

**United States District Court for the
NORTHERN DISTRICT OF ALABAMA
Southern Division
AMENDED COMPLAINT**

Plaintiff

Brian K. Rice, Plaintiff, pro se

v.

Chief Examiner Rachel Laurie Riddle in her official capacity as Chief Examiner of the Alabama Department of Examiners of Public Accounts.

Charles Bass in his official capacity as Examiner of the Alabama Department of Examiners of Public Accounts.

Neva C. Conway, in her individual and official capacity as legal counsel for Alabama Real Estate Appraisers Board.; Lisa C. Brooks, in her individual capacity and official capacity as Executive Director, Alabama Real Estate Appraisers Board.

Synovus Bank; and Nelson S. Bean in his individual and official capacity as Division CEO of Synovus Bank; and Bill Inabinet, in his individual and official capacity as Regional Retail Sales Manager for Synovus Bank.

CBRE, Inc.; and Barry R. Harvill in his individual and official capacity as Vice President of Valuation & Advisory Services for CBRE, Inc.; and Ronald A. Neyhart in his individual and official capacity as Senior Managing Director and Executive Vice President for CBRE, Inc.

Maria Knight, in her individual and official capacity as Chair of the Jefferson County Board of Equalization.

Defendant(s)

Case No.: 2:24cv33-NAD

JURY TRIAL Yes No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff

Name: Brian K. Rice

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. The Defendant(s)

Defendant No. 1

Name: Rachel Laurie Riddle

Job or Title: Chief Examiner of the Alabama Department of Examiners of Public Accounts
(ADEPA)

Street Address: 11 South Union Street

City and County: Montgomery, Montgomery County

State and Zip Code: AL 36130

Defendant No. 2

Name: Charles Bass

Job or Title: Examiner of the Alabama Department of Examiners of Public Accounts (ADEPA)

Street Address: 11 South Union Street

City and County: Montgomery, Montgomery County

State and Zip Code: AL 36130

Defendant No. 3

Name: Lisa C. Brooks

Job or Title: Executive Director for Alabama Real Estate Appraisers Board (AREAB)

Street Address: 100 N Union St. Ste 370

City and County: Montgomery, Montgomery County

State and Zip Code: AL 36104

Defendant No. 4

Name: Lisa C. Brooks

Job or Title: in her individual capacity

[REDACTED]

[REDACTED]

[REDACTED]

Defendant No. 5

Name: Neva C. Conway

Job or Title: Legal Counsel for Alabama Real Estate Appraisers Board (AREAB)

Street Address: 100 N Union St. Ste 370

City and County: Montgomery, Montgomery County

State and Zip Code: AL 36104

Defendant No. 6

Name: Neva C. Conway

Job or Title: in her individual capacity

[REDACTED]

[REDACTED]

[REDACTED]

Defendant No. 7

Name: Synovus Bank

Job or Title: Corporation

Street Address: 1148 Broadway

City and County: Columbus, Muscogee County

State and Zip Code: GA 31901

Defendant No. 8

Name: Nelson S. Bean

Job or Title: Division CEO, Birmingham, Synovus Bank

Street Address: 1148 Broadway.

City and County: Columbus, Muscogee County

State and Zip Code: GA 31901

Defendant No. 9

Name: Bill Inabinet

Job or Title: Regional Retail Sales Manager, Synovus Bank

Street Address: 1148 Broadway.

City and County: Columbus, Muscogee County

State and Zip Code: GA 31901

Defendant No. 10

Name: CBRE, Inc. (CBRE)

Job or Title: Corporation

Street Address: 11150 Santa Monica Blvd, Ste 1600 CA 90025

City and County: Los Angeles, Los Angeles County

Defendant No. 11

Name: Barry R. Harvill

Job or Title: VP of Valuation & Advisory Services (VAS) Southeast Region, CBRE, Inc. (CBRE)

Street Address: (Address registered with AL Secretary of State) 11150 Santa Monica Blvd, Ste
1600

City and County: Los Angeles, Los Angeles County

State and Zip Code: CA 90025

Defendant No. 12

Name: Ronald A. Neyhart

Job or Title: MAI, Senior Managing Director, CBRE, Inc. – Valuation & Advisory Services
(CBRE)

Street Address: (Address registered with GA Secretary of State) 2100 McKinney Ave, Suite 1250,
Dallas, City and County: Dallas, Dallas County

State and Zip Code: TX, 75201

Defendant No. 13

Name: Maria Knight

Job or Title: Chairman of the Jefferson County Board of Equalization (JCBOE)

Street Address: 716 Richard Arrington Jr, Blvd N Annex 500,

City and County: Birmingham, Jefferson County

State and Zip Code: Alabama 35203

Defendant No. 14

Name: Maria Knight

Job or Title: in her individual capacity

[REDACTED]

[REDACTED]

[REDACTED]

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? (check all that apply)

Constitutional or Federal Question USA Defendant Diversity of citizenship

A. This action arises under the 5th Amendment of U.S. Constitution, 14th Amendment of the U.S. Constitution, 18 U.S. Code § 1964, 42 U.S. Code 1983, 42 U.S. Code 1981, Fraudulent Concealment, 18 U.S. Code § 656, 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

B. Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The Plaintiff, Brian K. Rice, is a citizen of the State of Alabama.

2. The Defendant(s) based on diversity of citizenship

a. The defendant, Ronald A. Neyhart, is a citizen of the State of Georgia.

b. The defendant, CBRE, Inc., is incorporated under the laws of the State of Delaware and has its principal place of business in the State of Texas per Georgia Secretary of State.

c. The defendant, CBRE, Inc., is incorporated under the laws of the State of Delaware and has its principal place of business in the State of Alabama per Alabama Secretary of State.

d. The defendant, Synovus Bank is incorporated under the laws of the State of Georgia and has its principal place of business in the State of Georgia.

3. The Amount in Controversy

The amount in controversy – the amount the Plaintiff claims the defendant owes or the amount that is at state – is more than \$75,000, not counting interest and costs of court, because:

Plaintiff purchased properties and economic developments plans are in excess of \$250,000 which are the subject of this lawsuit.

III. Statement of Claim

1. No American should be faced with a \$0.00 Appraisal on their buildings.
2. No American should be deprived of their right to protest their property taxes.
3. Plaintiff properties located at 600, 604, 606, 608, 610, 615, 617, and 619 19th St. Ensley Birmingham, AL, which consist of parcel numbers 01 22 00 31 3 018 003.000 and 01 22 00 31 3 026 008.000 are the subject of this lawsuit.
4. Plaintiff has been faced with successive and continuing forms of commercial real estate injustice and systemic economic discrimination led by the actions of (1) Synovus Bank Defendants (Synovus Bank, Nelson Bean, and Bill Inabinet), (2) CBRE Defendants (CBRE, Inc., Barry R. Harvill, Ronald A. Neyhart), (3) AREAB Defendants (Lisa C. Brooks and Neva C. Conway in individual and official capacities), (4) JCBOE Defendants (Maria Knight in individual and official capacity), (5) ADEPA Defendants (Chief Examiner Rachel Laurie Riddle and Charles Bass) and (6) John Doe Defendants who may be discovered during discovery and additional due diligence.
5. Plaintiff is aware that Defendants will bring up Statute of Limitations, and Plaintiff will bring this up early on as this will likely come up.

6. This lawsuit covers numerous acts of deceit and fraudulent concealment by Defendants at the private and public level where Plaintiff relied on Defendant's actions.
7. Plaintiff was deceived by public and private Defendants who had a fiduciary duty or knew the foreseeable harm to a third party who participated in fraudulent acts and / or covered up the fraudulent acts, and this will be explained through this claim.
8. As a result, Plaintiff lost time in years as no public or private Defendant has not taken any overt act to remove the fraud and the concealment of the fraud.

THE UNCONSCIONABLE ECONOMIC EXPERIENCE OF INVESTING IN DOWNTOWN

ENSLEY, BIRMINGHAM, AL

9. No American should be faced with a \$0.00 Appraisal and then have to pay property taxes based on any assessed value above \$0.00 and definitely not an assessed value of several hundred thousand dollars.
10. No American should be faced with a \$0.00 Appraisal for any commercial properties with tenants in the buildings in the income approach to value by the largest appraisal company in the U.S. in this case or any appraiser in any case.
11. No American should be faced with a \$0.00 Appraisal for standing buildings that are vacant or in use in the sales comparison approach to value by the largest appraisal company in the U.S. in this case or by any appraiser in any case.
12. No American should have to experience a bank telling the American owner more than 6 weeks before the appraisal is ordered that the value of your buildings will be \$0.00 in a predetermined statement.
(video source of predetermined statement shown in the claim)
13. No American should be faced with nonfeasance and concealment of fraud by their State Appraiser Regulatory Agency when they seek help from the regulatory agency per their mission statement to address the fraudulent acts of the licensed appraisers they oversee.

14. No American should be faced with nonfeasance and reckless disregard of the Federal Regulatory Agency, which oversees the State Appraiser Regulatory Agency when the American seeks help matching their public purpose for cover-up at the State level.
15. No American should be faced with nonfeasance and deliberate indifference of the State Examiner of Public Accounts who oversees the State Appraiser Regulatory Agency when faced with an unconscionable \$0.00 Appraisal.
16. No American should be faced with a combined effort of 2 or more persons and entities to conceal known fraud and willful misapplication of federal financial transactions
17. No American should have to experience the largest appraisal company in America, a regional bank, state appraiser regulatory agency, federal appraisal regulatory agency, the state examiner of public accounts, and the local board of equalizations all taking actions to deprive the same American of his property rights so that American cannot provide for his Life and his Property.
18. No American should have to put starting a family on hold because his source of income was taken away by private, local, state and federal entities and persons.
19. Plaintiff's Life as he knew it came to a complete stop once his Liberty related to ownership of property was taken away by private, local, state, and federal entities. As a result Plaintiff had to figure out how to remove the overwhelming weight of Institutional Systemic Economic Oppression.

SYNOVUS BANK DEFENDANTS

20. Plaintiff approached Synovus Bank Defendants from the relevant time period 7/31/2018 through 7/15/2019 to secure a loan to be used to maintain and develop Plaintiff properties so properties could be used to support Plaintiff financially and to improve the impoverished, blighted conditions in Downtown Ensley.

21. Plaintiff filed the first complaint on 1/15/19 with Synovus Bank customer service regarding the repeated requests by bank representative Tracey Shaw to submit the same information Plaintiff has already submitted and then no response would take place for weeks, and Plaintiff would lose more and more time getting started on improving Plaintiff properties.
22. Synovus Bank assigned Plaintiff to Bill Inabinet, a regional retail sales manager, after Plaintiff's customer service complaint.
23. Bill met Plaintiff at Properties on 1/28/19 and promised Synovus Bank would expedite the appraisal process and the turnaround would be 3 weeks as stated in the 1/31/19 email, and Synovus Bank would pay for the appraisal because of the recent experiences explained in my customer service complaint with Tracey Shaw.
24. Real Estate Matrix appraisal company based out of Tuscaloosa, AL, met Plaintiff at properties on 2/8/19, and Plaintiff spoke with Real Estate Matrix appraiser on 3/11/19 and the representative stated real Estate Matrix is waiting on Synovus Bank as Synovus Bank told them to stop.
25. Plaintiff contacted Bill Inabinet on 3/17/19, 3/20/19, 4/1/19, 4/8/19, and 5/10/19 asking when will a new appraisal be ordered and Plaintiff stated in communication, "All I want to do is develop my properties and increase my rent roll, one unit at a time or more if equity allows for it."
26. On 5/8/19 Plaintiff sought help from the City of Birmingham and spoke at an official City of Birmingham Economic Committee meeting with City Councilman John Hilliard and Clinton Woods with Rev Birmingham, representative David Fleming in attendance. Plaintiff discussed unfair practices Plaintiff has faced by Synovus Bank, and Plaintiff stated on the record that Synovus Bank representative Bill Inabinet, stated Plaintiff's properties will be worth \$0.00 before the final appraisal is ordered. Video is available for download at City Hall.

CBRE, INC. AND SYNOVUS BANK DEFENDANTS

27. The second appraisal was not yet ordered on 5/8/19, but Synovus Bank had already predetermined the result of the appraisal that would be completed by CBRE Defendants with the Date of Inspection of 6/6/19 and the date of appraisal report of 6/20/19.
28. Bill Inabinet contacted Plaintiff on 6/24/19 just minutes before emailing the appraisal report after Synovus Bank finished its internal review. Bill Inabinet's last words before hanging the phone up were, "You are not going to like it."
29. Plaintiff opened the appraisal and immediately saw the \$45,000 value for the land and the \$0.00 value for the building improvements where buildings still have active renters and Plaintiff's business is located. This unfair 100% removal of building values reduced Plaintiff's property values to an amount where Plaintiff could not secure any loan as the equity was too low. The \$0.00 value for the buildings stopped Plaintiff from developing any spaces or maintaining any spaces where the roof leaked, and preservation of property was paramount.
30. Plaintiff was not aware at the time that 100% of the active rent roll was omitted in the appraisal report, which caused a 100% reduction of property value based on income, which stopped Plaintiff from developing property as Plaintiff did not have enough equity to borrow against through Synovus Bank.
31. Plaintiff sought help from Rev Birmingham representatives David Fleming and Atticus Rominger as they were contracted by the City of Birmingham to help with economic development in Downtown Ensley. Rev Birmingham representatives sent over sales comps for Plaintiff to use in preparation for discussion with Synovus Bank, Division CEO Nelson Bean, which took place on Friday, 6/28/19.
32. Immediately, upon meeting Nelson in person, Nelson stated Synovus Bank should have assigned the Plaintiff a commercial appraiser as Bill Inabinet was the regional retail sales manager. Nelson introduced me to Michael Crane, the same commercial banker Rev Birmingham used. Less than a week after meeting Crane, Crane asked me to resubmit a new set of all new paperwork to start the process over.

The plaintiff expressed that this is the exact same unfair practice that has been happening for over a year.

ALABAMA REAL ESTATE APPRAISERS BOARD NONFEASANCE AND OFFICIAL
MISCONDUCT

33. Plaintiff took the advice of commercial realtor Abra Barnes, and Plaintiff filed a formal complaint with the Alabama Real Estate Appraisal Board (AREAB) on 9/3/19; the appraisal regulatory agency who are the experts and are there to protect the public from the dangers of unethical and unfair acts committed by unscrupulous appraisers.
34. A total of 389 days passed on 9/25/20 before AREAB Defendants sent a response regarding the review from the board AREAB.
35. The response was so vague that Plaintiff contacted AREAB Defendants by email numerous times between 9/25/20 and 10/2/20 seeking clarification of the findings from the board. Neva Conway called Plaintiff on 10/2/20 and Plaintiff immediately sent an email back on 10/2/20 confirming the conversation and 4 concerns the Plaintiff had.
36. Plaintiff asked Neva Conway if the AREAB Board reviewed the missing active rent roll as Plaintiff had tenants in the building paying more than \$2000 a month in rent, and the rent was omitted, causing economic loss and economic damages to Plaintiff's property value. Neva Conway said she wasn't sure but would get back to the Plaintiff.
37. Plaintiff asked if AREAB Board reviewed the unfair, unconscionable comp by comparing Plaintiff's properties to an abandoned car wash and rural / agricultural / farmland, and Neva Conway said she was sure and would get back to Plaintiff and caused economic injury to Plaintiff.

38. Plaintiff asked if the AREAB Board reviewed the fact that the appraiser is not a structural engineer and no structural engineer came to the site, so how was it possible to state all properties and even neighbors' property need to be torn down and then the demolition value of all properties including neighbors properties would be used against the Plaintiff to further reduce Plaintiff property value in unfair method and cause economic injure to Plaintiff.
39. Plaintiff asked how is it possible that the rural areas chosen and other Bessemer areas chosen be stated as being closer to employment centers when Plaintiff's properties are in Birmingham the largest city in the county and state at that time and then use the unfair comparison to reduce Plaintiff Property values and cause economic injure to Plaintiff.
40. Plaintiff has contacted AREAB Defendants seeking clarifications numerous times between 9/3/19 and 1/10/24, and AREAB Defendants failed to disclose, fail to correct, and fail to discipline when they were aware of the dangers to Plaintiff's property from known acts of bad faith and intent to injure the Plaintiff.

PLAINTIFF APPROACH JCBOE TO LOWER TAXES TO MATCH APPROVED \$0.00 APPRAISAL

41. Plaintiff sought lower taxes to match the approved \$0.00 Appraisal to reduce the financial strain of real estate injustice, economic discrimination, and property regulatory takings by CBRE Defendants, Synovus Bank Defendants, AREAB Defendants and reverse redlining concurrently with JCBOE with over taxation of ad valorem property taxes.
42. The Plaintiff contacted Maria Knight in December 2020, and Maria told the Plaintiff process to file a late protest for owners who have not received a tax card. The plaintiff confirmed he had not received a tax card and immediately filed a late protest on 12/17/20 and Maria sent a response over a denial on 12/23/20 and for the Plaintiff to wait until the 2021 tax season.
43. Plaintiff filed a protest on both properties and was confirmed as tax protest numbers C21-02081 and C21-02082 on 7/26/21.

44. Over 3300 tax protests had been filed and Plaintiff was near the middle at 2081 and 2082 and was required to be scheduled for a hearing before any in the last 1300 plus protests but Plaintiff was never assigned a hearing and still through 1/10/2024 Plaintiff has not been scheduled for a hearing which is a violation of state law AL Code § 40-3-16 where protest state no taxpayer shall be heard out of order.
45. Maria Knight sent an email to Plaintiff on 9/7/20 that she would assign a hearing date, but no date has been set.
46. JCBOE sent out finalized values on 12/13/21 and for the Plaintiff to agree or disagree to values by 1/12/22 for the Plaintiff, which is out of order of the required hearing, so the Plaintiff filed a new objection to the values and Maria stated these are the final values on 1/10/22 and then Maria made false misrepresentations that Plaintiff accepted not being heard.
47. Maria removed Plaintiff's right to a hearing, which is stated in the duties of the board of equalization, which is of paramount importance, and for the failure or refusal to perform the duties shall constitute official misconduct and nonfeasance in office, which subject the offended to removal from office as stated in AL Code § 40-3-16.
48. Maria turned a blind eye to Plaintiff's property rights and caused a taking of Plaintiff's property rights by not allowing Plaintiff to protest taxes. Maria's actions caused over-taxation, financial strain, and foreseeable harm to the Plaintiff where Plaintiff can lose properties from over-taxation.
49. Maria's actions represent JCBOE, which is an Alabama entity paid for with City, County, and State dollars from the Plaintiff. Actions were successive actions to unfair \$0.00 Appraisal approved by State and private actors (CBRE Defendants, Synovus Bank Defendants, and AREAB defendants).
50. Plaintiff learned on 1/24/22 in the published 2021 Final Values report of protest the details of Jimmy Crane, a white landowner 2 blocks away from the Plaintiff's right to protest taxes and the reduction of value approved.

51. On 7/13/21 Jimmy Crane, the owner of Gilmer Drugs located at 413 19th St Ensley, Birmingham, AL 35218, just 2 blocks away from Plaintiff's property contacted Plaintiff asking for help as his taxes had jumped from \$1193 to \$7572, a 535% increase in property taxes and wanted to know if Plaintiff had any recent sales comparisons in Downtown Ensley so he could protest his property taxes.
52. Plaintiff agreed to help Mr. Crane as Plaintiff was protesting his property taxes. The Plaintiff located several recent sales in Downtown Ensley, and none came close to a 535% increase in property value. Plaintiff called owners in Ensley together after reviewing extreme over-taxation in Downtown Ensley.
53. Plaintiff noted that the lowest increase in property value was the largest corporation in downtown Ensley which was the Regions Bank building which only increased 15% a total difference of \$432 but the same was not true for the small mom-and-pop business owners as tax value increases were reported at 331%, 365%, 377%, 390%, 422%, 424%, 535%, and many other extremely high increases.
54. Plaintiff realized through due diligence that it is unfair that Downtown Ensley has the lowest appraisal on record of any area with Plaintiff property and simultaneously has the highest increases in property taxes.
55. Findings made Plaintiff realize he was faced with a combined effort of successive unfair real estate practices led by Synovus Bank Defendants, CBRE Defendants, AREAB Defendants, ADEPA Defendants and reverse redlining led by JCBOE.

CBRE OFFICIAL RESPONSE 5/18/22 WHICH CONFLICTED WITH AREAB
MISREPRESENTATIONS

56. CBRE legal counsel wrote that "CBRE did not deviate from practices standard in the industry."
57. CBRE legal counsel wrote that "CBRE stands by the market value conclusion we provided."
58. CBRE legal counsel wrote that "The Alabama Real Estate Appraisers Board also concluded the appraisal was done properly and took no action on the complaint you brought to them."

- a. AREAB Defendants wrote that they took actions, but CBRE stated they took no action, and CBRE has used AREAB's decision as reliance to stand by the market value conclusion.

59. CBRE legal counsel wrote that “Finally, under industry standards, only a CBRE client named in the appraisal—which for this appraisal is the bank—would be in a position to request any modifications.”

- a. CBRE Defendants knew that a third party, which is the Plaintiff, would rely on the appraisal acts of known violations, intentional violations, malpractice, or negligence of USPAP standards in the creation of fraudulent and unconscionable federal financial transactions.
- b. CBRE Defendants appraisal was performed by the appraiser for his client or third party (legally determined) and the appraiser have a mistake or omission that can be demonstrated to the court (meeting all the standards of proof) has caused the client or third party damages, and the damages can be measured by the court.
- c. Synovus Bank performed an appraisal review and turned a blind eye to unconscionable acts and outright fraud in the appraisal.

THE ALABAMA DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS (ADEPA)
DEFENDANTS

60. Plaintiff was contacted by the Alabama Department of Examiners of Public Accounts (ADEPA) Defendants, the State entity responsible for overseeing State agencies and ensuring state agencies are performing their duties according to clearly established law with a letter dated 4/28/23, received by the Plaintiff on 5/8/23 and for the Plaintiff to respond by 5/11/23.

61. ADEPA Defendants confirmed that they were in the review of my complaint that was filed with AREAB, and the letter asked Plaintiff if Plaintiff had any questions, concerns, or problems” with AREAB.

62. Plaintiff sent correspondence to ADEPA Defendants and Plaintiff Alabama Representative Linda Coleman Madison (a member of Alabama Sunset Committee) on 5/11/23 detailing local, state, and federal laws broken and unfair and unconscionable treatment the Plaintiff faced from AREAB Defendants. I originally stated Coleman Madison was also my district representative in the letter when, in actuality, Coleman-Madison is the only representative from the Birmingham area on the Sunset Committee. (Letter is attached as Exhibit 1)
63. The 5/11/23 letter to the Examiner of Public Accounts identifies the clearly established laws that were breached in detail depriving the Plaintiff of 100% of his equity for all buildings.
64. The 5/11/23 letter to ADEPA stated: I pleaded for help from the public regulatory agency (AREAB) whose statutory duty is to protect the complainant from the unlawful/unethical appraisal actions of Barry Harvill and Ronald Neyhart of CBRE, Inc. (CBRE Group, Inc.) who are licensed under AREAB. The board turned a blind eye to unlawful acts breaching AL Code § 34-27A-23, which states, “A licensed real estate appraiser shall comply with the current Uniform Standards of Professional Appraisal Practice.”
65. Plaintiff detailed how CBRE Defendants and AREAB Defendants breached (1) the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), (2) AL Code § 34-27A-20, (3) AL Code § 34-27A-23 on page 1 of the 5/11/23 letter.
66. Plaintiff detailed on page 2 how AL Admin Code R 780-X-1-.01 was violated as there has been no discipline or correction to known fraudulent acts.
67. Plaintiff detailed on page 2 the statutory duties of ADEPA Defendants under Alabama Code Title 41 Chapter 20 and Title 41 Chapter 5.
68. Plaintiff specifically pointed out how AREAB Defendants' actions looked the other way from an unconscionable \$0.00 appraisal, which was “inconsistent” with the regulatory purpose of AREAB and also inconsistent with AL Code § 41-20-6.

69. The entire language of this statute has been ignored regarding Plaintiff's property rights. Neva Conway and Lisa Brooks, through 1/29/24, have never answered any questions regarding omissions in the appraisal complaint process.
70. C. Bass or R. Riddle has never followed up with the Plaintiff regarding a breach of property rights caused by an agency under their supervision. Plaintiff have suffered from a failure to supervise, discipline, and correct unlawful actions.
71. Plaintiff described the statutory duties under ADEPA Defendants throughout the 5/11/23 letter, and no actions have taken place. As a result, Plaintiff has lost access to 100% of equity and property value through buildings.
72. From 5/11/23 to 1/10/24, no actions have been taken by ADEPA Representatives to address known violations reported in an extremely detailed letter asking for State oversight and help as Plaintiff has loss over 4 years at the time with intentional delays and fraudulent concealment and acts of bad faith that have caused economic damages with the loss of property values to Plaintiff properties

PLAINTIFF HAS FACED SUCCESSIVE ACTS OF SYSTEMIC ECONOMIC DISCRIMINATION,
REDLINING AND REAL ESTATE INJUSTICE WHILE SEEKING FOR HELP FROM THE
STATE OF ALABAMA

73. Plaintiff has faced abuse of office, systemic discrimination, and economic discrimination by both African American and white American citizens in their public official, public employee, and private capacities.
74. Defendants' actions intentionally harmed, injured, and deprived the business district where Plaintiff's property rights, appraised value, and federal financial institution credit services have been intentionally injured and covered up through fraudulent misrepresentation and concealment by Defendants from the relevant time period of 2/23/18 through 1/10/24.

75. Defendant's successive actions have caused reduction of property values and stopped Plaintiff from being able to develop properties in order to provide for his life and improve the conditions in the blighted Downtown Ensley business district.

PLAINTIFF INJURIES / ACTUAL DAMAGES / FORESEEABLE DAMAGES

76. Plaintiff property interest was intentionally injured creating multiple forms of obstruction of commerce while in the act of developing approximately 33,000 sf of commercial real estate.

77. Plaintiff loss the ability to develop property and reach the non-redlined market average value in Birmingham, AL for fully renovated historic commercial property in selling north of \$170 per sf to \$250 per sf.

78. Plaintiff loss access to foreseeable value of a fully developed property which would be \$5,610,000 to \$8,250,000 for actual damages in 1 area of property development.

79. Plaintiff loss ability to receive fair market rent for completed buildings in a non redlined market where the average in the Birmingham market is \$12 - \$18sf for rent. At \$12 - \$18sf for rent, monthly rent loss for fully developed property is \$33,000 to \$49,500 per month x 48 plus months. Actual damages \$1,584,000 to \$2,376,000 under triple net leases.

80. Plaintiff loss ability to use equity or sale fully developed property to purchase additional properties.

81. Plaintiff loss the ability to close on 2200 Ave C Birmingham, AL 35218 which is approximately 45,000sf of real estate. 45,000sf at \$170 sf to \$250sf when fully developed and sold in a non redlined Birmingham market would be valued in the range of \$170sf to \$250 sf reaching another loss of actual damages at \$7,650,000 to \$11,250,000.

82. Plaintiff loss ability to receive fair market rent for 45,000sf of completed buildings in a non redlined market where the average in the Birmingham market is \$12 - \$18sf for rent At \$12 - \$18sf for rent,

monthly rent loss for fully developed property is \$45,000 to \$67,500 per month x 48 plus months.

Actual damages \$2,160,000 to \$3,240,000 under triple net leases.

83. Plaintiff loss ability to incentivize, recruit or partner with investors with grossly negligent and unfair appraisal.
84. Plaintiff loss ability to repair, renovate, and maintain buildings.
85. Plaintiff loss significant time performing due diligence to uncover well concealed unlawful actions that caused injury to the Plaintiff. The fraud was so well prepared and protected by local and STATE entities that due diligence was extremely time consuming.
86. Plaintiff loss considerable time in his "Life" performing due diligence that would not have been necessary if acts by Defendants were lawful. Plaintiff cannot get the years back or the sleepless nights back from 4+ years of loss time caused by intentional injuries by defendants.
87. Plaintiff is a Mechanical Engineer and average salary is over \$100,000 a year (to be determined by a factfinder). Hourly loss of time, sleepless nights, constant anxiety associated with losing property rights, not being able to develop property, not being able to repair property under equal protection of the law and due process of the law. Associated actual damages seeking justice in intentionally rigged environment is $\$228\text{hr} \times 14 \text{ hours} \times 1348 \text{ days}$ is \$4,302,816 and counting.
88. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.
89. As a result Plaintiffs is entitled to attorneys' fees and costs where attorneys have chosen to represent the Plaintiff.

IV. Causes of Action

COUNT ONE - 42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

90. Plaintiff incorporates and realleges paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
91. This count is an action brought pursuant to AREAB Defendants Lisa Brooks and Neva Conway operating in their official capacities and willfully permitting CBRE Defendants to commit known USPAP violations with errors by omission or commission which caused a diminution in property value to Plaintiff properties and civil rights protected by 42 U.S. Code § 1983.
92. AREAB Defendants Lisa Brooks and Neva Conway acted with gross negligence, reckless disregard, and deliberate indifference while under the color of law to known minimum federal appraisal standards established by 12 CFR § 34.44 for USPAP guidelines committed by omission or commission by CBRE Defendants where Plaintiff diminution in property value was injured by the malpractice and/or negligence.
93. Plaintiff completed all procedural requirements to submit a formal complaint with AREAB Defendants on 9/3/19, and AREAB Defendants accepted their custodial relationship with the Plaintiff to review CBRE Defendants appraisal for the Uniform Standards of Professional Appraisal Practice (USPAP), which are federal minimum appraisal standards set by 12 CFR § 34.44.
94. Plaintiff relied on AREAB Defendants, the state appraisal regulatory agency, to protect the Plaintiff from the dangers of unethical and unscrupulous appraisers as established in AREAB's mission statement and Alabama Real Estate Appraisers Board Administrative Code 780-X-1-.01 Purpose under the Statutory Authority: Code of Ala. 1975, §34-27A-5.
95. Plaintiff relied on the appraisal expertise and knowledge of AREAB defendants and expected AREAB to follow official guidelines and duties so as not to create any harm or known dangers to Plaintiff.

However, AREAB Defendants breached their duty by not regulating CBRE Defendants and allowing CBRE Defendants to include substantial errors of omission and commission, which caused Plaintiff to have a 100% reduction in property value for buildings and a 100% reduction in property value for as income in the income approach to the appraised value.

96. AREAB actions to turn a blind eye stopped Plaintiff from being able to preserve properties, develop properties, and increase the value of properties.
97. Plaintiff's property deferred maintenance cost is increasing daily from the known fraudulent appraisal that Plaintiff relied on.
98. The Plaintiff identified all the errors he could find in the complaint process and noted that CBRE Defendants violated the USPAP Ethics Rule with extremely particular statements filed in the formal complaint.
99. Plaintiff noted how Plaintiff asked for public help in an official meeting at city hall on 5/8/19 during the economic committee meeting where Plaintiff noted that Synovus Bank Defendants told Plaintiff his properties would be appraised at \$0.00 and nearly 6 weeks later on 6/20/19 CBRE Defendants completed their appraisal with \$0.00 results for Plaintiff's buildings and income matching the predetermined result which is a violation of USPAP Ethics Rule for CBRE Defendants. AREAB Turned a blind eye and caused a \$0.00 appraisal to remain injuring the Plaintiff willfully and locking Plaintiff out of the ability to develop property.
100. Plaintiff identified how CBRE Defendants violated USPAP Rule 1-1(a) for a credible appraisal and AREAB Defendants acted with deliberate indifference and diminution property value that caused injury to Plaintiff as Plaintiff relied on the fiduciary duties of CBRE Defendants
101. Plaintiff identified how CBRE Defendants violated USPAP Standards Rule 1-1(b) and AREAB defendants allowed for the omission of 100% of as is rental income in the income approach to value that caused special damages and diminution in property value to Plaintiff properties.

102. Plaintiff identified how CBRE Defendants violated USPAP Standards Rule 1-1(b), and AREAB defendants allowed for the use of unconscionable comps with the use of a car wash and rural / agricultural / farmland as non-similar comps that caused special damages and diminution in property value to Plaintiff properties.
103. Plaintiff identified how CBRE Defendants listed incorrect building and lot descriptions by listing Plaintiff neighbor's property at 623 19th St Ensley, Birmingham, AL 35218 in the appraisal and then CBRE Defendants used the demolition cost in deduction Plaintiff property values while violating USPAP Standards Rule 1-1(b) and AREAB defendants allowed for the malpractice, careless acts, and unethical acts of CBRE Defendants to be permitted while injuring the Plaintiff property that caused special damages and diminution in property value to Plaintiff properties.
104. Plaintiff identified how CBRE Defendants violated USPAP Standards Rule 1-1(c), and AREAB defendants permitted the USPAP violation where an appraiser must not render appraisal services in a careless manner, such as making a series of errors in the aggregate affect the credibility of the results. that caused special damages and diminution in property value to Plaintiff properties.
105. Plaintiff identified how CBRE Defendants omitted 100% of active rent of the space and violated USPAP Standards Rule 4-4 and AREAB Defendants permitted the USPAP violation when defining and delineating the pertinent market area and rent level of space and actions caused special damages and diminution in property value to Plaintiff properties.
106. Plaintiff identified how CBRE Defendants used non-similar rural versus urban sales comparisons and violated USPAP Standards Rule 4-4 and AREAB Defendants permitted the USPAP violation when defining and delineating the pertinent market area and rent level of space and actions caused special damages and diminution in property value to Plaintiff properties.
107. Plaintiff identified how CBRE Defendants omitted 100% of active rent when developing cash flow and income stream and violated USPAP Standards Rule 4-5 and AREAB Defendants permitted

the USPAP violation when developing the cash flow, investment analysis, income stream, selecting and supporting the appropriate method of processing income stream, cash flow returns and reversions and actions caused special damages and diminution in property value to Plaintiff properties.

108. AREAB Defendants, as the State of Alabama Regulatory agency, permitted the taking of Plaintiff's property rights as AREAB acted with deliberate indifference to known omissions and misrepresentations by CBRE Defendants.
109. AREAB Defendants permitted numerous procedural violations by CBRE Defendants by turning a blind eye to USPAP rules, AREAB administrative code, State laws, federal rules, and laws related to the appraisal process.
110. As a result, AREAB Defendants breached Plaintiff, 14th Amendment of the U.S. Constitution property rights by acting with reckless disregard to due process and equal protection of law for Plaintiff's property rights.
111. The Plaintiff's injuries, which were caused by the Defendant's actions and actions have caused the Plaintiff to suffer or incur the following losses, injuries and damages such as diminished and/or stagnant and/or diminished appraisal values, loss business profits, economic loss.
112. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT TWO - 42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

113. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.

114. This count is an action brought pursuant to JCBOE Defendant Maria Knight operating in her official capacity for depriving Plaintiff civil rights protected by 42 U.S. Code § 1983 and causing Plaintiff injury.
115. JCBOE Defendants posted the 2021 Final Values protest on 1/24/22, which is the date Plaintiff learned of over 1300 property owners who had filed property protests after Plaintiff's protest and clearly established law mandates hearing are to be set in the order of the protest. Plaintiff still has not received an assigned date for a hearing and taxation injuries are ongoing through 2024.
116. Maria Knight removed Plaintiff's right as a property owner of 2 parcels to protest property taxes with appraisal approved by CBRE Defendants, AREAB Defendants, and Synovus Bank Defendants which met AL Code § 45-37-241.40 requirements and JCBOE & Adjustments Jurisdictional Policy, Objection to Value (Protest) which allows for the use in a clearly established policy to use "Copies of any recent appraisals completed within 3 years" which Plaintiff used to protest property taxes.
117. Maria Knight acted with nonfeasance and reckless disregard when Maria removed Plaintiff right to a hearing to protest property taxes as established in AL Code § 40-3-16 and AL Code § 45-37-241.40 where Plaintiff disagreed to property valuation on 9/7/20 and a hearing is supposed to be assigned in order of protest and a new hearing is to be set until a hearing take place in the order of all protest.
118. Plaintiff was listed in order at protest numbers C21-02081 and C21-02082. There were 1276 other protests listed after the Plaintiff and Plaintiff hearing was not set in order and still has not been assigned per clearly established law which says "so until" Plaintiff has hearing.
119. Actions cause ongoing property injuries to multiple properties through 2024 and unequal treatment based on all others behind the Plaintiff who received their right to a hearing.

120. Plaintiff was denied the right to protest over taxation on or before 1/12/22 as well by Maria Knight. This act has created a disability to property and caused injury and foreseeable harm to Plaintiff with over-taxation and the financial strain of reverse redlining on \$0.00 appraised buildings.
121. Maria Knight acted with nonfeasance, official misconduct, and reckless disregard to Plaintiff property rights and did not “assign another day certain for hearing and so until” Plaintiff “is heard,” which is a fiduciary duty under AL Code § 40-3-16. This indefinite date of “so until” has caused ongoing injury to the Plaintiff through 2024.
122. Maria Knight acted with nonfeasance, official misconduct, and reckless disregard to AL Code § 40-3-16 fiduciary duties “imposed upon boards of equalization” where the duties are “declared to be of prior and paramount importance” and, “if any if any member of a board of equalization fails or refuses without good cause and legal excuse to attend upon and perform the duties, the failure or refusal shall constitute official misconduct and nonfeasance in office and subject the offender to removal from office.”
123. Plaintiff's right to protest taxes was a taking of property by JCBOE, and Plaintiff's rights protected by the 5th Amendment of the U.S. Constitution for takings were breached, causing injury to Plaintiff and foreseeable harm to Plaintiff losing property through over-taxation.
124. Plaintiff's right to protest taxes was removed by JCBOE Defendant Maria Knight, where acts breach Plaintiff's rights to due process of law and equal protection of the law, which are guaranteed by the 14th Amendment.
125. Maria Knight was aware of the combined effort by Synovus Bank Defendants, CBRE Defendants, and AREAB Defendants and Maria joined the scheme to deprive Plaintiff of local, STATE, Federal and U.S. Constitutional Rights.

126. Plaintiff's injuries, which were caused by Defendant's actions and actions, have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, and economic loss.

127. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT THREE - 42 U.S. CODE § 1981 - EQUAL RIGHTS UNDER THE LAW

128. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.

129. This count is an action brought pursuant to JCBOE Defendant Maria Knight operating in her official capacity for depriving Plaintiff civil rights protected by 42 U.S. Code § 1981 and causing Plaintiff injury.

130. JCBOE Defendant Maria Knight removed Plaintiff, who is an African American citizen right to protest property valuation but allowed the white owner and citizen, Jimmy Crane similarly situated to Plaintiff to be permitted to protest property valuation and Jimmy new valuation was finalized on 11/1/2021 as shown on JCBOE 1/24/22 property 2021 Final Values report while Plaintiff is denied any date to protest and Plaintiff is experiencing ongoing injury from not being able to protest over taxation. Plaintiff has suffered from over taxation and the foreseeable harm of losing property to over taxation.

131. Plaintiff properties located at 610 and 615 19th St Ensley parcels are 2 blocks away from Jimmy Crane property located at 413 19th St Ensley parcel. Plaintiff helped Jimmy Crane prepare for his protest with research performed by the Plaintiff and Plaintiff was denied the right by JCBOE

Defendant Maria Knight to “give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens” and “be subject to like” “taxes” and exactions of every kind, and to no other” as protected in 42 U.S. Code § 1981.

132. Plaintiff's equal rights under the law were breached by JCBOE Defendant Maria Knight by treating white citizen differently than an African American citizen.

133. Plaintiff's injuries, which were caused by Defendant's actions and actions, have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, and economic loss.

134. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT FOUR - 14th Amendment of the U.S. Constitution.

135. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.

136. AREAB Defendants Lisa Brooks and Neva Conway breached Plaintiff's 14th Amendment rights when Defendants acted with deliberate indifference and reckless disregard to known USPAP errors by omission or commission that caused diminution property value to Plaintiff violations.

137. CBRE Defendants removed 100% of Plaintiff appraised building values for building improvements and CBRE removed 100% of Plaintiff as is rental income from the income approach to value through known professional malpractice or negligence when Plaintiff relied on a lawful appraisal to secure funding and AREAB Defendants acted with reckless disregard to Plaintiff property

rights and USPAP violations which caused special damages and diminution in property value willfully to deprive the Plaintiff.

138. CBRE Defendants violated USPAP Ethics Rule, Rule 1-1(a), Rule 1-1(b), Rule 1-1(c), Rule 4-4, rule 4-5 and Plaintiff pointed out violations in formal complaints to AREAB and AREAB Defendants as the STATE regulatory agency permitted known violations to intentionally injure Plaintiff property which breached Plaintiff right to due process of the law and right to equal protection of the laws guaranteed by the 14th Amendment.

139. This is an action brought pursuant to Defendant's depriving rights of the Plaintiff causing alleged injury and/or injuries under the 14th Amendment of the U.S. Constitution where Defendant owed Plaintiff a duty of reasonable care and Defendant breached that duty for the benefit of CBRE Defendants and Synovus Bank Defendants where Plaintiff suffers injuries.

140. The Plaintiff's injuries, which were caused by the Defendant's actions and actions have caused the Plaintiff to suffer or incur the following losses, injuries and damages such as diminished and/or stagnant and/or diminished appraisal values, loss business profits, economic loss.

141. Defendant's have actions have caused continuous violations, ongoing unconstitutional violations, ongoing federal violations, ongoing local violations, and ongoing STATE violations where Plaintiff to sustain prolonged, accruing and substantial interference to property.

142. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT FIVE - 14TH AMENDMENT OF THE U.S. CONSTITUTION

143. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
144. Alabama Department of Examiners of Public Accounts Defendants (ADEPA), Chief Examine Laurie Riddle, and Examiner Charles Bass breached Plaintiff's 14th Amendment rights when Defendants acted with deliberate indifference and reckless disregard to known unlawful actions of AREAB Defendants.
145. Plaintiff received a letter from ADEPA Defendants on 5/8/23 addressed on 4/28/23 and for Plaintiff to respond by 5/11/23 with any "questions, concerns, or problems" regarding Plaintiff as complainant with AREAB Defendants.
146. Plaintiff sent a very detailed letter of all the state and federal violations known to Plaintiff at the time and the actions of AREAB Defendants on 5/11/23, and the STATE oversight entity for AREAB has acted with deliberate indifference of Plaintiff's rights and the numerous breaches injuring the Plaintiff.
147. ADEPA Defendants' inaction has caused Plaintiff to suffer successive and continuing injuries to Plaintiff properties due to known nonfeasance and official misconduct with the removal of 100% of Plaintiff appraised building values and the omission of 100% of as is rental income approved through known malpractice or negligence of CBRE Defendants that CBRE Defendants knew a third party which is the Plaintiff would rely on the unlawful appraised report that Synovus Bank Defendants approved after performing a bank internal review of the appraisal.
148. This is an action brought pursuant to Defendant's depriving rights of the Plaintiff causing alleged injury and/or injuries under 14th Amendment of the U.S. Constitution where The Defendant's owed Plaintiff a duty of reasonable care and Defendant breached that duty for the benefit of CBRE Defendants and Synovus Bank Defendants where Plaintiff suffers injuries.

149. Plaintiff's injuries, which were caused by Defendant's actions and actions, have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, and economic loss.
150. Defendant's actions have caused continuous federal and unconstitutional violations, where Plaintiff has sustained accruing and substantial interference to property.
151. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT SIX -14TH AMENDMENT OF THE U.S. CONSTITUTION

152. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
153. JCBOE Defendant Maria Knight breached Plaintiff's 14th Amendment rights when Defendant acted with nonfeasance and official misconduct and removed Plaintiff's right to a hearing to protest property taxes, which caused injury to Plaintiff with foreseeable harm of over taxation and the increased risk of Plaintiff losing property in tax sale from over taxation.
154. Plaintiff easily could have paid property taxes if property taxes were based on \$0.00 appraised buildings and \$0.00 in income approach to value, but now Plaintiff is over-taxed and risks losing Property from over-taxation and denial of rights to protest taxation.
155. This is an action brought pursuant to Defendant's depriving rights of the Plaintiff causing alleged injury and/or injuries under 14th Amendment of the U.S. Constitution where The Defendant's owed Plaintiff a duty of reasonable care and Defendant breached that duty for the benefit of higher taxes for the Jefferson County, State Department of Revenue, City of Birmingham, Birmingham City Schools

who all have over taxed the Plaintiff where Plaintiff suffers injuries of low appraisals and over taxation.

156. Plaintiff's injuries, which were caused by Defendant's actions and actions have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, economic loss and foreseeable harm and loss of properties.

157. Defendant's actions have caused continuous federal and unconstitutional violations, where Plaintiff has sustained accruing and substantial interference to property.

158. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT SEVEN - 5TH AMENDMENT OF THE U.S. CONSTITUTION

159. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.

160. AREAB Defendants Lisa Brooks and Neva Conway breached Plaintiff 5th Amendment rights when Defendants acted with deliberate indifference, reckless disregard to known USPAP errors by omission or commission that caused diminution property value to Plaintiff violations. AREAB Defendants caused a regulatory taking of Plaintiff property rights as the State of Alabama Regulatory agency who acted with deliberate indifference to regulatory mandated requirements to protect Plaintiff from incompetent or unscrupulous appraisers.

161. CBRE Defendants removed 100% of Plaintiff appraised building values for building improvements and CBRE removed 100% of Plaintiff as is rental income from the income approach to

value through known professional malpractice or negligence when Plaintiff relied on a lawful appraisal to secure funding and AREAB Defendants acted with reckless disregard to Plaintiff property rights and USPAP violations which caused special damages and diminution in property value willfully to deprive the Plaintiff.

162. CBRE Defendants violated USPAP Ethics Rule, Rule 1-1(a), Rule 1-1(b), Rule 1-1(c), Rule 4-4, rule 4-5 and Plaintiff pointed out violations in formal complaints to AREAB and AREAB Defendants as the STATE regulatory agency permitted known violations to intentionally injure Plaintiff property which breached Plaintiff right to due process of the law and right to equal protection of the laws guaranteed by the 5th Amendment.

163. This is an action brought pursuant to Defendant's depriving rights of the Plaintiff causing alleged injury and/or injuries under the 5th Amendment of the U.S. Constitution where Defendant owed Plaintiff a duty of reasonable care and Defendant breached that duty for the benefit of CBRE Defendants and Synovus Bank Defendants where Plaintiff suffers injuries.

164. Plaintiff's injuries, which were caused by Defendant's actions and actions, have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, and economic loss.

165. Defendant's actions have caused continuous federal and unconstitutional violations, where Plaintiff has sustained accruing and substantial interference to property.

166. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

167. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
168. JCBOE Defendant Maria Knight breached Plaintiff 5th Amendment rights when Defendant acted with nonfeasance, official misconduct and caused a regulatory taking of Plaintiff property rights. Maria removed the mandated hearing to protest property taxes, which caused injury to the Plaintiff with foreseeable harm of over taxation and the increased risk of Plaintiff losing property in tax sale from over taxation.
169. Plaintiff easily could have paid property taxes if property taxes were based on \$0.00 appraised buildings and \$0.00 in the income approach to value, but now Plaintiff is over-taxed and risks losing Property from over-taxation and denial of rights to protest taxation.
170. This is an action brought pursuant to Defendant's depriving rights of the Plaintiff causing alleged injury and/or injuries under 5th Amendment of the U.S. Constitution where Defendant owed Plaintiff a duty of reasonable care and Defendant breached that duty for the benefit of higher taxes for the Jefferson County, State Department of Revenue, City of Birmingham, Birmingham City Schools who all have over taxed the Plaintiff where Plaintiff suffers injuries of low appraisals and over taxation.
171. Plaintiff's injuries, which were caused by Defendant's actions and actions have caused Plaintiff to suffer or incur the following losses, injuries, and damages such as diminished and/or stagnant and/or diminished appraisal values, loss of business profits, economic loss and foreseeable harm and loss of properties.
172. Defendant's actions have caused continuous federal and unconstitutional violations, where Plaintiff has sustained accruing and substantial interference to property.
173. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages

where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT NINE- 18 U.S. CODE § 1964 - CIVIL REMEDIES FOR 18 U.S. CODE CHAPTER 96 -
RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (CIVIL RICO)

174. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
175. Plaintiff reallege unlawful acts committed in non-government capacities and in “individual capacities” where governmental and/or sovereign immunity has been violated through confirmed “official misconduct”.
176. The count is an action brought pursuant to alleged violations under 18 U.S. Code § 1964 - Civil remedies which is civil remedy for prohibited activities as stated in 18 U.S. Code § 1962 which prohibit activities as persons described with the meaning of “section 2, title 18” (18 U.S. Code § 2). Additional definitions for racketeering are defined in 18 U.S. Code § 1961.
177. 18 U.S. Code § 1964 (c) “Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney’s fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.”
178. Defendant’s Lisa Brooks, Neva Conway, Maria Knight, Synovus Bank Defendants, CBRE Defendants, owed Plaintiff a duty of reasonable care and Defendants committed acts with intent to harm the Plaintiff willfully and violated 18 U.S. Code § 1964.
179. The Conspiracy and its Objects:

180. The manner and means by which the defendants sought to accomplish the objects and purpose of the conspiracy included, among other things, the following:

181. From on or about 2/23/18 through 1/10/24, in Birmingham, AL, in the Southern District of Alabama, and elsewhere, the defendants named in non-government capacities breached governmental immunity and Defendants representing corporate entities pierced the corporate veil through known acts of fraud.

182. Defendant's in their individual capacities and private corporate capacities did knowingly combine, conspire, and agree with each other and with others known and unknown which included individuals and private companies from the relevant time period of 2/23/18 through 2024 to engage in fraudulently misleading conduct toward the Plaintiff and corruptly persuade another person to withhold a record, racketeer, falsify a record, conceal, deceive, ratify a false document to influence STATE and federal legislation and act with deliberate indifference to fraud in violation of 18 U.S.C. § 1964.

183. The purpose of the conspiracy was to defraud the Plaintiff to property rights, suppress economic development, and interfere with commerce by committing malpractice, nonfeasance and acts of bad faith by submitting and approving false misrepresentations.

184. Defendants actions repeatedly breach section 2, title 18, United States Code (18 U.S. Code § 2 – Principals) for prohibited activities. Defendant's action cause injury to Plaintiff and within section (c) of 18 U.S. Code § 1964, Plaintiff shall "shall recover threefold the damages he sustains and the cost of the suit."

- a. CBRE Defendants knowingly participated in more than 2 unlawful racketeering activities by violated at least 6 USPAP Ethics Rule, Rule 1-1(a), Rule 1-1(b), Rule 1-1(c), Rule 4-4, rule 4-5 with unconscionable \$0.00 Appraisal of Plaintiff building improvements and 100% removal of Plaintiff as is rental income in the income approach to value.

- b. Synovus Bank Defendants approved unconscionable \$0.00 Appraisal and all the USPAP violations to deny Plaintiff of equity to secure a loan through a federal related financial transaction
- c. AREAB Defendants in their individual capacities (Lisa Brooks and Neva Conway) as the STATE regulatory agency permitted known dangers to Plaintiff properties and committed nonfeasance and official misconduct and bad faith acts to remove Plaintiffs rights to property.
- d. Maria Knight in her individual capacity committed successive acts of nonfeasance and official misconduct and went beyond her authority through bad faith and committed unlawful acts to remove Plaintiff right to protest taxes on the same willfully injured properties violated AL Code § 40-3-16.

185. The Plaintiff's injuries, which were caused by the Defendant's actions have caused the Plaintiff to suffer or incur the following losses, injuries and damages such as diminished and/or stagnant and/or diminished appraisal values, loss business profits, economic loss.

186. Defendant's have caused continuous violations, ongoing unconstitutional violations, ongoing federal violations, ongoing local violations, ongoing STATE violations, causing the Plaintiff to sustain prolonged, accruing and substantial interference to property.

187. All in violation of Title 18, United States Code, Section 1964.

188. Plaintiff is praying that this court will see the need through the claim for punitive damages in the hundreds of millions for the largest appraisal company in the U.S. which is CBRE, Inc., its appraisers and Synovus Bank for approving an unconscionable \$0.00 Appraisal on all building assets of the Plaintiff. There is no rational basis for this level of unconscionable fraud and abuse. No American should have to experience reckless financial oppression at this level.

189. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages

where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT TEN - IS PURSUANT TO THE DOCTRINE OF FRAUDULENT CONCEALMENT

190. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.
191. Defendants had a duty to act in good faith and act lawfully under the U.S. Constitution and local, STATE, and federal laws.
192. CBRE Defendants, Synovus Bank Defendants, AREAB Defendants, JCBOE Defendants, and ADEPA Defendants, knowingly and repeatedly, intentionally concealed material information which was intended to deceive and did deceive the Plaintiff with false representations made between 2/23/18 through 1/10/24 and all false statements still remain with no correction to wrongs.
193. Plaintiff acted with justifiable reliance to the actions of Synovus Bank Defendants and CBRE Defendants during the appraisal federal financial related transaction that was performed with acts of malpractice or negligence by CBRE Defendants and then approved by Synovus Bank Defendants and then approved by the actions of AREAB Defendants and then a taking of Plaintiff right to protest property taxes was taken and a combined failure to supervise, failure to discipline, failure to correct actions also took place by ADEPA Defendants for the known fraudulent actions of AREAB
194. Public Defendants failed to take corrective actions, failed to meaningfully investigate, failed to discipline based on clearly established laws.
195. Plaintiff suffered damages due to its reliance on fraudulent concealment.
196. Plaintiff relied on the defendant's false statements and invested unknowingly in an unlawfully rigged and intentionally injured federal related financial transaction based on fraudulent misrepresentation depriving Plaintiff of rights to property.

197. Plaintiff loss years of being able to develop real property, sale, or maintain property in a fair and just market based on the ideals of the U.S. Constitution and federal laws.
198. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.
199. All in violation of Fraudulent Concealment:
200. 6/20/19, CBRE sent Fraudulent Appraisal to Synovus Bank where 3rd party would rely on Malpractice or Negligence causing injury to Plaintiff property rights.
201. 6/24/19, Bill Inabinet sent a known Fraudulent Appraisal to Plaintiff
202. 9/3/19, Plaintiff filed formal complaint with AREAB defendants and AREAB Defendants respond with deceptive fraudulent response to Plaintiff on 9/25/20 completely concealing unlawful and unethical findings through 1/10/24.
203. 10/2/20 Neva Conway made false promise of intent to review Plaintiff concerns with AREAB Board and will follow up with Plaintiff and through 2024 all actions have been concealed.
204. 1/10/21 Maria Knight concealed known nonfeasance and official misconduct caused by her by removing Plaintiff hearing right and made false statements to Plaintiff about lawful process
205. 4/28/23 ADEPA Defendants reach out to Plaintiff and ask Plaintiff to submit to “questions, concerns or problems” by 5/11/23 which Plaintiff listed numerous acts of official misconduct, nonfeasance, and bad faith acts performed by AREAB Defendants and ADEPA have concealed known fraud that is causing continuing injury and continuing wrongs to Plaintiff. The State agency overseeing the AREAB State agency has acted with deliberate indifference to fraudulent concealment injuring Plaintiff.

206. Under the doctrine of fraudulent concealment the statute of limitations is tolled and all Counts listed by the Plaintiff fall with the statute of limitations.

207. All in violation in the doctrine of Fraudulent Concealment.

COUNT ELEVEN - 18 U.S. CODE § 656 - THEFT, EMBEZZLEMENT, OR MISAPPLICATION

BY BANK OFFICER OR EMPLOYEE

208. Plaintiff incorporates and reallege paragraphs 1-89 and subsequent paragraphs as though fully set forth herein.

209. Defendants had a duty to act with reasonable care to the Plaintiff in connection in any capacity with the Federal Reserve bank or of the Board of Governors of the Federal Reserve Systems to not willfully misapply any monies, funds, or credits of such bank, branch, agency or organization.

210. Synovus Bank Defendants permitted willfully known appraisal misapplications produced by CBRE Defendants and then used to the misapplications to deny Plaintiff of a fair market value.

211. Synovus Bank Defendants willful misapplications sent by wire from Bill Inabinet to Plaintiff on 6/24/19 caused special damages, economic damages, diminution in property values.

212. Synovus Bank Defendants, CBRE Defendants, AREAB Defendants, and ADEPA Defendants have taken no actions to correct the known fraud but instead has taken actions through 2024 to continue to fraudulently conceal fraud and lock Plaintiff out of a fair market value.

213. CBRE Defendants, Synovus Bank Defendants, AREAB Defendants, JCBOE Defendants, and ADEPA Defendants, knowingly and repeatedly, intentionally concealed material information which was intended to deceive and did deceive the Plaintiff with false representations made between 2/23/18 through 1/10/24 and all false statements still remain with no correction to wrongs.

214. Plaintiff relied on the defendant's false statements and invested unknowingly in an unlawfully rigged and intentionally injured federal related financial transaction based on fraudulent misrepresentation depriving Plaintiff of rights to property.
215. Plaintiff loss over 5 years of being able to develop real property, sale, or maintain property in a fair and just market based on the ideals of the U.S. Constitution and federal laws.
216. Plaintiff is praying that this court will see the need through the claim for punitive damages in the hundreds of millions for the largest appraisal company in the U.S. which is CBRE, Inc., its appraisers and Synovus Bank for approving an unconscionable \$0.00 Appraisal on all building assets of the Plaintiff. There is no rational basis for this level of unconscionable fraud and abuse. No American should have to experience reckless financial oppression at this level.
217. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

V. Relief

WHEREFORE, Plaintiff, respectfully pray for judgment as follows:

1. Award Plaintiff their costs and reasonable attorney fees.
2. An amount in excess of \$21 million for actual damages.
3. Treble damages under Civil RICO.
4. An amount equal to the diminution in value of Plaintiff property.
5. An amount equal to loss rent.
6. An amount equal to loss profit.
7. An amount equal to diminution in value and Plaintiff lost ability to develop property.

8. Grant compensatory and punitive damages against each non-governmental corporation and individuals in their individual capacities.
9. Award such other and further relief as this Court deems just and proper.

VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk’s Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk’s Office may result in dismissal of my case.

First Name Brian Last Name Rice

[Redacted signature block]

EXHIBIT 1

May 11th 2023

Subject: Continuation of Fraud in Public Office!!!!



Rachel Laurie Riddle
Chief Examiner
The Alabama Department of
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Attention: Sunset Committee
Alabama Legislature
11 South Union Street
Montgomery, AL 36130

Dear Chief Examiner Rachel Laurie Riddle, Examiner Charles Bass and to the Sunset Committee of the Alabama Legislature:

This letter and attachments cover the Alabama Department of Examiners of Public Accounts “operational review” and performance **audit** of the Alabama Real Estate Appraisal Board (AREAB) per AL Code § 34-27A-28 sunset provision regarding Brian K. Rice (Count Williams Investment, LLC) as the complainant. I received a letter from Charles Bass, Examiner of Public Accounts dated 4/27/2023 and stamped for mail on 4/28/2023 and received on 5/8/2023 with a response required by 5/11/2023 and for the complainant to contact examiner Ball if there were any “questions, concerns or problems”. I have criminal level, **felony level, expulsion level, removal from public office level**, serious “questions, concerns, and problems” associated with the unlawful actions of all AREAB board, staff, and legal counsel involved in their individual and official capacities. Theft of my property rights and fraud under the color of law has taken place for 3+ years.

My initial complaint was filed petitioning the government (AREAB) for a redress of grievances under the statutory rights of the State and under the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) to protect me from private and corporate actions related to the unlawful “federal related transaction”. I pleaded for help from the public regulatory agency (AREAB) whose statutory duty is to protect the complainant from the unlawful/unethical appraisal actions of Barry Harvill and Ronald Neyhart of CBRE, Inc. (CBRE Group, Inc.) who are licensed under AREAB. The board turned a blind eye to unlawful acts breaching AL Code § 34-27A-23 which states “A licensed real estate appraiser shall comply with the current Uniform Standards of Professional Appraisal Practice.” Under AL Code § 34-27A-20, the statute specifically states the following breach the statutory requirements in subparts “(5) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person, or with the intent to substantially injure another person.” And “(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in this section. And “(7) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal.” And “(8) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.” And “(9) Willfully disregarding or violating this article or the regulations of the board for the administration and enforcement of this article.”

State actors of AREAB chose “fraudulent concealment” and “cover-ups” that caused a continuation of accruing injury, economic damages, intentional infliction of emotional distress, deferred maintenance, intentional damage to property value, obstruction of interstate commerce, interference with Housing and Urban Development programs and obstruction of justice when there was a statutory duty to

“delineate unlawful conduct”. AL Admin Code R 780-X-1-.01 states: “The Alabama Real Estate Appraisers Board was created to ensure that the public is protected against dangers arising from attempts of incompetent or unscrupulous persons to practice the profession of real estate appraisal.” “This purpose is achieved through” “the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules.” AREAB public protecting servant(s) used their assigned public office, powers, duties, and authority as a badge of fraud to oppress and suppress “life, liberty and property” of the complainant.

Today, I’m pleading with the AL Department of Examiners of Public Accounts and the Sunset Committee of the Alabama Legislature to protect me from the unlawful, unconstitutional actions of AREAB. The repeated unlawful actions of executive director, Lisa Brooks, and assigned legal counsel, Neva Conway need to also be reviewed for criminal charges, expulsion, removal from public office, “intentional violations of the Ethics Act”, disbarment under the Alabama State Bar, and “recklessness”, “honest service fraud” “bad faith” and “intent to harm” actions against the complainant.

Under Title 41 Chapter 20 on completion “a recommendation for continuation, modification or termination” per AL Code § 41-20-5 on behalf of the Sunset Committee of the Alabama Legislature will be made per AL Code § 41-20-4 where “the committee shall submit its report and any accompanying legislation to the offices of the speaker and the president for distribution to legislators and the Governor.” Under AL Code § 41-20-6 the following are under review: “All powers, duties and functions currently performed” and “all constitutional, statutory or other authority under which said powers, duties and functions of the agency are carried out” and “any powers, duties or functions which, in the opinion of the agency under review, are **inconsistent** with current and **projected public needs** and which should be terminated or altered”. Under AL Code § 41-20-7 “in said public hearings” the extent of the actions of the agency will be reviewed for “the extent to which complaints have been expeditiously processed to completion in the public interest” and “the extent to which affirmative action **requirements of state** and **federal statutes** and **constitutions** have been **complied with by the agency** or the industry it regulates”.

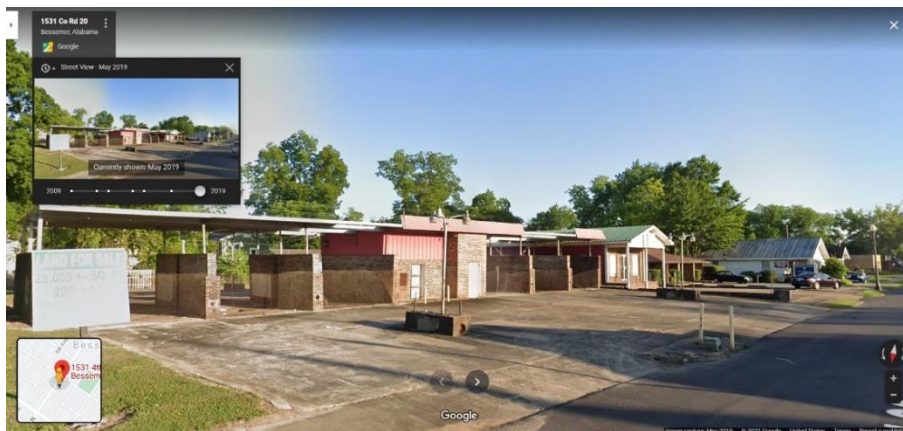
Under Title 41 Chapter 5 Department of Examiners of Public Accounts who under AL Code § 41-5-2 “shall be located at the seat of government, but the department may conduct examinations and audits at the seat of government or elsewhere” and AL Code § 41-5-3 “whose actions shall be supervised and controlled by a Legislative Committee on Public Accounts”. The Chief Examiner under AL Code § 41-5-3 shall have the power and duty to: “Prescribe uniform rules pertaining to investigations, examinations, audits and departmental hearings” and shall “invoke any legal, equitable or special remedy for the enforcement of orders” and shall report “every expenditure or contract found to have been made in violation of law”. Under AL Code § 41-5-16 shall have the power under AL Code § 41-5-16 to “issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence” and “administer oaths, take depositions and certify official acts.”

The following 3 pages were sent to AREAB in follow-up on unresolved concerns and these pages will give you a quick snapshot of visuals as the examiner of bad faith, fraud, abuse of office, and misuse of office. Now imagine your buildings were appraised less than the value of a single U.S. penny and state actors took your property rights away and your public protection away when you relied on them for protection. This page and the next 2 pages were sent to AREAB on 1/10/2022 and no response was ever received addressing the unlawful actions. The information was covered in the original 9/3/2019 complaint as well.

This entire set of my buildings below was appraised at \$0.00 for all of the structures by CBRE in the **appraisal sales comparison approach**. On October 1st 2019 Jefferson County Board of Equalization reassessed all real estate values in Downtown Ensley and my structures were assessed at \$229,790 during the exact same year CBRE appraised my structures at \$0.00. I had tenants in 608, 606, and 604, and all active as is rental rent roll income was omitted and ignored for the **as-is appraisal income approach** so the building structures and associated values were erased by “omission or commission” for the sales comparison approach and by “omission or commission” for the appraisal income approach.



In the USPAP rule for **“Principle of Substitution”** for the appraisal Sales Comparison Approach my Birmingham, AL multi-story commercial office buildings were compared to a vacant **Coin Operated Car Wash** at 1531 4th Ave N Bessemer AL to devalue the **“fair market value”** of my properties to **\$0.00**. The coin-operated car wash was “deemed superior” per CBRE to my properties “a downward net adjustment was warranted.” The below picture is taken in May 2019, 1 month before CBRE June 2019 appraisal



In the USPAP rule for **“Principle of Substitution”** for the appraisal Sales Comparison Approach my Birmingham, AL multi-story commercial office buildings were compared to **rural** land in unincorporated Rock Creek, AL in Jefferson County 14 miles away with a population of 1456 people versus urban Birmingham, AL with a population over 200,000 where there are a total 26 historic commercial districts like Ensley in Birmingham that could have been used as **urban** comparisons in the same city under 14 miles away through the “Principle of Substitution” but instead rural land was used to devalue the **“fair**

market value” of my properties to **\$0.00**. The below picture is from 6601 Warrior River Rd, Bessemer, AL (aka Concord, AL, and Rock Creek AL area) taken 1 year before the Nov 2015 sale that was used to devalue my real property.



Unfair Comps when there were several similar areas within the City of Birmingham that could have been used for fair justification

Areas in Birmingham AL that were not used with similar comps and significant gentrification or revitalization efforts

- (1) 5.5 mi Downtown Birmingham
- (2) 8.0 mi Avondale District
- (3) 9.8 mi Woodlawn District
- (4) 7.2 mi 5pts South Birmingham
- (5) 7.5 mi Lakeview District

Unfair Comps below used to devalue all 8 buildings in Ensley Commercial District (all distances are driving distances):

1. **(11.1 miles)** 4th Ave North Land (??31 4th Ave N Bessemer AL 35020) Property was under contract at time of Appraisal. No final sales data
2. **(9.7 miles)** Family Dollar Land sale (330 14th Street South Bessemer, AL 35020)
3. **(10.6 miles)** Fresh Value Land Parcels (704 & 726 19th Street North 701 18th Street North 18?? 8th Avenue North Bessemer, AL 35020)
4. **(13.7 miles)** Dollar General Land Sale (6601 Warrior River Road Bessemer, AL 35023 [Concord, AL])

LAND SALES MAP

Brian K. Rice, DBA Count Williams Investment, LLC: Submitted Date: 9- 3 -2019

My 8 Commercial Buildings/ Structures in Downtown Ensley located at 600, 604, 606, 608, 610, 615, 617, and 619 19th St Ensley Birmingham AL 35218



1. The entire value of my structures was erased by omission or commission and valued at \$0.00 and all entities with AREAB being the first entity whom I have sent letters of help to have delayed their decision, concealed the facts, or remained silent regarding the undeniable errors of omission and commission and undeniable USPAP violations by CBRE appraisers Barry Harvill and Ron Neyhart
2. CBRE \$0.00 appraisal **cannot equal** \$229,790 JCBOE Assessed Value for 2019 Ad Valorem Taxes
3. CBRE \$0.00 appraisal **cannot equal** \$122,800 JCBOE Assessed Value for 2021 Ad Valorem Taxes
4. Any Value Greater than Zero **cannot equal** Zero Value at the same time
5. Rural Land **cannot equal** Urban Land as similar appraisal comps
6. Rural Rock Creek, AL 1456 person unincorporated rural city **cannot equal** urban Birmingham, AL 212,237 incorporated city (per 2010 US Census) unless the aggregate of USPAP errors are ignored
7. CBRE As Is Active Rental Income **cannot equal** \$0.00 unless 100% of As Is Rent Roll is omitted from the appraisal in an act of omission or commission
8. CBRE Car Wash comparison **cannot equal** 8 Multi-Story Office / Mixed Use Commercial Buildings
9. Masonry Steel Frame Partition Car Wash **cannot equal** 8 Mediterranean Revival Style/ Art Deco Historic Multi-Story Commercial Buildings with pent tile roofs, corbelled cornices contributing Early 20th Century Commercial historic architecture
10. Synovus Bank \$0.00 federal related transaction internal bank approval **cannot equal** \$0.00 unless the illegal practices of redlining are legal and have been the center of many Department of Justice cases from traditional redlining and reverse redlining.
11. JCBOE unlawfully denied the complainant of hearing to protest ad valorem taxes using the \$0.00 approved appraisal by AREAB. JCBOE is an agency that also falls under the review of the AL Department of Examiners of Public Accounts. More than 1 set of State actors has deprived complainant of rights owed to all citizens of the state and U.S.

Below is a quick summary of general damages to my properties.

- (1) The complainant has lost access to the bundle of rights of property interests.
- (2) The complainant lost beneficial use, capital assets, cash flow, certificate of occupancy, increased risk of foreclosure due to over taxation, lost in value, lost profits damages, land damages, general damages, continuing damages, consequential damages, actual damages, monetary damages,
- (3) AREAB allowed active rental income to be completely removed from the as-is Fee Simple Estate appraisal which is the highest form of ownership of all properties when the appraisal was requested to be based on actual rental income. All rent roll was omitted which is a "substantial error" under USPAP. The complainant lost access to 100% of equity from standing buildings with tenants in several of them and tenants who have rented the properties for years.
- (4) Complainant injury to property rights was foreseeable by any reasonable appraisal reviewer confirming proximate damages.
- (5) Complainant properties in inner city urban Birmingham, AL were injured by a "misleading report", unethical, unlawfully compared to rural land at 6601 Warrior River Rd, Concord AL 35023 (Rock Creek AL) in an extremely egregious non-similar comp violating USPAP for another "substantial error" of omission or commission. Actions violate Appraisal Institute guidelines for knowingly submitting, approving and transmitting a misleading and fraudulent report.
- (6) The Complainant was injured by multi-story historic commercial district properties that would be classified as mix used, office, apartments/lofts compared to "self-service car wash" 10+ miles away in Bessemer AL violating USPAP and Appraisal Institute standards for another substantial error of property types.
- (7) Reviewers approved another "substantial error" for a location 10+ miles away when Birmingham has experienced a boom of real estate under the same 10-mile radius but much closer with similar comps in the same city as the complainant.
- (8) Appraisers added 623 19th St Ensley property to complainant properties when the complainant does not own 623 19th St Ensley property which is another "substantial error" and identification of the wrong property and the complainant expressed concerns in complaints with AREAB and they were ignored
- (9) Once the appraisers made the substantial error of including the wrong property boundaries, wrong parcel of land, wrong lot, and wrong buildings, the appraisers said the wrong building need to be torn down and then deducted the wrong building demolition cost from the as-is value of the complainant. These are not errors, from evidence and cover ups, these are intentional fraudulent actions. Under USPAP which is no longer just a "substantial error" there was clear intent to harm complainant from the unscrupulous appraisers and from the AREAB. CBRE representatives committed many errors and AREAB representatives turned a blind eye intentionally after Complainant spelled out the supposed errors to many those responsible for the protection of property rights from unethical appraisals must also be unethical and violate "bad faith" and breach sovereign immunity from intentional acts to harm under the color of law.
- (10) Complainant has had property rights seized by "takings" without just compensation or due process or equal protection of the laws of the 5th Amendment or 14th Amendment.
- (11) There has been unchecked powers on Article IV of the U.S. Constitution under the guarantee of Republican form of Government.
- (12) There are even more violations related to the failure to Act regarding Lisa Brooks and Neva Conway. Complainant pleaded over and over through Neva and always emailed to Lisa at the same time to help and to answer questions and concerns. At no point, did either answer any question of concern in over 15 different interactions mostly by email proving they are operate AREAB as if they are above the law and the U.S. Constitution

In previous minutes of the Alabama Real Estate Appraisers Board, the Dictionary of Real Estate Appraisal published by the Appraisal Institute and Principles of Appraisal Practices were ordered and approved to be used for AREAB “investigators”. The nationally accepted definitions for real estate appraisals were completely disregarded under the Color of Law. The Appraisal Institute Representative Scott DiBiasio and Lew Watson who was still on the AREAB board during initial complaint are listed as co-authors of Alabama Administrative Code for Alabama Real Estate Appraisers Board. AREAB approved classes fall under the Appraisal Institute. The following AREAB board members (Chad E Anderson, Melanie Housh, Mark C Haller, Richard Rich Pettey, J Roger Ball Jr., (former board member) Lew Watson), investigator (James Jimmy Green) along with CBRE appraisers Ronald Neyhart (MAI, and Barry Harvill (candidate for designation) share 1 or more of the following Appraisal Institute certifications: MAI, SRA, RRS, or AI-GRS. Each Appraisal Institute designation requires “good moral character”, “meet standards and ethics requirements”, “receive credit for the demonstration of knowledge requirement.” Per Appraisal Institute ethics requirements

Per the Appraisal Institute Code of Professional Ethics: “Knowledge can be inferred from the individual’s conduct and from all the facts and circumstances surrounding the conduct. A determination of “knowingly” should be made in the context of the individual’s training, background, and experience. An individual may have acted (or failed to act) “knowingly” if he or she acted in disregard of the requirements of this Code of Professional Ethics or applicable Standards of Professional Practice or the profession’s recognized methods and techniques such as those set forth in Appraisal Institute courses, seminars, textbooks, and other publications. The term “knowingly” includes not only what the individual knew, but also what the individual reasonably should have known given all the facts and circumstances of the conduct and the individual’s training, background, and experience.”

The complainant pleaded for help from the public agency whose mission and statutory requirements are to protect. AREAB board members and staff who also are members of the Appraisal Institute shall receive “**automatic expulsion**”, “ Under Appraisal Institute Regulation No. 6, a violation of ER 1-2 will result in automatic expulsion from membership, candidacy or affiliation in the Appraisal Institute subject to the right of appeal.” AREAB Appraisal Institute members and CBRE Appraisers Barry Harvill and Ronald Neyhart violated the first 4 written ethical rules at a minimum. The complainant pleaded with help numerous times to protect the property rights of the complainant spelling specific “substantial errors” within the “misleading” and “fraudulent” appraisal report and appraisal review report which would violate ER 1-1. The complainant pleaded for a review of dishonesty and false statements which would violate ER 1-2. The complainant spelled out that the appraisers inputted the wrong addresses and used the wrong addresses against the value of the complainant’s appraisal which is a violation ER 1-3. The complainant specified inappropriate standards that were applied as appraisers and appraisal reviewers turned a blind eye knowingly to rural land being compared to inner city urban land. Appraisers and appraiser reviewers acted with deliberate indifference to properties in a historic business district that are mixed-used, multi-story properties that were compared to a self-service car wash. The inappropriate standards used violated ER 1-4.

USPAP ethical rules are almost identical and the violated rules were outlined and sent to Neva Conway and Lisa Brooks in follow up emails asking for help and protection. The 2nd appraisal complaint on 11/22/23 and the letter sent on 1/10/22 explained several USPAP violations and Neva nor Lisa would respond when they both had a “fiduciary” “duty to act” and protect the public from unlawful appraisal conduct.

USPAP Ethics Rule states, an appraiser “must not perform an assignment with bias”, “must not agree to perform an assignment that includes the reporting of predetermined opinions and conclusions”, “must

not communicate assignment results with the intent to mislead or to defraud”, “must not use or communicate a report or assignment results known by the appraiser to be misleading or fraudulent”, “must not knowingly permit an employee or other person to communicate a report or assignment results that are misleading or fraudulent”, “must not engage in criminal conduct”, “must not willfully or knowingly violate the requirements of the RECORD KEEPING RULE”, and “must not perform an assignment in a grossly negligent manner.”

- (1) I filed my initial complaint 9/3/2019.
- (2) I received the (first) no response from AREAB and Lisa Brooks.
- (3) I resent my request for appraisal investigation on 9/15/2019 and I received my first confirmation of receipt on 9/16/2019 from Margaret Davis which included Lisa Brooks, and Neva Conway.
- (4) Per ASC, appraisal review guidelines, shall be completed with 12 months.
- (5) I followed up several times 11/4/2019 and 3/5/2020 and the investigation was still pending.
- (6) After the 12 month period on 9/25/2020 the initial review was complete and the most vague answer was stated regarding very serious violations to my property rights under a federal related transaction which falls under FIRREA, USPAP, FDIC, Federal Reserve, and statutory requirements of Code of Alabama 1975. The response was the next continuation of my injuries and concerns with AREAB as the response only stated "In accordance with your complaint filed with the Board, the complaint has been reviewed and investigated by the Board. Action as deemed appropriate by the Board has been taken. We appreciate you bringing this matter to our attention."
- (7) I contacted Lisa Brooks, Neva Conway on 10/2/2020 asking the following: “Lisa or Neva, I received the attached letter from the board earlier today. I also stated the full response below in quotes. I am thankful for the response but I don't have enough information with the statement below to know your specific findings or actions are. What were the specific findings? What are the actions that have been taken?”
- (8) I contacted Lisa Brooks and Neva Conway again on 10/13/2020 with the same message from 10/2/2020 as they never responded
- (9) Neva Conway called me on 10/13/2014 and immediately I summarized the conversation and sent an email to Neva Conway and Lisa Brooks on the same day
- (10)The 10/14/2020 email stated my specific concerns all still have not been answered to this present day which 5/10/2023 meaning all responses are unresolved.

From: Brian Rice [REDACTED]

To: Lisa Brooks <lisa.brooks@reab.alabama.gov>; Neva Conway <neva.conway@reab.alabama.gov>; Brian Rice <brice@briankrice.com>

Sent: Wednesday, October 14, 2020, 01:04:39 PM CDT

Subject: Re: Barry Harvill (G00540) and Ron Neyhart (G00484) complaint/ Brian K. Rice

Neva,

Thank you for the phone call on behalf of Alabama Real Estate Appraisal Board. I truly appreciate the conversation. I am concerned that the independent appraiser says the appraisal was reasonable and the board saying the independent appraisal was reasonable and no actions would be taken towards the appraiser(s). This determination would mean an appraiser can decide to use or ignore active income at any moment and the appraiser can select any type of comp at any time. If this is the case, the victims of unfair appraisals would never have a fair shot of getting a loan therefore we can never develop our properties or communities with traditional financing.

My main concerns are as follows:

Concern #1: I asked the loan to be based off of the current rent and at the time of the appraisal I had 4 tenants in the buildings paying over \$2000 a month collectively and none of that income was accounted for in the appraisal. They did show income from the future tenants but none from active tenants so my income was omitted. They treated all buildings as if they were "As Vacant" which was incorrect.

Concern # 2: Was the selection of comps. They chose "barren farm land" as 1 comp in a different municipality in the Concord, AL (Listed as a Bessemer property approximately 14 miles away). The oldest comp was 4 years old from 2015 which is even better for me because there has been over a billion dollars in construction in Downtown Birmingham in less than 4 years with many sales where comps and adjustments could have been made. The appraiser also chose "an abandoned car wash" in Downtown Bessemer in a different municipality approximately 10 miles when Downtown Birmingham and adjacent commercial districts with similar buildings are between 4-10 miles away. None of my land or buildings look like it could ever be a car wash in the center of Historic Downtown Ensley. No comp came from the same municipality where there has been significant progress in regards to revitalization across the City of Birmingham especially under 14 miles away.

Concern # 3: The appraiser said all 8 buildings need to be torn down. I still have tenants in multiple buildings, so the condemnation determination is very unfair. No structural engineer or city condemnation department made that determination so immediately the appraiser deducted demolition cost from the appraised land value and no building value. The appraiser chose Downtown Birmingham Central Business District demolition cost confirming the appraiser was familiar with the location to Downtown Birmingham but the appraiser did not use any comps for my buildings in Downtown Birmingham. This is very concerning.

Concern #4 The appraisal adjusted down for my properties every time and it always said the comps are closer to employment centers so they will reduce the value of my properties in comparison to the comps. Birmingham is the largest city in the state of Alabama with the addition of public transportation. There are significantly more jobs in Birmingham than Bessemer, AL and especially Concord, AL. I'm 3 blocks away from 1 company that employs 1500 people and there are many more companies in this community and throughout the City of Birmingham.

I hope you can follow up with both independent appraiser and the board reviewers soon. I will follow up by close of business next Friday to get an update if I have not heard back from you. I look forward to their response. Thank you again.

Best regards,

Brian K. Rice

(11) On 11/3/2020, I followed up after no response and then I added concerns of my property taxes increasing but my buildings were appraised at \$0.00 for the structure. I stated my hope regarding the actions of the AREAB because I wanted them to do right against CBRE appraiser Barry Harvill and Ronald Neyhart and they chose unlawful actions and intent to harm to my properties and property right.:

Brian Rice [REDACTED]

To: Lisa Brooks, Neva Conway, Brian Rice

Tue, Nov 3, 2020 at 11:48 AM

Neva,

I hope all is well. I hope you have been able to follow up on the questions and concerns from our last conversation which is attached below. I'm not sure if the Appraisal Board is acting in the best interests of the public as it states in it's purpose. I am hopeful that the organization and leadership stand against systemic racism and unfair appraisal comparables and unfair appraisal distance while ignoring billions of renovated properties within the 14 mile distance in the same city. I am hoping AREAB stand against the unfair appraisal rural comparison, unfair appraisal abandoned car wash comparison, and unfair determination to demolish all 8 buildings when 5 were in use and no structural engineer or architect made the decision. I am hoping the AREAB stand up against the total negligence to ignore all active income in my properties at the time of the appraisal. I'm hoping the Alabama Real Estate State Appraisal Board stand for justice.

It is hard enough trying to improve communities with fairness and its next to impossible with redlining levels (of) injustice that I and others have faced. It has been 14 months since I first contacted the AREAB. It took 12.5 months to get the first written response that was a total of 3-4 sentences. The vagueness in the letter shows compliance in a cover up of injustice to protect Synovus Bank and CBRE therefore linking AREAB and all decision makers to this injustice. When we spoke several weeks ago, you stated you would follow up within a week. I don't know if African Americans have any help when it comes to justice locally to the state level and maybe even above the state level if my appraisal is considered to be reasonable and just. I don't know who in positions of leadership will stand for right above wrong, moral above immoral, ethical above unethical, just above injustice if this is determined to be fair in the eyes of a board created to protect the public interest. We have to remove the spirit (of) hate tied to racism in this state and in this country if we ever will stand for the words liberty and justice for all.

My assessed taxed values went up nearly an additional \$100,000 the same year my appraisal devalued my buildings to \$0.00. If the state appraisal board accepts this report as fair I will then let our county tax assessor deal with the legality of a corrupt and unjust system with the Alabama State Appraisal Board because I will ask for my building taxes to be lowered to \$0.00. This taxation without representation case will place Synovus Bank, CBRE, and now the Alabama Real Estate Appraisal Board and all individuals who signed off front and center nationally for the worst appraisal in the United States of America in 2019 and 2020. I will then ask all similar properties in Birmingham, Bessemer, Concord to be lowered to \$0.00 if my building values are \$0.00 and there is barely \$1.04 sf for the land only with active buildings on them. I with my team of lawyers nationally and locally are prepared to file a lawsuit against all parties and individuals involved against this grave injustice. I am still hoping the injustice is only front and center against Synovus Bank and CBRE which the AREAB has the right to do right still. The AREAB still has the opportunity to do right before the formal lawsuit centered on taxation without representation is filed against the 3rd party which is the State of Alabama and it's Appraisal Board and leadership. this is not right and everyone in your office know it's not right. I'm hoping in very short order the AREAB and its individual leaders and staff stand up for justice and do the right thing by showing the clear negligence led by Synovus Bank and CBRE.

Brian K Rice

- (12) I tried to protest my property taxes with the appraisal AREAB took no actions against and it took another year for the protest season to open back up and filed a protest to lower my taxes to \$0.00 to match the appraisal. Jefferson County Board of Equalization (JCBOE) adjusted the taxes down to try to help but they said they could not match or come close to the \$0.00 appraisal for my structures in the AREAB appraisal complaint. Once JCBOE updated the taxes again in 2021 I filed a 2nd a formal complaint with AREAB, Neva Conway, and Lisa Brooks.
- (13) On 11/22/2021 the second formal complaint was submitted complaining that there is no way I can be taxed for several hundred thousand in valued and \$0.00 still stand for my appraisal complaint with AREAB.

From: Brian Rice [REDACTED]
Sent: Monday, November 22, 2021 11:53 PM
To: Davis, Margaret <Margaret.Davis@reab.alabama.gov>; Brooks, Lisa <Lisa.Brooks@reab.alabama.gov>; Conway, Neva <Neva.Conway@reab.alabama.gov>; Brian Rice <brice@briankrice.com>
Subject: 2nd Formal Complaint to AREAB / Brian K. Rice

Lisa/Margaret/Neva,

I have attached my 2nd formal complaint with the Alabama Real Estate Appraisal Board. I wish I didn't have to write a 2nd complaints but the actions from the 1st complaint has caused injury for the 2nd complaint. I have experienced ongoing injury and I have explained how the Alabama Department of Revenue and the Jefferson Count Board of Equalizations and my real property taxes using USPAP, Alabama Appraisal Manual under the supervision of Alabama Real Property Appraisers. I still believe in the mission of AREAB and that is to protect the public versus Banks and Appraisal companies that have taken action to create a "contingent appraisal" which would be a violation of state and federal appraisal laws. The Alabama Department of Revenue Equalization Rate and Coefficient of Dispersion for ad valorem taxes are significantly affected by the open items I am still hoping Attorney Conway or other staff or board members will respond to protect me as a public injured party. please see attachments, formal complaint form, Jefferson County Board of Equalization form shared with me that went into affect on October 1st 2021, Jefferson County Tax Card, original Appraisal used to protest property taxes, and AREAB letter used to protest taxes. Please hold CBRE accountable for the misleading information that continues to cause injury to me now in a taxation without representation situation which is a true violation of the 14th Amendment (and) 5th amendment, Equalization by definition, mission statement of AREAB, Administrative Code for AREAB, Appraisal Subcommittee, Section 1983 and more. I attached my 2nd and 1st complaints. AREAB is the standard and I am asking you to stand up for my equal rights in Birmingham, AL.

- (14) On 11/23/2021 Margaret Davis confirmed receipt

(15) On 12/2/2021 Neva Conway responded to specific concerns and questions and said she would have the board relook at the appraisal.

Conway, Neva <neva.conway@reab.alabama.gov>

To: Brian Rice, Davis, Margaret, Brooks, Lisa

Thu, Dec 2, 2021 at 3:52 PM

Good afternoon Mr. Rice,

The Board did conduct an investigation of the appraisal report you submitted that was written by Harvill and Neyhart.. The Board does not have jurisdiction over or supervise or in any way participate in any action relating to property tax that is the business of individual county tax authorities, Boards of Equalization or the State of Alabama Revenue Department.

You raise issues in your complaint that might be considered bias to properties owned and/or occupied by minorities. This is a matter that has gained attention at the federal level and I believe that guidelines are being developed to assist states in making decisions in complaints of bias in real estate appraisals. When the Board first looked at the appraisal, it did not find any evidence that the appraisers had any bias to the property that was demonstrated in developing the appraisal. I will take this complaint back to the Board when I have access those guidelines. The Board will only consider the complaint you have in connection to Harvill and Neyhart. The Board has no jurisdiction over CBRE or any other appraisal company. Fee free to contact me at any time regarding the status of this case.

Neva Conway

(16) On 1/10/2022 I sent a formal complaint to Federal Appraisal Subcommittee (ASC), Jefferson County Board of Equalization (JCBOE), Neva Conway, Lisa Brooks. This letter is a 92 page document explaining specific details of the appraisal and of my taxation without representation where AREAB is turning a blind eye to my buildings being appraised at \$0.00 while being taxed based on a value of \$229,790 Ad Valorem Taxes Assessed Value (excluding land 2019) and \$122,800 Ad Valorem Taxes Assessed Value (excluding land 2021)

(17) The 4/27/2023 examiner letter to the complainant stated the complaint was “resolved” “within the last 2 years”. These are “inconsistent” statements per AL Code § 41-20-6 where the examiner of the Alabama Department of Examiners of Public Accounts shall review “all powers, duties and functions currently performed” and “all constitutional, statutory or other authority under which said powers, duties and functions of the agency are carried out” and “any powers, duties or functions which, in the opinion of the agency under review, are inconsistent.” (For statements to be inconsistent, fraudulent concealment must have taken place by the AREAB as the complaints and questions have never been resolved.)

(18) There are additional emails pleading for help and Neva Conway or Lisa Brooks never responded to complaints and all questions are still unresolved. It has been very painful to lose access to 100% of my equity. It is a travesty lose access to my property assets based on fraud and cover ups by private companies, private individuals, and by state actors.

It is extremely disappointing that Neva Conway and Lisa Brooks who have been leaders with AREAB for many years would be so egregious with their actions or inactions. I am hoping the State of Alabama Department of Examiners of Public Accounts is very concerned. If my complaint has this many unlawful actions and I never gave up, I can only imagine how many more African Americans or other complaints were dismissed with vagueness, the abuse of power, "intent to harm", fraud, "fraudulent concealment, bad faith, and recklessness under the color of law. **AREAB representatives operated regarding my complaints as if no law or constitution was of their concern.**

No public servant(s) should be this reckless where qualified immunity and sovereign immunity is breached repeatedly and allowed to remain in any position of public authority.

I am hoping that through the investigation of the State of Alabama Examiners of Public Accounts and the Sunset Committee, this nightmare of having my property rights taken from me will end. I do believe, if those with statutory power choose their right to subpoena, compel testimony and file charges, then all board members involved and the executive director and the legal counsel and any investigators involved will be co-defendants to known fraud of initial values at \$275,000 and foreseeable values into the millions which would fall into felony actions who violated principles of sovereign and qualified immunity. Over half the board members can be charged because the obvious violations with buildings being appraised at "\$0.00" and compared to a "self service car wash" and "rural land" and "removal of 100% of active rent" and "the fraudulent inclusion of a wrong address charged against the complainant" would have "shock the conscience" of State actors acting under Good Faith but instead State actors chose fraud and "intent to harm". All involved under their assigned function turned a blind eye to justice knowingly and should be removed from board and appraisal license be revoked. AREAB representatives chose removal of property rights which is a badge or incident of slavery under the Alabama Slave Code of 1852 which would violate the 13th Amendment of the U.S. Constitution in present times. Slaves had no right to property.

AREAB former board members Patrice "Penni" McClammy who is now a member of Alabama Legislature and Carroll Lew Watson who is now the Mayor of Lincoln, AL actions must also be under review for actions during initial complaint. Several staff members involved would have to be removed if causing a modification of the AREAB.

Neva Conway as legal counsel allegedly violated:

- (1) Alabama State Bar, Alabama Rules for Disciplinary Procedure: Rule 2 Grounds for discipline. Alabama State Bar, Alabama Standards for Imposing Lawyer Discipline: Section II. Violation of Alabama State Bar Ethical Duties; (1) (a) The duty of loyalty, (i) preserve the property of a client (b) The duty of diligence, (c) The duty of competence, (d) the duty of candor;
- (2) Violation of Alabama State Bar Ethical Duties; (Lawyers also owe duties to the legal system. Lawyers are officers of the court and must abide by the rules of substance and procedure that shape the administration of justice. Lawyers must always operate within the bounds of the law and cannot create or use false evidence or engage in any other illegal or improper conduct [Rules 3.1 through 3.6, 3.9, 4.1 through 4.4, 8.2, and 8.4(d), (e) and (f)].
- (3) Violation of Alabama State Bar Ethical Duties; ("In addition to duties owed to clients, the lawyer also owes duties to the general public. Members of the public are entitled to be able to trust lawyers to protect their property, their liberty, and their lives. The community expects lawyers to exhibit the highest standards of honesty and integrity, and lawyers have a duty not to engage in conduct involving dishonesty, fraud, or interference with the administration of justice [Rules 8.2, 8.4(b) and (c)].

- (4) Violation of Alabama State Bar Ethical Duties; (e) Maintaining the integrity of the profession [Rules 8.1 and 8.3].
- (5) Violation of Rule 4.1 Truthfulness in Statements to Others. "In the course of representing a client a lawyer shall not knowingly: (a) Make a false statement of material fact or law to a third person; or (b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.";
- (6) Violation of Rule 4.1 Truthfulness in Statements to Others. Misrepresentation A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by failure to act.
- (7) Violation of Rule 4.1 Truthfulness in Statements to Others. Fraud by Client Paragraph "(b) recognizes that substantive law may require a lawyer to disclose certain information to avoid being deemed to have assisted the client's crime or fraud. The requirement of disclosure created by this paragraph is, however, subject to the obligations created by Rule 1.6."
- (8) Violation of Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense. Alabama Rules of Professional Conduct Maintaining the Integrity of the Profession Rule 8.3. Reporting Professional Misconduct. "A lawyer is obliged to report every violation of the Rules. The failure to report a violation would itself be a professional offense. A report should be made to the Alabama State Bar."

The complainant lost the ability to develop property which would have increased the property to a market value well into the millions. Historic renovated property in the current market averages a minimum of \$200sf to \$300+ a sf which would be 33,000sf x \$200 which is a minimum of \$6.6 million to \$9.9 million. The loss rent at the fair market value of renovated improved buildings would be a minimum of \$12 sf in an underserved market and nearly \$20+ sf in a fair market. At \$12 sf, the complainant lost access to \$33,000 a month in rental income. Complainant lost the ability to reinvest income and equity into other investments and other properties. The complainant had property rights taken from him by the "deliberate indifference", "honest services fraud", bad faith, recklessness, and intent to harm actions of AREAB representatives.

Please hold tortfeasors accountable as there are economic remedies and there are spelled out discipline per statute(s) to delineate unlawful conduct of individuals intentional unlawful actions.

There is no way my buildings should have been appraised less than a single U.S. penny at the value of \$0.00 and denying me of access to my property rights. I lost the ability to provide for my "Life". I lost the rights of my "Property". My "Liberty" was repeatedly taken from me while "in the pursuit of happiness". Safe spaces were deprived from my community. Local businesses lost the opportunity to have spaces in their community. My dream of creating spaces for the development of the arts, workforce development, entrepreneurship development, and lofts were taken from an already deprived community, My civil rights were seized unlawfully under the color of law.



I will never look down on underserved communities who have been oppressed and suppressed under the Color of Law. It was my dream to bring positive, constructive businesses, and activities to Downtown Ensley in Birmingham, AL. I have experienced obstruction in every direction. City of Birmingham leaders fraudulently excluded Downtown Ensley from Opportunity Zones robbing me and my neighbors of federal program incentives designed for distressed areas. CBRE, Inc., Synovus Bank, Alabama Real Estate Appraisers Board, Appraisal Subcommittee robbed me of my property rights under the Color of Law denying me of access to 100% of equity for building improvements and leased fee interest. Jefferson County Board of Equalization denied me unlawfully of my right to a hearing to protest the ad valorem taxes related to the \$0.00 appraisal which is a statutory right owed to all owners of real property. I'm being taxed on \$0.00 buildings on a state approved appraisal by AREAB and state and county approved taxes as both boards have appointments by the state and funds paid out of the state.

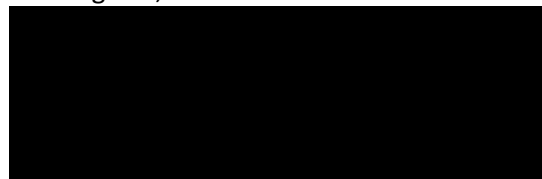
The 8 \$0 Appraised Buildings

Likely, the worst appraisal and associated appraisal comps in the country
The poster child of unfair lending and unfair appraisals that was completed by CBRE and approved by Synovus Bank and **Alabama Real Estate Appraisal Board**

www.briankrice.com

Please correct the wrongs of present day “redlining” so I can move forward with my buildings under equal protection of the law and due process of the law. Please hold the CBRE Appraisers, AREAB staff and board accountable per statutes. Please remove from office and charge the unlawful state actors who breached qualified immunity and sovereign immunity.

Best regards,



Brian K. Rice,

