



# Federal Housing Finance Agency

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## FINAL SUSPENSION ORDER

The Federal Housing Finance Agency, as safety and soundness regulator of Fannie Mae, Freddie Mac, and the eleven Federal Home Loan Banks (collectively the “regulated entities”), is issuing this Final Order pursuant to the following legal authorities:

1. Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act), which authorizes FHFA to exercise such incidental powers as may be necessary in the supervision and regulation of the regulated entities. *See* 12 U.S.C. 4513(a)(2);
2. Section 1313B of the Safety and Soundness Act, which authorizes FHFA to establish standards for the regulated entities regarding prudential management of risks. FHFA is authorized to issue orders requiring the regulated entities to take any action that will best carry out the purposes of that section. *See* 12 U.S.C. 4513b(b)(2)(B)(iii); and
3. Section 1319G of the Safety and Soundness Act, which authorizes FHFA to issue any orders necessary to ensure that the purposes of the Safety and Soundness Act are accomplished. *See* 12 U.S.C. 4526(a).

Consistent with these authorities, FHFA has determined that any business relationship between Daniel Joseph O’Leary, II and the regulated entities would present excessive risk to their safety and soundness.

This determination is based on the following findings:

1. Daniel Joseph O’Leary, II was a certified residential real estate appraiser in the state of Texas.
2. Daniel Joseph O’Leary, II, on or about February 26, 2016, and until or about August 31, 2018, intentionally or knowingly made a materially false or misleading written statement, to wit: that he personally performed the inspection of real property, analyzed comparable properties, and formed an opinion of value of real property on the date listed within the appraisal, in providing an appraisal of real property for compensation.
3. Based on the factual allegations set forth in the Administrative Complaint filed on September 5, 2017 with the Texas Appraiser Licensing & Certification Board (Board), the Board found that Daniel Joseph O’Leary, II knowingly engaged in misleading conduct by having trainees and unlicensed staff perform appraisal work that they were not legally permitted to perform, made material misrepresentations and material omissions of fact in regards to who actually inspected the properties, and chose to communicate misleading, misrepresentative and fraudulent appraisal reports to appraisal

management company clients and lenders, in violation of TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6), (12), and 155.1.

4. On November 16, 2018, the Board and Daniel Joseph O’Leary, II entered into and issued an Agreed Final Order revoking Daniel Joseph O’Leary, II’s Certified Residential Appraiser license for five years.
5. On January 10, 2022, Daniel J. O’Leary, II pled guilty to False Statement Property/Credit  $\geq$ \$300K and was sentenced by the 243rd District Court of El Paso County, Texas to confinement for a term of five years (suspended) and five years’ probation.
6. The conduct underlying the conviction described above occurred in connection with real estate and financial transactions.

With this Final Order, FHFA is directing each regulated entity to cease or refrain from engaging in any business relationship with Daniel Joseph O’Leary, II, for a term of five (5) years, beginning on December 7, 2022. This suspension extends to any individual, company, partnership or other group that FHFA determines to be an affiliate of Daniel Joseph O’Leary, II.

The Final Order’s requirement for regulated entities to cease any business relationship with Daniel Joseph O’Leary, II does not apply to the existing or future purchase, sale, modification, foreclosure alternative transaction, or other foreclosure-related transaction of a residential mortgage loan owned by a regulated entity, if Daniel Joseph O’Leary, II is the borrower of such residential mortgage loan and the transaction is for the borrower’s own personal or household residence.

This Final Order is a final action of the Federal Housing Finance Agency.

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Clinton Jones,  
Suspending Official