

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

GREGORY WAYNE AUSTIN  
TX-1322654-R

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DOCKETED COMPLAINT NO.  
09-117

**AGREED FINAL ORDER**

On this the 16<sup>th</sup> day of October, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Gregory Wayne Austin (Respondent).

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 Gregory Wayne Austin is a Texas state certified residential real estate appraiser, holds certification number TX-1322654-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about October 5<sup>th</sup>, 2007 Respondent entered into an agreed final order in connection with complaint #06-111 and 06-195, which was approved by the Board. Respondent was required as part of the order to: (a) complete certain remedial education; (b) pay an administrative penalty in installment payments and (c) submit quarterly logs and affidavits updating the board on the activities of his appraisal practice.
3. Respondent has failed to make timely administrative penalty installment payments, has failed to timely satisfy the remedial education, and failed to timely supply quarterly logs and affidavits as required by the agreed final order he entered into with the Board.
4. On or about June 1<sup>st</sup>, 2009, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board. The complaint alleged that Respondent failed to comply with the agreed final order in violation of 22 TEX. ADMIN. CODE § 153.20(a)(21).
5. On or about June 2<sup>nd</sup>, 2009, 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 complaint.

## 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. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(21) by failing to comply with a final order of the Board.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent shall:

- a. Have his certification revoked with that revocation being fully probated for a period of thirty-six months (36), under the following conditions:
  - a. Respondent must satisfy all the terms of his previous agreed order in complaint #06-111 and #06-195, dated October 5<sup>th</sup>, 2007;
  - b. Respondent shall not sponsor or supervise any appraiser trainees during his entire probation period;
  - c. During the entire thirty-six month probation period Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three-month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of his period of probation within twenty days of notice of such request;
  - d. Respondent shall timely remit payment of any administrative penalty
- b. Pay to the Board an administrative penalty of \$5,000.00, which shall be made in twenty (20) monthly installment payments of \$250.00 each, beginning on November 1<sup>st</sup>, 2009 and recurring monthly thereafter until the entire amount is paid in full.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be timely completed in accordance with the provisions of this Agreed Final Order.

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 agrees that if he fails to timely comply with any requirement of this Agreed Final Order and such non-compliance is

established at a contested case hearing, his certification shall be permanently revoked.

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.

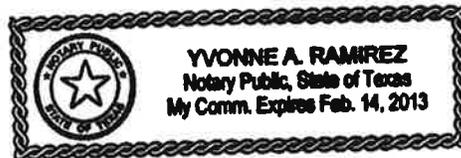
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 4th day of September, 2009.

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GREGORY WAYNE AUSTIN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 4th day of September, 2009, by GREGORY WAYNE AUSTIN, to certify which, witness my hand and official seal.

Yvonne A. Ramirez  
Notary Public Signature  
Yvonne Ramirez  
Notary Public's Printed Name



Signed by the Commissioner this 19 day of Oct, 2009.

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

Approved by the Board and Signed this 16th day of October, 2009.

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