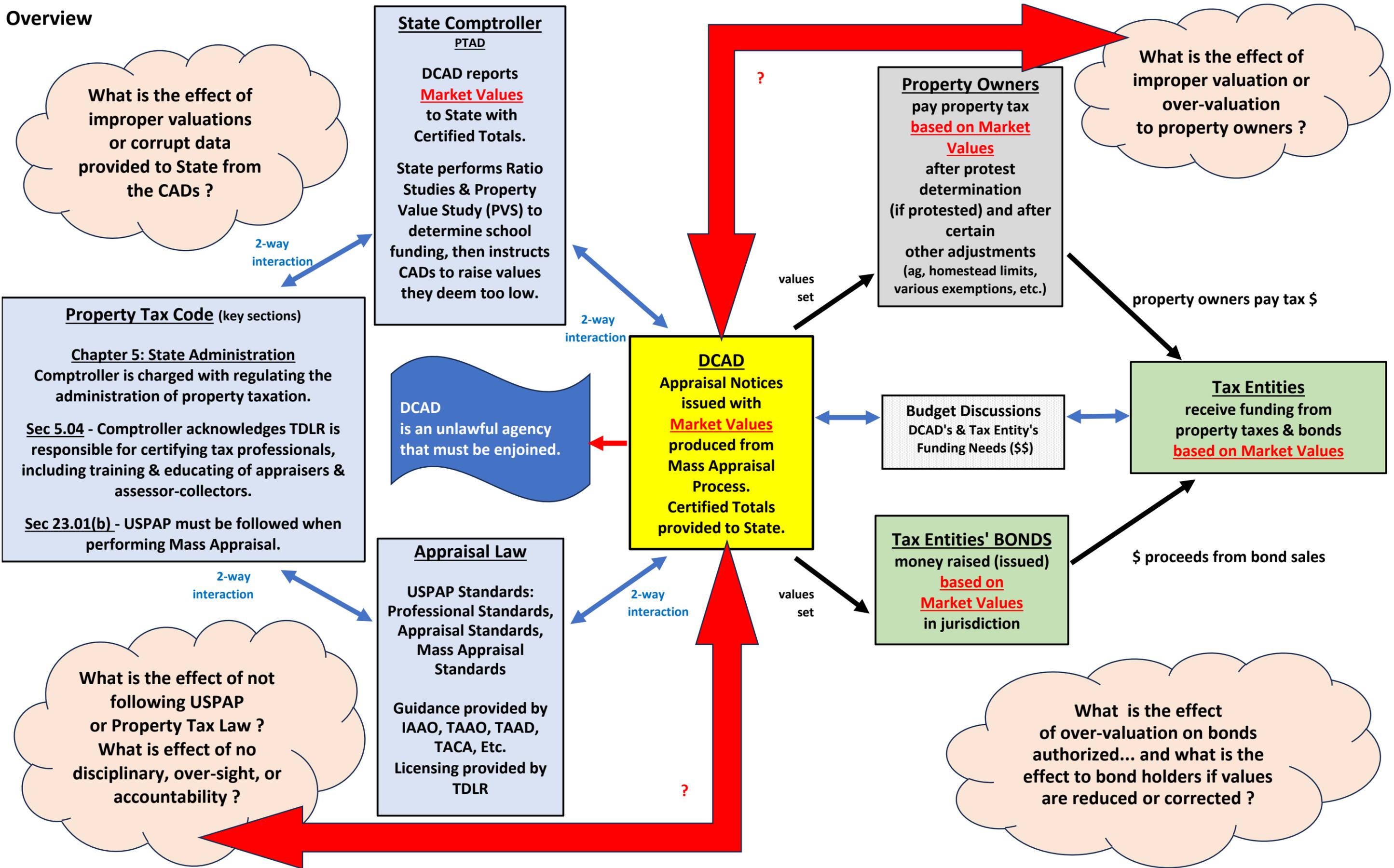


Overview



Overview

Blue underlined text is a [link](#).

As our court hearing date approached, we thought it would be appropriate to create a series of boards outlining what we have learned, including some recent statements made by DCAD officials. Everything we are discussing is backed by exhibits that can be found on our website, which exists for the benefit of the Court. www.mockingbirdproperties.com/dcad

There are hundreds of evidentiary links ([BLUE](#)) in blue and underlined, throughout these Presentation Boards. **The Boards provide for a 1.5 hour review and contains a summary of the issues and the responsible parties. These same boards are linked to the evidence, which if every evidentiary document was examined would take approximately 3 days for a reader to get through. As an example, depositions are roughly 200 pages each, USPSP is 300 pages, etc. This is why utilizing these Boards is the most efficient method to understand the case and then use the links to examine the specific evidentiary documents that the Court wishes to review.**

To begin, we'll present a graphic that shows the relationship and interrelationship of how the scheme is perpetrated against the Property Owners.

Let's start in the center yellow box and discuss the activity to and from DCAD, the appraisal district. DCAD issues appraisal notices allegedly based on Market Values that are supposed to be derived from the Mass Appraisal Process using USPAP. USPAP is the Uniform Standards of Professional Appraisal Practice, and the Texas Property Code has specifically stated that USPAP must be followed when conducting a mass appraisal. However, the evidence shows that DCAD does not adhere to USPAP or Law. [Sec. 23.01\(b\)](#)

These "market values" are then certified and sent to the State Comptroller in the form of Certified Totals. The State Comptroller then allegedly performs Ratio Studies and a Property Value Study to determine school funding between the different school districts. Then, the State Comptroller instructs the CADs to raise values that they, the State, deem to be too low, based on the analysis of the value data provided by appraisal districts. So, by telling the appraisal district that values are too low, the State Comptroller is instructing the CAD (DCAD) to raise values, that is, raise more tax revenue, and the net result is the targeting of certain ISD tax jurisdictions. Aubrey ISD was one of those targeted. [Aubrey ISD vs DC](#) [10/12/23 meeting](#)
minute 41-47

Aside from that one issue, DCAD has dramatically increased ALL market values in recent years. DC's average market values have DOUBLED since 2017, outpacing 24% inflation during the same period. The over-taxation estimated on the value increases above inflation is \$1.34 Billion. Before we reviewed the Denton County global over-valuation, we had already witnessed this in single family residential properties and in commercial properties we track and review annually. And now, with the extreme increase in values comes concerns over home affordability. In 2021, 65% of DC households could afford a median value home. In 2023, only 27% can.

[Review Cert Totals](#) [140 Centers 2020-2022](#) [Review 3 Apts in 2023](#) [Home Affordability, 2023](#)
[Mavex SFM Values by Date](#) [140 Centers 2023](#) [SF Homes 2016-2023](#) [Home Affordability, 2021 vs 2023](#)
[ECC 2017-2023](#)

Prior to the alleged market values being determined, Budget discussions occur between DCAD's Chief Appraiser and the Taxing Entities, such as LISD, DISD, cities, towns, etc. In these Budget discussions, the funding needs of the Taxing Entities and DCAD are determined. See meeting minutes: [3/9/23](#) [4/6/23](#) [5/11/23](#) [6/15/23](#)
Note listening to Audio Recordings provides better understanding of these inter-actions.

The Taxing Entities receive funding through real estate taxes paid, which is the key source of funding, and they use the alleged market values on which that tax revenue funding was based to create BONDS, or rather, leverage promissory notes based on the alleged market values. [Bond Values & Property Tax Appraisals](#)
[LISD Adopted Budgets](#) [LISD Bond Info](#) [LISD Past Bonds](#) [Home Affordability, 2023](#)

The Property Owners pay property tax based on the alleged market values, after a protest determination (if protested) and after certain other adjustments, such as homestead limits. Here, based on evidence, these market values, were created and or determined in a manner outside of law and USPAP, in violation of the Texas Property Tax Code, which requires USPAP, "all available evidence," "clear & convincing evidence", etc. Property owners are recognizing problems, challenging their Notices of Appraised Value, & filing protests. In 2021 there were also "red flags" raised on the certification process, values certified, & protests not completed.

[Sec. 23.01](#) [Sec. 42.26](#) [Protest Counts 2016-2023](#) [TDLR Complaint Filed](#)
[Sec. 23.012](#) [TX Const 8-1](#) [Protest Counts vs Population](#) [Vargas at DC Commissioners Court](#)

There is a problem with the system; it has a circular argument. DCAD gives the Certified Totals to the State Comptroller PTAD, where the State Comptroller, under law, is charged with "regulating the administration of property taxation," including establishing & overseeing the CADs, in addition to providing technical assistance, yet, State claims no authority of enforcement and has directed complaints be handled by the local CAD (DCAD) or local district court. [Chap 5](#) [PTAD email](#)

Under Property Tax Code Sec 5.04, Comptroller acknowledges that TDLR is the agency responsible for certifying tax professionals (RPAs), including training & education of appraisers and assessor collectors. The Chief Appraiser is required to be a TDLR certified RPA. And TDLR's educational materials and requirements for certifications are pre-approved by the State Comptroller, based on the TX Constitution and Property Tax Code guidelines and framework provided to the State Comptroller. Yet, TDLR also claims no enforcement authority. [Sec. 5.04](#) [TDLR Email](#)

USPAP guidance is provided by IAAO, TAAO, Appraisal Foundation, Appraisal Institute, and others, and it is recognized in law and by the Comptroller. DCAD and related government agencies make claims, and state, that they follow USPAP, the Property Tax Code, and the professional guidance in their documents and on their websites. The evidence shows that DCAD does not adhere to IAAO, USPAP, and Texas Property Tax Code. [2019 IAAO CEAA Award](#) vs. [2023 IAAO Proposal, Review DCAD](#)

[IAAO 4.4](#) [IAAO 5.2](#) [IAAO 5.5](#) [Webpage, us](#) [Webpage, educ](#) [Sec. 23.01\(b\)](#)
[IAAO Course: Real Prop Modeling](#) [USPAP STDS 1+2](#) [USPAP STDS 5+6](#) [USPAP 5+6 Violations](#) [USPAP Gen STDS](#)
[USPAP 1+2 Violations](#) [USPAP Gen Violations](#)

Alleged Market Values are not market values as they are created by hand, based on pre-determined budgets, using comparisons that are not comparisons, using fraudulent income statements, using erroneous class codes, creating corrupt database(s), all of which is in violation of USPAP, the Texas Property Tax Code, and the Texas Constitution.

[SF comps](#) [SF comps](#) [Comm comps](#) [2022 ICW bad data](#) [Saling Depo](#) [class codes 2022](#)
[SF comps](#) [SF comps](#) [Comm comps](#) [2023 ICW bad data](#) [McClure Depo](#) [MSFM codes](#)
[website data censorship](#) [Comm comps](#) [manipulating data](#) [estimate corruption-infection](#)
[redacted-hid values with evidence & ARB, see pg 2](#) censorship in ARB hearings, on audio 7/20/21 & 6/5/19

The key questions then become:

- * What is the effect of improper valuation or over-valuation to property owners?
- * What is the effect of over-valuation on bonds sold to bond holders when values are reduced or corrected?
- * What is the effect of over-valuation on mortgages sold to mortgage holders when values are reduced or corrected?
- * What is the effect of not following USPAP or Property Tax Law?
- * What is the effect of no disciplinary enforcement or accountability?
- * What is the effect of corrupt data and improper valuations provided to the State from the Central Appraisal Districts (CADs)?

The series of boards will answer these questions and show:

- 1 How this was done
 - 2 How it has affected Home Affordability
 - 3 How Single Family Residential values have increased
 - 4 How Commercial Property values have increased
 - 5 How they have committed Violations in Law and USPAP
 - 6 Some key facts that you should know... "Did you know"
 - 7 Who did it & how they are co-conspirators in conspiracy to defraud, violating TX Constitution
 - 8 How Intentional Fraud is evident by the numbers, as defined by Assoc. of Certified Fraud Examiners
 - 9 What are the Ramifications: Grievances & Judgements Sought
 - 10 How there is Abuse of Discretion
 - 11 How there is Abuse of Power & Injury Declarations
 - 12 How there is Systematic Deceit & Corruption
 - 13 Provide an End Summary
- [Additional Discussions](#)
DCAD, Criminal Agency
Experts
ARB

How

• blue dots are links [blue underlined text is a link](#)

dates reference are for DCAD meetings *

- 1 DCAD behavior & appraisal work is NOT credible as required in Law.**
- No processes or procedures - or - Failed processes & procedures
 - Looking to hire IAAO to review DCAD's appraisal processes (12/7/23, item 8) *
 - Performing unregulated "work arounds" in CAMA software (10/12/23) *
 - No software training and or manuals [audio, minutes 27-39](#)
 - Performing unregulated "work arounds" in CAMA software (10/12/23) *
 - Looking to replace/update software again (12/7/23, item 7) *
 - Useless and poor training of employees
 - Training has been a big focus in the 2023 meetings & budgeting
 - No checks and balances, no value proofing or defense, no data audits
 - Over 131,000 protests for 2023; 24K more than 2022 (6/15/23) *
 - Values reduced significantly in protest process [see SF Res Ex](#)
 - Plan to negotiate 500 values/day w/ informal meetings (6/15/23) *
 - Performing unregulated "work arounds" in CAMA software (10/12/23) *
 - No formulas past NOI (use of Income Calculation Worksheet)
 - Ignore other USPAP approved & useful analysis, models, techniques
 - Fraudulently creating income & expense data (see ICW's 2023 back to 2016)
 - Insert high income & low exps to inflate income (NOI) & value
 - Appraisal Work Records Destroyed (see Saling Deposition)
 - Hiding values from Public
 - 3/9/23, minute 27 * 4/6/23*
 - Website database not updated continuously during protest season
 - Multiple disconnected databases & data is different between them
 - Website database does not match Data Extract File download
 - Fraudulent and inconsistent subcategories
 - Mis-coding of B property as A; changing class levels & codes, 6 to 28
 - Not using legitimate comparisons
 - Comparing A+ w/ B; comparing w/ prop(s) in different market, etc.
 - The database(s) are corrupted
 - Saling Deposition McClure Deposition
 - Data removed, manipulated, re-loaded (10/12/23); records lost, rebuilt, ignored
 - Appraisal Notice Values are made up to suit pre-determined budget *minute 8+*
 - Values hyper inflated (4/6/23)* Protests estimated in-advance (5/11/23)*
 - Plan to negotiate 500 values/day w/ informal meetings (6/15/23, 15:40-18) *
 - Non-independent & often unqualified ARB panels (Henley Testimony)
 - Improperly & inadequately trained; acting on command of DCAD
 - Violating USPAP, Mass Appraisal Standards, TDLR, Texas Property Code, Texas Constitution, Constitution of United States of America, IAAO, TAAO, Appraisal Foundation, Appraisal Institute

5 This list is not all inclusive.
 DCAD in violation of USPAP, intentionally & fraudulently makes up income, expenses, & cap rates for income property, then with regard to both single family & commercial, uses comparisons which are not true comparisons. DCAD's actions, in violation of USPAP & the TX Constitution, have the ramifications of invalidating the very existence of Texas Constitution, Property Tax Code, USPAP & the countless appraisal law guidance for methods & models of valuation designed to create a reasonable bracket of value for each property, none of which are applied by DCAD, as DCAD favors 100% made-up income, expenses, cap rates & fake comparisons. It is irrefutable that DCAD is making up the values with no basis in fact or law. Further proof, Spencer's own testimony (Oct 12th 2023) of 60,000 properties taken out of database, "manipulated," & put back by Rebecca Townsend. The cumulative effect of years of financial fraud & made-up valuations by DCAD & its enablers, is a corrupt database(s) with an infection rate greater than 76%, ultimate definition of "garbage in & garbage out."

- 2 There are 5 main appraisal law failures, that when repeated year after year, demonstrate that intentional fraud is being committed, on a mass scale, affecting all property types, by DCAD, its employees, Board, supporting State agencies, and supporting "professional" organizations.**
- Ignoring mathematical formulas & models from which to achieve proper valuations (or prove-up proper valuation).
 - Using Income Calculation Worksheets that are intentionally designed to mislead, and then fraudulently entering fake income & expense numbers and an improper cap rate, which lead to an income property valuation. [link ICW 2022](#) [link ICW 2023](#)
 - Hand picking comparisons that are not quantifiable comparisons and ignoring other methods such as Standard Deviation to quantify legitimate comparisons. [Mavex SFM](#) [Home 4536](#)
 - Intentionally failing to consider "clear & convincing evidence," "all available evidence," or "individual characteristics." [Mavex SFM DCAD Value by Date with Rent Roll Info](#)
 - Ignoring "taxation shall be equal and uniform" per the Texas Constitution, Texas Property Code & USPAP. [Mavex notice values](#) [Mavex assessed values](#) [Mavex Std Dev Analysis](#)
- The evidence of just these 5 main categories alone (not all inclusive), which are all requirements under USPAP, causes a waterfall / domino effect such that any 1 of the 5 deceptive actions of DCAD leads to the irrefutable fact that DCAD is not performing Appraisals under any definition in law, their own documents, or affiliates documents. DCAD is in fact, according to the Oath signed by the CA, Board Members, Deputy CAs, Chuck Saling, committing a crime of impersonating a Public Official which is a 3rd degree felony, violating the Texas Constitution as well as committing fraud on a mass scale.**

4 DCAD creates illusion of legitimacy, but the evidence exposes the con.

- 3 The appraisal law failures violate training & documents across membership entities, government entities, and DCAD itself, including but not limited to :**
- TDLR USPAP (required ed, training, certification) (Uniform Standards of Professional Appraisal Practice)
 - TAAO & TAAD USPAP: guidance, training, ethics
 - IAAO USPAP: guidance, training, ethics Standards for Mass Appraisal IAAO
 - IAAO Courses: Income Approach to Valuation Standards on Ratio Studies (& statistical analysis)
 - Appraisal Institute & The Appraisal Foundation (AI & TAF)
 - USPAP Professional Rules & Standards 1-10 (all)
 - USPAP Standard 5 & 6, Mass Appraisal Standards Formulas, Symbols, Math Review, Sample Problems (AI)
 - Symbols & Formulas (AI) Direct Cap, Yield, PV, Mortg Ratio, DCR, GIM, Leverage, CF, IRR, DCF
 - Advanced Income Capitalization (AI)
 - Common Errors and Issues (AI)
 - Comparables Appraisal
 - Appraisal Institute Guide Notes
 - Appraisal Institute Ethics & Standards CPE ...endless list
 - Texas Constitution
 - Article 8, Section 1: Equal & Uniform Taxation
 - Texas Property Tax Code
 - Chapter 5, State Comptroller regulates admin of Prop Tax
 - Chapters 5 & 23 specifically state USPAP is required
 - Chapters 5 & 11, equal & uniform taxation of property
 - Chapter 42.26 addresses remedy for unequal valuation
 - 23.01(b): USPAP req'd for mass appraisal, however, base value on individual characters & all available evidence.
 - 23.01(e): clear & convincing evidence req'd after reduction
 - Texas State Comptroller & PTAD
 - Empowered by Texas Constitution & Texas Tax Codes
 - Texas Property Tax Basics: taxpayer rights, income approach
 - Property Tax Administration in Texas
 - Appraisal District Directors' Manual
 - Appraisal Review Board Manual (ARB Manual)
 - DCAD
 - Mass Appraisal Reports: USPAP & Property Tax Code
 - DCAD Board of Directors Policies & Procedures

Responsible parties have taken an Oath... to uphold their office, the Texas Constitution, & Constitution of the United States.
DCAD Chief Appraiser & Employees, DCAD Board of Directors, ARB, Tax Assessor/Collector, Elected State & Local Officials, State Comptroller, Glenn Hager

DCAD has violated, without exception.

Failures Linked to Governing Body



Denton County Home Affordability Reviewed - 2023		Household Income Required to Purchase Average Market Value Home			Median Household Income cannot afford Average Market Value Home			Maximum Home Price a Median Household Income Can Afford		
assumptions made to keep it simple: ignored closing costs, PMI, MIP & HOA fees assumed 10% down payments used 1.8% combined property tax rate assumed mortgage interest rate of 7.50% estimated homeowner insurance at .097% (policygenius.com avg rate for Texas)		\$189,500 Annual Income Required to meet lender's housing-income ratio must be ≤ 28%			\$109,126 Median Household Income fails lender's housing-income ratio 48.62% is above 28%			\$296,000 is the maximum purchase price that meets lender's ratio test, housing cost to income must be ≤ 28%		
Home Market Value		514,082	note 1: (exhibit link)	514,082	note 1: (exhibit link)	296,000				
Down Payment	10.00%	(51,408)		(51,408)		(29,600)				
Mortgage Loan Amount		462,674		462,674		266,400				
Household Gross Income		<u>annual</u> 189,500	<u>monthly</u> 15,792	<u>% of income</u> 100.00%	<u>annual</u> 109,126	<u>monthly</u> 9,094	<u>% of income</u> 100.00%	<u>annual</u> 109,126	<u>monthly</u> 9,094	<u>% of income</u> 100.00%
Monthly Housing Payment	2023 rates									
Mortgage Pmt (30 yr loan princ + int)	7.50%		3,235			3,235			1,863	
Property Tax	1.80%	9,253	771		9,253	771		5,328	444	
Homeowners Insurance	0.97%	4,987	416		4,987	416		2,871	239	
			<u>4,422</u>	28.00%		<u>4,422</u>	48.62%		<u>2,546</u>	28.00%

[\(exhibit link\)](#)
note 1: Avg Market Value of Single Family Residential Property (prop code A) for Denton County (code G01) per DCAD 2023 Certified Totals Report, \$514,082.
note 2: Census.gov, 2021 median household income for Denton County (DC) was \$96,265. BLS.gov, DC wage growth was 9% 2021-2022, & 4% 2022-2023. Estimate 2023 median household income as \$96,265 x 1.09 x 1.04, or \$109,126.
side note: Median Certified Market Value for Single Family Residential (prop code A) is \$450,832, per 8/3/23 data extract file downloaded from DCAD website.

Avg Mkt Val	514,082
Max Price	296,000
compared	1.74

2021 Households by Income Bracket, Reviewed					2023 Households by Income Bracket, Estimated				
	2021 Income Brackets		count	%		2023 Income Brackets		count	%
	\$0	\$24,999	29,599	9.21%		\$0	\$28,339	34,684	9.21%
2021 Median Household Income \$96,265, in this bracket ----->	\$25,000	\$49,999	48,127	14.97%	2023 Median Household Income \$109,126 in this bracket ----->	\$28,340	\$56,679	56,394	14.97%
	\$50,000	\$74,999	50,085	15.58%		\$56,680	\$85,019	58,689	15.58%
	\$75,000	\$99,999	41,001	12.76%		\$85,020	\$113,359	48,044	12.76%
2021 Median Value Home \$321,000	\$100,000	\$124,999	37,071	11.53%		\$113,360	\$141,699	43,439	11.53%
	\$125,000	\$149,999	27,838	8.66%		\$141,700	\$170,039	32,620	8.66%
	\$150,000	\$199,999	39,204	12.20%	\$189,500 ----->	\$170,040	\$226,719	45,939	12.20%
	\$200,000	or more	48,522	15.09%	Income needed to buy Avg Mkt Value Home	\$226,720	or more	56,857	15.09%
65.10% of households owned home in 2021			321,447	100.00%				376,666	100.00%
	2021 Total Population		943,857			1/1/2023 Total Population		1,006,942	

% abv affordability 74%

65.10% vs 27.29% = 37.81% the current potential % of households at risk of losing home/housing

Example of 2 Different Single Family Residences

Review Yearly Change in Appraisal Notice Market Value, Final Market Value, and Assessed Value, 2016 - 2023

Compare Value Increases to Inflation, 2017 - 2023

UPDATE - on 2/13/24, the 2023 notice was only one available. ----->

* 2 recent changes to DCAD website have resulted in less information being available.
 After April 2021 update, only 2 or 3 years of appraisal notices were available for download.
 On January 23, 2024, **NO** prior year appraisal notices are available for download.
 Clearly DCAD is being less "transparent" with value data, despite website "upgrades."

Home in Copper Canyon (Lewisville ISD)								Home in Krugerville (Aubrey ISD)							
Tax Year	*Appr Notice Market Value	% Change	Final Market Value	% Change	Assessed Value	% Change	% chg, new vs py final	Tax Year	*Appr Notice Market Value	% Change	Final Market Value	% Change	Assessed Value	% Change	% chg, new vs py final
2016	1,090,030		1,006,000		827,506			2016	249,387		249,387		233,621		
2017	1,006,000	-7.71%	950,000	-5.57%	910,257	10.00%	0.00%	2017	271,661	8.93%	271,661	8.93%	256,983	10.00%	not protested
2018	950,000	-5.57%	950,000	0.00%	950,000	4.37%	0.00%	2018	275,244	1.32%	275,244	1.32%	275,244	7.11%	not protested
2019	1,302,425	37.10%	980,000	3.16%	980,000	3.16%	37.10%	2019	314,184	14.15%	314,184	14.15%	302,768	10.00%	not protested
2020	1,305,277	0.22%	980,000	0.00%	980,000	0.00%	33.19%	2020	322,082	2.51%	322,082	2.51%	322,082	6.38%	not protested
2021	1,314,733	0.72%	985,000	0.51%	985,000	0.51%	34.16%	2021	316,251	-1.81%	316,251	-1.81%	316,251	-1.81%	not protested
2022	1,397,815	6.32%	1,149,000	16.65%	1,083,500	10.00%	41.91%	2022	408,421	29.14%	345,000	9.09%	345,000	9.09%	protested
2023	1,858,935	32.99%	1,500,000	30.55%	1,191,850	10.00%	61.79%	2023	511,272	25.18%	380,000	10.14%	379,500	10.00%	48.19%
Value Increase		64.07%	45.30%		38.03%		Violation of 23.01(e)	Value Increase		79.43%	44.34%		50.77%		Violation of 23.01(e)
Inflation Increase		24.31%	24.31%		24.31%			Inflation Increase		24.31%	24.31%		24.31%		
		2.64	1.86		1.56					3.27	1.82		2.09		
<p>Doesn't matter which value you review & compare, DCAD increased value much faster than inflation, 1.56 to 2.64 times faster.</p>								<p>Doesn't matter which value you review & compare, DCAD increased value much faster than inflation, 1.82 to 3.27 times faster.</p>							

1,858,935	vs	1,500,000
2023 protest reduction =		23.93%

Final Market Value may be lower than Appraisal Notice if value was reduced in protest process.
 Assessed Value is value on which taxes were assessed, after homestead 10% limitation rule.

511,272	vs	380,000
2023 protest reduction =		34.55%

Example of a Single Family Home Community, with 27 homes (Estates of Copper Canyon)

[link to more detailed analysis report](#)

Review of Average Market Value per Square Foot from 2017 to 2023

	2017	2018	2019	2020	2021	2022	2023	
Average Market Value/sq ft	148.83	153.23	156.00	153.23	156.00	176.91	232.90	**
Percentage Change from Prior Year		2.96%	1.81%	-1.78%	1.81%	13.40%	31.65%	
Sum of % Change Since 2017		2.96%	4.76%	2.99%	4.80%	18.20%	49.85%	Market Value
Inflation Rate/CPI	2.13%	2.44%	1.81%	1.23%	4.70%	8.00%	4.00%	
Sum of % Change Since 2017		2.13%	4.57%	6.38%	7.61%	12.31%	20.31%	24.31% Inflation

Market Values increased over
 2 times faster than inflation
 49.85% = 2.05
 24.31%

** Average Market Values presented are as of 10/23/23, and may be lower than the Appraisal Notice Values if value was reduced in protest process.

Commercial Shopping Center Property in Flower Mound, Texas
Demonstrates Persistent & Continual Violation of Property Tax Code Section 23.01(e)

[link to 23.01 e text](#)

1

Per Section 23.01(e)... if property value was reduced by Subtitle F (protest, appeal, etc.), then "in the next tax year in which the property is appraised, the chief appraiser may not increase appraisal value of the property unless increase by the chief appraiser is reasonably supported by clear and convincing evidence when all of the reliable and probative evidence in the record is considered as a whole."

Tax Year	Document Type	Date of Document	Market Value	(cy/py) Compared to Prior Yr	% Leased Jan 1st	Avg Rent/sf of Leased	Eff Rent Rate/sf	Collected Rent/sf
2015	Notice of Appraisal	04/30/15	2,587,200		72%	16.39	11.12	12.17
	Protest Reduction	06/26/15	1,066,000					
2016	Notice of Appraisal	04/29/16	3,053,871	286%	68%	22.18	15.06	15.08
	Protest Reduction	06/01/16	1,000,000		reduced			
2017	Notice of Appraisal	05/01/17	3,181,873	318%	68%	22.31	15.14	15.27
	Protest Reduction	06/15/17	2,350,000		unchanged	minimal change		
	Appeal Suit Order/Judgment	06/12/18	1,350,000					
2018	Notice of Appraisal	04/18/18	3,827,809	284%	68%	22.77	15.45	15.23
	Protest Reduction	06/07/18	2,522,000		stagnant	minimal change		reduced
	Appeal Suit Order/Judgment	06/12/18	1,350,000					
2019	Notice of Appraisal	04/17/19	3,894,467	288%	68%	22.15	15.03	11.83
	Protest Reduction	06/05/19	2,350,000		stagnant	reduced	reduced	reduced
	Appeal Suit Order/Judgment	08/04/21	925,000					
2020	Notice of Appraisal	06/05/20	3,880,472	420%	68%	19.59	13.30	10.87
	Negotiated Top-Line	02/12/21	2,100,000		stagnant	reduced	reduced	reduced
	Appeal Suit Order/Judgment	11/22/22	750,000					
2021	Notice of Appraisal	05/14/21	2,100,000	280%	68%	18.72	12.71	14.20
	Protest Reduction	07/20/21	1,600,000		stagnant	reduced	reduced	
	Appeal Suit Order/Judgment	11/22/22	750,000					
2022	Notice of Appraisal	04/18/22	2,724,929	363%	89%	18.64	16.55	16.58
	Protest Reduction	09/01/22	1,246,000			reduced		
	Appeal Suit Order/Judgment	11/22/22	750,000					
2023	Notice of Appraisal	04/17/23	2,888,557	385%	89%	18.88	16.76	TBD
	Protest Reduction	07/19/23	850,000			minimal change		

DCAD repeatedly ignored the historical occupancy and income based evidence of this shopping center, & did not have clear & convincing evidence to raise value 2 to 3 times higher than the prior reduced value.

Analysis of 140 Commercial Shopping Centers in Denton County
Likely Demonstrates Violation of Property Tax Code Section 23.01(e)

2

2020*

[link to 2019-2022 analysis](#)

77.05% Notice Values were 77.05% higher than prior year, 2019.
 -32.75% Notice Values were reduced, on average, by 32.75%.
 93.57% 131 of 140 (93.57%) had values reduced; 93.57% protested.

2021*

13.86% Notice Values were 13.86% higher than prior year, 2020.
 -11.50% Notice Values were reduced, on average, by 11.50%.
 62.59% 87 of 139 (62.59%) had values reduced; 62.59% protested.
 Note: 52 of 139 did not protest, as value was same as 2020.
 DCAD was less aggressive in the year following COVID.
 Sample size reduced to 139, 1 property merged w/ another.

2022*

80.86% Notice Values were 80.86% higher than prior year, 2021.
 -31.54% Notice Values were reduced, on average, by 31.54%.
 92.09% 128 of 139 (92.09%) had values reduced; 92.09% protested.

2023**

[link to 2022-2023 analysis](#)

46.69% Notice Values were 46.69 higher than prior year 2022.
 -24.25% Notice Values were reduced, on average, by 24.25%,
 89.93% 125 of 139 (89.93%) had values reduced; 89.93% protested.

* 2020, 2021 & 2022 analysis was last updated November 2022
 ** 2023 analysis was last updated in August 2023

Review 2023 Values for 3 Apartment Properties in Denton County
Likely Demonstrates Violation of Property Tax Code Section 23.01(b) & (e)

3

[link to apts exhibit](#)

Apartments	Appraisal Notice	Reduced Value	% Reduced
Mansions at Oak Point	124,279,520	61,117,702	-50.82%
Reatta Ranch	117,014,943	56,800,000	-51.46%
1519 Scripture	94,896,514	39,846,567	-58.01%

Clearly DCAD's notice of appraisal was FAKE, INFLATED, INVALID etc.

Analysis of 140 Commercial Shopping Centers & 2022 Class Code Assignments

4

[link to 2022 analysis](#)

Number of Class Codes Assigned to 140	2020	2021	2022	22
	6	6	28	new codes

- * 64 of 140 were re-coded to a lower class level but had value increase (ex: A2 to B1)
- * After re-coding, A2 properties' value/sq ft averaged higher than the A1's ... ?
- * Similarly, A4 avg value/sq ft > A3... B3 avg value/sq ft > B2... and C2 avg value/sq ft > C1
- * In 2022, this group experienced an increase of 80.86% above their 2021 assessed value.

With lack uniformity & improper assignments, this effort to add codes & re-code failed to properly identify & align comps... appears this is another example of deceptive appraisal.

DCAD Issued Notice of Appraisals with Values Higher than the Recent Sales Price - Violates Texas Constitution, Sec. 20, Ad Valorem Taxation of Property at Value Exceeding Fair Cash Market Value Prohibited

5

comp	PID	Address	Sale Date	Sales Price	DCAD Date	DCAD Value	% Compared
comp 1	175968	2417 S Stemmons	06/22/22	1,222,270	01/01/23	3,799,000	311%
comp 2	585189	2900 Wind River	05/04/22	4,375,000	01/01/23	5,494,029	126%
comp 3	243017	1837 W Frankford	03/15/22	3,900,000	01/01/23	7,477,957	192%

DCAD presented this data for these properties to Mavex SFM & ARB as Sales Comps for 2023 Valuation.

Property Tax Values of these 3 (& 3 others) EXCEED the RECENT Sales Price (CASH FMV); violates TX Const.
 DCAD doubled down on fraudulent valuations for Mavex SFM. [link to DCAD docs](#) [link to our review](#)
 1st - These are not comps to Mavex SFM. 2nd - DCAD over-valued "comps" to then over-value Mavex.

How Property Is Valued per Property Tax Code (simplified)

Tax Code Section 25.18 requires appraisal districts to reappraise all property in their jurisdiction at least once every three years.

Tax Code Section 23.01 requires that appraisal districts comply with the Uniform Standards of Professional Appraisal Practice (USPAP) if mass appraisal is used and that the same appraisal methods and techniques should be used in appraising the same or similar kinds of property. Individual characteristics that affect the property's market value and **all available evidence** that is specific to the value of the property **must be evaluated in determining the property's market value.**

The Appraisal Foundation defines mass appraisal as "the process of valuing a universe of properties as of a given date using standard methodology, employing common data and allowing for statistical testing."

USPAP's Standard 5, Mass Appraisal Development, applies to appraisal districts performing mass appraisals and the mass appraisal should include:

1. Identifying properties to be appraised;
2. Defining market area of consistent behavior that applies to properties;
3. Identifying characteristics (supply & demand) that affect creation of value in that market area;
4. Developing a model structure that reflects the relationship among the characteristics affecting value in the market area;
5. Calibrating model structure to determine contribution of individual characteristics affecting value;
6. Applying conclusions reflected in the model to characteristic of the property(ies) being appraised; and
7. Reviewing the mass appraisal results.

USPAP REQUIRED

Examples of USPAP Requirements per Appraisal Institute that DCAD FAILED & VIOLATED:

"Mass Appraisers must first specify the model, that is, identify the supply and demand factors and property features that influence value."

"Calibrate the model, that is, determine the adjustments or coefficients that best represent the value contribution of the variables chosen"

"Mass Appraisal models apply to all three approaches to value: the cost approach, the sales comparison approach and the income approach"

"For income-producing properties, the income approach is the preferred valuation approach **when reliable income and expense data are available.**"

"Successful application of **the income approach requires the collection, maintenance, and careful analysis of income and expense data.**"

"Mass appraisal allows **for model testing and quality assurance measures that provide feedback on the reliability of valuations models and the overall accuracy of estimated values.**"

"The three common measures of central tendency in ratio studies are the median, mean and weighted mean. The Standard on Ratio Studies (2013) stipulate that the median ratio should be between .90 and 1.10 and provides criteria for determining whether it can be concluded that the standard has not been achieved for a property group."

"Components of Yield Capitalization Method... present value of the future expected cash flows"

"Cash Flow Forecasts... Forecasting the cash flows that an income producing property will generate over the next year is relatively straightforward and accurate. Properties already have tenants with leases in place, and costs should not vary dramatically from their current levels."

"Discount Rates... In corporate finance, the discount rate in a net present value calculation is usually the firm's weighted average cost of capital. However the discount rate is usually represented as the required rate of return and may use the required rate of return on their investment properties or the expected rate of return on an equivalent-risk investment."

There are over 25 methods of valuation on income properties. DCAD chooses 2, and both of these methods stop at NOI. DCAD then creates fraudulent income and expense items and applies a fictitious cap rate to increase the value, where the return on this inflated value would actually be negative.

Let's Recap What DCAD has Done:

- * DCAD violated USPAP, the governing document on how appraisals are to be created.
- * DCAD violated Texas Constitution & Property Tax Code, with regard to Uniform and Equal.
- * DCAD does not use legitimate comparisons in determining the Initial Notice of Value.
- * DCAD lies to the property owners and the ARB panel members in the ARB hearings with regard to creating illegitimate comparisons.
- * DCAD is **pre-determining** values with no basis in fact, appraisal, or law.
- * DCAD failed to develop and or use math models to validate value within a reasonable bracket of certainty.
- * DCAD violated Texas Property Code.
- * DCAD is in violation of TAAO and IAAO.

Bottom Line:

DCAD is committing fraud, stealing from Real Estate Taxpayers and creating dirty data in the system, all in violation of The Texas Constitution.

DCAD Board Meeting 9/13/22:

Mitch Vexler gave a presentation & an evidence binder to each Board member including Mr. Atwood, an Attorney. They were provided full disclosure of DCAD violations in law & USPAP, and they have chosen to do nothing, which is a violation of their Oath.

Email from Armand Ramirez@TDLR.texas.gov on 2/3/23, in response to formal complaint:

Suggested filing complaint with Texas Comptroller and Office of the Attorney General, then stated..."TDLR is limited with authority under the laws/rules with the appraisal industry when relating to the appraised value of property (business/personal), appraisal methodology to name a few."

Email from PTAD.cpa@cpa.texas.gov on 11/10/22, in response to formal complaint:

"Thank you for contacting the Property Tax Assistance Division (PTAD) of the Comptroller's office about your complaint against the Denton County Appraisal Review District. Please note that neither PTAD nor the Comptroller's office has any direct jurisdiction over appraisal districts or Appraisal Review Boards (ARB). Our office can only act in a technical assistance role.

Appraisal districts are their own political subdivision of the state, established by each county. **You can direct your complaint to your local county district court to resolve your complaint.**

DCAD's Mass Appraisal Reports all affirm the requirements under the Tax Code & USPAP... but the evidence shows otherwise.. **they VIOLATED both USPAP & LAW.**

LEGAL OATH

Each Board Member & Chief Appraiser signed an **Oath to protect and abide by the Laws of the State of Texas and the United States.** With the violations in law that have occurred throughout the DCAD appraisal process and practice, they have clearly broken their oath, which is grounds for immediate termination, followed by prosecution.

Any elected or appointed official or Attorney refusing to honor an acceptance of their Oath is simply impersonating a public official violating the Texas Penal Code 37.11 law regarding Impersonating a Public Servant, which is a 3rd degree felony. By defaulting in the performance of their duties and obligations of office, they have broken the law. Additionally, under Title 42 of US Code, Section 1986, **every person who has knowledge** that a wrongful act is about to be committed and having power to prevent the commission of such wrong, and neglects or refuses so to do, is liable to the party injured for **all** damages caused by the wrongful act. They need not have participated in the conspiracy or the commission of the act, just having knowledge of it implies guilt. Any number of persons guilty of wrongful neglect or refusal may be joined defendants in a § 1986 action.

DCAD's Board, TDLR & PTAD are all complicit with DCAD's violations & broken oath as they claim they do not have authority or jurisdiction, and have done nothing in response to complaints filed.

Here are more examples of the effects of their negligent behavior, their appraisals failures, and other end-results of their violations... Did you know that...

- [1](#) link Roughly **\$1.6 Billion** in cash has been taken due to DCAD's over-valuations since 2016... and **\$1.348 Billion** in over-taxation from 2017-2023.
- [2](#) link Failing to comply with USPAP appraisal standards in the mass appraisal process is also a violation of law. Texas Property Tax Code 23.01(b) requires USPAP.
- [3](#) DCAD **uses property comparisons that are NOT in fact property comparisons**, creating inflated property valuations. [Mavex SFM](#) [2023 sales](#) [2023 eq](#) [2022 eq](#) [Home 4536 2023](#)
link link link link link
- [4](#) DCAD has **fraudulently inserted** income & expense figures on Income Calculation Worksheets creating **inflated valuations** on income properties. [2022](#) [2023](#)
link link
- [5](#) Based on DCAD utilizing **pre-determined values (curve fitting)**, they are working outside the scope of appraisal law, the tax code, Texas Constitution, etc.
- [6](#) link Commercial Property (F1) had an **average increase of 20%** in 2023 and has increased by **71% since 2018**.
- [7](#) link Certain ISD's had their home market **values increased** by DCAD simply because the **State said values were too low**, below a confidence interval 95% target. [\(10/12/23, min 41-47\)](#)
partial transcription
- [8](#) If cash flow, due to **correction of over-valuation**, drops 30%, the bonds that have been sold cannot be supported as the **bond becomes worthless**.
- [9](#) The cumulative evidence and repeated failures demonstrate DCAD's complete disregard of USPAP and Property Tax Code... negligence & fraud.
- [10](#) The ARB panels are **NOT** acting, performing, or working **independent** of DCAD, and the ARB are **inadequately and minimally trained** by DCAD & State. [Pub 96-308, pgs 9-11.](#)
- [11](#) **5th Amendment of US Constitution provides in pertinent part that "No person shall be deprived of life, liberty, or property, without due process of law..."**
- [12](#) **Title 18 USC Sec. 1512(c)(1) & (2) provides in pertinent part: "(c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document or other object, or attempts to do so, with the intent to impair the object's integrity or availability for the use in an official proceeding; or (2) otherwise obstructs, influences or impedes any official proceedings or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."**
- [13](#) The **2021 Tax Roll Certification was falsified** by McClure, Spencer & French. [screen shot A](#) [screen shot B](#) [7/31/21 email](#) [TDLR Complaint Filed](#) [Vargas at DC Commissioners Court](#)
The full text of "Did you know that" can be found at... www.mockingbirdproperties.com/DCAD
- [14](#) link **CADs like to copy each other & they contact each for advice on how to "work around" the CAMA system** (computer assisted mass appraisal system). [\(10/12/23\)](#)
minutes 27 to 31
- [15](#) link DCAD Chief Appraiser admitted on tape that 60,000 property **records** were removed from CAMA system database, **manipulated & changed**, & then re-loaded. [\(10/12/23\)](#)
minutes 27 to 39
- [16](#) link DCAD's **database** is well over 76% **corrupt** due to **cumulative effect** of year after bad comparisons, bad data input, manipulation, & ignoring of actual data.
- [17](#) link There were **131,562+ protests in 2023**, 24,000+ more than in 2022, and **42% of single family homes** protested in 2023 (about 114,000).
- [18](#) link DCAD **protest counts** are increasing almost **10 times faster** than property counts (parcel/population increases).
- [19](#) link It was DCAD's **intent to negotiate 500 values daily** in 2023, as they scheduled 750 hearings per day knowing they could only complete 250. [\(6/15/23\)](#)
minute 15:30 forward
- [20](#) link Denton County total **market value increased 23.71%** in 2023, with only a **2.6% increase in parcel counts**.
- [21](#) link DCAD has **increased home values by over 72% since 2018**, when inflation has been **just 22%** over same period.
- [22](#) link Since 2017 the total sum of year over year % increases in market value is **84.96%**, yet the total sum rate of inflation is **24.31%** from 2017 to 2023.
- [23](#) link **Lenders require the ratio** of housing cost to income to be **28% or lower**; in **2023**, the average market value home to median income **ratio is over 48%**.
- [24](#) link In 2023, **72% of households cannot afford** the average market value home, meaning **only 27-28% can afford** the average market value home.
- [25](#) link With over 65% of households owning their home in 2021, there are now about **37% of households at risk of losing home/housing**. (65 - 28 = 37)

How many people have had to forgo necessities such as groceries, medicine, home repairs, car payments, and rent or mortgage payments because of DCAD's over-valuation & over-taxation resulting from the violations of USPAP, The Texas Constitution, and a host of other Laws ?

WHO

- DCAD, its employees, Board, Taxing Entities, State Comptroller, Co-Conspirators = UNREGULATED and UNLAWFUL, accordingly Case No. 23-9526-481 has been filed in Denton County. [Many Exhibits are posted at www.mockingbirdproperties.com/dcad](http://www.mockingbirdproperties.com/dcad). LINK
- An elaborate scheme of multiple entities: DCAD creates fraudulent income statements, uses comparisons which are not comparisons, knows how many people are going to protest, manipulates 60,000 properties, builds into their valuations the pre-determined budgets of the taxing entities, builds into their valuations a % that tax consultants will receive, negotiating values before protest hearings because they can't get to all the protests, issues a directive to ARB panels not to go below the homestead cap, all of which is a violation of USPAP and Texas Constitution. There is no other answer other than that it is an elaborate scheme, and all these entities and people are participating.
- The Texas State Legislature is the creator of DCAD. Hegar, Paxton, Abbot (The Executive Branch) are responsible. Yet, the State Comptroller (PTAD) stated they have no authority to enforce, "Appraisal districts are their own political subdivision of the state, established by each county. You can direct your complaint to your local county district court to resolve your complaint." If the creator of DCAD & all central appraisal districts (CADs) has no authority... meaning there is **NO ENFORCEMENT MECHANISM...** then the Executive Branch, creator of DCAD, has created an unlawful entity which must be enjoined.

Property valuations are not prepared following USPAP & legal requirements & they are incorrect by intent.

Data & values have been manipulated year after year leading to irretrievably corrupt database(s). LINK

Infection Rate estimate is > 76% assuming Spencer did not lie to the DCAD Board about only manipulating 60,000 properties.

The waterfall effect of incorrect valuations, the most basic element of USPAP, is in the tens of billions, including, property values, bond values and mortgage values, and touches the lives of every real estate taxpayer.

Currently 70,000+ homeowners in Denton County cannot afford median priced home in DC. (See Home Affordability) LINK

Denton Central Appraisal District (DCAD) is an unregulated government body, in violation of Texas Procedures Act, Texas Constitution, Texas Property Tax Code, USPAP, 1st, 5th, 14th & 16th Amendment to the US Constitution, and additional State & Federal Laws.

DCAD and its enablers / co-conspirator have knowingly stolen, by over valuation and over taxation of the taxpayers in excess of \$1.34 Billion since 2017 LINK

DCAD Chief Appraiser, Don Spencer
 - Responsible Party in Law LINK
 - Violation of Oath (see 2 below)
 - \$230K salary to defraud the public
 - Knows database is corrupt
 Witness Testimony, evidence filed with DA, Texas Rangers, FBI, State Comptroller and TDLR

- Created fraudulent certifications LINK
 - Manipulated 60,000 properties LINK
 - Gaslights increasing values LINK

Any elected or appointed official or Attorney refusing to honor acceptance of their Oath is simply impersonating a public official, a violation of TX Penal Code 37.11 Impersonating a Public Servant and a 3rd degree felony.

Under the "neglect to protect" provision of law by persons under Oath and Title 42 USC Sec. 1986, should they fail to prevent a wrong, having knowledge of the law, the power to prevent, and the legal or moral duty to prevent the wrong, which causes deprivations of your religious and/or civil rights or Liberties, a suit can be brought for violation; they are liable for any failure to act.

DCAD, Board, ARB, Chief Appraiser (McClure & Spencer), Deputy Chief Appraisers, Employees, Denton County Tax Assessor ("DCAD"), violated the Texas & U.S. Constitutions, their Oath, USPAP, their membership in IAAO, TAAO, TAAD, Appraisal Institute, Appraisal Foundation, and many other State and Federal Laws resulting in Discrimination against real estate taxpayers, which violates Federal Civil Rights Act per the Department of Education of which LISD and DISD are beneficiaries.

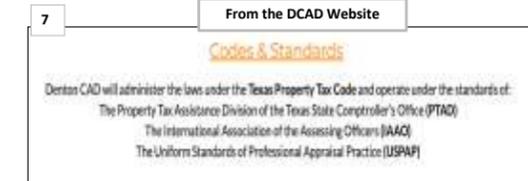
McClure replaced software system without backups. Spencer admitted 60,000 properties "manipulated." Spencer now shopping to replace software system. Spencer wants to hire IAAO to assist/audit DCAD. If things are good, why hire IAAO & switch software? LINK (12/7/23 DCAD Meeting Minutes)

This is nothing more than further gaslighting and a cover-up

DEFENDANTS' FUNDING, DEVELOPMENT, MARKETING, AND PROMOTION OF PRIVATE REAL ESTATE SOFTWARE, TOOLS, TECHNOLOGIES (in violation of USPAP), AND CENSORSHIP SCHEME FOR THE PURPOSES OF STEALING REAL ESTATE TAXPAYER WEALTH, IS A NON-FINAL, UNLAWFUL AGENCY ACTION THAT MUST BE ENJOINED. LINK 1 LINK 2

By implementing censorship tools that seek to silence taxpayer's speech (RPA statements on the record in ARB hearings), and or presentation of evidence (redacting of prior year DCAD assessed values in ARB hearings), per the requirements in USPAP and Texas Property Tax Code, Defendants acted in an *ultra vires* manner. LINK

Under Administrative Procedure Act ("APA"), sovereign immunity is waived to non-monetary claims challenging non-final agency action as *ultra vires*.
 DCAD's scheme is *ultra vires* and must be enjoined.
 Litigants can use the APA to assert *ultra vires* claims against government actors and overcome sovereign immunity that would otherwise protect those government actors. *Apter*, 80 F.4th at 587.
 Moreover, under the APA, a reviewing court shall "hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).



This is demonstrably proven untrue & exists for the purpose of gaslighting the public.

TEXAS CONSTITUTION (LAW)
 • Requires Uniform & Equal LINK

TEXAS CONSTITUTION (LAW)
 • Ad valorem tax values may NOT exceed fair market cash value LINK

USPAP is the Law
 Texas Property Tax Code requires compliance with USPAP. LINK

ALL Entities being the Co-Conspirators, Reference USPAP & ALL Entities Ignore USPAP

<p>11 State Comptroller = Co-Conspirator</p> <p>Comptroller Hegar ignored complaint from Mavex SFM LINK</p> <p>PTAD ignored filed complaint from Mavex SFM LINK</p> <p>PTAD side-stepped complaint from Bob Warner LINK</p> <p>Failed to audit median levels of appraisal & accepted bad data Pub 96-304 School Dist. PVS LINK</p> <p>Violated Texas Property Tax Basics Pub 96-1425 LINK</p> <p>DCAD ignores State Comptroller's Income Approach (i.e. use income & exp data to determine present worth of future benefits) LINK</p> <p>PTC Chap 5: Comptroller in charge of State Admin of Prop Tax, so why is there no "actual" regulation or oversight of DCAD LINK</p> <p>Officials Violated Oath</p>	<p>12 Hope McClure = Co-Conspirator</p> <p>4.02 - McClure, Spencer & French falsified 2021 tax roll certification (LINK transcript) Commissioners Court Aug 2021</p> <p>McClure tells public / press values going up 25% 5/10/22 GASLIGHTING LINK</p> <p>McClure ignored 8/16/22 email detailing violations LINK</p> <p>McClure & Nash ignore evidence & negotiate on 3/24/22 Testimony</p> <p>Violated Rule 11 Agreement, refuse to turn over formulas used. McClure "no idea about formulas"</p> <p>Email & Letter to Taxpayers & Officials LINK</p> <p>See letters from State Rep Patterson</p> <p>Violated Oath</p>	<p>13 DCAD Board Members = Co-Conspirators</p> <p>Roy Atwood, ATTY, Charles Stafford DISD rep, Ann Pomykal, Alex Buck, David Terre, Michelle French</p> <p>On 9/13/22 Board was presented with details of DCAD violations in USPAP & Law, provided binders of documents to each member. THEY IGNORED LINK</p> <p>DCAD Board Meeting Minutes 9/13/22 LINK</p> <p>Violated Oath</p>	<p>14 DCAD RPAs (employees) = Co-Conspirators</p> <p>RPA, Registered Professional Appraiser Licensed by TDLR LINK</p> <p>Chief Appraiser must be a TDLR licensed RPA</p> <p>4.01 - brazenly & recklessly increased values 4.03 - valuations are not Uniform & Equal 4.04 - failed obligation to base appraisal upon individual characteristics & all available evidence 4.05 - failed to adhere to Sec. 23.01, requiring same or similar methods for same or similar properties. LINK</p> <p>Hundreds of thousands erroneous valuations</p> <p>DCAD Mass Appraisal Report(s) LINK</p> <p>USPAP Appraisal Standards 1-2 Violated LINK</p> <p>USPAP Mass Appraisal Standards 5-6 Violated LINK</p> <p>IAAO Standards & IAAO Ratio Studies Ignored LINK</p> <p>Violated Oath</p>	<p>15 DCAD ARB = Co-Conspirators</p> <p>Illusion of due process, window dressing, GASLIGHTING</p> <p>Inadequately trained & not independent from DCAD - Witness Testimony</p> <p>Violating civil rights & due process by willfully disregarding tax code & ignoring 41.47c. LINK</p> <p>See 3/19/23 email, Bob Warner to PTAD LINK</p> <p>See 3/20/23 email, PTAD T. Castillo reply to Bob Warner LINK</p> <p>See Comptroller Pub 96-308 ARB Manual LINK</p> <p>See ARB LINK</p> <p>Violated Oath</p>	<p>16 TDLR = Co-Conspirator</p> <p>Ignore filed complaints = Complicit in aiding and abetting</p> <p>Claim limited jurisdiction LINK</p> <p>Complaint by Henley LINK</p> <p>Violated Law Violated Oath</p> <p>Complaint by Mavex SFM LINK</p> <p>DCAD RPAs Violated Oath</p> <p>No Enforcement by TDLR</p> <p>See Jeremy Bagott's article dated 11/22/23. Former chief counsel for TALCB, Kristen Worman, promoted "rolling incorporation by reference" of a privately owned code of conduct, making the code's nonprofit publisher a 4th branch of state government, while she was accepting 1000's of \$\$ in all-expense-paid trips and other things of value from the publisher. Her routine breaches of TX Admin. Law and Title 1 of the TX Admin. Code § 91.40 created a benefit for the publisher. TALCB has not submitted any of the 24 versions of the standards to a required notice-and-comment rulemaking pursuant to the procedures set forth in the TX Admin. Procedure Act (Texas Government Code § 2001.021). This has muzzled the people of Texas, denying them their right to participate in a state rulemaking process, and pardoned the private code from required ministerial examination and approvals. Alarming, Worman now works for Texas Dept of Criminal Justice. https://twitter.com/jbagott/status/1727350677964271691</p>	<p>17 TALCB = Co-Conspirator</p> <p>Ignore filed complaints = Complicit in aiding and abetting</p> <p>Claim "no jurisdiction" LINK</p> <p>Former TALCB Chief Counsel violated TX Admin Law, now works for TX Dept of Criminal Justice</p> <p>TALCB & DCAD Violated Oath</p> <p>No Enforcement</p>	<p>18 ISD's (LISD, DISD, etc) = Co-Conspirators</p> <p>Received Stolen Taxpayer \$</p> <p>Know databases and values are corrupt, and choose to do nothing</p> <p>ISD's only viable asset is the cash flow from the taxpayers. Reduce the cash flow, then the existing debt service on the BONDS cannot be paid.</p> <p>See LISD Adopted Budget (2023 - 2024) LINK</p> <p>Violated Oath No Enforcement</p> <p>Bond Values and Property Tax Appraisals (Article by Mitchell Vexler) LINK</p>	<p>19 Attorney(s) = Co-Conspirators</p> <p>Complicit in sloppy legal research and conspiring to persuade and intimidate, including during mediation about values which have no basis in fact or law.</p> <p>Violated Oath No Enforcement</p> <p>DCAD's attorneys are co-conspirators, complicit in sloppy legal research and conspiring to persuade and intimidate the public, including negotiating values during mediation with no basis in fact or law.</p> <p>This serious misconduct requires disbarment. Specifically, evidence shows that Bradon Metcalf & Windy Nash conspired with Hope McClure & Don Spencer to develop and implement a strategy to obstruct the proper valuation of properties, thus obstructing the taxpayers of their Constitutional Rights, and to illegally obtain real estate tax revenue knowing that there was no plausible evidence, and no good-faith theory or argument, under the Texas Property Tax Code and USPAP, to lawfully overvalue and overtax said properties.</p> <p>Metcalf relied on and purposely parroted the misguided opinions and narratives of demonstrably unqualified, unvetted, and unreliable "experts" including DCAD's own employees.</p> <p>What Is Civil Conspiracy? Similar to the conspiracy definition above, civil conspiracy occurs when two or more people agree to engage in a criminal act or an activity to accomplish an unlawful purpose or goal, with an injury to a bystander occurring as a result.</p>
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THEY SIGNED THE OATH

VIOLATED

Fifth Amendment to US Constitution: "No person shall be deprived of life, liberty, or property, without due process of law"

Title 18 U.S.C. Section 1512 (c)(1) and (2) provides: Whoever corruptly - 1. alters, destroys, mutilates, or conceals a record, document, or other object or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding or (2) otherwise obstructs, influences or impedes any official proceeding or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

See Deposition Testimony of Chuck Saling, Hope McClure, public testimony and correspondence of Bradon Metcalf and the upcoming deposition of Don Spencer.

Without enforcement, the actions of DCAD and its co-conspirators have rendered the appraisal process and licensing meaningless.

Without enforcement, highly compromised individuals manufacture valuations which have no basis in law, fact, math, USPAP, or the Texas and U.S. Constitutions.

"a reviewing court shall "hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A)". (Quote by Attorney General Ken Paxton Plaintiff v. Department of State December 2023)

DCAD is an UNLAWFUL agency that must be enjoined.

<p>20 TAAD (Texas Association of Appraisal Districts)</p> <p>PURPOSE: to promote effective and efficient functioning of appraisal districts & aid in improvement of administration thereof (FAILED) LINK</p> <p>See TAAD press release 3/17/22: * seen values increase 20 to 50% since last year = gaslighting LINK * assume prop tax revenue increase by 6% = pre-determining values</p> <p>Ethics Violated No Enforcement</p>	<p>21 IAAO (International Assoc. of Assessing Officers) = Parrot of USPAP</p> <p>IAAO Flawed - LINK</p> <p>IAAO Standard on Mass Appraisal LINK</p> <p>IAAO Income Approach to Valuation, Chap 2, importance of accuracy & relevance LINK</p> <p>IAAO Real Property Modeling Concepts, includes ratio studies LINK</p> <p>DCAD violated IAAO/USPAP standards</p> <p>DCAD's Corrupt Database + False Value Certifications = Garbage in, Garbage Out</p> <p>Results in annual theft of taxpayer \$</p> <p>Dues Paid by DCAD. Ethics Violated No Enforcement</p>	<p>22 TAAO (Texas Assoc. of Assessing Officers) = Parrot of IAAO</p> <p>GOAL: to provide quality education to members by highly qualified instructors registered with TDLR. LINK</p> <p>Paid by members to hand out awards to members & have no ability to audit members or their CADs for accuracy in results. LINK</p> <p>States each member stands alone, membership goes with them wherever employed, per email from M. Berdeaux on 9/30/23. LINK</p> <p>Dues Paid by DCAD. Ethics Violated No Enforcement</p>	<p>23 Appraisal Institute</p> <p>"Whether you are an appraisal trainee or a seasoned professional, AI offers the education courses and resources you need to achieve your goals." LINK</p> <p>DCAD IGNORES GUIDANCE</p> <p>Advanced Income Capitalization LINK</p> <p>Common Errors and Issues LINK</p> <p>Linear Regression LINK</p> <p>Formulas, Symbols, Math & Sample Problems LINK</p> <p>Appraising The Appraisal (best practices) LINK</p> <p>Symbols and Formulas LINK</p> <p>Comparables Appraisal (many references)</p> <p>hundreds of source docs</p> <p>USPAP Professional Standards LINK</p> <p>USPAP Stds 1-2 LINK</p> <p>USPAP Stds 5-6 LINK</p>	<p>24 Appraisal Foundation</p> <p>Authorized by U.S. Congress as the Source of Appraisal Standards & Appraiser Qualifications</p> <p>The Appraisal Standards Board (ASB) set the minimum standards known as USPAP LINK</p> <p>No Enforcement</p> <p>Published, maintained, and updated by the ASB (Appraisal Standards Board) of the Appraisal Foundation, a pseudo-governmental agency charged by the US Congress with promulgating appraisal practice standards</p> <p>USPAP covers all general fields of appraisal, including real property, mass, personal property, business, and review appraisal guidelines. The Standards include guidance on the development, reporting, and recordkeeping requirements set forth by the ASB. The Advisory Opinions can be thought of as elaborations on the various standards and offer detailed guidance along with example scenarios of the application of the different standards. The FAQ's can be thought of as the ASB's 'interpretation' of various standards and are used by appraisers for clarification of different aspects of the Standards.</p>	<p>25 USPAP (Uniform Standards of Professional Appraisal Practice)</p> <p>The set of rules, standards, and guidelines that state certified & licensed appraisers are required to adhere when performing professional services as an 'appraiser'.</p>
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VIOLATED USPAP & PROPERTY TAX CODE... VIOLATED LAW

Intentional Deceptive Behavior & Subjective Biased Appraisal = FRAUD

Definition of fraud

The Association of Certified Fraud Examiners (ACFE) defines fraud as a fraudulent act made by a person or entity who knows that this error can result in losses to individuals or entities. Fraud is an act and action which is done intentionally, consciously, knowingly and desires to abuse everything that is held together, both in the form of company and state resources for the personal enjoyment and then presents incorrect information to cover up the abuse (Ernst & Young, 2017). From several definitions above, it can be concluded that fraud is an act and an unlawful act carried out by someone from inside or outside the organization that is done intentionally with the aim of gaining personal and group benefits but on the other hand also harms others. (Albrecht et al, 2012)

3 Types of Fraud, per ACFE

	ref & examples
1 Corruption Scheme difficult to detect because involves many parties that cover for each other	DCAD, State, Orgs
2 Asset Misappropriation easiest to detect because of tangible nature & ability to calculate	Taxpayer Cash Grab
3 Fraudulent Financial Statement action taken by top level managers to cover up actual financial condition	Raise Valuations Raise Tax Revs Sell More Bonds Cook the Books
<ul style="list-style-type: none"> ◦ lower income to reduce taxes or government obligations ◦ increase income to attract investors or creditors 	

DCAD's Fraudulent & Deceptive Behavior

- Manipulating Data** (as discussed previously)
 - removing property value data from system, changing it, & then re-loading it to CAMA software (We have estimated the corruption of data or infection rate at 76%.)
 - delaying the website updates of protest reduced property values, hindering taxpayer protest process
 - using multiple data bases in valuation process with different data & values for same property ID
 - choosing comps based on a value desired, not based on true a like-kind comparison & market area
 - inflating NOI figures on Income Calculation Worksheets to inflate commercial income property values
 - inflating values, projecting higher tax revenues, to raise bond money or preserve bond value
- Lying to Taxpayers (Property Owners) & ARB** (as discussed previously)
 - presenting inflated income, low ball expenses & improper cap rates to support their inflated value
 - presenting "bad" comps, comps that are not comps to assert or prop-up their inflated value
- Censoring Taxpayer Evidence & Information to/with ARB in Hearing** (review hearing tapes & docs)
 - shutting down & not allowing (CENSORING) discussion of prior year(s) protest reduced value(s)
 - redacting & hiding (CENSORING) key property owner data on handouts given to ARB during hearing
- Coaching, Scolding & Questioning ARB Panel Members**
 - directing ARB Chair to speak with ARB about setting values too low in protest hearings (Steve+Norm)
 - contacting an ARB Panel Chair and question why/how he could reduce value from 2.89 mil to 850K
 - coaching ARB to not reduce SF Residential values below the homestead limitation value (1124 Squires)
- Gaslighting Property Value Increases**
 - in board meetings: 3/3/22*, residential values up 25%; 4/6/23, values up 15 to 20% county wide
 - in speaking to the press: 5/10/22 NBCDFW article, 25% avg increase [5/10/22 press](#)
 - within the CAD appraisal world/culture: 3/17/22 TAAD press release, 20 to 50% increases across TX
 - BUT on 5/4/23 in DRC, Spencer confirms median sales prices have decreased 3.1% from last year...??

Any one of these examples of actions, behaviors, or practices alone DEMONSTRATES NEGLIGENCE. With all happening REPEATEDLY & SIMULTANEOUSLY, this CUMULATIVE EVIDENCE signals FRAUD.

BY THE NUMBERS: Their deception & appraisal failures are evident in the NUMBERS.

NUMBERS - Denton County Home Affordability

- link [73%](#) 72.71% of DC households cannot afford average market value home, \$514,082.
- link [27%](#) With average market value at \$514,082, only 27.29% can.
- link [65%](#) In 2021, 65.10% of households owned home.
- link [38%](#) In 2023, 37.81% of households are at risk of losing their home (65.10% - 27.29%).
- link [\\$189K](#) Household needs annual gross income of \$189,500 to afford a \$514,082 home.
- link [48%](#) With 2023 median household income \$109,126, they fail lender's housing-income ratio (48% > 28%).
- link [\\$296K](#) 2023 median income households can only afford home valued at \$296,000.
- link [74%](#) Certified average home values of \$514,082 are overvalued by 74% based on affordability. (\$514,082/\$296,000 = 1.74... \$514,082 is 74% higher than the \$296,000 that can be afforded.)
- link [\\$358K](#) In 2021, Median Household Income could afford a home valued at \$358,300.
- link [\\$331K](#) In 2021 Median Home Value was \$331,000, Average Home Value was \$339,784.
- link [\\$296K](#) In 2023, Median Household Income CANNOT afford \$358,300 like 2021, but only \$296,000.
- link [13%](#) 13.36% estimate increase in Median Household Income from 2021 to 2023.
- link [40%](#) 40.45% increase in Median Home Market Values from 2021 to 2023.
- link [51%](#) 51.30% increase in Average Home Market Values from 2021 to 2023.
- link [3 times](#) Since 2021, Median Homes Values increased 3 times faster than Household Incomes (40.45/13.36 =3.03)

NUMBERS - Denton County Single Family (SF) Residential Property

- link [32%](#) ECC Community home values increased 31.65% in 2023.
- link [38%](#) Aubrey ISD Single Family Residential Average Market Values increased 37.99% in 2023.
- link [24%](#) Denton County Single Family Residential Average Market Values increased 23.73% in 2023.
- link [50%](#) ECC home values increased twice as fast as inflation since 2017, at 49.85% vs inflation at 24.31%.
- link [72%](#) DC SF Res Values increased three times as fast as inflation since 2018, at 72.32% vs inflation at 22.18%.
- link [48-62%](#) 4536 Mahogany value increased 62% above 2022 value, 1124 Squires increased 48% (see SF Res section exhibit)
- link [26-29%](#) 2023 Certified SF Res Market Value increased 25.98% over 2022; 2022's increased 29.05% over 2021.
- link [109%](#) 2018 to 2023 SF Res certified total value increased 109% (2.09=doubled) while parcel counts only increased 21% (1.21).
- link [42%](#) Roughly 42% of SF Residential properties protested 2023 notice value (6/15/23 meeting).

NUMBERS - Denton County Commercial Property

- link [385%](#) MSFM 2023 value was 385% of its 2022 assessed value, as compared; value increased 285% from 2022 to 2023.
- link [190%](#) MSFM 2023 notice value/sf was 190%, almost double, its comparable properties median value/sf.
- link [-71%](#) MSFM protest reduced \$2.89 mil to \$850,000, or 71%, based on evidence, evidence DCAD ignored.
- link [47%](#) Sample of 140 shopping centers had 2023 value increased 46.69% above their 2022 assessed values.
- link [-40%](#) By August 2023, after most protests, that increase was reduced to 6.84%, a 39.85% correction .
- link [-24%](#) Approximately 90% of these 140 had value reduced/protested, with an average reduction of 24%.
- link [81%](#) Sample of 140 shopping centers showed 2022 values increasing 80.86% above their 2021 assessed values.
- link [-63%](#) By November 2022, after most protests, that increase was reduced to 17.78%, a 63.08% correction .
- link [-31%](#) Approximately 92% of these 140 had value reduced/protested, with an average reduction of 31%.
- link [-50%+](#) Several Apartment Properties had 2023 notice values reduced by 50%+ during protest period.
- link [-18%](#) Data Extract File analysis shows F1 comm prop had an approx reduction of 18% during 2023 protest process.
- link [2 times](#) Avg F1 comm prop certified value increased 20% in 2023... 52% since 2018, when inflation was 22%; 2 times faster.
- link [71%](#) F1 comm prop overall certified values increased 71% (1.71 times) since 2018, with parcel count only increasing 13%.

NUMBERS - Denton County Overall

- link [24%](#) DC Market Value increased from \$183 Billion to \$226 Billion for 2023, 23.71%; parcel count increase was just 2.6%.
- link [24%](#) Certified Values increase from 2021 to 2022 was \$35 Billion, or 24.04%; parcel count increase was just 2.24%.
- link [20%+](#) Average Certified Market Value by parcel increased from 399,479 to 481,682, a 20.58% increase.
- link [107%](#) Avg Certified Market Value increased by 107% since 2017, where inflation was 24%; that's 4 times faster. (107/24)
- link [\\$ 1.34 Bil](#) With an estimated \$67 Billion in overvaluation since 2017, property owners have been over-taxed by \$1.34 Billion.
- link [28%](#) In June, 28% of DC properties were under protest, 131,582 of 470,529; the 2023 Annual Report showed 133,448.
- link [23%](#) The June 2023 protest counts were 22.68% higher than 2022's 107,236; 2023 parcel counts only increased 2.6%.
- link [66%+](#) Spencer/DCAD planned to settle 500 values/day via informal meeting, outside+before 750 scheduled ARB hearings.

Legal Ramifications - Case No. 23-9526-481: Factual Background & Judgments Sought (List of Grievances & Violations)

Factual Background (Grievances)

- [1](#) link 2023 Notice Values were over \$30 Billion higher than 2022, 20+% higher. DCAD brazenly & recklessly increased value of properties for years, unchecked & without accountability.
- [2](#) link McClure, Spencer & French falsified the 2021 tax roll certification. (This is also Judgment 11)
- [3](#) link On face value, DCAD's valuations are not uniform & equal as required by Texas Constitution. This has been the case for years and every chief has ignored problem or willingly violated constitutional rights of property owners.
- [4](#) link Texas Constitution requires taxable property be taxed in equal & uniform manner. DCAD did not fulfill mandatory obligation of Sec 23.01(b), to base its appraisal upon individual characteristics that affect market value and take into account all available evidence specific to value of property in determining market value.
- [5](#) link Sec 23.01(b) also requires same or similar appraisal methods & techniques for same or similar properties. With records that are full of disparate valuations, they could not have used similar methods & techniques. DCAD has produced erroneous valuations due to software issues, limitations, & manipulations.
Valuations that are greater than market value cannot be equal & uniform.

In the mass appraisal process, DCAD has failed to consider "all available evidence" and "supply & demand" factors that affect property value:

Did DCAD factor in wage growth?	No
Did DCAD factor in cost of mortgage rates?	No
Did DCAD look at wage adjusted mortgage payment?	No
Did DCAD study mortgage application volume?	No
Did DCAD look at Consumer Price Inflation, month over month % change?	No
Did DCAD use proper comparisons as required under USPAP and Law?	No
Did DCAD conform to USPAP?	No
Did DCAD examine SF rental income as method to value SF Homes?	No
Did DCAD study Standard Deviation of price as method to value property?	No
Does DCAD have system of checks & balances to prohibit corrupt data?	No
Did DCAD use Standard Deviation to determine expected move of price?	No
Did the DCAD Board hire Chief Appraisers capable of doing the job?	No
Did Michelle French, the County Assessor/Collector & DCAD Board Member, do her job by knowingly accepting corrupt data from DCAD?	No
Did DCAD break Law, USPAP, Texas Constitution, & US Constitution ?	YES

Judgments Sought (Violations)

- [1](#) link Failed USPAP Records Keeping Rule in conducting 2023 mass appraisal.
- [2](#) Failed USPAP Ethics Rule by willfully/knowingly violating Records Keeping Rule.
- [3](#) link Failed USPAP Stds Rule 5-1(b): committed substantial errors of omission & commission, significantly affecting 2023 mass appraisal conducted.
- [4](#) link Failed USPAP Stds Rule 5-1(c): rendered mass appraisal in careless & negligent manner.
- [5](#) link Failed USPAP Stds Rule 5-2(e)(iii): failed to consider location in mass appraisal.
- [6](#) link Failed USPAP Stds Rule 5-4(b): failed to develop mathematical models that, with reasonable certainty, represent relationship between property value and supply & demand factors, represented by quantitative & qualitative approaches to value.
- [7](#) link Failed USPAP Stds Rule 5-4(c): failed to employ recognized techniques for calibrating the mass appraisal models used in 2023.
- [8](#) link Failed USPAP Stds Rule 5-7(a) by failing to reconcile quality & quantity of data and analyzed within the approaches used and the applicability and relevance of approaches, methods & techniques used in the 2023 DCAD mass appraisal.
- [9](#) link Failed USPAP Stds Rule 5-7(b): failed to use or implement appraisal testing procedures & techniques to ensure standards of accuracy are maintained.
- [10](#) link Failed USPAP Stds 6: reported results of mass appraisal in a manner that is misleading.

**It's been said, "purpose of a lock on a door is to stop an honest man from temptation."
The same can be said for rules & laws. They are in fact the locks on the door.
Either the laws of USPAP, Texas Constitution, US Constitution, Texas Property Code,
Texas Administrative Procedures Act, Mass Appraisal Standards, IAAO, TAAO,
Texas State Comptroller & TDLR exist, or they don't.**

DCAD, it's Board & Employees did not fulfill their duty under their regulated criteria as established in Law, resulting in considerable harm & damage to real estate taxpayers.

DCAD, its Board, & Employee's actions, of violating and ignoring the very appraisal laws and requirements that they are legally bound, are both civilly and criminally negligent and wrongful, all of which resulted in economic loss to taxpayers, including claimants & plaintiffs with ongoing litigation expenses.

Abuse of Discretion - Ignoring Evidence

DCAD has every one of the reports listed here... in their possession... with some of them having been delivered year after year by Mavex Shops of Flower Mound. There is also a considerable amount of other evidence demonstrating their illegal behavior, practices & activities, most of which is posted to our website.

No hearing for 2020 value;
DCAD insisted on doing a Top Line value,
refusing to review evidence; Top Line
value was then appealed by lawsuit.

		2023	2022	<---NEW	2020	2019	2018	2017	2016
1	Mavex Shops of Flower Mound & 11 Comps, Review of Class Code Changes			<---NEW					
2	Justin Road Comparables - Review Current & Prior Year Values by Sq Ft	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	2017	2016
3	Operating Statements & Cash Flow for Current Year Projected & Prior Years	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	2017	2016
4	Operating Statements & Cash Flow for 10 Years, CY Projected & Prior Years, plus Summary Info	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	2019	2018	2017	2016
5	Cap Rate Valuations & DCAD Assessed Value, Current Year & Prior Years	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	<---NEW			
6	NOI Valuations & Property Taxes at Different Tax Values & from Investor Prospective	<u>2023</u>	<u>2022</u>	<u>2021</u>	<---NEW				
7	IRR Review for Mavex Shops of Flower Mound, if Purchased for 750,000 (DCAD Values vs 750K)	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	<---NEW			
8	Mavex Shops of Flower Mound - Valuations Under Different Methods (Cap Rate, ROI, GIM)	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	<---NEW			
9	Review of Commercial/Shopping Center Property Valuations w/ Cap Rates Imputed per DCAD Value	<u>2023</u>	<u>2022</u>	<u>2021</u>	<---NEW				
10	Lease & NNN Rates Compared, MSFM vs its true comps	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	2017	<---NEW
11	Property Taxes as % of Rent, MSFM compared with its true comps	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<---NEW			
12	Projected Operating Statement for Buyer at 750,000 or 500,000 w/ effect on ROI at various tax value	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	2017	<---NEW
13	Net Income & Cash Flow Valuation of multiple years w/ 10 cap & ROI analysis compared to DCAD tax value	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	<---NEW	
14	Rent Rolls, Collected Rents & Property Taxes Compared, by year, with notes for lease units/suites	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	<u>2017</u>	<u>2016</u>
15	Rent Rolls, Rent Collections & Tax Assessments Compared (10 years), with notes	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	2019	<---NEW	info provided in different format	
16	Review of Pass Thru Income & Expenses (Triple Net Activity) (10 years) with notes on CAM, INS & TAX	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	<u>2018</u>		
17	Justin Rd Occupancy Data, detailed survey of nearby shopping centers, photos of vacancies, lease rates	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	2018	2017	<---NEW
18	Hearing Presentation Notes for Protest Hearing (talking points & text for hearing presentation)	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	<u>2019</u>	2018	2017	2016
19	History with Comparables, 2011-20XX, compares current assessed values of subject & 11 comps by year	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	<---NEW			
20	Chart: Values of 11 compared to MSFM	<u>2023</u>	<u>2022</u>	with notes above	2020	2019	<---NEW		
21	DCAD's Income Calculation Worksheets, reviewed & re-worked with actual data	<u>2023</u>	<u>2022</u>	included below	<---NEW				
22	2016 Pre-Hearing Agreement, Property Info Provided vs. ICW DCAD prepared but did not share until 2021	<u>2023</u>	<u>2022</u>	included below	<---NEW				
23	Copies of ICWs as prepared by DCAD	<u>2023</u>	<u>2022</u>	<u>2016-2021</u>					
24	Discussion w/ Exhibits - Compare 2016 ICW Valuation Data to 2021 NOI, Occ & Rents			<u>2021</u>	<---NEW				
25	DCAD 2016 ICW Methodology (using actual data) applied to value 2020 & 2021			<u>2021</u>	2020	<---NEW			
26	Map of MSFM and Comps, shows location & situation to Justin Road	<u>2023</u>	<u>2022</u>	<u>2021</u>	2020	2019	2018	2017	<---NEW
27	Photo(s) of MavexSFM Visibility from Justin Rd		<u>2022</u>	2021	2020	2019	2018	2017	<---NEW
28	Images of 11 Comps and their position to/on Justin Rd			2021	<---NEW				
29	Visual Chart, Lease & Occupancy 2001-20XX (green/gray), shows lease occupancy & rent/sf by unit by year	<u>2023</u>	<u>2022</u>	2021	<u>2020</u>	2019	<---NEW		
30	Visual Graph, Lease & Occupancy 2001-20XX (red/blue), shows contrast between leased & unleased areas	<u>2023</u>	<u>2022</u>	2021	<u>2020</u>	2019	<---NEW		
31	Review & Analysis of DCAD's Comps for MSFM as Provided in Advance Under the 14-Day Rule (sales comps)	<u>2023</u>	<---NEW						
32	Review & Analysis of DCAD's Comps for MSFM as Provided in Advance Under the 14-Day Rule (equity comps)	<u>2023</u>	<u>2022</u>	<---NEW					
33	History of Lease Occupancies & Rents for Justin Rd Comps, 2017-202X (ref 0-11)	<u>2023</u>	<u>2022</u>	<---NEW					
34	Lease Survey Report, 2017-2023 (ref 0-17, data collection worksheet)	<u>2023</u>	<---NEW						
35	Review MSFM IRR & Leverage 2016-2030 -and- Leverage Position for 2023	<u>2023</u>	<---NEW						
36	Review of Operating Data, 2017-2023, as relates to PTC Section 23.01e	<u>2023</u>	<---NEW						
37	Projected Operating Statement w/ 12 cap valuation for Property Taxes	<u>2023</u>	<---NEW						
38	Review MSFM Class Codes & Value 2021-2023, as related to PTC Section 23.01e	<u>2023</u>	<---NEW						
39	Review MSFM Values by Document Date, as related to PTC Section 23.01e	<u>2023</u>	<---NEW						
40	Review Protests of 140 Shopping Centers, analysis DCAD values (prelim, assessed, prior year) 2020-2022	<u>2023</u>	<u>2022</u>	2021	2020	<---NEW			
41	Valuation Information for 140 Comm /Shopping Center Properties & 2022 Class Codes Changes)	<u>2023</u>	<u>2022</u>	<---NEW					
42	Standard Deviation Analysis with 11 Comps			<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2017-2020</u>	<---NEW	
43	Different Values Presented by DCAD for 2019					<u>2019</u>			
44	Section 42.26 Texas Property Tax Code, discussed and or physical text of law presented			<u>2021</u>	2020	2019	2018	2017	2016
45	Vexler Report, A Uniform & Equal Analysis of MSFM vs Comps & DCAD Expert, submitted in 2019 lawsuit					<u>2019</u>			

2020 items
given to
DCAD's
"Expert"
Appraiser

GRAY If the year is highlighted in GRAY, DCAD received the report and or analysis; the info is in their possession. **BLUE** If the year is highlighted in BLUE, the info was provided to DCAD in different report format.

This Suit unwinds the intentional layering of complexity, a subterfuge designed by highly compromised individuals & entities to defraud taxpayers in violation of the TX Constitution & a multitude of State & Federal Laws. DCAD, its Board, and employees have violated the requirements & laws of each of its affiliated entities, and those entities chose to turn a blind eye to the fraud, which makes them a co-conspirator in the fraud committed. It is DCAD's documents and the documents of its governing bodies. By applying proper statistical analysis, the truth that is hidden by DCAD and its co-conspirators becomes irrefutably evident. DCAD does not have discretion outside of the Texas Legislature. There is no discretion to the moving of 60,000 property records out of the database for "manipulation" and violating USPAP. DID THE CHIEF APPRAISER DISCLOSE TO THE PUBLIC THAT HE "MANIPULATED" THE PROEPRTY DATABASE AND NUMBERS? This exemplifies another VIOLATION OF LAW by DCAD. The Legislative body of the State of Texas has the discretionary authority, as they created DCAD, and therefore the State of Texas is responsible for it's creation. The executive branch does not have discretion to violate the law. Those who work under the executive branch are executive officials and cannot make determinations. DCAD does not have the authority to over value, over tax, commit fraud, and violate the Texas Constitution. DCAD, the Chief Appraiser (past & present), the Board, the County Tax Assessor, the employees, and co-conspirators have not just abused their authority, they violated the law in all respects.

Now let's consider the abuse of power....

- 1 Both DCAD & taxing entities abuse their power by falsely inflating values for tax revenue (\$\$) gain.**
- * DCAD sets property market value, a key factor to bonds.
 - * Bonds authorized & issued based on property market value of ISD taxing jurisdiction.
 - * Tax revenue is collected based on market values, revenue needed for bond obligations.
 - * DCAD Chief Appraiser & taxing entities meet regularly to discuss budgets (\$\$ needed)

School Districts have one main source of funding and that is taxes, taxes that have resulted from the over valuation and over taxation by DCAD. When the over valuation and subsequent over taxation corrects, as the market values have been falsely determined, the value of the bonds, given a 20 to 1 leverage, will reduce dramatically; there will be a significant devaluation of the bonds. This statement refers to the existing bonds prior to the November 2023 election. Now consider that in the November 2023 election, LISD was seeking approval to raise another \$1.229 Billion and according to The Center Square's Bethany Blankley, the total debt obligation with these new bonds would be over \$3.2 Billion. If election/voters approved, bonds would increase by over 60% in a single stroke. [\$1.22 Billion is 61% of \$1.98 Billion. (3.2 new total - 1.22 new bonds = 1.98 in existing bonds)]

THERE IS NO TAX REVENUE TO COVER ANY INCREASE IN NEW BONDS, but for additional over taxation. The school districts should be put into involuntary bankruptcy and conservatorship. DCAD's fraud extends beyond the real estate taxpayers and includes mortgage holders and bond investors.

"A systemic creation of corruption requires multiple layers of participants." (Association of Fraud Examiners)

- 2 DCAD abuses their power by side-stepping or ignoring the appraisal process & value evidence... holding themselves above the appraisal process, above the law... and negotiating value.** Mavex Shops of Flower Mound has presented mountains of evidence, based on the analysis of facts & real data in informal meetings, in protest hearings, and in the legal appeal process. (a list of items was discussed previously with "Abuse of Discretion")
- But DCAD RPAs, Chief Appraiser, in-house counsel, outside counsel, and or hired experts...
- * have taken rent roll & then produced fake income statements on income properties
 - * have refused to review and or consider current & historical operating performance data of income properties that are being appraised based on the income approach
 - * have failed to produce, or properly identify, comparable property (like-kind, market area, etc)
 - * have not provided valuation defense to homeowners or income property owners
 - * have refused to review and or consider analysis of comparable properties (res or comm)
 - property owner's analysis with its true comps
 - property owner's analysis demonstrating DCAD's improper comps (bad comps)
 - * have censored property owners and or evidence & prior year values in ARB hearings (data & time)
 - * have not reviewed/responded to appraisal value evidence & analysis during appeal process
 - * have insisted on negotiating property value
 - with pre-hearing informal correspondence, meeting, communication, etc
 - contacting property owners before hearings thru mail, email, or eProtest portal
 - scheduling 750 hearings/day when can only do 250; negotiating 500 informally
 - in post-hearing legal appeal process
 - * have intervened & not maintained independence from ARB
- 3 DCAD abuses their power by issuing non-appraisal based values on Notices of Appraisal .**
- * brazenly & recklessly increasing values
 - * violating appraisal rules & standards required by law
 - * violating specific legal directives in property tax code & Texas Constitution
 - * violating "equal & uniform," "all available evidence" and "clear & convincing evidence"
- 4 DCAD abuses their power because there is no recourse against their behavior and practice.**
- * complaints filed with TDLR & State have been deflected back to CAD or county court
 - * communication with Board, including a binder of evidence, results in no response & no action
- 5 DCAD abuses their power by manipulating the data.**
- * removing property value data from system, changing it, & then re-loading it to CAMA software
 - * delaying the website updates of protest reduced property values, hindering taxpayer protest process
 - * using multiple data bases in valuation process with different data & values for same property ID
 - * choosing comps based on a value desired, not based on true a like-kind comparison & market area
 - * inflating NOI figures on Income Calculation Worksheets to inflate commercial income property values
 - * inflating values, projecting higher tax revenues, to raise bond money or preserve bond value

From their abuses there is injury...

INJURY IN FACT: Mavex Shops of Flower Mound has diverted considerable resources, time, money, video, writings, legal, accounting, website, CEO, filing protests, filing complaints with authorities, and filing this suit, to counteract the Defendants' unlawful conduct.

Plaintiff respectfully requests that the Court enter judgment in their favor and grant the following relief:

Ten Judgments outlined in the Suit and as seen on the prior Ramifications tab;

Declare that Defendants' funding, development, marketing, and promotion of censorship tools, technologies, and censorship enterprises constitutes an ultra vires action lacking statutory authority and exceeding constitutional authority;

Declare that Defendants' funding, development, marketing, and promotion of censorship tools, technologies, and censorship enterprises violates Plaintiff's Freedom of Speech under the First Amendment of the Constitution;

Declare Defendants' conduct violates the Administrative Procedure Act and therefore is unlawful and invalid;

Preliminarily and permanently enjoin Defendants, their officers, officials, agents, servants, employees, attorneys, and all persons acting in concert or participation with them from further engaging in the unlawful conduct as alleged herein;

Declare that Defendants' violated the 5th Amendment to the Constitution of the United States of America. The 5th Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law. The 14th Amendment ratified in 1868 uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures.

Declare that Defendants' violated the 14th Amendment to the Constitution of the United States of America, which also confirms "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Declare that Defendants' and their attorneys have refused to honor their acceptance of their Oath, and are impersonating public officials under Texas Penal Code 37.11, which is 3rd degree felony.

Declare that Defendants' violated Title 42 USC Section 1986 wherein a person having "knowledge of the law," "the power to stop a wrong," and the "duty to prevent a wrong from being done" is liable for any failure to act.

Declare that Defendants' violated Title 18 USC Section 1512 (c)(1) and (2) which states "Whoever corruptly - 1. alters, destroys, mutilates, or conceals a record, document, or other object or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding or (2) otherwise obstructs, influences or impedes any official proceeding or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

Declare that Defendants' violated the 16th Amendment to The Constitution of the United States of America. In the years 2016 to 2023 and prior to the creation of The Constitution of the United States of America there were and are no laws in the United States that allow for Taxation of Unrealized Gains. The government overreach as evidenced in this case has created Taxation of Unrealized Gains, aka fraudulent Market Value, and those same Market Values are being used as a basis from which to create / charge a tax, which is Taxation of Unrealized Gains. The State of Texas Legislature which created DCAD, and the State Comptroller which oversees DCAD, and the Attorney General (Executive Branch) have violated the 16th Amendment which states that "Congress to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States." This is why the 16th Amendment states, "taxes on incomes". Then as now, income was understood to refer to gains realized by a taxpayer through payment, exchange, or the like, not a mere increase in value of property. Appreciation in the value of a home or other asset is not income until it is sold, and the gain is realized.

In addition to DCAD fraudulently creating Market Values, its existence is an unlawful agency allowing the violation of the 16th Amendment (not all inclusive) in that those same Market Values are being used as a basis from which to charge a tax which is Taxation on Unrealized Gains.

Declare DCAD's actions to be arbitrary, capricious and abuse of discretion, and not in accordance with the law "5 U.S.C. § 706(2)(A)".

Declare DCAD to be an unlawful agency that is hereby enjoined.

Include Attorney's fees, other just and proper relief, plus treble damages.

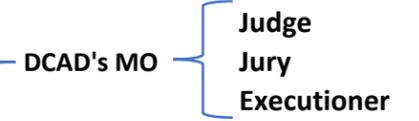
- 6 DCAD abuses their power by "gaslighting"**
- * website presents them as following appraisal law and property tax code, etc, when analysis, data & facts show otherwise
 - * publicly assert higher values & percentage increases as "matter of fact," when analysis, data & facts shows otherwise
- 7 DCAD, State Comptroller, PTAD, TDLR, & the appraisal practice organizations (IAAO, TAAD, etc) all abuse their power as...**
- * there is no accountability
 - * they redirect complaints to fellow abusers
 - * they gaslight the public with regard to ethics & standards
 - * they have violated TX & US constitutional law
 - * they gaslight the public on increases to property value

DCAD is a criminal agency that must be enjoined.

DCAD - Corrupt Administration, Board, Database - Values created by "GUESSES" + 60,000 properties excel "manipulated", outside of USPAP & Law = Arbitrary & FRAUDULENT values.

ARB - If you don't like the arbitrarily created fraudulent guess, go to the ARB which is controlled (in violation of law) by DCAD.

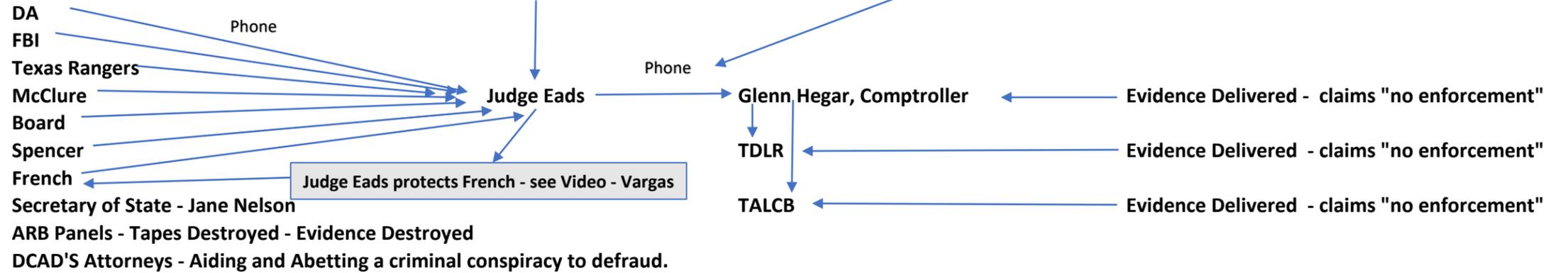
State Comptroller- If you don't like the ARB result, first pay the tax on the value DCAD/ARB deemed, then go to court. You win, we don't pay interest on your \$ & we claim a cap on the legal fees.



Since 2016 hundreds of evidentiary documents have been obtained, all of which flow from DCAD and affiliated Entities.

www.mockingbirdproperties.com/dcad

Evidence of FRAUD Delivered - Did Nothing



NEW ADDITIONAL EVIDENCE OBTAINED IN 2023 CONFIRMING EVIDENCE OBTAINED SINCE 2016

ALL ACTED KNOWINGLY

The English and American courts came to the view that in most legal contexts, a criminal actor who intends to engage in an act is liable for whatever harm follows, even if it is different from that which he originally contemplated. In the words of the Model Penal Code, one can act "knowingly" without regard to any specific intent to accomplish a wrongful act or violate a law. It is enough to know that one is undertaking the acts that constitute the offense.

AIDING & ABETTING

If you aided or abetted (commonly known as an accessory after the fact) in the commission of a crime but did not conduct the crime yourself, you can be charged with it. Prosecutors can prosecute you with aiding and abetting if you are aware of the perpetrator's illegal plot, intentionally encourage and facilitate that plan, and aid, promote, or initiate the commission of the crime.

<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.37.htm>

PENAL CODE - Texas Constitution and Statutes

Sec. 37.03. AGGRAVATED PERJURY. (a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement: (1) is made during or in connection with an official proceeding; and. (2) is material. (b) An offense under this section is a felony of the third degree.

<https://statutes.capitol.texas.gov/docs/PE/htm/PE.7.htm>

PENAL CODE - Texas Constitution and Statutes

Sec. 7.01. PARTIES TO OFFENSES. (a) A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both. (b) Each party to an offense may be charged with commission of the offense.

<https://statutes.capitol.texas.gov/docs/PE/htm/PE.6.htm>

PENAL CODE CHAPTER 6. CULPABILITY GENERALLY - Texas Constit...

CULPABILITY GENERALLY Sec. 6.01. REQUIREMENT OF VOLUNTARY ACT OR OMISSION. (a) A person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession.

Texas Penal Code Section 7.01

Texas law says that a person may be legally responsible for another person's criminal activity if he or she assisted in the commission of the crime. Unfortunately, a person who helps another individual in his or her effort to commit a crime might be deemed liable for an action or actions he or she can't imagine.

Section 7.01 of the Texas Penal Code applies to crimes such as:

- Failure to report
- Accessory after the fact
- Harboring a fugitive
- Aiding/abetting a fugitive

People can't be successful when politicians choose to steal.

Federal Aiding and Abetting Crimes

It's possible for an individual to break federal, state, and local aiding and abetting laws. Under federal law, an individual may be charged with the commission of a crime even if the physical criminal act was committed by someone else. "Knowingly" providing assistance to another party in order to commit or conceal a criminal act is a prosecutable offense. In a federal court, this is considered the same as committing the physical criminal act. For example, an employee who takes photos of a secure vault area in which he or she works is likely to face similar charges to the individual who utilizes the information to commit the robbery.

Aiding and Abetting Punishments

An individual who knowingly and willingly assists another party in his or her commission, escape from, or concealment of a crime may face charges involving the criminal act. For that reason, the punishment the offender receives for aiding and abetting can be identical to the punishments imposed on a person who physically committed a crime.

Experts

Opinions of DCAD “Experts” are entitled to no weight.

Their alleged “experts” are no better than those for which they opine, those who created the problems to begin with.

Their experts are just as morally, factually, and legally corrupt as DCAD.

If their witnesses are such great “experts” then:

- A) Why didn’t they discover the fraud?
- B) Where is their writing and warnings to the public?
- C) Where is their video warning the public?
- D) Where are their communications to authorities?
- E) How many hours did they spend in their assessment of USPAP and the actions of DCAD and their employees?
- F) How many hours did they spend in tying USPAP to the Law?

We have spent over thousands of hours documenting, researching, and analyzing the data.

- G) Where is any evidence from their “experts” published concerning the issues created by DCAD?

We have published a massive amount of evidence on our website.

- H) DCAD uses its experts to spend more time and intentionally delay at the expense of the Plaintiff.

This time is not needed, as history shows they have been executing on how to ignore the law at least since 2016.

- I) Alleged claimed authority (DCAD) which is restricting the protections afforded in law for the benefit of the taxpayer (USPAP and Texas Constitution and The Constitution of the United States of America), is in fact not DCAD's authority under the Law, thus making any such claim of authority, is a violation of Oath, which negates any effort by an “expert” to opine to actions of DCAD. Any “expert” who would opine to made up discriminatory laws, is in fact discriminating against the taxpayer, as is DCAD.

- J) When DCAD’s “experts” over-generalize about what they think they know “theory and or sweeping observations and or intentional mis-descriptions,” it is not helpful, and is disingenuous at best. They are part of a pattern created at the bequest of DCAD and when one digs deeper into proper legal and mathematical analysis, the “experts” are easily proven wrong. Omission and Commission are both prohibited by USPAP, and “experts” are not allowed to opine to falsities when the requirements of USPAP and law clearly exist. Expert’s conceding to these points after they made them is nothing more than proof of intent to mislead the Judge, Jury, and Public. **Our analyses are reliable, reproducible and accurate, and they start with DCAD’s own documents and testimony, which makes the analyses irrefutable.** What is DCAD’s or their “experts” argument... we didn’t mean it!!!

- K) In fact, DCAD brought in an “expert appraiser” in a prior year's litigation and my accountant wrote pages of problems with his “expert” report, a report that did not meet the requirements of USPAP and where he was fed information by DCAD (another violation). This alleged “expert” just like DCAD could not or would not quantify that his own comparisons, which he received from DCAD, were not comparisons. In addition, the income statement created by this alleged “expert” matched the fraudulent Income Calculation Worksheet (ICW) used by DCAD. Why? He was bought and paid for by DCAD and arranged for by DCAD's attorney Bradon Metcalf. This is systemic corruption.

**Any “expert” or CAD that opines to territorial legislative improvisations,
which conflict with USPAP and Texas Law under which the CAD is legally required to operate,
as shown above, should be entitled to no weight.**

See our review of Expert Appraiser's report dated 8/18/20,
Opinion of Equal & Uniform value of \$2,191,219 for 2019.

[link to review notes](#)

See our review of Expert Appraiser's report dated 8/18/20,
Market Value Appraisal value of \$2,050,000 for 2019.

[link to review notes](#)

Here are a few key notes from the above reviews:

- . fails to use actual income & expense data "handed to him"
- . fails to use rent roll data "handed to him"
- . fabricates higher income & lower expenses just like DCAD's ICWs
- . fails to properly differentiate & identify market areas
- . makes statements of fact that are NOT FACT, NOT ACCURATE
- . makes improper assumption/increase of new tenant rent rates
- . fails to recognize or adjust for declining lease rates per sq ft
- . makes improper statement about cash flow & cash flow history
- . fails to use/identify proper comparable properties
- . fails to make appropriate adjustments with comparisons
- . acknowledges others have superior location, then does not adjust
- . makes contradictory statements & assumptions
- . challenges actual expense data, claiming it is false
- . inserts inaccurate data for MSFM & the comps (improper comps)

All of our analyses are based on REAL DATA obtained...

from documents provided by DCAD

- . appraisal notices
- . documents per 14-day evidence rule
- . other correspondence

from data found on DCAD website

- . reports & information posted
- . meeting minutes, agendas, audio recordings
- . database searches & downloads

from USPAP documentation & text of Law

from State Comptroller website

from property management

from state & local government offices, agencies, & orgs

from on-line sources of info & data

Appraisal Review Board (ARB) - Reference Witness Testimony of Beverly Henley

ARB panel members are not appraisers, yet the ARB panels are charged with a scope of work that includes weighing the evidence given to them by property owners and appraisal district (DCAD) to determine a value from that evidence. There are **multiple problems** with this very charge in that DCAD is violating the taxpayer rights, by ignoring the Law and USPAP, by hiding evidence prior to the hearing from the taxpayer, then as evidenced herein, lying about comparisons, method of valuation, and then further lying to the ARB panels as to how and what evidence can be presented. The ARB hearing protest process is essentially rigged against the property owner, and this rigging is part of the conspiracy to defraud the taxpayers.

With regard to lying to the ARB members and the Public, as seen in the USPAP Formulas from the Appraisal Institute, not one of the following formulas could be calculated if DCAD stops at NOI, which is also fraudulently calculated by decreasing operating expenses, increasing income, and utilizing an inappropriate cap rate. There are multiple standards of valuation methods (over 30), including but not limited to IRR, Mortgage Capitalization Rate, Equity Yield Rate, Property Yield Rate, Breakeven Ratio, Breakeven Occupancy, Effective Tax Rate (Actual Taxes / Market Value), Discounted Cash Flow, Future Value, Pretax Equity Reversion, etc., none of which are utilized by DCAD, and none of which are taught to the ARB members. In fact, very little is taught to any ARB. There is no "ARB School". The State Comptroller only provides 2 days of very substandard video training for onboarding new members and just one day of the same continuing education for returning members.

When the ARB panels are lied to by DCAD and its RPAs in the hearings and or are presented with error laden information, the **panel members generally do not have the education to know they are being lied to and do not have enough knowledge to question a district.** District Appraisers assigned to hearings are instructed to not provide ANYTHING other than DCAD's predetermined information. Districts do everything possible to stack the deck against the Taxpayer. You will hear testimony from a seasoned ARB member who would ask questions wherein the replies from the RPAs are often: "I don't know," "It's not my account," "I'm just working with what material I have been provided," or "I've been told I can provide you with what I have here." Such statements are in fact obstructing taxpayer rights, and are a violation of USPAP, Mass Appraisal Standards, TX and US Constitution, and the Oath under which DCAD's appraisers, Chief Appraiser, Deputy Chief Appraisers, Board, and County Treasurer, signed. The ARB panels are useful pawns to DCAD's intent to defraud and violations of Texas and United States Constitutional Law.

It takes 2-3 years for an ARB panel member to begin to understand how they are the pawns and gain enough knowledge to push back on DCAD's appraisers. The law makers changed the law in 2020 and now the panel member terms out after 4 years. In other words, keep them ignorant and if they get smart, get rid of them!

By ignoring real estate taxes paid, debt service, return on investment, return of investment, free cash flow, and using improper comparisons in the valuation methods, DCAD, it's appraisers and ARB members are defrauding the Public, which is a violation of the Public's Constitutional Rights. Then to make matters even worse, in the case of Mavex Shops of Flower Mound, deducting operating expenses (lowering and making them up), to push the NOI (net operating income) even higher, bringing the fraud to a level which conforms to RICO Statutes. The combination is systemic fraud as their actions negate all existing appraisal standards and laws. The actions are not just civil violations, but also criminal at both the State and Federal levels.

Note: The ARB is completely ignorant of the fact that under Mass Appraisal Standards the Appraiser, including Chief Appraiser, "must comply" with USPAP and "each property shall be appraised based upon the individual characteristics that affect the property's market value, and all available evidence... shall be taken into consideration." Clearly DCAD is intentionally ignoring USPAP and Mass Appraisal Standards, which is a violation of their Oath, and under Texas law is a 3rd degree felony. The actions of DCAD and its appraisers mislead the ARB panels, which creates a closed loop of intent to defraud the taxpayers, which is a violation of their Constitutional Rights.

DCAD violates taxpayer rights before, after, & during ARB protest process:

- ignoring Law & USPAP in valuations
- hiding evidence from taxpayers prior to hearings
- lying about comparisons
- manipulating data in methods of valuations
- lying to ARB and taxpayers about what evidence can be presented
- coaching ARB or chastising ARB on values reduced

ARB protest hearings are "rigged" against the property owner.

DCAD manipulates data & figures on Income Property valuations.

(See Income Calculation Worksheets reviewed; 2022 is best example)

ARB is inadequately & minimally trained in appraisal valuation methodology:

- 2 days of video training for new ARB members (8 hours minimum required)
- 1 day refresher or continuing education for returning ARB members
- Member can participate in hearings without training, if appointed after training was offered; can complete training at first opportunity after appointment.

Poor training leads to ignorance of appraisal errors or improper valuations.

Without knowledge, ARB does not recognize what should be questioned.

When or if questioned by ARB, DCAD rep often claims "I don't know."

DCAD rep (RPA) not having knowledge to properly present and or defend property value in an ARB hearing further obstructs the taxpayer's rights, especially if the info withheld, hidden, or conveniently unknown, supports the reduction in value sought by the taxpayer/property owner.

The ARB members are essentially pawns, used by DCAD to gaslight property owner participating in the protest process.

Term limits hinder protest process for taxpayers, as seasoned & experienced ARB members are replaced with ignorant "newbies."

Systematic Deceit & Corruption

[In 2019 DCAD received a " PRESTIGIOUS CEAA" award from IAAO.](#) <--link

— DENTON CAD EARNS THE PRESTIGIOUS CEAA

January 31, 2019

Denton CAD Earns IAAO's Prestigious Certificate of Excellence in Assessment Administration (CEAA)

Earning the IAAO's Certificate of Excellence in Assessment Administration (CEAA) is a rigorous and challenging task. The purpose of the IAAO CEAA is to recognize those governmental units utilizing best appraisal and assessment practices throughout their offices including a strong emphasis on teamwork, accomplishments, and a high level of satisfaction among peers, staff, and constituents. The IAAO CEAA is intended for jurisdictions that have developed superior assessment practices for all aspects of their operations.

We wish to congratulate you and your staff on achieving this level of excellence and commend you on your hard work and dedication. Your commitment has earned you the IAAO CEAA from the world's premier property appraisal and assessment administration organization. By doing so, you have met all requirements for certification contained in the *Assessment Practices Self-Evaluation Guide*.

Congratulations and best regards,

Dorothy Jacks, AAS
IAAO President



DCAD receives award for excellence from IAAO in 2019... and now in 2023 IAAO believes DCAD should be reviewed & advised on its property tax appraisal processes...?

In 2023 Professional Consulting Services of IAAO are asked to quote cost to perform a review of DCAD operations, processes, policies & procedures and PCSIAAO staff think it "would prove to be beneficial for the jurisdiction."

[See page 10 of Proposal attached in Item 8 of 12/7/23 meeting agenda.](#) <--link

Scope of Work – Exhibit A

Introduction

Project Background

Chief Appraiser Don Spencer contacted PCSIAAO to request additional information regarding PCSIAAO's Gap Analysis service. On Tuesday, October 31st, 2023, an informational call was held to introduce PCSIAAO staff Justin Eimers, AAS Assessment Advisor and Ashley Lathrop Interim IAAO Executive Director to Chief Appraiser Spencer.

Chief Appraiser Spencer outlined Denton CAD's recent history and current challenges. Chief Appraiser Spencer discussed his need for a full review of his office to help identify areas of improvement and craft a plan to improve operations. During the conversation it became clear to PCSIAAO staff that a Gap Analysis would prove to be beneficial for the jurisdiction.

A Gap Analysis conducted by PCSIAAO includes a review of the current operations, processes, policies, and procedures currently utilized by the Appraiser's Office and compares them to both industry best practices and IAAO's 16 Technical Standards. Any "gaps" discovered during the project will be highlighted and suggestions for improvement will be provided.

What happend to DCAD between 2019 and 2023 that DCAD now needs the help of IAAO?

Given that IAAO has no ability to audit data and databases, and no ability to determine fraud, and if the underlying problems can't be defined by IAAO, then for what purpose are they being hired? (GASLIGHTING)

If IAAO could determine vialtions of Law, then where are their notices of violation to DCAD and warnings to the public for each of the last 5 years while IAAO was handing out awards to it's members who pay for membership?

Why does the scope of work to hire IAAO not include a review for identifying inappropriate comparisons, fraudulent income statements, and corrupt database(s)?

Given that the taxpayers pay for the hiring of IAAO, what is the benefit to the taxpayer from hiring IAAO when the appropriate scope of work is being ignored and not withing the capability of IAAO?

In this case, the government, made up of several enablers / co-conspirators and an unlawful DCAD, have set about through a web of deceit, to intentionally keep the public blind to their actions.

The Bill of Rights became part of the US Constitution on December 15, 1791 because James Madison and Thomas Jefferson understood the need to guard against the government's inclination to abuse its power.

The Texas Constitution has been ignored by DCAD, it's Board, Chief Appraiser, Deputy Chief Appraisers, Employees, RPAs, Co-Conspirators, and Taxing Entities.

We have been forced to file suit, to defend our Constitutional rights and those of all the real estate taxpayers in Denton County.

This suit exists to stop more damage from occurring and to seek justice for the money taken by this unlawful agency.

Each link in the chain, DCAD, Board, Employees, CA Don Spencer, D-CAs, TDLR, TALCB, State Comptroller, Taxing Entities, Denton County Assessor Michelle French, Hope McClure and the various appraisal professional organizations, is an illusion of legitimacy. When in truth, **each link is made illegitimate by DCAD being unable and unwilling to deliver a proper Initial Notice of Value under USPAP, the Texas Property Tax Code and The Texas Constitution, thus violating the Constitutional rights of all the real estate taxpayers in Denton County.**

We have exposed the corruption for all to see.

DCAD and it's co-conspirators have no defense for thier heinous actions.

Summary

This presentation was divided into sections with exhibits:

0	Overview
1	How
2	Home Affordability
3	SF Residential Property
4	Commercial Property
5	Violations
6	Did You Know
7	Who
8	Fraud by the Numbers
9	Ramifications
10	Abuse of Discretion
11	Abuse of Power - Injury in Fact
12	DCAD, Criminal Agency
13	Experts
14	ARB
15	Systematic Deceit
16	Summary

In closing, consider the Answer to these Questions...

Is there any fact outlined in the presentation that is not true and not backed up by the evidence?	No.
Is the evidence irrefutable?	Yes.
Can this amount of Laws be broken but for intent?	No.
Are 100,000+ homeowners in harms way due to DCAD and it's co-conspirators?	Yes.
Are DCAD and it's co-conspirators actions egregious, arbitrary, capricious, fraudulent?	Yes.
Does the actions of DCAD and it's co-conspirators affect every property tax account?	Yes.
Are the database(s) established by DCAD corrupt?	Yes.
Is there anything that DCAD and it's co-conspirators have done properly under the Law, USPAP, and Mass Appraisal Standards, Texas Constitution, Texas Property Tax Code, and US Constitution?	No.
Did DCAD and it's co-conspirators violate the Law in all respects including Texas Property Tax Code, Texas Constitution, USPAP, and The Constitution of the United States of America?	Yes.

Statement by Plaintiff:

Plaintiff recognizes how difficult it is to realize the depth of the corruption. It has taken several years to outline and document DCAD's violations of Law as shown in this Presentation and on the Mockingbird Properties Website, and the more evidence that was uncovered, the deeper the trail of the systemic corruption. Just recently we quantified how many homeowners are in harms way as a direct result of the corruption, and this is something that is completely unacceptable and was the final determinant triggering the filing this Law Suit.

DCAD knows full well, they are violating the law, and that is exactly why bullet proof glass was installed. If DCAD was not a criminal organization, this Law Suit and that bullet proof glass would not be necessary.

Your Honor, Plaintiff would like you to accept that DCAD and it's co-conspirators have inflicted their own terminal wounds. What is outlined in this presentation is so heinous, there simply is no fix without starting over. Plaintiff is asking Your Honor to protect ALL property owners (commercial, residential, & households) as codified under Law and to recognize that all those laws do in fact exist. If those laws don't exist, then why would anybody subject themselves to extortion at the hands of criminals? DCAD, County Tax Assessor Collector, co-conspirators, and DCAD employees do not have discretion to pick and choose which laws, if any, they are going to use at any given time.

In the August 31, 2021 Commissioners Court Meeting, Lakewood Village Mayor discusses problems with the 2021 value certifications and subsequent tax bills issued. Judge Eads allows Michelle French, the county tax assessor collector, to respond and she states "I just want it to be known that we calculated based upon the values that were provided to us." To this Judge Eads then adds, "you're not in the evaluation department" to buttress French's statement and provide cover. Clearly neither grasp or care about the ramifications, and that is that French has violated her Oath, period. French sits on the DCAD board, attends meetings regularly, having full knowledge of multiple issues with DCAD values and DCAD valuation processes. And she produced tax bills based on the appraisal district market values that she knows are wrong, knows are fraudulent. To be exceedingly clear, French claims no responsibility, DCAD claims no responsibility, the Comptroller, TDLR, TALCB, IAAO, and TAAO claim no responsibility, and this is how the web of deceit creates a total abomination of the Law, which is irrefutable, as shown throughout this presentation.

A reviewing court shall hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. (5 U.S.C. § 706(2)(A)). **DEFENDANTS' FUNDING, DEVELOPMENT, MARKETING, AND PROMOTION (i.e. GASLIGHTING) OF PRIVATE REAL ESTATE SOFTWARE, TOOLS, TECHNOLOGIES, in violation of USPAP, AND CENSORSHIP ENTERPRISES FOR THE PURPOSES OF STEALING REAL ESTATE TAXPAYER WEALTH, IS A NON-FINAL, UNLAWFUL AGENCY ACTION THAT MUST BE ENJOINED.**

(This paragraph is similar to a legal statement made by Ken Paxton in a recent Supreme Court filing.)