

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

APRIL LYNN ACKER
TX-1334010-L

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DOCKETED COMPLAINT NO.
06-201

AGREED FINAL ORDER

On this the 15th day of February, 2007, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of April Lynn Acker, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent April Lynn Acker is a Texas state licensed real estate appraiser, holds license number TX-1334010-L, and has been licensed by the Board since August 6th, 2004.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (Vernon 2005) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2005) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of her appraisal practice.
3. On or about July 10th, 2006, the Respondent submitted a renewal application for her state license. In that renewal application, Respondent was asked whether she ever had any application for licensure or certification denied in Texas or another state.
4. Respondent failed to correctly answer this renewal application question by not disclosing that her previous application for state certification had been denied because she had forged her sponsor's signature to the application.
5. On or about August 31st, 2006, Margarita White, a manager with the Board's Licensing Division, complained to the Board alleging that the Respondent had failed to provide a truthful response in her license renewal application regarding her prior state certification application denial.
6. On or about September 11th, 2006, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. § 2001, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.

7. The Enforcement Division has concluded that the Respondent violated 22 TEX. ADMIN. CODE §§ 153.9(f), 153.20(a)(12) and 153.20(a)(9) by failing to disclose to the Board that her application for state certification was previously denied even though her state license renewal application specifically inquired about this matter.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (Vernon 2005).
2. Respondent violated 22 TEX. ADMIN. CODE §§ 153.9(f), 153.20(a)(12) and 153.20(a)(9).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent:

- a. Shall Pay to the Board an Administrative Penalty of \$1,000.00;
- b. Shall Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Shall have her license suspended for 18 months with this suspension being fully probated under the following conditions:
 - i. During the entire eighteen month suspension Respondent shall submit an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate;
 - ii. Respondent shall timely remit payment of the administrative penalty, and timely complete all of the remedial coursework required in this Order;
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be completed within **TWENTY DAYS** of the date of this Agreed Final Order. Failure to pay the administrative penalty within the time allotted shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of Respondent's license pursuant to notice to Respondent from the Board indicating that Respondent has not paid the administrative penalty.

Failure to timely submit the required appraisal experience log on a form prescribed by the Board shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of Respondent's certification pursuant to notice to Respondent from the Board indicating that Respondent has not paid the administrative penalty.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. All classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

Failure to complete the education required by this Agreed Final Order within the time allotted shall result in termination of Respondent's probation and the **IMMEDIATE SUSPENSION** of the Respondent's license pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the educational requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect for the remainder of Respondent's eighteen month suspension period.

Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

The date of this Agreed Final Order shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been

delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 15th day of December, 2006.

April Lynn Ackers
APRIL LYNN ACKER

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15 day of December, 2006, by APRIL LYNN ACKER, to certify which, witness my hand and official seal.

Tim Brown
Notary Public Signature



Tim Brown
Notary Public's Printed Name

Signed by the Commissioner this 27th day of January, 2006.

Wayne Thorburn
Wayne Thorburn, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 9 day of February, 2007.

Shirley D. Koker
Shirley Ward, Chairperson
Texas Appraiser Licensing and Certification Board