

TEXAS APPRAISER LICENSING §
AND CERTIFICATION BOARD

vs.

STEPHEN KAPALSKI
TX-1333969-L

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DOCKETED COMPLAINT NO.
09-060 & 09-102

AGREED FINAL ORDER

On this the 16th day of October, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Stephen Kapalski (Respondent).

In order to conclude this matter Stephen Kapalski 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 Stephen Kapalski is a Texas state licensed real estate appraiser, holds license number TX-1333969-L, and has been licensed by the Board during all times material to the above-noted complaint cases.
2. Respondent appraised 12515 Shorelands Road, Cypress, Texas ("the Shorelands property") on or about November 30th, 2006.
3. Respondent appraised 215 Buckingham Place, Stafford, Texas ("the Buckingham property") on or about May 27th, 2004.
4. Respondent appraised 2806 Tudor Manor, Houston, Texas ("the 2806 Tudor property") on or about October 1st, 2004.
5. Respondent appraised 2723 Tudor, Manor, Texas ("the 2723 Tudor property") on or about October 1st, 2004.
6. Respondent appraised 1523 Waterwood Court, Missouri City, Texas ("the Waterwood property") on or about September 14th, 2004.
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. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.
10. Without admitting any wrongdoing, and in order to resolve these matters without incurring the time and expense of litigation, Respondent to agrees to voluntarily surrenders his license.

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 **ACCEPTS** the Respondent's surrender of his license. Further, the Respondent agrees and the Board hereby **ORDERS** that he shall not be entitled to apply for reinstatement in accordance with TEX. OCC. CODE § 1103.522.

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 8 day of October, 2009.

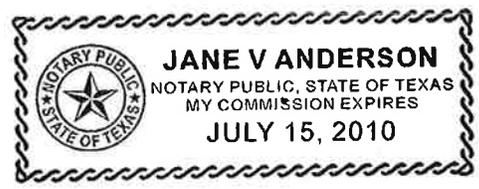

STEPHEN KAPALSKI

Stephanie McGuire
STEPHANIE MCGUIRE, ATTORNEY
FOR RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 8th day of October, 2009, by STEPHEN KAPALSKI, to certify which, witness my hand and official seal.

Jane V. Anderson
Notary Public Signature

Jane V. Anderson
Notary Public's Printed Name



Signed by the Commissioner this 18th day of October, 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