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TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO.
06-193

KENNETH OHELL JOHNSON
TX-1325120-G

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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 Kenneth Ohell Johnson, based upon his 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, November 6th, 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. Kenneth Othell Johnson ("Respondent") failed to appear and failed to answer the allegations Petitioner asserts in the Original Statement of Charges, nor has he filed any responsive pleading whatsoever.
6. Respondent held and currently holds certification number TX-1325120-G as a Texas state certified general real estate appraiser during all times material to Petitioner's allegations.
7. On or about August 14th, 2006, and in accordance with TEX. OCC. CODE § 1103.451, TALCB received a consumer complaint against Respondent from Beverly Gibson, as attorney for Anna Robertson.
8. The complaint involved allegations that Respondent has conducted fraudulent appraisal reports that have intentionally inflated opinions of value.
9. On or about August 28th, 2006, Respondent was notified of the complaint and given an opportunity to respond. Respondent's response was never received.
10. Despite multiple written communications advising Respondent of his obligations under the Act and TALCB rules, Respondent has failed to provide the requested documentation to Petitioner.

11. On or about September 27th, 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.
12. 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 he promptly do so as required by 22 TEX. ADMIN. CODE § 153.22.

III. CONCLUSIONS OF LAW

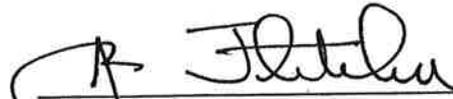
13. TALCB has jurisdiction of this case under the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5545.
14. Petitioner provided Respondent the requisite notice of hearing and statement of charges under Tex. Occ. Code §§ 1103.502-1103.503 and 22 TEX. ADMIN. CODE § 157.9.
15. 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 he promptly do so as required by 22 TEX. ADMIN. CODE § 153.22.

IV. ORDER

16. Based upon the foregoing findings of fact and conclusions of law, Respondent Kenneth Othell Johnson's certification (TX-1325120-G) as a Texas state certified

general real estate appraiser is hereby revoked. This revocation shall take effect (50) fifty days after the date of entry of this order.

17. 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 15th day of November, 2006.