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TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD	§	
vs.	§	DOCKETED COMPLAINT NO. 06-174
MARGARET ANN THEIRING TX-1331159-L	§	

FINAL ORDER

In accordance with the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. ("the Act"), the Texas Appraiser Licensing and Certification Board ("TALCB") has filed an Original Statement of Charges against Margaret Ann Theiring, based upon her failure to cooperate with TALCB's investigation and respond and provide documentation related to the above-noted complaint. James Fletcher, TALCB Administrative Law Judge ("ALJ") now enters this final order in accordance with 22 TEX. ADMIN. CODE § 157.15 and TEX. OCC. CODE §§ 1103.508(b) and 1103.518.

I. DISCUSSION

1. Petitioner properly served Respondent with an Original Statement of Charges and Notice of Hearing in accordance with Tex. Occ. Code §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9. The allegations related to violations of TALCB's rules.
2. Based upon Respondent's failure to appear and answer Petitioner's allegations and Petitioner having established jurisdiction and sufficient evidence of notice to Respondent, the ALJ rendered a default judgment against Respondent and hereby enters the foregoing order.

II. FINDINGS OF FACT

3. On Monday, October 2nd, 2006 at 9:00 a.m. ALJ James Fletcher convened the hearing on this matter in Austin, Texas at the offices of the Texas Appraiser Licensing and Certification Board located at 1101 Camino La Costa, Austin, Texas 78752. The hearing concluded, and the record closed on that same day.
4. Petitioner, the Enforcement Division of TALCB was represented by Troy Beaulieu who appeared on behalf of TALCB and announced ready.
5. Margaret Ann Theiring ("Respondent") failed to appear and failed to answer the allegations Petitioner asserts in the Original Statement of Charges, nor has she filed any responsive pleading whatsoever.
6. Respondent held and currently holds license number TX-1331159-L as a Texas state licensed real estate appraiser during all times material to Petitioner's allegations.
7. On or about July 10th, 2006, TALCB received a consumer complaint against Respondent from Cindy and Scott Lee, in accordance with TEX. OCC. CODE § 1103.451.
8. The complaint related to a real property appraisal performed by Respondent on 925 Christopher, Whitehouse, Texas 75791. The complaint alleges that Respondent belatedly produced an appraisal that was erroneous.
9. On or about July 26th, 2006, Respondent was notified of the complaint and given and opportunity to respond and provide certain requested documentation to Petitioner.

10. After Respondent did not provide the requested documentation (i.e. Respondent's work file, her appraisal report, her written response to the complaint and a listing of her appraisal coursework), a second notice was forwarded to her attention on August 21st, 2006, and this documentation was again requested.

11. Despite multiple written communications advising Respondent of her obligations under the Act and TALCB rules, Respondent has failed to provide the requested documentation to Petitioner.

12. On or about August 29th, 2006 Petitioner forwarded a Notice of Hearing along with a copy of this Original Statement of Charges to Respondent by certified mail in accordance with TEX. OCC. CODE §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9.

13. Respondent has disregarded or violated a provision of the Act or the rules promulgated by TALCB. Specifically, Respondent has failed to answer inquiries and provide certain documents related to the foregoing complaint within 20 days of notice despite written requests that she promptly do so as required by 22 TEX. ADMIN. CODE § 153.22.

III. CONCLUSIONS OF LAW

14. TALCB has jurisdiction of this case under the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5545.

15. Petitioner provided Respondent the requisite notice of hearing and statement of charges under Tex. Occ. Code §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9.

16. Respondent has disregarded or violated a provision of the Act or the rules promulgated by TALCB by failing to answer inquiries and provide certain documents related to the foregoing complaint within 20 days of notice despite a written request that she promptly do so as required by 22 TEX. ADMIN. CODE § 153.22.

IV. ORDER

17. Based upon the foregoing findings of fact and conclusions of law, Respondent Margaret Ann Theiring's license (TX-1331159-L) as a Texas state licensed real estate appraiser is hereby revoked. This revocation shall take effect (50) fifty days after the date of entry of this order.

18. All other relief not specifically granted in this order is denied. This order is final for purposes of appeal.

James Fletcher, Administrative Law Judge for the Texas Appraiser Licensing and Certification Board

Signed this 12th day of October, 2006.