if that is being conducted  
3 at DCAD?

4 A. No.

5 Q. Better question, again, for Chuck Saling?

6 A. Yes.

7 Q. Lastly, we'll go to "Data Entry Procedure."  
8 It's the last page, ma'am.

9 MS. ROBBINS: Sorry.

10 MR. NOWAK: It's all right. We're all  
11 going off.

12 MR. METCALF: We're all on a schedule.

13 Q. (BY MR. NOWAK) "Data" -- it says "Data Entry  
14 Procedure." It's written, "All appraisal changes and  
15 updates are written on appraisal cards and given to the  
16 commercial appraisal support specialist."

17 Is does that done at DCAD?

18 A. It was when this was written. I don't know if  
19 it still is.

20 Q. Better question for Chuck Saling?

21 A. Yes.

22 Q. It goes on to read, "The appraisal support  
23 specialists organizes incoming and outgoing appraisal  
24 cards by appraiser, date, and legal description at the  
25 data entry station."

1 Is that conducted at DCAD?

2 A. It's better for Chuck Saling.

3 Q. Okay. It goes on to read, "The information is  
4 entered by way of a dump terminal and keyboard at the  
5 data entry station."

6 Is that -- is there a dump terminal?

7 A. I don't know.

8 Q. Again, better question for Chuck Saling?

9 A. Yes, sir.

10 Q. It goes on to read, "The commercial appraisal  
11 support specialist is responsible for entering abstract,  
12 industrial, commercial, and residential land, commercial  
13 and rural improvements, agricultural valuations and  
14 sales information."

15 Do you agree with that statement?

16 A. I don't know.

17 Q. Okay. Would you -- again, it would be a better  
18 question for Chuck Saling?

19 A. Yes.

20 Q. It goes on to read, "Incomplete and erroneous  
21 information on appraisal cards is returned to the  
22 appraiser for correction."

23 Is that done at DCAD?

24 A. Better be.

25 Q. Okay. Do you know, though?

1 A. No.

2 Q. Better question for Chuck Saling?

3 A. Yes.

4 Q. Okay.

5 MR. METCALF: Good time to break --

6 MR. NOWAK: I think so.

7 MR. METCALF: -- since we're all yelling  
8 at each other tummy-wise?

9 MR. NOWAK: Yeah. No. That's good.

10 THE VIDEOGRAPHER: Off the record at  
11 12:55.

12 (Lunch recess from 12:55 p.m. to  
13 1:39 p.m.)

14 THE VIDEOGRAPHER: Back on the record at  
15 1:39.

16 Q. (BY MR. NOWAK) Ms. McClure, we're back from a  
17 brief lunch break, and we're going to continue with your  
18 deposition. Are you ready to proceed?

19 A. Yes.

20 Q. Okay. I want to ask you some questions now  
21 concerning what we call the Uniform Standards of  
22 Professional Practice -- Appraisal Practice, 2018/19  
23 Edition. If you go to Tab 3, please. Are you there?

24 A. Uh-huh, yes.

25 Q. And this is Exhibit 3 of your deposition. Have

1 you ever seen these standards before?

2 A. Yes.

3 Q. And is DCAD, or Denton County Appraisal  
4 District, bound by and follow the Uniform Standards of  
5 Professional Appraisal Practice?

6 A. Yes.

7 Q. If you go to Page -- turn the page. This is  
8 Page 7, the "Ethics Rule." Are you there?

9 A. Yes, sir.

10 Q. Okay. I'm going to read portions of it and see  
11 if you agree with it or not and ask you some questions.

12 It says, "An appraiser must promote and  
13 preserve the public trust inherent in appraisal practice  
14 by observing the highest standards of professional  
15 ethics."

16 Do you agree with that statement?

17 A. Yes.

18 Q. Do your appraisers that work for DCAD follow  
19 those standards?

20 A. I would assume, yes.

21 Q. Or you would hope so, right?

22 A. I would hope so.

23 Q. If they were not following those standards,  
24 what would you do?

25 A. Take disciplinary action.

1 Q. Okay. It goes on to state, "An appraiser must  
2 comply with USPAP when obligated by law or regulation or  
3 by agreement with the client or intended users."

4 Do you agree with that statement?

5 A. Yes.

6 Q. It goes on to state, "In addition to these  
7 requirements, an individual should comply anytime that  
8 individual represents that he or she's performing the  
9 service as an appraiser."

10 Do you agree with that statement?

11 A. Yes.

12 Q. If you go down under "Conduct," it's  
13 underlined. It says, "An appraiser must perform  
14 assignments with impartiality, objectivity, and  
15 independence, and without accommodation of personal  
16 interest."

17 Do you agree with that statement?

18 A. Yes.

19 Q. And do your appraisers at DCAD -- excuse me --  
20 follow those standards?

21 A. They're required to.

22 Q. And if they don't follow standards of  
23 impartiality, objectivity, and independence, what would  
24 happen?

25 A. Disciplinary action.

1 Q. Okay. It goes on to write -- or state, "An  
2 appraiser must not perform an assignment with bias."

3 Do you agree with that statement?

4 A. Yes.

5 Q. Do your appraisers at DCAD follow that  
6 standard?

7 A. They're supposed to.

8 Q. And again, if they don't, what would happen?

9 A. Disciplinary action.

10 Q. I'm going to skip some of these and go down to  
11 the middle of a bullet point. It says, "Must not  
12 knowingly permit an employee or other person to  
13 communicate a report or assignment results that are  
14 misleading or fraudulent."

15 Do you agree with that statement?

16 A. Yes.

17 Q. And if an appraiser does that, what would  
18 happen?

19 A. Disciplinary action.

20 Q. And, to your knowledge, has any of your  
21 appraisers done that?

22 A. No.

23 Q. And same question with, "Must not perform an  
24 assignment with bias."

25 Do your -- to your knowledge, has any of your

1 appraisers done that?

2 A. No.

3 Q. Skip a few lines again. It says, "Must not  
4 willfully or knowingly violate the requirements of the  
5 recordkeeping rule."

6 Again, do you agree with that statement?

7 A. Yes.

8 Q. And to your knowledge, has anyone violated that  
9 rule?

10 A. No.

11 Q. If they did, what would happen?

12 A. Disciplinary action.

13 Q. And it states, "Must not perform an assignment  
14 in a grossly negligent manner."

15 Do you agree with that statement?

16 A. Yes.

17 Q. Has any of your DCAD appraisers done that?

18 A. No.

19 Q. If they did, what would happen?

20 A. Disciplinary action.

21 Q. Okay. I'll skip a few pages here, ma'am.

22 MR. METCALF: You have about 400 pages  
23 left in that binder, so I hope you skip more than a few.

24 MR. NOWAK: Yeah. I think a lot of them  
25 she -- it may not be pertinent to this depo, but we'll

1 find out.

2 Q. (BY MR. NOWAK) Go to Page 10, ma'am. This is  
3 the recordkeeping rule. On Page 10 it says, "An  
4 appraiser must prepare a work file for each appraisal or  
5 appraisal review assignment."

6 Do you agree with that statement?

7 A. Yes.

8 Q. Is that standard followed at DCAD?

9 A. Yes.

10 Q. It goes on to state, "A work file must be in  
11 existence prior to the issuance of any report or other  
12 communication of assignment results."

13 Do you agree with that statement?

14 A. Yes.

15 Q. Is that rule complied with at DCAD?

16 A. Yes.

17 Q. It goes on to state, "A written summary of an  
18 oral report must be added to the work file within a  
19 reasonable time after the issuance of the oral report."

20 Do you agree with that statement?

21 A. I don't recall when an oral report would be  
22 given, but, I mean, we -- I guess at a hearing -- there  
23 are summaries of the hearing, yes.

24 Q. And those must be added to the work file --

25 A. Yes.

1 Q. -- within a reasonable time. Would you agree  
2 with that?

3 A. Yes.

4 Q. If that's not done, what would happen?

5 MR. METCALF: I'm going to object to form.  
6 I mean --

7 MR. NOWAK: Well, let me strike that.  
8 I'll rephrase it.

9 MR. METCALF: She's going to need to read  
10 the entire document, because this is not the part about  
11 mass appraisal that they're required to follow.

12 MR. NOWAK: We can make -- we can argue  
13 about it.

14 MR. METCALF: Okay. Just make sure you  
15 read every single part of each of it so you make sure  
16 it's about mass appraisal so you're not being misled by  
17 the question --

18 THE WITNESS: Okay.

19 MR. METCALF: -- because that's talking  
20 about fee simple reports.

21 THE WITNESS: Yeah.

22 Q. (BY MR. NOWAK) It goes to, "The work file must  
23 include: The name of the client and the identity, by  
24 name or type, of any other intended users."

25 That's what's written there; is that correct?

1       A.     "Any other intended users." I don't know what  
2 "intended users" -- I don't know if that's the agents.  
3 I mean, the work file does include the name of the owner  
4 of the property and what type of property it is and if  
5 there's an agent on there, yes.

6       Q.     Okay. Does DCAD adhere to that?

7       A.     Yes.

8       Q.     It goes on to state, "The work file must  
9 include true copies of all written reports documented on  
10 any type of media. (A true copy is a replica of the  
11 report transmitted to the client. A photocopy or an  
12 electric copy of the entire report transmitted to the  
13 client satisfies the requirement of a true copy.)"

14            Do you agree with that statement?

15       A.     If it's asking -- "true copy of all" -- for  
16 open record purposes -- "any type of media."

17       Q.     I guess, would you expect true copies of all  
18 written reports involving an appraisal be within the  
19 file?

20            MR. METCALF: What page are you on?

21            MR. NOWAK: 10.

22            THE WITNESS: 10.

23       A.     Yes.

24       Q.     (BY MR. NOWAK) It goes on to state, "Summaries  
25 of all oral reports or testimony or transcript of

1 testimony, including the appraiser's signed and dated  
2 certification."

3 Do you agree with that statement?

4 A. Yeah. I mean, I'm assuming oral reports is --  
5 the only oral reports we do are hearings.

6 Q. Right.

7 A. And all hearings are recorded.

8 Q. Right.

9 A. And --

10 Q. And once they're recorded --

11 A. They're put with each -- each account.

12 Q. And they should be, right?

13 A. Yes.

14 Q. As part of the record and part of the work  
15 file, correct?

16 A. Yes.

17 Q. And they should be kept, right? Correct?

18 A. Yes, correct.

19 Q. Okay. It goes on to state, "All other data,  
20 information, and documentation necessary to support the  
21 appraiser's opinions and conclusions and to show  
22 compliance with USPAP, or reference to the locations of  
23 such other data, information, and documentation."

24 Do you agree with that statement?

25 A. Yes.

1 Q. And is that adhered to at DCAD?

2 A. It should be, yes.

3 Q. So, essentially, it's your understanding that  
4 DCAD should keep a work file for each of these different  
5 properties if it's a commercial property?

6 A. A work file meaning the CAMA system has  
7 documentation, like, per account. So I'm guessing  
8 that's what they're calling a work file.

9 Q. Okay. Well --

10 A. So, pictures, evidence, stuff like that is all  
11 put into the account within the CAMA software.

12 Q. Okay. And if it's not within the CAMA  
13 software, there's no hard documents or hard files kept,  
14 to your knowledge?

15 A. I mean, there are, but I don't know -- every  
16 account's different. Everything's different, so -- but  
17 it all should be scanned in and put with the file in the  
18 CAMA software.

19 Q. To be as accurate and thorough as possible,  
20 correct?

21 A. Correct.

22 Q. Meaning, DCAD's not wanting -- DCAD would want  
23 to keep records, if they had it, of manual files on  
24 manual worksheets that were completed involving a  
25 property that should be in the file. Would you agree

1 with that?

2 A. Yes.

3 Q. If it's not -- well, let me ask you this: With  
4 regard to a work file, have you seen a work file for a  
5 commercial property before?

6 A. I don't know what they're considering a work  
7 file.

8 Q. It sounds like you've seen information on a  
9 commercial property within the CAMA file or CAMA system?

10 A. Yes. They're all -- yes.

11 Q. It's within the computer itself, correct?

12 A. Uh-huh, yes.

13 Q. But as far as hard copies and files of other  
14 things, do you know where those are kept within the  
15 commercial division?

16 A. They should be scanned in and kept in a CAMA  
17 software within each individual account.

18 Q. And if they're not, would that be a violation  
19 of the recordkeeping rule?

20 A. Not violation. I just -- we'd have to be able  
21 to produce it. So whether it's in somebody's email or  
22 somebody's computer, hopefully they're doing their job  
23 and scanning them in.

24 Q. Same question. What if there's a recording of  
25 a hearing concerning a piece of property regarding that

1 appeal? Should that be kept in the work file?

2 A. It is recorded within the PACS system.

3 Q. In the CAMA system?

4 A. Uh-huh.

5 Q. Is that a yes?

6 A. Yes.

7 Q. And if that -- if that transcript -- or excuse  
8 me -- if that -- strike that.

9 If that recording no longer exists for the  
10 specific piece of property, would that be a violation of  
11 the recordkeeping rule?

12 A. That would be on the appraisal review. I'm  
13 just going to say I don't know.

14 Q. You would expect, though, if there was a  
15 recording of the Appraisal Review Board process, it  
16 should be within the file, right?

17 A. Yes, correct.

18 Q. If my client or someone else wanted to see that  
19 and hear that, they should be able to do that, correct?

20 A. Yes. They're open records.

21 Q. And if it's not there or somehow it wasn't  
22 kept, would you consider that to be at least a problem?

23 A. Yes.

24 Q. If you go to Page 34, ma'am, please.

25 "Standards Rule 5-1," reading from there, it says, "In

1 developing a mass appraisal, an appraiser must (a) be  
2 aware of, understand, and correctly employ those  
3 recognized methods and techniques necessary to produce a  
4 credible mass appraisal."

5 Do you agree with that statement?

6 A. Yes.

7 Q. Is that rule followed and adhered to at DCAD?

8 A. I would hope so.

9 Q. Well, you say you hope so. To your knowledge,  
10 is it being followed and adhered to?

11 A. As far as I -- yes, to my knowledge.

12 Q. If it is not, would you consider that to be a  
13 problem?

14 A. Yes.

15 Q. If an appraiser is not following that standard,  
16 what would happen?

17 A. Disciplinary action.

18 Q. "Standards Rule 5-1B," it states, "In  
19 developing a mass appraisal, an appraiser must not  
20 commit a substantial error of omission or commission  
21 that significantly affects a mass appraisal and" -- and  
22 we'll get to (c) in a second.

23 Do you agree with that statement, "not commit a  
24 substantial error of omission or commission that  
25 significantly affects a mass appraisal"?

1 A. Yes.

2 Q. Does DCAD's appraisers adhere to that standard?

3 A. They're supposed to.

4 Q. To your knowledge, are they?

5 A. Yes.

6 Q. If they don't, what would happen?

7 A. Disciplinary action.

8 Q. Standards Rule 5-1(c) says -- I'm going on to  
9 Page 35 -- "not render a mass appraisal in a careless or  
10 negligent manner."

11 Do you agree with that statement?

12 A. Yes.

13 Q. Is that rule adhered to by DCAD?

14 A. Yes.

15 Q. If that rule is not adhered to by one of the  
16 appraisers, what would happen?

17 A. Disciplinary action.

18 Q. Standards Rule 5-2, it says, "In developing a  
19 mass appraisal, an appraiser must" -- and it goes on in  
20 (a), (b), (d). And we're talking about, "Identify the  
21 client and other intended users."

22 Do you agree with that statement?

23 A. Yes.

24 Q. Under (b), "Identify the intended use of the  
25 appraisal."

1 Do you agree with that statement?

2 A. Yes.

3 Q. "(c) Identify the type and definition of value,  
4 and if the value opinion to be developed is market  
5 value, ascertain whether the value is to be the most  
6 probable price in terms of cash; or (ii) in terms of  
7 financial arrangements equivalent to cash; or (iii) in  
8 such other terms as may be precisely defined; and (iv)  
9 if the opinion of value is based on non-marketing  
10 financing or financing with unusual conditions or  
11 incentives, the terms of such financing must be clearly  
12 identified, and the appraiser's opinion of their  
13 contributions to or negative influence on value must be  
14 developed by analysis of relevant market data."

15 Do you agree with Standard Rule 5-2(c) and its  
16 components?

17 A. Yes.

18 Q. Then Standards Rule 5-2(d), "Identify the  
19 effective date of the appraisal."

20 Do you agree with that? The appraiser must do  
21 that?

22 A. Yes.

23 Q. And then Standard Rule 5-2(e), "Identify the  
24 characteristics of the properties that are relevant to  
25 the type and definition of value and intended use,

1 including (i) the group with -- with which a property is  
2 identified according to similar market influence; (ii)  
3 the appropriate market area and time frame relative to  
4 the property being valued; and (iii) their location and  
5 physical and legal and economical characteristics."

6 Do you agree with Standard Rule 5-2(e)?

7 A. Yes.

8 Q. Okay. With regard to Standards Rule 5-2(a)  
9 through (e), does DCAD adhere to those rules?

10 A. I would hope so.

11 Q. Well, to your knowledge, do they?

12 A. Yes.

13 Q. If an appraiser does not adhere to Standard  
14 Rule 5-2(a) through (e), what would happen?

15 A. Disciplinary action.

16 Q. You can turn several pages, ma'am, to Page 37.

17 I'm going to discuss Standards Rule 5-4. It reads, "In

18 developing a mass appraisal, an appraiser must (a)

19 identify the appropriate procedures and market

20 information required to form the appraisal, including

21 all physical, functional, and external market factors as

22 they may affect the appraisal."

23 Do you agree with that statement?

24 A. Yes. "All" is a big word, but yes.

25 Q. Okay. Do the appraisers at DCAD adhere to

1 Standard -- Standards Rule 5-4(a)?

2 A. I would say they gather everything they can.

3 Q. And the information that's gathered, that  
4 should be kept in a work file, should it not?

5 A. It should, yes.

6 Q. Standards Rule 5-4(b), "In developing a mass  
7 appraisal, an appraiser must employ recognized  
8 techniques for specifying property valuation models."

9 Do you agree with that statement?

10 A. I'm assuming that means the three approaches.

11 Q. It talks about it under there. If you want to  
12 look at the comment --

13 (Reporter requests clarification)

14 Q. (BY MR. NOWAK) It says -- under (b), it talks  
15 about the cost, sales comparison, or income approaches  
16 to value, if you want to look at it for a second.

17 A. Yes. That's how we value, one of those three  
18 approaches.

19 Q. Do you agree that DCAD adheres to Standards  
20 Rule 5-4(b) and employs recognized techniques for  
21 specifying property evaluation models?

22 A. From what I can quickly read, yes.

23 Q. Okay. Well, does your appraisers use any other  
24 type of models or techniques, other than the income  
25 approach or the sales comparison approach, the cost

1 approach?

2 A. Did you say "the income"?

3 Q. Yes.

4 A. Yes.

5 Q. That was my first one I said.

6 A. Okay. Those three, yes.

7 Q. Standards Rule 5-4(c), "In developing a mass  
8 appraisal, an appraiser must employ recognized  
9 techniques for calibrating mass appraisal methods."

10 Do you agree with that statement? And you can  
11 look at the comment below it if you like.

12 A. I'm going to say I don't know on this one,  
13 because I'm not clear on all the stuff that it's saying,  
14 so --

15 Q. About calibrating?

16 A. Yeah.

17 Q. Who at DCAD would know about how it's  
18 calibrated on a mass appraisal model?

19 A. It would depend on which -- if you're talking  
20 about a residential home or a commercial property.

21 Q. I'm really talking about commercial here.

22 A. Okay. Chuck Saling.

23 Q. Okay. So as far as whether Standards Rule 5-4,  
24 "In developing a mass appraisal, an appraiser must (c)  
25 employ recognized techniques for calibrating mass

1 appraisal models," you would defer to Chuck Saling on  
2 that one?

3 A. Yes.

4 Q. Go to Page 39, Standards Rule 5-5 -- 5-7. It  
5 goes on to read, "In reconciling a mass appraisal, an  
6 appraiser must," under 5-7(a) -- "reconcile the quality  
7 and quantity of data available and analyze within the  
8 approaches used in the applicability relevances of the  
9 approaches, methods, and techniques used; and (b) employ  
10 recognized mass appraisal testing procedures and  
11 techniques to ensure that standards of accuracy are  
12 maintained."

13 Do you agree with that standard?

14 A. I agree with (a). I would have to read (b) a  
15 lot closer and -- to make sure I agree with that entire  
16 statement. I mean, it should be, but I --

17 Q. What else do you -- do you want to read the  
18 comment to it? That would help?

19 A. Yeah.

20 Q. Go ahead and take your time and read it.

21 A. It's talking about calibrating mass appraisal  
22 models, so I would defer to Chuck Saling again.

23 Q. Okay. Fair enough.

24 So with regard to Standards Rule 5-7(b), you  
25 would defer to Chuck?

1 A. Yes.

2 Q. On Rule Standards 5-7(a), "Reconciling the  
3 quality and quantity of data available and analyze  
4 within the approaches used and the applicability and  
5 relevances of these approaches, methods, and techniques  
6 used," does DCAD adhere to that standard?

7 A. Yes.

8 Q. And if an appraiser does not adhere to that  
9 standard, what happens?

10 A. Disciplinary action.

11 Q. And then we go to Standard 6, "Mass Appraisal  
12 Reporting." At the top of the page, 40, it says, "In  
13 reporting the results of a mass appraisal, an appraiser  
14 must communicate such analysis, opinion, and conclusion  
15 in a manner that is not misleading."

16 Do you agree with that statement?

17 A. Yes.

18 Q. And does DCAD appraisers follow that standard?

19 A. They should.

20 Q. And if they don't, what happens?

21 A. Disciplinary action.

22 Q. To your knowledge, are the appraisers at DCAD  
23 following that standard?

24 A. Yes.

25 Q. I think you already agree with me, but I want

1 to make sure to summarize this, then. DCAD's bound by  
2 the law to follow the Uniform Standards of Professional  
3 Appraisal Practice. Do you agree?

4 A. Standard 5 and 6, yes.

5 Q. And that's under "Mass Appraisal Standards,"  
6 correct?

7 A. Yes.

8 Q. Would you agree, within DCAD, that the accuracy  
9 of values concerning these appraisals depends on the  
10 completeness and accuracy of property characteristics  
11 and market data?

12 A. Yes.

13 Q. Would you agree that DCAD wants to ensure that  
14 the system they're using, the CAMA system, provides for  
15 the collection and maintenance of relevant land  
16 improvement and location features?

17 A. Can you rephrase that?

18 Q. Sure. My understanding -- we've already talked  
19 about it -- that DCAD uses the CAMA system. I know it's  
20 changed from Harris Govern to -- I always get this  
21 wrong.

22 A. True Prodigy.

23 Q. Thank you. I want to say something else, but  
24 True Prodigy. That's changed now back to Harris Govern,  
25 right?

1 A. Yes.

2 Q. Okay. So that system is used by DCAD and has  
3 been used -- these different systems -- over different  
4 courses of years, correct?

5 A. Correct.

6 Q. And the input or the individual inputting the  
7 information into that system is an appraiser or an  
8 assistant, is it not?

9 A. Correct.

10 Q. Okay. And that information that's being  
11 inputted into that system regarding that particular  
12 piece of property, do you know if they make sure that  
13 such information incorporates or includes the location  
14 of the property and the features of that property?

15 A. The location of the property, yes. The  
16 features, yeah. Square footage, yeah. Age.

17 Q. What else, to your knowledge? Square footage,  
18 age, location. What else?

19 A. Owner, any deeds permits, sketches, anything we  
20 have available on it.

21 Q. Do you agree that the data inputted into the  
22 CAMA system used by DCAD must be accurately and  
23 consistently collected?

24 A. Yes.

25 Q. Do you agree that the CAMA system used by DCAD

1 is only as good as the data collected?

2 A. I mean, I can't really speak to their  
3 technology.

4 Q. Well, I know. But I guess -- maybe this is a  
5 dumb question, because I haven't seen the CAMA system.

6 A. Uh-huh.

7 Q. But within the CAMA system, are you entering in  
8 the characteristics of the property?

9 A. Yes.

10 Q. The appraiser is?

11 A. Yes.

12 Q. Such as square footage?

13 A. Yes.

14 Q. Such as the age?

15 A. Uh-huh.

16 Q. When it was developed or when it was built,  
17 right?

18 A. And all of that is only as good as permits  
19 coming from the county clerk or sketches or blueprints  
20 that we receive from the entities. So we may enter bad  
21 information if we receive bad information.

22 Q. Right. So you'd agree that the CAMA system is  
23 only as good as the data collected? That's what I'm  
24 trying to get at.

25 A. Yes, yes.

1 Q. The data can only be as good as it is. If it's  
2 input into the system, then you get the result, correct?

3 A. Yes.

4 Q. Okay. Do you agree that DCAD's CAMA system  
5 must provide for the storage and processing of the  
6 relevant sales, cost, or income information?

7 A. Yes.

8 Q. As well as the expense information or data?

9 A. What expense? Income?

10 Q. Well, under the income approach --

11 A. Yeah.

12 Q. -- aren't you inputting expenses, either actual  
13 expenses or a value that's given to expenses in that  
14 particular area?

15 A. Yes.

16 Q. Okay. So again, with the expense data or  
17 information, that information must, within the DCAD's  
18 CAMA system -- must provide for the storage and  
19 processing of the expense data as well, correct?

20 A. Yes.

21 Q. Would you agree that DCAD should utilize data  
22 collection manuals, or do you know if there is even one  
23 that's used by DCAD?

24 A. If you're talking about commercial, I would  
25 defer to Chuck Saling.

1 Q. I am talking about commercial, and I apologize.  
2 We're pretty much going to be talking about commercial  
3 from now on unless I say otherwise, okay?

4 A. Okay.

5 Q. So with regard to the use of data collection  
6 manuals in the commercial division or department at  
7 DCAD, are these manuals used?

8 A. I would defer to Chuck Saling.

9 Q. Do you know if they are?

10 A. Which manuals are used?

11 Q. Data collection manuals or actually a data  
12 collection on how to do it. Do you know if that even  
13 exists?

14 A. I mean, they use lots of different things to  
15 collect data. They use lots of different manuals. So  
16 that's why I would defer to Chuck, because --

17 Q. So I guess my question with regard to data  
18 collection manuals used, you don't know one way or the  
19 other; you would defer to Chuck?

20 A. Yes.

21 Q. Okay. And whether these data collection  
22 manuals should be developed, updated, maintained, again,  
23 you'll defer to Chuck on that?

24 A. Yes.

25 Q. I don't mean to be disrespectful to Mr. Saling,

1 but we've been referring to him as "Chuck" and  
2 "Charles," so --

3 MR. METCALF: We support everything you  
4 can do to shorten everything you're saying.

5 MR. NOWAK: All right. You're fine with  
6 it.

7 Q. (BY MR. NOWAK) Would you agree that -- and  
8 this is, again, on commercial properties at DCAD -- that  
9 income and expense data must be collected for  
10 income-producing properties and reviewed by qualified  
11 appraisers to ensure the accuracy and usability for  
12 valuation analysis?

13 A. Yes.

14 Q. Would you agree, within the DCAD commercial  
15 department, that when appraising a commercial property,  
16 the income approach is the preferred valuation when  
17 reliable income and expense data are available?

18 A. I'll defer to Chuck on that.

19 Q. Do you agree, at DCAD, that the assessment  
20 uniformity relates to the consistency and equity of  
21 values?

22 A. I'll defer.

23 Q. Defer to Chuck?

24 A. Yes.

25 Q. Do you agree that the standard on ratio studies

1 stipulates that the level of appraisal for each major  
2 group of properties should be within 5 percent of the  
3 overall level for the jurisdiction and provides criteria  
4 for determining whether it can be concluded from ratio  
5 data that the standard has not been met?

6 A. I'll defer on that one.

7 Q. Defer to Chuck?

8 A. Yes.

9 Q. Do you agree, at DCAD, that poor uniformity  
10 within a property group is usually indicative of data  
11 problems or deficient valuation procedures or tables  
12 that cannot be corrected by application and market  
13 adjustments?

14 A. I'll let -- I'll let Chuck handle that one.

15 Q. Okay. So you defer to him?

16 A. Yes.

17 Q. I want to get a little bit more depth on the  
18 PACS system or this Harris Govern system. When did DCAD  
19 start using that system, to your knowledge, ma'am?

20 A. I don't know. 12 -- roughly 12 years ago.

21 Q. So it was while you were there?

22 A. Yes.

23 Q. You weren't using it, but it was while you were  
24 there?

25 A. Yes.

1 Q. Excuse me.

2 And this is -- the -- the Harris Govern system,  
3 or the PACS system, once it was implemented -- and I  
4 apologize -- at DCAD, how did the employees access that  
5 system, to your knowledge?

6 A. Through -- it wasn't an app at the time, but  
7 through internal software on their computers.

8 Q. And by doing so, I mean, did they have to enter  
9 a username and a password to get in, or do you know?

10 A. Yes, username and password.

11 Q. And that would identify which user is using it?

12 A. Yes.

13 Q. Did all the appraisers have access, to your  
14 knowledge, to this PACS or Harris Govern system?

15 A. Yes. Everybody has access, but different  
16 people have different user rights.

17 Q. Okay. And does each DCAD employee user have a  
18 unique identifier or log-in for accessing the PACS or  
19 Harris Govern system?

20 A. Yes.

21 Q. Is there a way or any way to see when an  
22 employee logs in to or accesses the PACS or Harris  
23 Govern system?

24 A. I'm sure there is.

25 Q. Is there any way to see what they did, meaning

1 when they input the information?

2 A. Yes.

3 Q. Okay. A little different question: Is there  
4 any way to see when an employee logged in to or accessed  
5 the PACS system when it was True --

6 A. True Prodigy.

7 Q. -- True Prodigy? I had a mind blank there for  
8 some reason.

9 A. They -- I'm going to say I don't know to the  
10 point of they don't -- we can't -- we can't pull any of  
11 that information from that time.

12 Q. Okay. At the time, when it was being utilized,  
13 do you know if that could have been pulled?

14 A. I would assume, but I don't know for sure.

15 Q. Is there any way to see when an employee --  
16 what they did with the PACS system when it was True  
17 Prodigy -- do you know? -- meaning, what they inputted?

18 A. You just asked two different --

19 Q. Yeah. Let me -- I'll strike that.

20 Is there any way to see when an employee  
21 actually logged in or accessed the PACS system when it  
22 was True Prodigy?

23 A. I have no way of seeing that, no.

24 Q. Okay. Is there any way to know that an  
25 employee at DCAD -- know what they did when they

1 accessed the PACS system when it was True Prodigy?

2 A. So PACS system is Harris Govern, but the CAMA  
3 system --

4 Q. Oh, I'm sorry. You're right.

5 A. Yeah. The CAMA system when it was True  
6 Prodigy?

7 Q. Yes. Thank you.

8 A. I -- I -- I wouldn't know that. I don't have  
9 any access to that anymore.

10 Q. Okay. At the time, was there a way to know?

11 A. I don't know.

12 Q. Okay. But no way to know now. Fair statement?

13 A. There's no way I could know that now, or  
14 anybody internally at my building.

15 Q. And that's what I want to know.

16 A. Yeah.

17 Q. And this is just to make sure we're clear on  
18 the record. And I apologize I was using the --

19 (Reporter requests clarification)

20 Q. (BY MR. NOWAK) -- PACS system with True  
21 Prodigy. It's really the CAMA system; is that correct?

22 A. Yes, sir.

23 Q. So the CAMA system, which was True Prodigy for  
24 the year 2020, is there any way to know what anyone did  
25 at DCAD, any individual, any log-in user, and what they

1 did on that system as we sit here today?

2 A. I don't know if we still have a viewable file  
3 of it in back in the day. I don't know.

4 Q. So, for instance, for a particular piece of  
5 commercial property for the year 2020 and what was done  
6 by the appraiser and how they inputted the information  
7 and the records involved in that concerning the CAMA  
8 system under True Prodigy, does DCAD have a record of  
9 that, to your knowledge?

10 A. To my knowledge, I don't -- I don't know, to my  
11 knowledge.

12 Q. Who would know at DCAD?

13 A. The -- well, if it got converted, it would be  
14 in the current system.

15 Q. And you said "if." Do you know if everything  
16 was converted from the prior True Prodigy system to the  
17 Harris Govern system?

18 A. I know they -- they converted everything they  
19 could.

20 Q. Well, when you say "could," it sounds like some  
21 things may not have been able to be converted.

22 A. Yes, it's true. Certain, like, lease -- there  
23 was just -- there was just certain things that was bad  
24 data in True Prodigy, and so it couldn't be converted  
25 over.

1 Q. Do you know what things were deemed as bad data  
2 in True Prodigy?

3 A. I do not.

4 Q. Who would know at DCAD, if anyone?

5 A. I mean, more or less, Harris Govern would be  
6 able to do that, because they're the ones who converted  
7 it. No one in-house converted anything.

8 Q. Going back -- and I hate -- and I apologize.  
9 Maybe I'm beating a dead horse to death, but I want to  
10 make sure the question and I got an answer on it.

11 With regard to the CAMA system and the True  
12 Prodigy system utilized by DCAD in 2020, with regard to  
13 what the actual appraiser did, what he inputted into the  
14 system and so forth, is there a record of that, to your  
15 knowledge?

16 A. Not to my knowledge.

17 Q. Okay. If there's not a record of that, is it  
18 your opinion that DCAD is in violation of the  
19 recordkeeping?

20 A. Let me be clear. I think that there is a  
21 record. I just don't want to say for sure, because I --  
22 but I assume that there is a record.

23 Q. And how much of a record was kept? Do you  
24 know?

25 A. No.

1 Q. Who do I need to speak to at DCAD to find out  
2 what was kept and how it was kept?

3 A. Probably Mark Sayler would be a good one.

4 Q. And what department is he in?

5 A. IT.

6 Q. He's the one that's remained there; is that  
7 correct?

8 A. Uh-huh, yeah, yes.

9 Q. Who does DCAD contract for software data  
10 updates on, first, PACS system?

11 A. Harris Govern.

12 Q. Just Harris Govern, no outside third party?

13 A. For updates?

14 Q. Yes.

15 A. On the software system?

16 Q. Yes.

17 A. No other system. No other software.

18 Q. And who did DCAD contract for software or data  
19 updates on the True Prodigy system?

20 A. Just True Prodigy.

21 Q. At this time, who at DCAD oversees the PACS or  
22 Harris Govern system?

23 A. Who on our side of it?

24 Q. Yes, ma'am.

25 A. David Steele.

1 Q. And what is his title again?

2 A. IT manager.

3 Q. And who at the time, in 2020, oversaw the CAMA  
4 system known as True Prodigy?

5 A. Brad Green.

6 Q. To your knowledge, who is responsible for  
7 helping or assisting DCAD troubleshoot any errors or  
8 problems with the PACS system?

9 A. Harris Govern.

10 Q. Anyone else?

11 A. IT does -- our internal IT does what they can  
12 internally, if it's something we can fix. But most --  
13 most of the time, it's on their end.

14 Q. And who, in 2020, was responsible for helping  
15 DCAD troubleshoot any errors or problems with the CAMA  
16 system known as True Prodigy?

17 A. True Prodigy or whatever we could do  
18 internally.

19 Q. And that's it?

20 A. Yeah.

21 Q. Who at DCAD is responsible for determining the  
22 accuracy of the PACS system or Harris Govern system?

23 A. Since I become chief, I restructured and  
24 created a data team. And they -- we have a data  
25 integrity specialist and a quality control specialist.

1 Q. Who -- let's start with the data integrity  
2 specialists. Who is that?

3 A. Mark Moffitt.

4 Q. And how long has he been in that position?

5 A. Since fall of 2021.

6 Q. And what is the data integrity specialist?  
7 What is his responsibilities?

8 A. They run queries. They run reports to look for  
9 any discrepancies, any errors. They've cleaned up a lot  
10 of our data, little stuff from "street" to "ST" to, you  
11 know, capitalization, lowercase, all the things that --  
12 searchable stuff. They've cleaned up property codes.  
13 They've done a lot of cleanup. But essentially, they're  
14 looking for any discrepancies in the data.

15 Q. Okay. And they do this by running queries?

16 A. Yes.

17 Q. And analyses, I assume?

18 A. Yes.

19 Q. And do they keep those queries and analyses, to  
20 your knowledge?

21 A. I think all the queries that are ran are kept  
22 within, like, a MySQL.

23 Q. What is MySQL, if you know?

24 A. Software.

25 Q. Yeah.

1 A. A very complex, query-based software.

2 Q. Okay. You also mentioned there is -- besides  
3 this data integrity specialist, who else did you --

4 A. Quality control specialist.

5 Q. And who is that?

6 A. Paul DeLeon.

7 Q. And the quality control specialist, what is his  
8 responsibilities?

9 A. Same thing.

10 Q. And was he appointed at the same time, in the  
11 fall of 2021?

12 A. He already had the title, but he was not doing  
13 the job. He was given that -- he had that title, but he  
14 was just kind of being used by the past chief as just  
15 another appraiser. When I got in, I created the data  
16 team to specially start looking for integrity and  
17 discrepancies.

18 Q. And what does the quality control specialist do  
19 differently than the data integrity specialist?

20 A. He also looks over all of our procedure  
21 manuals. He's the one who now looks through the  
22 appraisal manual, the reappraisal plan. He's starting  
23 to create the procedure manuals for each department. He  
24 just looks for quality control throughout the whole  
25 system, not just the data.

1 Q. Okay. And by doing this, does he keep records  
2 of what he's doing and how he's doing them?

3 A. Yes. He keeps very good records.

4 Q. Do you review what he's doing?

5 A. I usually don't, but people -- you know, my  
6 deputy or my managers do.

7 Q. Does he provide a summary of what he's doing?

8 A. Yes.

9 Q. Okay. Is that provided to you or your deputy?

10 A. It's usually just a verbal. We have meetings.

11 Q. Okay. To your knowledge, what are the  
12 financial elements that comprise the PACS system used by  
13 DCAD, if you know?

14 A. Can you rephrase that?

15 Q. Yeah. Basically, what information is used by  
16 the appraiser -- the financial elements, meaning the  
17 actual numbers that are inputted into the PACS system?  
18 How is it done by DCAD, if you know?

19 A. I'm assuming you mean the -- like, obviously,  
20 the commercial department --

21 Q. Yes.

22 A. -- how it uses it.

23 Q. All commercial here.

24 A. I don't know. I would ask Chuck Saling.

25 Q. Okay. Same question. The financial elements

1 that comprise the CAMA system known as True Prodigy and  
2 how that's used by DCAD, would that be a better question  
3 for Chuck?

4 A. Yes.

5 Q. With regard to the different systems, the PACS  
6 system and the True Prodigy system that was used in  
7 2020, what are the main differences between the two, if  
8 you know?

9 A. One was complete, and one wasn't. No. True  
10 Prodigy was cloud-based.

11 Q. Uh-huh.

12 A. It had a -- they -- if they would have  
13 completed it, it offered a lot of bells and whistles  
14 that the Harris Govern one didn't. But Harris Govern  
15 was a stronger foundation for us, and it's been in the  
16 industry for 20-plus years, and this is a solid company.  
17 They offered a stability that True Prodigy couldn't  
18 offer.

19 Q. And I understood that True Prodigy was supposed  
20 to be a web-based system. Was it ever actually put on  
21 the web, to your knowledge?

22 A. It was cloud-based.

23 Q. I mean cloud-based.

24 A. Yes, it was -- yes, it was cloud-based.

25 Q. So you could access it from the cloud?

1 A. Yes.

2 Q. Now, you said Harris Govern's had a 20-plus  
3 years', I guess, stability with it. How long had True  
4 Prodigy been around when they became -- it became or  
5 you -- DCAD used their system, to your knowledge?

6 A. It's kind of a technical question that I can't  
7 really speak into, because they were once one company  
8 and then split. So that's trade stuff that I don't want  
9 to --

10 Q. Okay. Okay. Well, do you know why DCAD  
11 decided to go and attempt to utilize True Prodigy and  
12 move away from the Harris Govern system?

13 A. That was a decision made by the IT manager,  
14 Brad Green. So, no, I do not know why.

15 Q. Was that decision made when you were chief  
16 appraiser?

17 A. No.

18 Q. It was made prior to your time; is that  
19 correct?

20 A. Correct.

21 Q. Were you ever given any information by Brad  
22 Green on why that change was made?

23 A. No.

24 Q. Was the prior chief ever given that  
25 information?

1 A. Brad Green presented it at a board of directors  
2 meeting, and it was voted on by the board of directors.

3 Q. Okay. And at that presentation at the board of  
4 directors, was that recorded in any way?

5 A. Uh-huh.

6 Q. Is that a yes?

7 A. Yes.

8 Q. Do you know when that would have been -- time  
9 frame -- approximately?

10 A. April of 2018.

11 Q. And who made the presentation at that board  
12 meeting, if you know?

13 A. Brad Green.

14 Q. Do you know if Brad Green was given any type of  
15 compensation or other incentive packages or benefits by  
16 True Prodigy in order to present that to DCAD?

17 A. I do not know.

18 Q. Obviously, there's a relationship there,  
19 because now he's working there; is that correct?

20 A. I can only speculate.

21 Q. Okay. Have you heard any rumors of -- or  
22 strike that.

23 Did you ever hear any rumors that Brad Green  
24 was given any type of incentives or consideration to  
25 what I would call present True Prodigy to the board?

1 A. There were a lot of rumors, but I don't listen  
2 to rumors, so --

3 Q. Okay. Have you done any type of investigation  
4 at DCAD to determine if Brad Green was given any type of  
5 incentives or consideration to present True Prodigy to  
6 the board?

7 A. That is why I went and looked in his emails,  
8 and they were deleted.

9 Q. Okay. Did you -- after you found out that the  
10 emails were deleted by Brad Green, did you ever confront  
11 him?

12 A. There was legal stuff going on between the two  
13 companies.

14 Q. Between True Prodigy and DCAD?

15 A. Yes.

16 Q. Was a lawsuit ever filed?

17 A. No.

18 Q. Who was representing DCAD in those legal  
19 negotiations and issues with True Prodigy?

20 A. Brian Shaw. There was a settlement, so --

21 Q. So some type of settlement was reached?

22 A. Yes.

23 Q. Was that ever disclosed, or is that public?

24 A. It's public.

25 Q. Okay. Do you know what the terms of that

1 settlement were?

2 A. Not off the top of my head.

3 Q. Did True Prodigy pay anything to DCAD?

4 A. Yes.

5 Q. Do you know approximately how much?

6 A. 80,000.

7 Q. Anything else given by True Prodigy?

8 A. No.

9 (Reporter requests clarification)

10 MR. METCALF: Not enough.

11 MR. NOWAK: Yeah. I was going to ask  
12 that, but I wasn't going to ask that.

13 Q. (BY MR. NOWAK) I was going say, for the 80,000  
14 and all the headache it involved, did you think that was  
15 enough?

16 A. Absolutely not.

17 MR. METCALF: 8 million wouldn't have been  
18 enough.

19 Q. (BY MR. NOWAK) Who was the attorney or law  
20 firm representing True Prodigy, if you know?

21 A. Morales something. No. I just know it was --  
22 his attorney was, I think, his cousin. But it's  
23 Morales, same last name.

24 Q. Okay.

25 A. I can't think of the law firm.

1 Q. To your knowledge -- this is just talking about  
2 the PACS system, the Harris Govern system -- can someone  
3 go into the PACS or Harris Govern system and manually  
4 change data inputs, if you know?

5 A. Our appraisers can, yes.

6 Q. And when they make such changes, are those  
7 changes recorded?

8 A. Yes.

9 Q. Meaning, if they change something, it should be  
10 recorded, and we should be able to see what they changed  
11 and what it was and what it is now?

12 A. Yes.

13 Q. Same question, but for True Prodigy. If an  
14 appraiser went into True Prodigy and manually changed  
15 data inputs, would there be a way to monitor that?

16 A. There was at the time. I don't know how to get  
17 that information now.

18 Q. Does DCAD still have access to that information  
19 in any way?

20 A. I don't know.

21 Q. Who would know at DCAD?

22 A. Mark Sayler or David Steele.

23 Q. To your knowledge, can anyone go -- and this is  
24 for DCAD. And we're, again, dealing just with  
25 commercial properties. So we're on the same

1 understanding or have the same understanding.

2 Can someone go into the PACS system and  
3 manually adjust the value of a property?

4 A. Appraisers can, yes.

5 Q. Can anyone else?

6 A. No. You have to be an appraiser to adjust  
7 value.

8 Q. Okay. And if an appraiser in the PACS system  
9 manually adjusts that value, would there be a record of  
10 who the appraiser was that did that and the prior value?

11 A. Yes.

12 Q. Same question but again for True Prodigy.  
13 Could someone, in the True Prodigy system, manually  
14 adjust -- manually -- excuse me -- adjust the value of  
15 the property?

16 A. Yes.

17 Q. Okay. And it would just be appraisers?

18 A. Yes.

19 Q. And if an appraiser manually adjusted the value  
20 of the property, would there be a record of what the  
21 prior value was and who actually made that adjustment?

22 A. Yes.

23 Q. Does DCAD still have access to that information  
24 under True Prodigy if a manual adjustment was made?

25 A. You would have to ask Mark Sayler.

1 Q. It should -- or strike that.

2 DCAD should have a record of what was done in  
3 the PACS system, though, since you're using that now,  
4 correct?

5 A. Yes.

6 Q. Okay. And again, with regard to a commercial  
7 property appraisal and how it's done and what records  
8 are kept and not kept, that probably would be a better  
9 question for Chuck --

10 A. Yes, sir.

11 Q. -- Saling?

12 A. Yes.

13 Q. Is that yes?

14 A. (Moving head up and down)

15 Q. How does DCAD audit the results of the  
16 valuations generated by the PACS system to verify those  
17 valuations for accuracy?

18 A. Well, we do -- we run queries and have the data  
19 integrity specialists check those. But the State also  
20 does a property value study to evaluate those.

21 Q. So internally you do that, I think, through  
22 your data team, data integrity specialists?

23 A. Yes.

24 Q. And then the State does it outside?

25 A. Yes.

1 Q. And again, the data integrity specialist and  
2 how he runs those queries and how he checks to make sure  
3 the results of the valuation that's generated by the  
4 PACS system, verified for valuations for accuracy, that  
5 should be kept by DCAD; is that correct?

6 A. I don't know if every single query he ran is  
7 kept. But I mean, because sometimes he'll just run  
8 random ones to look for address changes or whatever they  
9 need. I don't know if all of those are kept.

10 Q. What about ones with valuations?

11 A. We have preliminary totals every week during  
12 the protest period and certified totals and supplements,  
13 and all of those are kept.

14 Q. Okay. And that's --

15 MR. METCALF: I'm going to object as  
16 nonresponsive.

17 Q. (BY MR. NOWAK) And that's done, then, with  
18 regard to the property values; is that correct?

19 A. There -- it's --

20 MR. METCALF: I'm going to object just  
21 because it's confusing to me. It may not be to her.

22 If you can answer it, go ahead. But I was  
23 confused by it, so I don't want to let you answer not  
24 knowing exactly what he's asking.

25 THE WITNESS: Yeah.

1 MR. METCALF: But you may answer.

2 Q. (BY MR. NOWAK) Well, let me ask it this way:  
3 My prior questions were dealing with DCAD auditing the  
4 results of the valuations generated by the PACS system,  
5 to verify those valuations for accuracy. And I think  
6 you said that was done internally by the data integrity  
7 specialist and outside; is that correct?

8 A. Yeah. Or data integrity specialist will look  
9 for outliers.

10 Q. Within the valuations?

11 A. Yes.

12 Q. And that's my question. Are those queries in  
13 those analyses kept by the data integrity specialist?

14 A. And that's where I don't know what all he keeps  
15 and what he doesn't.

16 Q. And then you referenced a minute ago that,  
17 during a certain time period, you're pretty sure records  
18 are kept. What were you talking about there?

19 A. So every single week through -- it's from  
20 April 30th to July 25th, we send entities  
21 preliminary totals, which is based in their entity. And  
22 those are kept -- those are considered preliminary  
23 values until we certify around July 20th, July 25th,  
24 and those become certified. Then anytime that those --  
25 anytime a value gets changed after that certification,

1 it becomes supplemental. And all of those changes are  
2 documented.

3 Q. So with regard to the valuation of a property  
4 from April 30th to July 25th, this is a preliminary  
5 stage in which those values are kept?

6 A. Yes.

7 Q. For each property?

8 A. Yeah. We do it -- typically, the reports that  
9 are ran are per entity, per city, per school. So the  
10 entities are cities, schools, counties, special  
11 districts.

12 Q. Okay. What about specific commercial  
13 properties? Is there one done for that?

14 A. There can be if it -- if a query needs to get  
15 ran, but they're all done per category for the entity.

16 Q. Okay. And that was going to be my next  
17 question. So they're not really done necessarily for a  
18 specific property but more for a classification of  
19 category such as Class A, Class B, Class C?

20 A. Yes, yes, sir.

21 Q. Okay. So then there should be preliminary,  
22 basically, results on valuations within the PACS system  
23 and the accuracy of those from April 30th to  
24 July 25th for the different categorizations of the  
25 commercial properties A, B, and C?

1 A. Per entity, yes.

2 Q. And you keep saying "per entity." Can you  
3 explain to me what you mean by that?

4 A. Entities are county, city, schools, and special  
5 districts. They have to follow along with their  
6 preliminary values to know how to set their budget.

7 Q. Okay.

8 A. So whatever we value that, they're -- they  
9 then have to set their budgets and set their tax rates  
10 based on -- they set their tax rates on how to pay for  
11 their budget.

12 Q. That makes sense. The preliminary valuations  
13 that are conducted between April 30th and July 25th,  
14 though, you said, would have within it the category or  
15 classification of A, B, C commercial properties?

16 A. Yes.

17 Q. Run just for those Class A by themselves or no?

18 A. Per entity. So, like --

19 Q. Okay.

20 MR. METCALF: May I help clarify?

21 MR. NOWAK: Yeah, sure.

22 MR. METCALF: Am I going to get yelled at?

23 MR. NOWAK: No. I never yell.

24 MR. METCALF: You did last time.

25 MR. NOWAK: I did. I've chilled out. I'm

1 getting old.

2 MR. METCALF: Each entity -- every  
3 property in Dallas gets a report, and it's broken down  
4 so that somebody can go and look at residential. Then  
5 the residential's further broken down.

6 MR. NOWAK: Right.

7 MR. METCALF: And then same thing with  
8 commercial.

9 MR. NOWAK: Right.

10 MR. METCALF: But it's per entity.

11 A. So, like, City of Dallas gets one.

12 Q. (BY MR. NOWAK) Right.

13 A. Not City of Dallas, but City of Denton, City of  
14 Flower Mound.

15 (Reporter requests clarification)

16 A. Then, like, Denton ISD. We have a Denton  
17 County one.

18 Q. (BY MR. NOWAK) Okay. I understand.

19 A. So then that would kind of cover the entire  
20 county.

21 Q. Okay.

22 MR. METCALF: One specific property may  
23 end up on five entity reports --

24 MR. NOWAK: That's what I was going to --

25 MR. METCALF: -- broken down so that a

1 city manager or financial city officer can say, "Our  
2 total commercial value is this. Our total Class A  
3 commercial value is this."

4 Q. (BY MR. NOWAK) All right. So it depends. The  
5 entity could be Denton County. It could be another  
6 school district, whatever it is, because they're getting  
7 money from this, and they have to budget for it?

8 A. Inside a tax rate.

9 Q. Right, inside the tax rate.

10 So the category of classification of the, let's  
11 say, Class A commercial properties could be within  
12 several different entities?

13 A. Yes.

14 Q. But within those entities, DCAD does check  
15 those valuations and runs those numbers to make sure  
16 that there's no outliers, or how does that work?

17 A. Yes, correct.

18 Q. Okay.

19 MR. METCALF: Like, if one was for  
20 \$4 billion or something, in Denton County, they would  
21 catch that.

22 A. And if one week -- excuse me.

23 If one week Denton ISD had "X" amount and then  
24 the next week it had 10 billion all of a sudden,  
25 obviously, we would know that something drastic has

1 happened and we would need to go in and check all the  
2 accounts.

3 Q. (BY MR. NOWAK) Do you know how -- and you may  
4 not know, and this may be a better question for your  
5 data integrity specialist. Do you know how those  
6 valuations within the PACS system are checked for  
7 accuracy, how they go about doing that within each  
8 entity?

9 A. I mean, you would look for outliers.

10 Q. Right. And I don't know if they use standard  
11 deviations, or do you know how they do that?

12 A. No.

13 (Reporter requests clarification)

14 A. I would default that to Marc Moffitt or Paul  
15 DeLeon.

16 Q. (BY MR. NOWAK) What if a property was labeled  
17 a Class A and not necessarily should be labeled a  
18 Class A? Do you follow what I'm saying?

19 MR. METCALF: Objection to form. I  
20 don't --

21 Q. (BY MR. NOWAK) Well, let me say this: If a  
22 property -- strike that. These outliers are looked at  
23 by categorization and different categories, A, B, and C,  
24 correct, within the commercial properties?

25 A. There's lots more than that, but yes.

1 Q. Sure.

2 A. Yeah, yeah.

3 Q. But I'm interested in A, B, and C --

4 (Reporter requests clarification)

5 Q. (BY MR. NOWAK) -- because that's what's  
6 relevant to my client.

7 So how the data integrity specialist looks for  
8 outliers, uses standard deviations or finds out or  
9 determines that these preliminary totals are accurate,  
10 that would be a question for that person, Marc Moffitt?

11 A. Yes.

12 Q. Do you understand how that's done?

13 A. Yes.

14 Q. Do you know specifically how they run those  
15 outliers and standard deviations to check and see that  
16 there's no outliers?

17 A. They run numerous -- I mean, different queries  
18 to look for different things. I mean, yes, it would be  
19 better off to talk to him, because he knows exactly what  
20 he would run to look for.

21 Q. Are those queries kept at least for these  
22 preliminary totals, to your knowledge?

23 A. No, not to my knowledge.

24 Q. So how -- if someone from the outside wants to  
25 know that these preliminary totals are being looked at

1 for accuracy, how would we go about doing that?

2 A. I don't know. I mean, it's not a requirement  
3 for us. It's just something we do as -- to keep the  
4 integrity of the data. So I mean, it's not a  
5 requirement to keep all those different checks that we  
6 do. He might, though. I don't know.

7 Q. But you're saying, pursuant to DCAD policy,  
8 it's not a requirement to keep the queries internally to  
9 make sure that the accuracy of these preliminary  
10 valuations are accurate?

11 A. Correct.

12 Q. So, for example, if Marc Moffitt's running  
13 these queries for accuracy and he does find an outlier  
14 too, he's supposed to do something with that, is he not?

15 A. Yes.

16 Q. Okay. But if I, an outsider, wanted to check  
17 his homework, so to speak, and see if that was done,  
18 would there be a way for me to do that?

19 A. I don't know. I don't know what he keeps.

20 Q. Okay. Same question. We were talking about  
21 the PACS system. Now I'm talking about the, basically,  
22 True Prodigy system that was used by DCAD in 2020. Was  
23 there any way to audit the results of the valuations  
24 generated by the True Prodigy system to verify those  
25 valuations for accuracy?

1 A. I don't know.

2 Q. Okay. Who would know?

3 A. Mark Sayler.

4 Q. Okay. And do you know, were any queries in  
5 those things run for the preliminary totals for the True  
6 Prodigy system?

7 A. They're preliminary totals. They didn't have  
8 them developed until later on. So there wouldn't be  
9 that much history of the preliminary totals. I've got  
10 lots of emails where I kept asking them for them, but  
11 they did not have them created.

12 Q. So were there even preliminary totals for the  
13 True Prodigy system?

14 A. Towards the very end, there were some.

15 Q. Okay. You said "some." So not for all the  
16 properties?

17 A. Yes, just not through the entire protest  
18 season. So I think, like, June, they developed them.

19 Q. So there would have been some for June and  
20 July?

21 A. Yes.

22 Q. Of 2020?

23 A. Yes.

24 Q. And as far as those preliminary totals being  
25 checked for accuracy, you don't know if that was done

1 with the True Prodigy system?

2 A. No.

3 Q. And you said, I believe, then we'd have to talk  
4 to your IT guy at the time?

5 A. Yes.

6 Q. Mr. Saling? Or not Saling. Who was --

7 A. Sayler.

8 Q. Sayler. Thank you.

9 A. Yes.

10 MR. METCALF: At that time?

11 THE WITNESS: He was the only one around  
12 during that time.

13 (Reporter requests clarification)

14 MR. METCALF: What time are you talking  
15 about?

16 MR. NOWAK: 2020.

17 MR. METCALF: So not the guy that was  
18 fired?

19 MR. NOWAK: No.

20 MR. METCALF: The new guy?

21 (Reporter requests clarification)

22 Q. (BY MR. NOWAK) My understanding is they were  
23 all there, or there were people; but the only one left  
24 there, that would be Mark Sayler. Is that a fair  
25 statement?

1 A. He would be the -- if somebody knew -- he would  
2 be the --

3 (Reporter requests clarification)

4 A. -- only one that knows.

5 MR. METCALF: Focus your mouth towards her  
6 so she can read.

7 THE WITNESS: Sorry.

8 MR. METCALF: And I'll be quiet. I'm the  
9 problem here.

10 Q. (BY MR. NOWAK) These queries that are done by  
11 the data integrity specialist, would you consider those  
12 to be audits?

13 A. No.

14 Q. Okay. Are there audits actually done for 2020  
15 by -- either in-house or by the State?

16 A. By the State, yes.

17 Q. And where are those records kept on the audits?

18 A. At the State.

19 Q. Do they give you a copy?

20 A. So during the MAP review or during the property  
21 value study review, which 2020 would have been a MAP  
22 review, they ask us for random accounts. They go in.  
23 They do their own evaluation of them. And then they --  
24 when they present it back to us, it's we either passed  
25 or failed. And so we've passed every MAP that we've

1 done. I don't know what the comptroller inspector --  
2 the State inspector looks at when he's asking for those  
3 properties. He just pulls random accounts.

4 Q. And as far as what he does and how he runs his  
5 own queries, you don't know that, do you?

6 A. No.

7 Q. They just tell you if you pass or fail?

8 A. Yes. They ask us for access to our system, and  
9 then he'll sit in the room and pull up all these  
10 accounts and look for different things in them.

11 Q. And that MAP review would have been the one for  
12 2020, correct?

13 A. For what you're talking about, yes.

14 Q. Okay. And for the year 2021, there wouldn't be  
15 a MAP review, would there?

16 A. No. It's property value study.

17 Q. Okay. Is that going to be done, again -- the  
18 property value study -- conducted by the State?

19 A. Yes.

20 Q. And that audit or -- audit for 2021, was that  
21 conducted?

22 A. Yes.

23 Q. And were those results provided to you?

24 A. Just recently, yes.

25 Q. Did you pass or fail?

1 A. It's not that simple with the property value  
2 study.

3 Q. Can you explain?

4 A. You either fall within a median or not. And  
5 some -- they only do the property value study for the  
6 school districts, and that's how schools receive state  
7 funding, partial state funding. And if they fall  
8 without -- with -- if they fall outside the median, they  
9 go into a grace period, and those can be appealed. And  
10 some of our school districts are outside of that, and  
11 they're being appealed right now, and that just means  
12 that they need more information to finish their  
13 valuation on it.

14 Q. And when you say "fall outside," what do you  
15 mean?

16 A. Oh, man. You're getting really technical.  
17 So every value has to fall within 95 to  
18 105 percent value. So you have a 5 percent median -- or  
19 5 percent -- what is it? Co-deficient? I forget the  
20 term.

21 MR. METCALF: Grace period.

22 A. Will, it's 5 percent either way. So you're  
23 supposed to be at 100 percent. You can either be 95 or  
24 105, either way. And so when they do their property  
25 value study, if you're -- if the accounts that they pull

1 are not within that, then you're outside of -- you're  
2 outside of the study, and you either need -- you either  
3 can protest it and say, "We think we are, and here's  
4 why. Here's some more evidence," or if you can't get  
5 back into the 10 percent, the 5 percent, either way,  
6 then you go into a grace period, and they'll reevaluate  
7 you next year.

8 Q. (BY MR. NOWAK) Who will reevaluate?

9 A. The comptroller.

10 Q. Besides this data entry specialist that you  
11 brought in, the quality, I think, control specialist  
12 that you have, are there any other audit processes done  
13 internally?

14 A. I'm -- I mean, I would argue, per department, a  
15 lot of our managers do field checks -- random field  
16 checks, pull cards for accuracy. I mean --

17 Q. Okay.

18 A. I mean, our managers do their own checks.

19 Q. And now I'm getting specific to the commercial  
20 division and what the managers do within the commercial  
21 department. As far as overseeing and applying any type  
22 of audit procedures, would you know about that?

23 A. No. That would be better left to ask Chuck.

24 Q. Were you ever made aware that Mr. Saling had  
25 testified that appraisers would go back and verify the

1 data coming out of the PACS system in a spreadsheet,  
2 taking random properties, but then those spreadsheets  
3 were shredded?

4 A. That doesn't surprise me. It's what's in -- as  
5 long as the value -- when the value changes, that's  
6 what's documented in the system. But it doesn't  
7 surprise me that -- how -- like, the spreadsheets or if  
8 they worked something up.

9 Q. What if the spreadsheets show that there was a  
10 problem, and it was shredded? Would you have a problem  
11 with that?

12 A. I would probably advise in the future to not do  
13 that.

14 Q. Not do what? Shred?

15 A. Yeah, to keep all evidence so we have it.

16 Q. I guess my point is, if we never see the  
17 shredded documents, there's no way to verify that the  
18 audit was conducted? Would you agree with that?

19 A. No.

20 Q. Well, if Mr. Saling says they would -- the  
21 appraiser would go -- take what comes out of the PACS  
22 system and check it themselves manually on their own  
23 spreadsheet and then shred that, how do we know that was  
24 done?

25 A. Well, I'm just saying that's not the only way

1 that they audit. There's other ways to audit it. So I  
2 don't know what all Chuck has, and I don't want to speak  
3 on behalf of him.

4 Q. Better question for Chuck, then?

5 A. Yes.

6 Q. As far as -- do you know what other processes  
7 would be there to check the system to make sure it's  
8 being audited correctly on the commercial side?

9 A. Can you rephrase that?

10 Q. Sure.

11 Besides these appraisers manually checking this  
12 PACS system -- or let's say manually checking this True  
13 Prodigy system by doing manual checks, do you know if  
14 there's any other type of appraisal process conducted  
15 internally?

16 A. That would be -- I would ask Chuck that.

17 Q. Okay. Is there any system in place or  
18 procedure in place to review or flag a property's  
19 valuation that is 50 to 400 percent higher to its  
20 comparable properties?

21 A. Is there a way to flag it?

22 Q. Yeah. I mean, is there anything that you would  
23 look at to know that?

24 A. I would ask Chuck that.

25 Q. Does DCAD have an internal recordkeeping

1 policy?

2 A. We follow the State's recordkeeping -- record  
3 retention.

4 Q. And what is that? Do you know?

5 A. No.

6 Q. You did not bring that here today, did you?

7 A. No.

8 Q. Who at DCAD would probably have the most  
9 knowledge of this retention policy at DCAD?

10 A. Kim Collins.

11 Q. We talked a little bit about this, and we might  
12 be able to go over it quickly. On ratio studies, are  
13 you familiar with how ratio studies are utilized?

14 A. I'd rather you ask Chuck. He's much more  
15 knowledgeable on that.

16 Q. Let's jump ahead in your notebook, ma'am.  
17 We're going to go to Exhibit 11, please. Are you there?

18 A. Uh-huh.

19 Q. This is a 2020 notice of appraised value for my  
20 client's property for Mavex Shops Flower Mound. And if  
21 you go down, this was generated from your office. Are  
22 you aware of that?

23 A. Yes.

24 Q. Does this look familiar? Do they do such  
25 things as this?

1 A. Yes.

2 Q. And they send them out to the property owner,  
3 don't they?

4 A. Yes.

5 Q. Okay. And what was the value that is denoted  
6 on Exhibit 11?

7 A. Which -- which value?

8 Q. For 2020. I apologize. For proposed 2020  
9 valuation.

10 A. Proposed?

11 Q. Yes, ma'am.

12 A. For 2020, proposed is 2.672824.

13 Q. So approximately 2.6 million or 2,672,000 and  
14 some change, correct?

15 A. Yes.

16 Q. How did DCAD come up with that number?

17 A. I delegate that to my employees.

18 Q. Okay. Well, I guess I'm trying to determine,  
19 does this come from the PACS system or the True Prodigy  
20 system?

21 A. The statement or the number?

22 Q. The number. I'm really focused on the number  
23 now.

24 A. No. I mean, the appraiser would have to  
25 appraise the value.

1 Q. But the appraiser appraises the value by using  
2 the CAMA system, correct?

3 A. No. I mean, we discussed all the things that  
4 they use --

5 Q. Well --

6 A. -- to determine this.

7 Q. Sorry. I didn't mean to interrupt you.

8 One of the things they use is the CAMA system,  
9 correct, either the True Prodigy system or the PACS  
10 system that gives the comp grids, correct?

11 A. Yes.

12 Q. So fair statement, for this 2020 valuation  
13 number we're seeing, which CAMA system would have been  
14 used by DCAD at that time by the appraiser?

15 A. Both.

16 Q. Both?

17 A. One was in 2019. One was in 2020.

18 Q. I know. I'm just talking about 2020. But  
19 we'll back up. I'll make it clear on the record. I  
20 apologize.

21 For the proposed 2020 number we're looking at  
22 on Exhibit 11, what CAMA system would have been used by  
23 the appraiser at DCAD?

24 A. Both.

25 Q. True Prodigy and PACS?

1 A. Yes. It takes a year to determine values. We  
2 have phases -- analysis phases. There's different  
3 phases of our calendar. And we were part in 2019, part  
4 in 2020.

5 Q. Okay. Maybe I misunderstood you earlier in  
6 deposition testimony, but I thought for 2020, the only  
7 system that was utilized by DCAD was True Prodigy. Is  
8 that incorrect?

9 A. No. It's correct. The only system used was  
10 2020. But you're asking how they arrived at these  
11 numbers.

12 Q. Right.

13 A. So we -- it's a -- it's a process. It's not  
14 like they just decide this in 2020. There's a process  
15 that happens throughout the year to determine these  
16 numbers. And so they start that process in the fall,  
17 before the notices go out.

18 Q. So is it your testimony the appraiser's  
19 actually using comp grids from 2019, the year before,  
20 for the 2020 valuation?

21 A. That, you can ask Chuck Saling.

22 Q. You don't know?

23 A. No.

24 Q. And I guess I'm just trying to break this down.  
25 On the proposed value that's shown here on 2020, the

1 2.6 million -- or 2,672,000 approximate value, then it's  
2 your testimony that the appraiser that would have come  
3 up with this number would have used the CAMA system,  
4 both True Prodigy and PACS system, to your knowledge,  
5 for the 2020 value?

6 A. Along with other things, yes, yes.

7 Q. Sure.

8 A. Yes.

9 Q. And I'm not trying to put --

10 A. Okay.

11 Q. We're going to get to that.

12 You said but for the comp grids, they would  
13 have used the CAMA systems, which would have included  
14 True Prodigy and/or the PACS system for 2020, correct?

15 A. Yeah. I'm unsure which one they used.

16 Q. I'm sorry?

17 A. I'm unsure which one they would use.

18 Q. Again, who would be able to answer that  
19 question? Chuck?

20 A. If he can, yes.

21 Q. You smiled, "If he can." Why?

22 A. Just because, I mean, we have over -- we have  
23 almost 500,000 parcels in Denton County. So to  
24 determine when a certain property was valuated, I -- but  
25 I think it's in the -- I mean, it's just done in mass

1 appraisal, so it would be hard for anybody to determine.

2 Q. Well, let me ask you this: DCAD would have the  
3 potential, would it not, to go back into the CAMA system  
4 for both the PACS system and, hopefully, the True  
5 Prodigy system in the records and find out what was  
6 utilized by the appraiser to get these valuations that  
7 are denoted on Exhibit 11, correct?

8 A. If that -- if True Prodigy still had all the  
9 documentation, yes.

10 Q. Okay. Well, I thought DCAD would have records  
11 of some of that True Prodigy stuff that was converted  
12 over. No?

13 A. It would. I just don't want to commit to --

14 Q. Okay.

15 A. -- everything, because I don't know --

16 Q. And I think that's fair enough. You've already  
17 told you're not sure.

18 A. Yeah.

19 Q. If it comes to light that some of that  
20 information is missing from the True Prodigy system,  
21 would that be an issue with DCAD not following the  
22 recordkeeping policies of USPAP?

23 A. It depends what -- it depends on what's  
24 missing.

25 Q. Okay. I think you talked to me earlier about

1 what an appraiser would use. We talked about the comp  
2 grids coming from the CAMA systems. They would also  
3 use, basically, you said, I think, closing statements  
4 for fair -- fair market value.

5 A. Those are more done with residential homes.  
6 That was when we were speaking broadly.

7 Q. Okay. What else would be utilized for -- by  
8 the appraiser to come up with this appraisal value for  
9 2020 and 2019 that's denoted here on Exhibit 11?

10 A. You would have to ask Chuck Saling.

11 Q. Okay. What about cost schedules that were  
12 utilized? Would those have been kept by DCAD for 2020?

13 A. Yes.

14 Q. And the appraisers would use such cost  
15 schedules, would they not?

16 A. Yes. You would have to ask Chuck, though,  
17 exactly what was used.

18 Q. And when the appraisers are using or coming up  
19 with these appraised values, such as proposed 2020  
20 number here shown on Exhibit 11, are they using actual  
21 expenses, or are they using expenses that are coming  
22 from the system -- the CAMA system?

23 A. You'd have to ask Chuck that.

24 Q. Okay. As a chief appraiser, would you expect  
25 that the 2020 notice of appraised value, as shown here

1 as Exhibit No. 11, complied with USPAP?

2 MR. METCALF: I'm going to object to form.  
3 It's misleading, because she wasn't chief when that went  
4 out. I don't know if we need to make that distinction,  
5 but -- or at least she wasn't when all this was done.  
6 She didn't become chief until after 2020 was done.

7 THE WITNESS: I came in, though, when some  
8 of this --

9 (Reporter requests clarification)

10 THE WITNESS: -- some of this was already  
11 done. But I came in in the middle.

12 Q. (BY MR. NOWAK) Well, let's look at Exhibit 11.  
13 I thought you became chief in February of 2020.

14 A. So these are mailed out, typically, April to  
15 May, so I would have been chief. But a lot of -- what I  
16 think what he's saying is a lot of the appraisal stuff  
17 is already completed by the time I became chief. So a  
18 lot of this is --

19 Q. Okay. Well, let's -- I'll break it down.

20 The date of the notice is April 29th, 2020,  
21 in Exhibit 11, correct?

22 A. Yes.

23 Q. Were you chief appraiser at that time at DCAD?

24 A. Yes.

25 Q. Were you responsible for the appraisal notices,

1 such as Exhibit 11, going out for DCAD at that time?

2 A. Yes.

3 Q. Now, with regard to how the appraiser conducted  
4 their appraisal, you would have been responsible for at  
5 least part of the information, potentially, that's shown  
6 here on 2020?

7 MR. METCALF: I'm going to object to form.  
8 I don't understand the question.

9 Q. (BY MR. NOWAK) Okay. Let me ask you this: As  
10 chief appraiser in 2020, in the proposed valuation  
11 that's shown or reflected on Exhibit 11, the appraisers  
12 would have utilized some of that information from the  
13 CAMA system from 2020, correct, or do you know?

14 A. Yes. I -- at the moment, I want to say I don't  
15 know.

16 Q. With regard to the proposed number that's shown  
17 here on 2020 on Exhibit 11, \$2,672,824 for this  
18 property, and what the appraiser did and how they went  
19 about doing it, would you have been responsible if some  
20 of that appraisal process took place in 2020, as the  
21 chief appraiser?

22 A. Each appraiser's responsible for their own  
23 values. That's why they have an individual license.

24 Q. Are you, as the chief appraiser, responsible to  
25 assure that these appraisers are following USPAP?

1 A. I do everything in good faith, yes.

2 Q. And that's my point. But if the appraiser --  
3 strike that.

4 The appraiser that comes up with this valuation  
5 reflected on the 2020 -- proposed 2020 on Exhibit 11,  
6 they're supposed to adhere to USPAP, correct?

7 A. They're supposed to, yes.

8 Q. And as the chief appraiser, you are to ensure  
9 that your appraisers are adhering to USPAP, correct?

10 A. Yes.

11 Q. If you see here on last year's 2019 valuation,  
12 it's 2,350,000 on Exhibit 11. So there was an increase  
13 of over \$300,000 on this appraisal. Do you know why  
14 that was?

15 A. No.

16 Q. In fact, it was approximately 7.8 percent  
17 increase in value for that year. Is that typical for a  
18 commercial property in Denton County?

19 MR. METCALF: Objection to the form of the  
20 question. You may answer.

21 A. I don't know.

22 Q. (BY MR. NOWAK) Who would know that at DCAD?

23 A. Chuck Saling.

24 Q. If you go back to Exhibit 8, ma'am, this is an  
25 agreed judgment that was entered on behalf of this

1 property, a value of -- 2019 appraised value of 925,000.

2 Do you see that on Page 2 of Exhibit 8?

3 MR. METCALF: I'm going to object to that  
4 document. It's a draft, obviously, not executed.

5 MR. NOWAK: That's fine.

6 Q. (BY MR. NOWAK) Do you see that value?

7 A. I can see the value, yes.

8 Q. 925,000? Okay.

9 If the parties agreed to that valuation in  
10 2019, should that number be utilized in some way, shape,  
11 or form by DCAD in coming up with the 2020 number?

12 A. I was not responsible for any of the appraised  
13 values at that time, so --

14 Q. That wasn't my question. My question was a  
15 little different.

16 If it was agreed that this piece of property  
17 was valued -- appraised value at 925,000, should that  
18 number, 925,000, be used by DCAD for the 2020 valuation?

19 MR. METCALF: I'm going to object to form  
20 and instruct you not to answer.

21 MR. NOWAK: Based on what?

22 MR. METCALF: It's misleading, because  
23 that number was agreed to well after any valuation was  
24 done for 2020. So they can't use something that  
25 happened in the future.

1 Q. (BY MR. NOWAK) Let me ask you this: To your  
2 knowledge, if an agreed judgment is done between the  
3 parties, the property owner and DCAD, and it -- DCAD has  
4 notice of that number, should that number be utilized  
5 for future valuations?

6 A. No, because it's based on the market, what's  
7 happening then.

8 Q. So you don't look at all what happened the year  
9 before?

10 A. We're required by law to reassess as of  
11 January 1.

12 Q. Sure. But you're supposed to look at the prior  
13 year value as well, are you not?

14 A. I mean, I don't know.

15 Q. Better question for Chuck?

16 A. For commercial, yes.

17 Q. Go to Exhibit 12, ma'am. I know we're jumping  
18 around. We looked at Exhibit 11 a minute ago, which was  
19 a notice of appraised value that was sent out on  
20 April 29th for 2020 for a value of \$2,672,824 for this  
21 piece of property, Mavex Shops Flower Mound.

22 If you go to Exhibit 12, you're going to see a  
23 2020 notice of appraised value corrected notice dated  
24 June 5th, 2020. The property is now being valued at  
25 \$3,880,472. This was sent out while you were chief

1 appraiser, correct, for DCAD?

2 A. Yes.

3 Q. Do you know why my client, who is the owner of  
4 Mavex Shops Flower Mound, received this corrected  
5 notice?

6 A. No.

7 Q. Why are corrected notices sent out, to your  
8 knowledge, at DCAD?

9 A. When something needs to be corrected.

10 Q. Okay. But what's the process? How does DCAD  
11 know if something needs to be corrected, if you know?

12 A. That's determined by the individual appraisers.

13 Q. If you go back and just look at Exhibit 11, the  
14 page before, the value is \$2,672,824 in April of 2020.  
15 And now, in June of 2020, in Exhibit 12, it's  
16 \$3,880,472, an increase of \$1.2 million.

17 Again, with regard to this correction and this  
18 amount, do you know why that took place?

19 A. No.

20 Q. Who would know at DCAD? The appraiser?

21 A. The appraiser on the account or Chuck could  
22 look that up for you.

23 Q. And should there be a record in the system, the  
24 CAMA system, both PACS system and the True Prodigy  
25 system, showing what was utilized to get this corrected

1 notice?

2 A. There should be, yes.

3 Q. And a record that would reflect and show why  
4 there was a \$1.2 million increase?

5 A. There should be, yes.

6 Q. And again, obviously, I'm not looking at that  
7 right now. If it comes to light that there is no record  
8 showing why there's a \$1.2 million increase, would that  
9 be a problem?

10 A. Probably. But I -- there's -- I'm limited on  
11 what I can do with the old software.

12 Q. Well, I thought you told me these notices that  
13 were sent out in 2020 were actually utilized in the PACS  
14 system and the True Prodigy system.

15 A. No. I said how they arrived at numbers.

16 Q. Okay.

17 A. So -- I mean, so something could have been  
18 scanned in PACS in 2019, yes. So I don't know, without  
19 looking at a computer, what's in there, what's not. I  
20 can't answer these questions.

21 Q. I think your hesitation -- and I just want to  
22 make sure we're clear on the record -- is with the True  
23 Prodigy system and whether the records are kept in the  
24 True Prodigy system?

25 A. Correct. I have no guarantee of anything that

1 was kept.

2 Q. Okay. You're comfortable with the PACS system  
3 on what would have been kept, but not necessarily the  
4 True Prodigy system?

5 A. Correct.

6 Q. As far as your knowledge with regard to the  
7 2020 notice of appraised value, denoted as Exhibit 12,  
8 was USPAP adhered to by the appraiser?

9 A. Yes.

10 Q. Or at least they should have, correct?

11 A. They should have.

12 Q. If you look at Exhibit 12, the last year's  
13 value denoted on this notice from June 5th, 2020, was  
14 \$2,350,000 for 2019. Then it went to \$3,880,472 in  
15 2020, correct, according to this exhibit? I'm on  
16 Exhibit 12.

17 A. Yeah. I was just -- I was looking back and  
18 forth. So what did you say that 2020 was?

19 Q. 2020 was approximately 3.8 million. And then  
20 2019 was approximately 2.35 million.

21 A. Yes, correct.

22 Q. Is it common for a piece of commercial property  
23 to increase in value of over 1.45 million in a single  
24 year?

25 A. I don't know.

1 Q. Could you think of reasons why such an increase  
2 would occur?

3 A. I don't want to speculate.

4 Q. Again, would we have to ask a specific  
5 appraiser or Chuck Saling to get that information?

6 A. Yes.

7 Q. If you go to Exhibit 9, please, ma'am. And  
8 this is Denton Central Appraisal District 2019 Mass  
9 Appraisal Report, June 28th, 2019. Go to Page 3,  
10 ma'am. And under "Determination of Highest and Best Use  
11 for Real Property," if you go to Section 23.01,  
12 "Appraisals Generally," under Section B, it says, "The  
13 market value of property shall be determined by the  
14 application of generally accepted appraisal methods and  
15 techniques. If the appraisal district determines the  
16 appraised value of a property using mass appraisal  
17 standards, the mass appraisal standards must comply with  
18 the Uniform Standards of Professional Appraisal  
19 Practices, or USPAP. The same or similar appraisal  
20 methods and techniques shall be used in appraising the  
21 same or similar types of property. However, each  
22 property shall be appraised based upon the individual  
23 characteristics that affect the property's market  
24 value."

25 That's what's stated there, is it not?

1 A. Yes.

2 Q. And you would agree with that, would you not?

3 A. Yes.

4 Q. If you go to "e," Section 23.01(e), it says,  
5 "Notwithstanding any provision of this subchapter to the  
6 contrary, if the appraised value of property in a tax  
7 year is lowered under Subtitle F, the appraised value of  
8 the property, as finally determined under that subtitle,  
9 is considered to be the appraised value of the property  
10 for that tax year. In the following tax year, the chief  
11 appraiser may not increase the appraised value of the  
12 property unless the increase by the chief appraiser's  
13 reasonably supported by substantial evidence when all of  
14 the reliable and probative evidence in the record is  
15 considered as whole."

16 Do you agree with that statement?

17 A. The chief appraiser is stated as just the  
18 appraisal district. I mean, obviously, I can't look at  
19 500,000 --

20 (Reporter requests clarification)

21 A. -- parcels.

22 Q. (BY MR. NOWAK) Sure. But the appraisal  
23 district is held to this standard, is it not?

24 A. Yes.

25 Q. And I mean Denton County Appraisal District,

1 correct?

2 A. Yes.

3 Q. If you go to Exhibit 10 of your deposition,  
4 ma'am, this is the same section, 23.01, 2020. Under "e"  
5 again, it says, "Effective January 1st, 2020.  
6 Notwithstanding any provision of this subchapter to the  
7 contrary, if the appraised value of property in a tax  
8 year is lowered under Subtitle F, the appraised value of  
9 the property, as finally determined under the subtitle,  
10 is considered to be the appraised value of the property  
11 for that tax year. In the next tax year in which the  
12 property is appraised, the chief appraiser may not  
13 increase the appraised value of the property unless the  
14 increase by the chief appraiser is reasonably supported  
15 by clear and convincing evidence when all of the  
16 reliable and probative evidence in the record is  
17 considered as a whole."

18 Do you agree with that statement?

19 A. It's the same statement, so yes.

20 Q. Okay. And it has to be supported by clear and  
21 convincing evidence. Do you know what that standard is?

22 A. I'm not clear what you're asking.

23 Q. Well, do you know what "clear and convincing"  
24 means?

25 A. Yes.

1 Q. Okay. Does DCAD adhere to Section 23.01(e)?

2 A. I would like to think so, yes.

3 Q. Do you know if they do?

4 A. I would hope each individual appraiser is doing  
5 that.

6 Q. So going back to what we were looking at under  
7 Exhibit 12, ma'am, there's a \$1.4 increase for this  
8 property for the year 2020. Would you agree with me,  
9 then, DCAD had to have clear and convincing evidence  
10 when all of the reliable and probative evidence in the  
11 record was considered to make that change from  
12 2.3 million to 3.8 million?

13 MR. METCALF: I'm going to object to form  
14 and ask you not to answer. It's confusing based on the  
15 fact that provision doesn't apply. There was no  
16 agreement prior to the next year's appraisal being under  
17 (e). I can slow down and explain more if you like.

18 MR. NOWAK: Are you talking about because  
19 of the agreed judgment in 2021? Is that what you're  
20 saying?

21 MR. METCALF: I don't know the date of the  
22 agreed judgment. But, yeah, it was after the value was  
23 already done.

24 MR. NOWAK: No. I understand that. But  
25 then it would be applicable for 2021.

1 MR. METCALF: No, not unless you agree to  
2 2020. This is previous years.

3 I can check the data.

4 MR. NOWAK: Yeah, I'm going to have --  
5 check it, or I'm going to have to call Donny to check  
6 it.

7 MR. METCALF: Can I have the number on the  
8 case for that one?

9 MR. NOWAK: Yeah.

10 MR. METCALF: Actually, Donny may be  
11 better to do it --

12 MR. NOWAK: Okay.

13 MR. METCALF: -- because he's going to  
14 order him to do stuff faster than I can try to figure  
15 out who to order to do that.

16 MR. NOWAK: That's fine.

17 MR. METCALF: I'm a lone wolf.

18 Q. (BY MR. NOWAK) Is it common, Ms. McClure, for  
19 a commercial property in Denton County to increase in  
20 value by over 60 percent in a single year?

21 A. I don't know.

22 Q. Again, a better question for Chuck Saling?

23 A. Yes.

24 Q. Let's go to Exhibit 13. I'm going to show you  
25 an income calculation worksheet for 2020 that was used

1 for my client that was provided by Chuck Saling. It's  
2 the last page of Exhibit 13. We might be able to cut to  
3 the chase on this.

4 Have you ever utilized income calculation  
5 worksheets at DCAD?

6 A. I don't know.

7 Q. You don't know, or have you?

8 MR. METCALF: I'm going to object. Yeah.  
9 I think just listen to his question again.

10 A. Okay.

11 Q. (BY MR. NOWAK) Have you ever used income  
12 calculation worksheets at DCAD?

13 A. Yes.

14 Q. Okay. Do you know how these work?

15 A. No.

16 Q. Okay. When you used the income calculation  
17 worksheets at DCAD, how did you use them?

18 A. I personally have not used them.

19 Q. Oh, okay. I thought you said you did. I'm  
20 sorry.

21 A. I thought you said, "Did DCAD use them?"

22 Q. Oh, okay. Maybe I did say that.

23 MR. METCALF: I think you're right. But I  
24 think we're all getting to that point.

25 MR. NOWAK: We're getting to that point.

1 THE WITNESS: Yeah.

2 Q. (BY MR. NOWAK) So just so we're clear on the  
3 record, you did not use income calculation worksheets  
4 when you worked at DCAD?

5 A. No.

6 Q. You individually?

7 A. Yes, correct.

8 Q. Okay. So how this income calculation worksheet  
9 is utilized, how the information's inputted on it, you  
10 don't know, fair?

11 A. Correct.

12 Q. Better question for the -- an appraiser that  
13 does that in the commercial section, or Chuck Saling?

14 A. Yes.

15 Q. Okay. You do know, do you not, though, the  
16 income method is used in the commercial property side of  
17 DCAD, correct?

18 A. Correct.

19 MR. NOWAK: Let's take a break. Go off  
20 the record.

21 THE VIDEOGRAPHER: Off the record at 3:12.

22 (Recess from 3:12 p.m. to 3:22 p.m.)

23 THE VIDEOGRAPHER: Back on the record at  
24 3:22.

25 Q. (BY MR. NOWAK) We're looking at Exhibit 13,

1 which was sent from Chuck Saling to my client, the  
2 income calculation worksheet, 2020. Just to be clear,  
3 you do know that -- or maybe you know now that these  
4 income calculation worksheets are utilized by DCAD?

5 A. Correct.

6 Q. You just don't know how, necessarily, it works  
7 or specifically works. Is that a fair statement?

8 A. Yes.

9 Q. Better question again for Chuck Saling or the  
10 appraiser that actually did this?

11 A. Yes.

12 Q. Okay. I want to clarify one or two things with  
13 regard to the Harris Govern or PACS system, just so  
14 we're clear. I know DCAD changed to True Prodigy in  
15 2020 and went back to the PACS system or Harris Govern  
16 system at the end of 2020 into 2021, correct?

17 A. Correct.

18 Q. My question is, prior to changing to the True  
19 Prodigy system, the PACS system was being utilized,  
20 correct?

21 A. Correct.

22 Q. And the records from that PACS system, DCAD  
23 still has that for the prior years, correct?

24 A. Correct. They were able to transfer everything  
25 back from 2019 to whenever that 12-year gap was. Yeah.

1 They were able to just move that. It was the 2020 year  
2 that was what they had to convert.

3 Q. So, basically, Harris Govern, or the PACS  
4 system -- comes through Harris Govern -- they were able  
5 to take all their old data and convert it right back  
6 into their present system. The one year that's  
7 troubling is 2020, because it's not their data; it's  
8 True Prodigy?

9 A. Correct, plus, I should add, anything that had  
10 to be supplemented during the 2020 year. So, like, it  
11 might have been 2017, 2018, like that. But it was  
12 something that was done during the 2020 year that was  
13 supplemented for a different year. Does that make  
14 sense?

15 Q. I think so.

16 A. So anything that was done during those years,  
17 yes, was -- was converted back easily. But a lot of  
18 times, kind of like right now, it's 2022, but we're  
19 working on a 2020 case. So if we change this value in  
20 2020, we're going to have to go back and supplement --

21 Q. Right.

22 A. -- 2020. So anything that was supplemented in  
23 the year 2020 for those prior years had to be converted  
24 also.

25 Q. Okay.

1 A. Does that make sense?

2 Q. No. It totally makes sense.

3 MR. METCALF: Can I add something?

4 MR. NOWAK: Yeah.

5 MR. METCALF: And we had a ton of trouble  
6 with the document correction that Donny and I worked  
7 through. And they had a four-month -- during the second  
8 reconversion or whatever, they had a four-month period  
9 where they had no access to any documents at all. We  
10 didn't -- they didn't know what they were going to get  
11 on the back end or what they were going to have access  
12 to or anything like that. And so that was right in the  
13 middle of that other deposition. They had no clue about  
14 any of that stuff, what was still there or not. And  
15 they were locked out of both systems, I believe.

16 THE WITNESS: Uh-huh, correct.

17 MR. NOWAK: Now they have more access to  
18 the system?

19 MR. METCALF: They know -- they at least  
20 know with 100 percent certainty what they have and what  
21 they don't have and why.

22 MR. NOWAK: Okay. Okay. That's good to  
23 know. All right. Thank you. That helps.

24 Q. (BY MR. NOWAK) With regard to the  
25 classification or characterization of a property, A, B,

1 or C, within the commercial division, do you know how  
2 that's done at DCAD?

3 A. There's more technical things that, no, I  
4 don't. But overall, generally, yes.

5 Q. You know there's different categories about how  
6 they're compiled or put into one category or not? You  
7 wouldn't have that specific information on that, would  
8 you?

9 A. Not without seeing it in front of me, all the  
10 different state codes.

11 Q. Would Chuck Saling probably have a better  
12 understanding of how that's done at DCAD?

13 A. Yes.

14 Q. Have you ever heard of a person named Mack  
15 Bottum?

16 A. No, sir.

17 Q. Do you know if DCAD ever hires Mack Bottum as  
18 an expert to appraise properties when those appraisals  
19 are being litigated?

20 A. I've never heard that name, so no.

21 Q. Do you know that if DCAD actually -- when a  
22 case such as this goes to litigation, DCAD -- or strike  
23 all that.

24 When a case like this goes to litigation, do  
25 you understand that DCAD can hire or retain an expert to

1 appraise the property value, look at it again, and give  
2 an expert appraisal?

3 A. I understand that that's an option, yes.

4 Q. You've never heard of Mack Bottum before?

5 A. No.

6 Q. So you wouldn't have any knowledge if he's been  
7 used as an expert appraiser before for DCAD?

8 A. No. I mean, I don't -- as a company name  
9 maybe. But, no, I don't.

10 Q. Were you aware, ma'am, that 2020, 130 of the  
11 140 commercial properties across six class codes for  
12 shopping centers were reduced?

13 A. No.

14 Q. If that is the case, will DCAD have information  
15 within the PACS system or information within the True  
16 Prodigy system that could explain why those properties  
17 reduced -- were reduced in valuation?

18 A. I don't know.

19 Q. As far as using comparative properties for a  
20 commercial property valuation, do you know how DCAD does  
21 that?

22 A. No.

23 Q. I know you said they get the comp grids from  
24 the CAMA system. But other than that, do you know how  
25 that works?

1 A. No.

2 Q. Do you know what the ARB is?

3 A. Yes.

4 Q. Do you know how those members are selected?

5 A. Yes.

6 Q. How?

7 A. They fill out an application, and those  
8 applications are sent to the administrative district  
9 judge of Denton County, and the district judge chooses  
10 them.

11 Q. Are those ARB members, to your knowledge,  
12 required to be licensed real estate appraisers?

13 A. No, they are not required. Some of them are, I  
14 think, but they're not required, no.

15 Q. Are they given any type of training by DCAD?

16 A. By the State.

17 Q. But not --

18 A. Well, and -- and -- sorry.

19 Q. No. Go ahead.

20 A. There is required State training that they have  
21 to do. And then, obviously, there's training on how --  
22 how our system within DCAD works. So, yeah, every  
23 appraisal district's a little different with how they  
24 run hearings.

25 Q. So DCAD does provide them some sort of

1 training?

2 A. Not -- we let them use our facility and kind of  
3 our procedures -- our policies and our procedures. But  
4 we don't train the ARB to do anything, if that makes  
5 sense.

6 Q. Sure. What is your -- what did -- in your --  
7 strike that.

8 What is your understanding of the function of  
9 the ARB?

10 A. They are a third-party citizens -- Denton  
11 County citizens that handle disputes between a property  
12 owner and the appraisal district when they cannot agree  
13 on a value.

14 Q. Is there any relationship between the ARB and  
15 DCAD?

16 A. No.

17 Q. If you know, how does the ARB value commercial  
18 property?

19 A. Oh, I don't know.

20 Q. As far as -- and if you know this -- who is  
21 responsible at the -- responsible at the ARB for keeping  
22 records for the protest hearings, if you know?

23 A. That would be the district staff.

24 Q. And then should the district staff, then,  
25 transfer those recordings to the file for a specific

1 property?

2 A. It's my understanding that they get recorded  
3 within PACS.

4 Q. How about when the system being used was True  
5 Prodigy? Was that being recorded within the system?

6 A. I don't know.

7 Q. Do you know if True Prodigy kept the recordings  
8 of those ARB protest hearings?

9 A. I think we have them in-house, because I think  
10 we recorded them outside True Prodigy, but I don't want  
11 to say that 100 percent.

12 Q. Is there any type of document or record showing  
13 which employee and what time or date a recording data  
14 file was accessed?

15 A. I don't know.

16 Q. I'm going to mark as Exhibit No. 34 to your  
17 deposition, ma'am -- this is Plaintiff's Second Amended  
18 Petition.

19 (Exhibit 34 marked)

20 Q. (BY MR. NOWAK) I think you said you looked at  
21 that prior to the deposition here today. Is that  
22 correct?

23 A. Yes.

24 MR. METCALF: I don't know if that's what  
25 you looked at or not.

1 THE WITNESS: Yeah.

2 MR. NOWAK: Okay. Well, we can look at it  
3 now.

4 MR. METCALF: I know we sent her a  
5 petition. I can't guarantee it was the correct one.  
6 That was done by a third party.

7 Q. (BY MR. NOWAK) Take a look at it and review  
8 it --

9 A. Okay.

10 Q. -- for a second. I've just got some questions  
11 on it.

12 MR. METCALF: And if he has a specific  
13 question, he'll point you to a section. You don't have  
14 to memorize it.

15 Q. (BY MR. NOWAK) Yeah, yeah. No, you don't have  
16 to memorize it all. I just wanted to know that you've  
17 looked at it and seen.

18 MR. METCALF: She's very thorough, so --

19 THE WITNESS: Yeah.

20 MR. NOWAK: Okay.

21 A. I would sit here and read it all, so yes.

22 Q. (BY MR. NOWAK) Okay. You understand that  
23 you've been sued in your capacity as chief appraiser in  
24 this lawsuit?

25 A. Yes.

1 Q. Okay. I'd like you to go to Page 5, ma'am, of  
2 the Plaintiff's Second Amended Petition. Let's start  
3 with Paragraph 5.01. It says, "DCAD" -- it states,  
4 "DCAD uses a computer mass appraisal system called PACS  
5 Appraisal. PACS Appraisal is the primary software used  
6 by DCAD to conduct property appraisals for Denton  
7 County. Pursuant to Section 23.01(b) of the Texas Tax  
8 Code, if an appraisal district determines the  
9 appraisal -- appraised value of a property using mass  
10 appraisal standards, the mass appraisal standards must  
11 comply with Uniform Standards of Professional Appraisal  
12 Practice."

13 Do you agree that's a true statement?

14 A. Yes.

15 Q. "Thus, the standards used by DCAD related to  
16 the use of the PACS Appraisal software to perform a mass  
17 appraisal for the year 2020 must comply with the Uniform  
18 Standards of Professional Appraisal Practice, or USPAP."

19 Do you agree with that?

20 A. No. We did not have PACS in 2020.

21 Q. Okay.

22 MR. NOWAK: We'll probably be amending  
23 this petition after this, but that's fine.

24 MR. METCALF: I really don't -- we don't  
25 care.

1 Q. (BY MR. NOWAK) But with regard to that, would  
2 you agree if the system being utilized was True Prodigy,  
3 that the True Prodigy software to perform a mass  
4 appraisal for the year 2020 must comply with USPAP?

5 A. I would hope that it would.

6 Q. Well, it has to, does it not?

7 A. Well, I mean, I just -- with their software, I  
8 just -- from what we found, yes, it applied -- or it  
9 complied. Sorry.

10 Q. From what you know, as you sit here today, you  
11 believe that True Prodigy software complied with USPAP?

12 A. Yes.

13 Q. But you're hesitant there that there may be  
14 some issues you just don't know?

15 A. Yes. None that I'm aware of.

16 Q. Have you dug deep enough in an investigation to  
17 determine if USPAP was complied with utilizing the True  
18 Prodigy system?

19 A. That's when the audits from the State and  
20 sending it out to the entities and they kind of do their  
21 own internal with -- or internal audits with the  
22 numbers, I feel comfortable. It was in -- everything  
23 was done in good faith.

24 Q. Okay. Well, just because something's done in  
25 good faith doesn't mean it complies with USPAP, correct?

1 A. Correct.

2 Q. Let me ask you this: Was there ever any  
3 internal investigation conducted by DCAD involving the  
4 True Prodigy system?

5 A. No.

6 Q. Okay. Is DCAD planning on doing any more type  
7 of investigation into the True Prodigy system?

8 A. No.

9 Q. Okay. I know a settlement was reached, fair?

10 A. Right.

11 Q. Prior to that settlement being reached, was  
12 there any type of investigation conducted?

13 A. No.

14 Q. Okay. I thought you told me earlier, too, in  
15 the 2020 year, that the PACS system was also being  
16 utilized, was it not?

17 A. No, it was not.

18 Q. Okay. So we're clear, just on the record, the  
19 PACS system for the year 2020 was not being utilized by  
20 DCAD?

21 A. Correct.

22 Q. Okay.

23 A. We were being converted by then, but we were  
24 not using them.

25 Q. And that was at the end of 2020?

1 A. Correct.

2 Q. I think from September on, correct?

3 A. Correct.

4 Q. If no investigation was conducted by DCAD with  
5 regard to True Prodigy, how do you know whether DCAD was  
6 adhering to USPAP when it was utilizing True Prodigy  
7 system?

8 A. The CAMA software vendor themselves have a  
9 standard that they have to uphold by creating the  
10 software. So I'm assuming that they -- I just don't  
11 really want to speak on True Prodigy at all, because I  
12 don't know what all -- I didn't spend enough time with  
13 them as chief appraiser to know what -- what their --  
14 what their software --

15 Q. When you say "CAMA software," is CAMA software  
16 a title that means that -- strike that.

17 Tell me what you mean when CAMA software would  
18 look at the software by True Prodigy. Do they give it a  
19 stamp of approval? What's CAMA stand for?

20 A. Just -- you just read it.

21 MR. METCALF: CAMA is the generic --

22 (Reporter requests clarification)

23 MR. METCALF: CAMA is the generic acronym  
24 for -- and specifically --

25 A. Computer mass appraisal system.

1 Q. (BY MR. NOWAK) Right. But I guess my question  
2 is, just because it's a CAMA system, True Prodigy, are  
3 they -- are they dealing with another third party or  
4 some other entity that's making sure they're adhering to  
5 this mass appraisal system when it's being used? Do you  
6 follow what I'm saying?

7 A. Yeah. I don't know if they -- I don't know. I  
8 don't know if they have to.

9 Q. Okay. Because when you just said a minute  
10 ago -- and that's what I was getting at --

11 A. I know that -- I guess what I'm saying is I  
12 know that Harris Govern does. They follow legislation.  
13 They make sure the legislation is put into their  
14 software. They have a high standard of how they do  
15 things, and I'm very familiar with Harris Govern. I  
16 just don't like to speak on behalf of True Prodigy,  
17 because I'm not familiar with their practices.

18 Q. And -- and that's where I'm going. I think --  
19 and I don't want to put words in your mouth. You seem,  
20 as a chief appraiser, comfortable with the PACS system  
21 and Harris Govern and that they're adhering to the USPAP  
22 standards?

23 A. Correct.

24 Q. You've had familiarity with them. You're  
25 confident that they're following USPAP?

1 A. Correct.

2 Q. With regard to True Prodigy, on the other hand,  
3 do you know what, if anything, that they did to ensure  
4 that they complied with USPAP?

5 A. No, I do not know.

6 Q. And have you done any independent  
7 investigation -- I mean you or DCAD -- to determine if  
8 True Prodigy did anything to ensure that they complied  
9 with USPAP?

10 A. Not that I'm aware of.

11 Q. And I guess just to follow up on all that line  
12 of questioning, is there any type of third party that  
13 oversees these type of software companies to assure that  
14 they meet to some specific standard, to your knowledge?

15 A. I would hope that previously, when I was not  
16 chief appraiser, when the board made the decision and  
17 the IT manager brought them in, that that was part of  
18 the process, the RFP that has to be done. Those are  
19 questions that are asked during an RFP. And those are  
20 things that should have been checked when they were  
21 allowed to come into the appraisal district, which I was  
22 not responsible for.

23 Q. Fair enough.

24 And I think you told me earlier -- I just want  
25 to be clear on this -- that when that RFP was presented

1 and done by Mr. Green to the board, that was recorded,  
2 correct?

3 A. Yes.

4 Q. And so there should be evidence of that  
5 presentation in what True Prodigy could do, could not  
6 do, and how it would adhere to USPAP principles?

7 A. Yes. I don't think we recorded boards back  
8 then, but there were minutes from it. And then anything  
9 that we submitted to the board, we would -- it would  
10 still be in the files -- or anything they submitted to  
11 the board would still be in the files.

12 Q. So back when Mr. Green would have submitted the  
13 proposal, the RFP, to the board, there weren't  
14 recordings at that time; someone was taking minutes?

15 A. Yes.

16 Q. Who would that person have been taking the  
17 minutes?

18 A. Me.

19 Q. Fair enough. That's probably why you know.  
20 Were you handwriting it, or were you recording  
21 it?

22 A. Handwriting it, and then I would type them up  
23 later.

24 Q. Okay. Now they're recorded?

25 A. Yes. As of 2020, they started to be recorded.

1 So one meeting has been recorded.

2 MR. METCALF: You mean 2022?

3 A. 2022. Sorry.

4 Q. (BY MR. NOWAK) Yeah. I was going to say,  
5 "Wait a minute." It's okay.

6 A. So many days.

7 Q. So as of 2022 they were being recorded. Before  
8 that, they were handwritten minutes?

9 A. Yes, sir.

10 Q. And you were involved in the specific  
11 handwritten minutes for the RFP involving Mr. Green and  
12 True Prodigy?

13 A. I don't know if there was an actual RFP. So  
14 that would have been on the board of directors back then  
15 too, so --

16 Q. Okay. I know what an RFP is.

17 (Reporter requests clarification)

18 Q. (BY MR. NOWAK) Why wouldn't there have been an  
19 RFP for True Prodigy?

20 A. I just don't recall if there was one. Any  
21 documentation that was presented to the board would  
22 still be in my files, though. That was just 2018. So I  
23 can't remember.

24 Q. Isn't the appropriate method to have an RFP?

25 A. Yes.

1 Q. Especially for an appraisal district that's  
2 public?

3 A. Yes.

4 Q. To be transparent, correct?

5 A. Correct.

6 Q. You don't want to just give it to one person.  
7 RFP allows more than one person to bid on a project or  
8 provide a service, and then the board makes a decision?

9 A. Correct. And as chief appraiser, I have done  
10 that.

11 Q. And I'm not saying you haven't. I'm trying to  
12 go back before you were chief appraiser.

13 As far as that happening in that meeting when  
14 you were taking the minutes, you don't recall?

15 A. No, I don't recall.

16 Q. There would be some record or documentation of  
17 what would have happened during that board of directors  
18 meeting at that time for the RFP involving True Prodigy  
19 and whether or not there was actually an RFP. Fair  
20 statement?

21 A. Correct.

22 Q. If there wasn't, obviously, that would be on a  
23 prior chief appraiser and a prior board, correct?

24 A. Correct.

25 Q. You, as a chief appraiser, I would hope, would

1 ensure an RFP would be presented in a similar situation  
2 and people would be allowed to present their services,  
3 and then a decision would be made, correct?

4 A. Correct.

5 Q. This suit involving you, Ms. McClure, is a  
6 declaratory judgment. And we're asking the Court to  
7 determine certain violations. Excuse me. One of the  
8 judgments we're seeking on Page 7 of the petition is,  
9 "Hope McClure has failed to comply with USPAP records  
10 keeping rule when conducting the 2020 mass appraisal  
11 process."

12 Is it your position you did adhere to USPAP?

13 MR. METCALF: I'm going to object to the  
14 form. It's confusing.

15 I'm going to ask you not to answer. I  
16 don't think that you were chief appraiser during any  
17 2020 mass appraisal. But if I'm wrong, you can clarify  
18 or he can re-clarify.

19 Q. (BY MR. NOWAK) Well, is it your position,  
20 Ms. McClure, you were not in charge of the appraisers  
21 that were conducting the appraisals for 2020?

22 A. A valuation that was done as of January 1st,  
23 2020? No, I was not chief appraiser at that time.

24 Q. You became in February?

25 A. Yes.

1 Q. Were there any appraisals done after February?

2 A. I do not know.

3 Q. If there were, would you have been responsible  
4 for them?

5 A. The individual appraiser's responsible for  
6 their appraisals. I'm not responsible for the  
7 appraisers.

8 Q. That's where I was going to go. So, as chief  
9 appraiser, if it was conducted after February of 2020,  
10 you would have been responsible for them to ensure they  
11 were following USPAP, correct?

12 A. Yes.

13 Q. Okay. Did that happen, or do you remember?

14 A. I do not know.

15 Q. If it did occur -- we'll use a hypothetical --  
16 did you comply with USPAP records keeping rule when  
17 conducting the 2020 mass appraisal process for  
18 appraisals done after February 2020?

19 A. I --

20 MR. METCALF: I'm going to object to the  
21 form. It's confusing to me.

22 But you can answer if you know.

23 A. I don't know.

24 Q. (BY MR. NOWAK) So you don't know if the  
25 records keeping rule was complied with in 2020 when mass

1 appraisals were conducted?

2 MR. METCALF: I'm going to object to form.

3 Q. (BY MR. NOWAK) You can answer.

4 A. I was just going to say, as I keep repeating, I  
5 just don't know what is -- what got transferred in or  
6 put into True Prodigy and what came out of it.

7 Q. If True Prodigy did not keep everything and it  
8 did not get transferred -- transferred and converted  
9 over to the PACS system, then some records would have  
10 been lost. Fair statement?

11 A. Could have been, yes.

12 Q. And if those records were lost, you'd agree  
13 with me, then, there would be a violation of the records  
14 keeping rule, correct?

15 MR. METCALF: I'm going to object to form.

16 You may answer if you know.

17 A. I don't know.

18 Q. (BY MR. NOWAK) You don't know if that would be  
19 a violation?

20 A. No, because I'm not familiar with exactly what  
21 is in the records keeping rule.

22 MR. METCALF: Do you need more water?

23 THE WITNESS: No. I'm okay.

24 Q. (BY MR. NOWAK) Go to Page -- or Exhibit 3  
25 again, ma'am, Page 10, the records keeping rule.

1 A. Page 10?

2 Q. Yes, ma'am.

3 Do you recall me asking you questions about  
4 these -- this recordkeeping rule earlier?

5 A. Yes.

6 Q. Okay. If a work file needs to be maintained by  
7 DCAD and that work file should consist of the things  
8 referenced in this recordkeeping rule denoted on  
9 Page 10 -- excuse me -- and certain of those records are  
10 no longer within the CAMA system because they did not  
11 get converted over from True Prodigy or somehow they  
12 were deleted and they're no longer there, would that be  
13 a violation of the recordkeeping rule?

14 MR. METCALF: Objection to form.

15 You can answer if you know.

16 A. Yes, if they're not in there, if it didn't get  
17 converted.

18 Q. (BY MR. NOWAK) Or if they got deleted. Fair  
19 statement?

20 A. Well, that would mean they didn't get  
21 converted.

22 Q. That's true.

23 A. Yeah. I'm sure True Prodigy still has them  
24 somewhere. I just don't.

25 Q. But True Prodigy is not required to keep DCAD's

1 records, are they?

2 MR. METCALF: Objection to form.

3 Q. (BY MR. NOWAK) Do you know?

4 A. I don't know.

5 Q. Well, for example, if I'm making a request of  
6 DCAD for this information for a work file and DCAD  
7 doesn't have it, you're not telling me that I need to go  
8 look at True Prodigy, are you?

9 MR. METCALF: Objection to the form.

10 You may answer.

11 A. I had -- I asked our attorney about this, like  
12 if I needed to get retention from True Prodigy, what  
13 would I do, and --

14 MR. METCALF: I'm going to object to  
15 anything --

16 (Reporter requests clarification)

17 MR. METCALF: -- your attorney may have  
18 told you after consulting him for legal advice.

19 Q. (BY MR. NOWAK) I don't want to know what  
20 you --

21 A. Okay.

22 Q. -- and your attorney -- that's considered  
23 privileged.

24 A. Okay.

25 MR. METCALF: I think they did own it --

1 the data. The third-party vendor owned the data.

2 MR. NOWAK: They do what?

3 MR. METCALF: I think if you ask who  
4 owned -- who owned that data, that may get where you're  
5 trying to go.

6 MR. NOWAK: Okay.

7 MR. METCALF: But I'm not sure.

8 MR. NOWAK: Maybe not. We'll see.

9 Q. (BY MR. NOWAK) Who owns that data -- or the  
10 data from True Prodigy?

11 A. I think they do, yeah.

12 Q. Do you know if they've kept it?

13 A. No, I do not know if they've kept it.

14 Q. Okay. Did -- or with -- strike that.

15 Part of the settlement with True Prodigy, did  
16 DCAD have the ability to retain that information from  
17 True Prodigy?

18 A. No.

19 Q. That was not part of the settlement?

20 A. No.

21 Q. If DCAD needs to get some of that information  
22 from True Prodigy as part of the settlement, can they  
23 get that information from True Prodigy?

24 A. That's what I asked my attorney.

25 Q. Okay. I don't want you --

1 MR. METCALF: Fine. If you asked him, you  
2 can say whatever you asked.

3 A. I asked my attorney that.

4 Q. (BY MR. NOWAK) Okay. Without divulging what  
5 your attorney said, is it your understanding that DCAD  
6 can get that information?

7 A. I guess I can't answer that without --

8 MR. METCALF: You can, if you know. It's  
9 a technical legal thing. You can't say what advice your  
10 attorney gave you. But if after meeting with your  
11 attorney you have knowledge that allows you to move  
12 forward, you can tell him what that knowledge is that  
13 you learned from the meeting so long as it's not direct  
14 legal advice.

15 THE WITNESS: You told me we would try  
16 to --

17 MR. METCALF: I'll just allow it. Go  
18 ahead.

19 MR. NOWAK: Okay.

20 A. Yeah. It's not that -- he said we would  
21 handle -- we would cross that bridge when we got there.  
22 And we haven't needed anything from them yet. I wanted  
23 to pursue it ahead, to get ahead of it. And it was such  
24 a gray area that they said we'll handle it if we need to  
25 later.

1 Q. (BY MR. NOWAK) So I take it from your answer,  
2 right now you're not sure if DCAD can get that  
3 information from True Prodigy, but the option may be  
4 there?

5 A. Correct.

6 Q. So if I am a personal -- excuse me. Strike  
7 that.

8 If I'm a property owner in DCAD, I'm  
9 protesting -- I have a protest on file, I have  
10 litigation involving a piece of property with DCAD and  
11 it involves this True Prodigy system and information  
12 contained in the work file, and I make those requests of  
13 DCAD and it's not in there, can you tell me whether or  
14 not I'll be able to get that?

15 A. No.

16 Q. Judgment 2 says, "Hope McClure has failed to  
17 comply with USPAP ethics rules by willfully or knowingly  
18 violating the records keeping rule."

19 We talked about, again, the ethics rule, if you  
20 go to the beginning of Exhibit 3 here, the first page.  
21 And remember going over that?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes.

25 Q. You can go turn to that page, if you want to.

1 One of the rules is, "Must not willfully or knowingly  
2 violate the requirements of the recordkeeping rule,"  
3 which is listed here.

4 I understand that the issues that DCAD may be  
5 having involved True Prodigy. But as a chief appraiser,  
6 as we talked about earlier, the buck does stop with you,  
7 correct?

8 A. Correct.

9 Q. And so if there are issues with True Prodigy  
10 and getting that information from the work files, the  
11 buck still stops with you. Fair statement?

12 MR. METCALF: Objection to the form. If  
13 you can limit it in time, that would be helpful.

14 MR. NOWAK: Sure.

15 Q. (BY MR. NOWAK) In 2020, the buck stops with  
16 you once you became chief appraiser?

17 A. Can you rephrase?

18 Q. Sure.

19 If it's -- if it's -- strike that.

20 If it's shown that my client wants information  
21 concerning his work files that are part of the True  
22 Prodigy system and they're not all there, if that is the  
23 case, you are responsible for what took place at DCAD  
24 once you became chief appraiser in February of 2020,  
25 correct?

1 A. I would disagree with that.

2 Q. And why?

3 A. If the third party owns the software and they  
4 refuse to give it to us or if it was not in there -- I'm  
5 not willing or knowingly violating the recordkeeping.

6 Q. Let me ask you this: By not having the  
7 ability -- well, strike that.

8 DCAD, when it still had retained True Prodigy,  
9 they had the option to ensure that the records from True  
10 Prodigy -- True Prodigy were kept at DCAD, did they not?

11 A. No.

12 Q. That was not an option?

13 A. No. True Prodigy took their software.

14 MR. METCALF: They would guard that stuff  
15 with their life.

16 MR. NOWAK: I understand.

17 MR. METCALF: It's all been declared trade  
18 secrets by everybody.

19 MR. NOWAK: No. I understand.

20 Q. (BY MR. NOWAK) But let me ask you this: With  
21 the contract between DCAD and True Prodigy, the data  
22 within it was not -- was that not the property of  
23 DCAD --

24 MR. METCALF: I'm going to object to the  
25 form.

1 Q. (BY MR. NOWAK) -- if you know?

2 A. I was not the chief appraiser assigned to that  
3 contract.

4 Q. Have you ever reviewed the contract?

5 A. My attorneys have.

6 Q. Is that contract still in existence?

7 A. Yes.

8 Q. Judgment 3, it says, "Hope McClure has failed  
9 to comply with USPAP Standards Rule 5-(b) by committing  
10 substantial errors of omission and commission that  
11 significantly affected the mass appraisal conducted by  
12 DCAD in 2020."

13 Do you agree with that?

14 A. No.

15 Q. Is it your position, as chief appraiser in  
16 2020, that DCAD complied with USPAP Standards  
17 Rule 5-(b) -- 5-1(b)?

18 A. Yes.

19 Q. Judgment No. 4, it says, "Hope McClure has  
20 failed to comply with USPAP Standards Rule 5-1(c) by  
21 rendering the 2020 mass appraisal in a careless or  
22 negligent manner."

23 MR. METCALF: Same objection.

24 Q. (BY MR. METCALF) Do you agree with that?

25 A. No.

1 Q. As chief appraiser that became chief appraiser  
2 in February of 2020 -- let me ask it this way, since I  
3 got an objection: As chief appraiser in 2020 -- strike  
4 that.

5 When you became chief appraiser in February of  
6 2020 for DCAD, did you fail to comply with USPAP  
7 Standards Rule 5-1(c) by rendering the 2020 mass  
8 appraisal in a careless or negligent manner?

9 A. No.

10 Q. Was it careless or negligent to not ensure that  
11 the True Prodigy software and the information contained  
12 therein, which would include the work files, could not  
13 be maintained at DCAD somehow, some way?

14 A. No, not if it's in the contract that they own  
15 it.

16 Q. And is it your position that they actually own  
17 the data within the contract as well?

18 A. I'm not familiar with the contract. I didn't  
19 sign it.

20 Q. Were you there when the settlement occurred?

21 A. Yes.

22 Q. You were the chief appraiser at that time?

23 A. Yes.

24 Q. When the settlement occurred, did you make sure  
25 that there was some way or somehow that the data within

1 True Prodigy would be maintained or could be accessed to  
2 ensure if a property owner wanted to look at the work  
3 files, they could see it?

4 A. I asked about all that, but I was only able to  
5 get what I was allowed to.

6 Q. Which was not the ability to ensure that  
7 information was kept at DCAD, correct?

8 A. Correct.

9 Q. Judgment No. 5, "Hope McClure has failed to  
10 comply with USPAP Standards Rule 5-2(e)(iii) by failing  
11 to consider location when conducting the mass appraisal  
12 in 2020."

13 Do you agree that once you became chief  
14 appraiser in February of 2020, that you failed to comply  
15 with USPAP's Standards Rule 5-2E3?

16 A. No.

17 Q. Judgment No. 6, "Hope McClure has failed to  
18 comply with USPAP Standards Rule 5-4(b) by failing to  
19 develop mathematical models that, with reasonable  
20 certainty, represent the relationship between property  
21 value and supply and demand factors as represented by  
22 quantitative and qualitative approaches to value for the  
23 2020 mass appraisal."

24 Do you agree, once you became chief appraiser  
25 in February of 2020, that you failed to comply with

1 USPAP Standards Rule 5-4(b), as denoted here?

2 A. No.

3 Q. Going to Page 8, ma'am, please, Judgment No. 7  
4 states, "Hope McClure has failed to comply with USPAP  
5 Standards Rule 5-4(c) by failing to employ recognized  
6 techniques for calibrating the mass appraisal models  
7 used in 2020."

8 Do you agree, once you became chief appraiser  
9 in February of 2020, you failed to comply with USPAP  
10 Standards Rule 5-4(c)?

11 A. Not willingly or knowingly, no.

12 Q. And as far as the calibration and the  
13 techniques used in 2020, who at DCAD that worked for you  
14 would have been responsible for that?

15 A. Chuck Saling.

16 Q. Anybody else?

17 A. His staff, his appraisers.

18 Q. If they failed to use recognized techniques for  
19 calibrating the mass appraisal models, you would be  
20 responsible for their failures. Would you agree with  
21 that?

22 A. Yes.

23 MR. METCALF: Objection to form. Not  
24 limited to time.

25 Q. (BY MR. METCALF) In 2020.

1 A. Yes.

2 Q. Judgment No. 8 says, "Hope McClure has failed  
3 to comply with USPAP Standards Rule 5-7(a) by failing to  
4 recognize" -- "reconcile" -- excuse me -- "the quality  
5 and quantity of data available and analyzed within the  
6 approaches used and the applicability and relevance of  
7 the approaches, methods, and techniques used in the 2020  
8 DCAD mass appraisal."

9 When you became chief appraiser in February of  
10 2020, did you fail to comply with USPAP's standards  
11 Rule 5-7(a), as denoted here?

12 A. Not willingly or knowingly.

13 Q. Who would have been responsible for making sure  
14 to reconcile the quality and quantity of data available  
15 and analyzed within the approaches used in 2020?

16 A. The commercial department.

17 Q. Which would have been Chuck Saling?

18 A. Uh-huh.

19 Q. Is that a yes?

20 A. Yes.

21 Q. And his staff?

22 A. Yes.

23 Q. If they failed to comply with USPAP Standards  
24 Rule 5-7(a), you would be responsible for that, would  
25 you not, in 2020?

1 A. Yes, yes.

2 Q. Judgment No. 9, "Hope McClure has failed to  
3 comply with USPAP Standards Rule 5-7(b) by failing to  
4 use or implement appraisal testing procedures and  
5 techniques to ensure that standards of accuracy are  
6 maintained for the 2020 DCAD mass appraisal."

7 Again, when you became chief appraiser in  
8 February of 2020, did you fail to comply with USPAP  
9 Standards Rule 5-7(b), as denoted here?

10 A. Not willingly or knowingly.

11 Q. Who would have been responsible, at DCAD in  
12 2020, when you were the chief appraiser, for  
13 implementing or using appraisal testing procedures and  
14 techniques to ensure those standards of accuracy are  
15 maintained for the 2020 DCAD mass appraisal?

16 A. For commercial, it would have been the  
17 commercial department.

18 Q. That would have been Chuck Saling?

19 A. Yes.

20 Q. And his staff?

21 A. Yes.

22 Q. And if Chuck Saling and his staff failed to  
23 comply with USPAP Standards Rule 5-7(b) by failing to  
24 use or implement appraisal testing procedures and  
25 techniques to ensure that standards of accuracy are

1 maintained for the 2020 DCAD mass appraisal in 2020, you  
2 would be responsible for that, would you not?

3 A. Yes.

4 Q. Judgment No. 10, "Hope McClure has failed to  
5 comply with USPAP Standards Rule 6 by reporting the  
6 results of the 2020 DCAD mass appraisal in a manner that  
7 is misleading."

8 When you became chief appraiser in February of  
9 2020, did you fail to comply with USPAP Standards Rule 6  
10 by reporting the results of the 2020 DCAD mass appraisal  
11 in a manner that is misleading?

12 A. Not willingly or knowingly.

13 Q. Who would have been responsible, when you were  
14 chief appraiser in 2020, for reporting the results of  
15 the 2020 DCAD mass appraisal in a manner that would be  
16 not misleading at DCAD on the commercial side?

17 A. Chuck Saling and the staff -- the commercial  
18 staff.

19 Q. If Chuck Saling and his commercial staff failed  
20 to comply with USPAP Standards Rule 6 by reporting the  
21 results of the 2020 DCAD mass appraisal in a manner that  
22 was misleading in 2020, would you be responsible for  
23 that?

24 A. Yes.

25 Q. Let's take a minute or two break, and I think

1 we're almost done here, ma'am.

2 A. Okay.

3 THE VIDEOGRAPHER: Off the record at 4:02.

4 (Recess from 4:02 p.m. to 4:09 p.m.)

5 THE VIDEOGRAPHER: Back on the record at  
6 4:09.

7 Q. (BY MR. METCALF) Ms. McClure, we're back from  
8 a brief break. I want to follow up with a few  
9 questions.

10 Today you've been testifying, and we've  
11 established that you are the chief appraiser at DCAD,  
12 correct?

13 A. Yes.

14 Q. You've answered your questions as accurately  
15 and thoroughly as you could, did you not?

16 A. Yes.

17 Q. When you didn't understand the question, you  
18 asked me to rephrase or restate, did you not?

19 A. Yes.

20 Q. Do you want to change any of your testimony  
21 here today that we discussed since this morning?

22 A. No.

23 Q. Okay. I appreciate your time, ma'am.

24 MR. NOWAK: I'm going to pass the witness.

25 MR. METCALF: We will reserve our

1 questions until the time of trial.

2 MR. NOWAK: I'll assume she'll read and  
3 sign.

4 MR. METCALF: She will.

5 THE VIDEOGRAPHER: End of deposition. Off  
6 the record at 4:10.

7 (Deposition concluded at 4:10 p.m.)

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1 I, HOPE M. MCCLURE, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4  
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6 \_\_\_\_\_  
7 HOPE M. MCCLURE

8

9 THE STATE OF \_\_\_\_\_ )  
10 COUNTY OF \_\_\_\_\_ )

11

12 Before me, \_\_\_\_\_, on this day  
13 personally appeared HOPE M. MCCLURE, known to me (or  
14 proved to me under oath or through \_\_\_\_\_ )  
15 (description of identity card or other document) to be  
16 the person whose name is subscribed to the foregoing  
17 instrument and acknowledged to me that they executed the  
18 same for the purposes and consideration therein  
19 expressed.

20 Given under my hand and seal of office on this \_\_\_\_\_  
21 day of \_\_\_\_\_, \_\_\_\_\_.

22

23 \_\_\_\_\_  
24 NOTARY PUBLIC IN AND FOR  
25 THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

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CAUSE NO. 21-2989-467

MAVEX SHOPS OF FLOWER MOUND, LP,	)	IN THE DISTRICT COURT of
	)	
Plaintiff,	)	
	)	
VS.	)	DENTON COUNTY, TEXAS
	)	
DENTON COUNTY APPRAISAL DISTRICT, and HOPE MCCLURE, In)	)	
her Capacity as Chief Appraiser,	)	
Defendants.	)	467TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATE

ORAL AND VIDEOTAPED DEPOSITION OF HOPE M. MCCLURE

FEBRUARY 15, 2022

I, Trisha Myler, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, HOPE M. MCCLURE, was duly sworn and that the transcript of the deposition is a true record of the testimony given by the witness;

That the deposition transcript was duly submitted on February 24, 2022 to the witness or to the attorney for the witness for examination, signature, and return to me by March 16, 2022;

That the amount of time used by each party at the deposition is as follows:

- Mr. Matthew A. Nowak (04 hours 46 minutes)
- Mr. Braden W. Metcalf (00 hours 00 minutes)

That pursuant to information given to the deposition officer at the time said testimony was taken, the

1 following includes counsel for all parties of record:

2 Mr. Matthew A. Nowak, Attorney for Plaintiff, Mavex  
3 Shops of Flower Mound, LP

4 Mr. Braden W. Metcalf, Attorney for Defendants,  
5 Denton County Appraisal District and Hope  
6 McClure, In her Capacity as Chief Appraiser

7 I further certify that I am neither counsel for,  
8 related to, nor employed by any of the parties or  
9 attorneys in the action in which this proceeding was  
10 taken, and further that I am not financially or  
11 otherwise interested in the outcome of this action.

12 Further certification requirements pursuant to  
13 Rule 203 of the TRCP will be certified to after they  
14 have occurred.

15 Certified to by me on this 24th day of  
16 February, 2022.



17 TRISHA MYLER, CSR, RPR, CRR, RMR  
18 Texas CSR 3465  
19 Expiration Date: 04/30/2022  
20 LEXITAS - Dallas  
21 Firm Registration No. 459  
22 Expiration Date: 12/31/2022  
23 325 N. St. Paul, Suite 1900  
24 Dallas, Texas 75201  
25 (214) 373-4977

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FURTHER CERTIFICATION UNDER TRCP RULE 203

The original deposition was/was not returned to the deposition officer on \_\_\_\_\_.

If returned, the attached Changes and Signature page(s) contain(s) any changes and the reasons therefor.

If returned, the original deposition was delivered to Mr. Matthew A. Nowak, Custodial Attorney;

That \$\_\_\_\_\_ is the deposition officer's charges to the Plaintiff for preparing the original deposition and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on \_\_\_\_\_ and filed with the Clerk.

Certified to by me on this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.



TRISHA MYLER, CSR, RPR, CRR, RMR  
Texas CSR 3465  
Expiration Date: 04/30/2022

LEXITAS - Dallas  
Firm Registration No. 459  
Expiration Date: 12/31/2022  
325 N. St. Paul, Suite 1900  
Dallas, Texas 75201  
(214) 373-4977

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