

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

MARK ALLEN WHISENHUNT
TX-1330207-R

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DOCKETED COMPLAINT NO.
06-136, 07-161, & 09-001

RECEIVED
TEXAS REAL ESTATE COMMISSION

MAR 25 2010

CASHIER'S SECTION
OPERATOR 9

RECEIVED

MAR 25 2010

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

AGREED FINAL ORDER

On this the 21st day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Mark Allen Whisenhunt (Respondent).

In order to conclude this matter Mark Allen Whisenhunt denies the truth of the Findings of Fact and Conclusions of Law contained herein but 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 Mark Allen Whisenhunt is a Texas state certified residential real estate appraiser, holds certification number TX-1330207-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised 5936 Mossbrook Trail, Dallas, Texas ("the Mossbrook property") on or about July 20th, 2005.
3. Respondent appraised 9460 Waterview Road, Dallas, Texas ("the Waterview property") on or about May 19th, 2006.
4. Respondent appraised 216 N. Stewart Avenue, Lancaster, Texas ("the Stewart property") on or about July 1st, 2006.
5. Respondent appraised 9249 Jennie Lee Lane, Dallas, Texas ("the Jenny Lee property") on or about August 21st, 2006.
6. Respondent appraised 2201 Wolf Street, Unit 2102, Dallas, Texas ("the Wolf property") on or about October 17th, 2006.
7. Thereafter complaints relating to each of these real estate appraisal reports were filed with the Board. The complaints alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in his completion of these reports.
8. 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.

9. Since the time of these complaints, Respondent's state certification 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 state certification has lapsed and he is hereby agreeing not to seek renewal of the certification, nor to apply for any authorization, license, certification or registration with the Board in the future.

10. 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.

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 22 day of March, 2010.


MARK ALLEN WHISENHUNT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 22 day of March, 2010, by MARK ALLEN WHISENHUNT, to certify which, witness my hand and official seal.

L. Beth Heckert
Notary Public Signature

L. Beth Heckert
Notary Public's Printed Name



Signed by the Commissioner this 21 day of May, 2010.

Douglas E. Oldmixon
Douglas E. Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of May, 2010.

James B. Ratliff
James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board