

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

JOHN R. PASSERO, SR.  
TX-1324347-G

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DOCKETED COMPLAINT NO.  
08-106 & 10-140 + 10-282

**ORDER OF THE BOARD**

WHEREAS, JOHN R. PASSERO, SR. has submitted to the Board his affidavit that he no longer desires to be approved as a State Certified General Real Estate Appraiser, and that he has voluntarily surrendered his certification, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that certification number TX-1326120-R hereto issued to JOHN R. PASSERO, SR., to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

Approved by the Board and Signed this 19th day of August, 2011.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board

**SOAH DOCKET NO. 329-10-4333.ALC**

<b>TEXAS APPRAISAL LICENSING AND CERTIFICATION BOARD, Petitioner</b>	§	<b>BEFORE THE STATE OFFICE</b>
	§	
	§	
<b>VS.</b>	§	<b>OF</b>
	§	
<b>JOHN R. PASSERO, SR., Respondent</b>	§	<b>ADMINISTRATIVE HEARINGS</b>

**PROPOSAL FOR DECISION**

This is a settled case involving the voluntary surrender of the General Real Estate Appraiser's license held by Respondent, John R. Passero, Sr. The Administrative Law Judge (ALJ) concludes the Texas Appraisal Licensing and Certification Board (the Board) should adopt the proposed Order agreed to by the parties.

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

The Board has jurisdiction over this matter under TEX. OCC. CODE ANN. ch. 1103. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.

The Board's Staff sent notice of the hearing in this matter to Mr. Passero on May 25, 2010. After some continuances, the hearing was convened May 17, 2011. On the afternoon of the second day of the hearing, the parties announced they had settled the case. Rather than request dismissal, the Staff requested that the ALJ prepare a Proposal for Decision regarding the agreement and proposed Order for the Board's review. On June 6, 2011, the Staff filed a copy of the signed agreement and proposed Order.

## II. DISCUSSION

Mr. Passero is a state-certified general real estate appraiser who holds certification number TX-1324347-G issued by the Board. Under the affidavit filed as part of the settlement, Mr. Passero attested that he agreed to voluntarily and permanently surrender his certification because he no longer desired to be certified. The agreement specified that the Board will permanently revoke Mr. Passero's certification without formal charges, notice, or hearing. Mr. Passero waived his right to appeal or complain of any final order entered by the Board in accepting the voluntary surrender of his certification.

The agreed proposed Order of the Board, filed as part of the settlement agreement, states:

WHEREAS, JOHN R. PASSERO, SR. has submitted to the Board his affidavit that he no longer desires to be approved as a State Certified General Real Estate Appraiser, and that he has voluntarily surrendered his certification, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that certification number TX-1326120-R hereto issued to JOHN R. PASSERO, SR., to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

The Board's rule at 22 TEX. ADMIN. CODE § 157.14 provides:

Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. No stipulation or agreed settlement between the parties or their attorneys or representatives, with regard to any matter involved in any proceeding before the board, shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives and made a part of the record, or unless it shall have been dictated into the record by them during the course of a hearing or incorporated in an order bearing their written approval.

The parties' agreement in this case meets those requirements. It is within the scope of the Board's rule and resolves the dispute over Mr. Passero's certification in a manner acceptable to both parties. The ALJ recommends the proposed Order of the Board be adopted.

### III. FINDINGS OF FACT

1. John R. Passero, Sr., is a state-certified general real estate appraiser who holds certification number TX-1324347-G issued by Texas Appraisal Licensing and Certification Board (the Board).
2. A hearing was convened May 17, 2011, regarding the Board Staff's petition to revoke Mr. Passero's certification.
3. On the afternoon of the second day of the hearing, the parties announced they had settled the case. Rather than request dismissal, the Staff requested that the ALJ prepare a Proposal for Decision regarding the agreement and proposed Order for the Board's review.
4. On June 6, 2011, the Staff filed a copy of the signed agreement and proposed Order.
5. As part of the parties' settlement, Mr. Passero attested that he agreed to voluntarily and permanently surrender his certification because he no longer desired to be certified.
6. As part of the parties' settlement, the Board's Staff agreed that the Board should permanently revoke Mr. Passero's certification without formal charges, notice, or hearing.
7. As part of the parties' settlement, Mr. Passero waived his right to appeal or complain of any final order entered by the Board in accepting the voluntary surrender of his certification.
8. The agreed proposed Order of the Board states:

WHEREAS, JOHN R. PASSERO, SR. has submitted to the Board his affidavit that he no longer desires to be approved as a State Certified General Real Estate Appraiser, and that he has voluntarily surrendered his certification, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that certification number TX-1326120-R hereto issued to JOHN R. PASSERO, SR., to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

**IV. CONCLUSIONS OF LAW**

1. The Board has jurisdiction over this matter under TEX. OCC. CODE ANN. ch. 1103.
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.
3. The parties' agreement meets the requirements of the Board's rule at 22 TEX. ADMIN. CODE § 157.14.
4. The agreed proposed Order of the Board should be adopted.

**SIGNED June 16, 2011.**



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**HENRY D. CARD**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**