

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

TERRANCE JEWEL ALEXANDER  
TX-1336189-R

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DOCKETED COMPLAINT NO.  
09-149

**FINAL ORDER**

On this 11<sup>th</sup> day of December, 2009, the Board considered the above-noted matter.

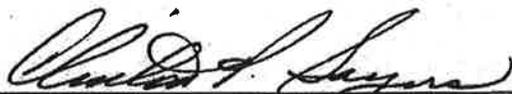
After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the Respondent pay to the Board an administrative penalty of \$3,000.00. Payment of the ADMINISTRATIVE PENALTY must be by certified funds, and must be tendered within TWENTY DAYS of the date Terrance Jewel Alexander is notified of this Final Order.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Board and Signed this 11<sup>th</sup> day of December, 2009.



Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board

# State Office of Administrative Hearings



RECEIVED

OCT 28 2009

Texas Real Estate Commission

Cathleen Parsley  
Chief Administrative Law Judge

October 27, 2009

Douglas E. Oldmixon  
Administrator  
Texas Appraiser Licensing and Certification Board  
1101 Camino La Costa  
Austin, Texas 78752

**INTER-AGENCY**

**RE: Docket No. 329-10-0100.ALC; Texas Appraiser Licensing and Certification Board  
v. Terrance Jewel Alexander**

Dear Mr. Oldmixon:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Sharon Cloninger".

Sharon Cloninger  
Administrative Law Judge

SC/lh  
Enclosure

xc: Terrance Jewel Alexander, 1004 Rosemont Drive, De Soto, TX 75115 - **VIA REGULAR MAIL**  
Troy Beaulieu, 1101 Camino La Costa, Austin, TX 78752 – (with 1 data CD dated 10-13-09 & Certified Evidentiary Record) **VIA-INTER-AGENCY**

SOAH DOCKET NO. 329-10-0100.ALC

TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD,  
Petitioner

V.

TERRANCE JEWEL ALEXANDER,  
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION**

Staff (Staff) of the Texas Appraiser Licensing and Certification Board<sup>1</sup> (Board) seeks to assess a \$3,500 administrative penalty against Terrance Jewel Alexander (Respondent), whose State Licensed Real Property Appraiser license (license) expired in June 2008. Staff alleges Respondent violated applicable law by failing to comply with the requirements of an agreed order issued by the Board in February 2009.<sup>2</sup> Staff also alleges that Respondent did not answer Staff's inquiries about his non-compliance with the agreed order, in violation of Board rules. Further, Respondent did not respond to Staff's allegations within 20 days of receipt of the hearing notice letter, as required, and did not appear at the hearing. The Administrative Law Judge (ALJ) recommends that he be assessed a \$3,500 administrative penalty.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

On October 13, 2009, ALJ Sharon Cloninger convened the hearing at the State Office of Administrative Hearings (SOAH), William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Staff Attorney Troy Beaulieu appeared on behalf of the Board. Respondent did not appear and was not represented at the hearing.

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<sup>1</sup> The Board is an independent subdivision of the Texas Real Estate Commission. TEX. OCC. CODE § 1103.051.

<sup>2</sup> Staff's Original Statement of Charges, incorporated in the hearing notice, states the agreed order was issued February 20, 2008, when in fact, according to Staff Exhibit P5, the agreed order was issued on February 20, 2009. The ALJ views the error as clerical in nature.

Staff introduced evidence establishing proper notice of the hearing was provided to Respondent and that the Board has jurisdiction, then moved for a default judgment. The ALJ granted Staff's motion. Therefore, in accordance with SOAH's rule related to defaults, the factual allegations in Staff's hearing notice are deemed true.<sup>3</sup>

## II. FINDINGS OF FACT

1. Terrance Jewel Alexander (Respondent) held State Licensed Real Property Appraiser license (license) number TX-1336189-L issued by the Texas Appraiser Licensing and Certification Board (Board) on June 7, 2006.
2. Respondent's license expired on June 30, 2008.
3. Based on an April 2007 complaint against Respondent, the Board issued an Agreed Final Order (Order) on February 20, 2009, requiring Respondent to complete certain remedial education within 12 months and pay half of a \$2,000 administrative penalty within 20 days of the date of the Order.
4. When Respondent did not timely pay the administrative penalty, Staff sent him inquiries on March 27, 2009, and April 22, 2009, regarding his non-compliance with the Order. Respondent failed to answer the inquiries and provide Staff with requested documentation.
5. Respondent's address of record on file with the Board is 1004 Rosemont Drive, De Soto, Texas 75115.
6. On September 3, 2009, Staff sent Respondent its Original Statement of Charges by certified mail to his address of record, asserting he had failed to comply with the Order and had not responded to Staff's inquiries regarding his non-compliance.
7. On September 8, 2009, Staff sent its Notice of Hearing by certified mail to Respondent at his address of record.
8. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.

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<sup>3</sup> 1 TEX. ADMIN. CODE (TAC) § 155.501.

9. The hearing notice further notified Respondent in at least 12-point bold-faced type that failure to appear at the hearing would result in the Original Statement of Charges being admitted as true, the relief sought by the Board being granted, and a default judgment being taken against him.
10. The hearing on the merits convened on October 13, 2009, at the State Office of Administrative Hearings, William B. Clements Building, 300 West 15th Street, Austin, Texas. Staff was represented by Troy Beaulieu, attorney. Respondent did not appear in person or through counsel.
11. Staff moved for default, which was granted following the admission of evidence establishing proper notice and jurisdiction.

### III. CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board (the Board) has jurisdiction over this matter. TEX. OCC. CODE ANN. ch. 1103.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. TEX. OCC. CODE ANN. § 1103.508; TEX. GOV'T CODE ANN. chs. 2001 and 2003.
3. Respondent was required to notify the Board of any change of his office address not later than the 10th day after the date he moved from a previously designated address. TEX. OCC. CODE ANN. § 1103.403; 22 TEX. ADMIN. CODE (TAC) § 153.31.
4. Service of the notice of hearing on Respondent was complete and effective upon proper mailing of the notice by certified mail to his most recent address as shown in the Board's records. 22 TAC § 157.9(b).
5. Staff sent Respondent proper and timely notice of the hearing. TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052; TEX. OCC. CODE ANN. § 1103.502.
6. The factual allegations in the notice of hearing are deemed admitted. 1 TAC § 155.501.
7. Respondent is subject to sanction because he failed to comply with an agreed final order of the Board, and failed to respond to Staff's inquiries about his non-compliance. 22 TAC §§ 153.20(a)(21) and 153.22.
8. The Board is authorized to assess an administrative penalty against Respondent. TEX. OCC. CODE ANN. § 1103.552 and 22 TAC § 153.24.

9. As permitted by 22 TAC § 153.24(h), the Board should assess a \$3,500 administrative penalty against Respondent.

**SIGNED October 27, 2009.**

  
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**SHARON CLONINGER**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**