

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JOHN PATRICK BAIN
TX-1329923-R

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DOCKETED COMPLAINT NO.
09-220

AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of John Patrick Bain (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 John Patrick Bain is a Texas state certified residential real estate appraiser, holds certification number TX-1329923-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about May 5th, 2008 Respondent entered into an agreed final order in connection with complaint #s 05-014, 06-061 and 06-090, which was approved by the Board. The agreed final order effectuated a twenty-four month probated suspension of Respondent's certification and that probation was contingent upon timely and full compliance with the terms of the final order.
3. 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.
4. 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.
5. On or about June 1st, 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).
6. On or about June 2nd, 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. Attend and complete a minimum, 15 classroom-hour course in Income Approach;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies; and
- c. Pay to the Board an administrative penalty of \$1,000.00.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be completed within **TWENTY DAYS** of the date of this Agreed Final Order.

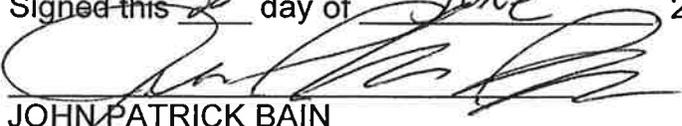
ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

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 June, 2009.



JOHN PATRICK BAIN

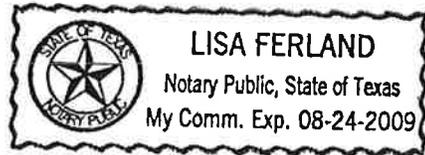
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 30 day of June, 2009, by JOHN PATRICK BAIN, to certify which, witness my hand and official seal.



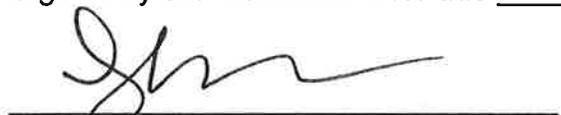
Notary Public Signature

Lisa Ferland

Notary Public's Printed Name



Signed by the Commissioner this 07th day of August, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.



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