

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO.
08-118

JUVENAL HERRERA
TX-1333094-R

AGREED FINAL ORDER

On this the 15th day of AUGUST, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Juvenal Herrera (Respondent).

In order to conclude this matter, Juvenal Herrera 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 Juvenal Herrera is a Texas state certified residential real estate appraiser, holds certification number TX-1333094-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about April 20th, 2007, Respondent appraised real property located at 5305 Viewpoint Drive, Austin, Texas 78744 ("the property").
3. On or about February 19th, 2008, the Complainant, Katrina Martinez, filed a complaint with the Board. The complaint alleged that Respondent failed to refund payment for appraisal services.
4. On or about February 27th, 2008 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOVT 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. Respondent's response to the complaint was received.
 - a) Respondent failed to maintain all business records relating to his appraisal of the property for at least five years from the date of his appraisal report.

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 TEX. OCC. CODE § 1103.404 and 22 TEX. ADMIN. CODE § 153.20(a)(2).

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

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

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 in the Board's newsletter and/or 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.

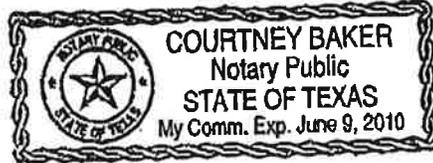
Signed this 14 day of August, 2008.


JUVENAL HERRERA

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 14th day of August, 2008, by JUVENAL HERRERA, to certify which, witness my hand and official seal.

Courtney Baker
Notary Public Signature

COURTNEY BAKER
Notary Public's Printed Name



Signed by the Commissioner this 15th day of AUGUST, 2008.

Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 15th day of AUGUST, 2008.

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