

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

MICHAEL V. POWELL
TX-1334993-L (EXPIRED)

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DOCKETED COMPLAINT NO.
09-050 & 09-051

AGREED FINAL ORDER

On this the 30 day of November, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Michael V. Powell (Respondent).

In order to conclude this matter Michael V. Powell neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. 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, Michael V. Powell, was a state licensed real estate appraiser who held license number TX-1334993-L.
2. Respondent appraised numerous properties in the greater Houston metropolitan area during 2007, when he was a state licensed real estate appraiser.
3. Thereafter complaints relating to Respondent's appraisal of 8102 Knightwood Forest Drive, Houston, TX and 29010 Forest Hill Drive, Magnolia, TX were filed with the Board. The complaints alleged that Respondent's appraisal reports contained various deficiencies.
4. After receipt of each complaint, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaints. Respondent's responses were received.
5. Respondent's license as a real estate appraiser has expired and Respondent no longer desires to hold a license, certification, authorization or registration from the Board. Without admitting any wrongdoing, and in order to resolve these matters without incurring the time and expense of litigation, Respondent acknowledges that his license has lapsed and he is hereby agreeing not to seek renewal of the license, nor apply for any authorization, license, certification or registration with the Board in the future.

6. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.

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.
2. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent shall not seek renewal of his license, nor apply to the Board for any authorization, license, certification or registration in the future.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

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 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 30 day of November, 2009.

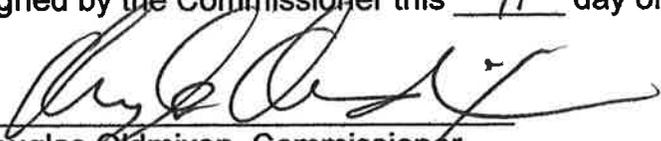
Michael V. Powell
MICHAEL V. POWELL

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 30 day of November, 2009, by MICHAEL V. POWELL, to certify which, witness my hand and official seal.

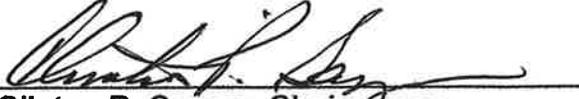
Johnny Fain
Notary Public Signature
Johnny Fain
Notary Public's Printed Name



Signed by the Commissioner this 11 day of Dec, 2009.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 11 day of Dec, 2009.


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