

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
18-218

EUGENIO MIRELES JR
TX-1325361-G

AGREED FINAL ORDER

On the 12 day of April, 2019, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the license of Eugenio Mireles (Respondent).

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent 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 Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas certified general real estate appraiser who holds license number TX-1325361-G and was licensed by the Board during all times material to the above-noted complaint.
2. Respondent accepted payment for an appraisal of the residential real property located at 349 Comal Street, Eagle Pass, TX 78852 (Property), on or about March 3, 2018. Respondent was to appraise the property for a refinance transaction.
3. Thereafter, complaint number 18-218 was filed with the Board by a consumer, on or about May 17, 2018. In the complaint, the consumer alleged that she paid Respondent for appraisal services and never received the appraisal report. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the complaint and the allegations made, on or about June 8, 2018. Respondent was given an opportunity to respond to the allegations in the complaint and was requested to provide certain documentation to the Board. The Board received documentation from the Respondent on or about September 19, 2018.

5. As a result of the Board's investigation, the Board finds that Respondent violated the Board's Rules, contained in 22 TAC Chapter 153:

- a. Respondent failed to answer all inquiries concerning matters under the jurisdiction of the Board within 20 days of notice to his address of record, or within the time period allowed through a written extension by the Board.

6. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

7. The Board has jurisdiction over this matter pursuant to the Act.

8. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(24) by failing to answer the inquiry of the Board within the time period allowed.

9. This case constitutes a first time level three disciplinary action because the Respondent has no prior discipline(s) and this case involves serious deficiencies.

10. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

1. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of five hundred dollars (\$500.00), by cashier's check or money order, on or before **April 19, 2019**.
2. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
3. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

RESPONDENT ACKNOWLEDGES THAT TIME IS OF THE ESSENCE WHEN COMPLYING WITH THE DEADLINES STATED IN THIS AGREED FINAL ORDER. IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully, and I am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including judicial review of any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

I understand that, in the event I am unable to comply with the terms of this Agreed Final Order, I may request the Board to modify the terms of this Agreed Final Order. I further understand that I must submit a request for modification in writing to the TALCB General Counsel via email to general.counsel@talcb.texas.gov and that my request for

modification must be submitted at least 14 days BEFORE the next regularly scheduled Board meeting and BEFORE I have failed to comply with any deadline for compliance stated in this Agreed Final Order.

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance with this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in the form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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

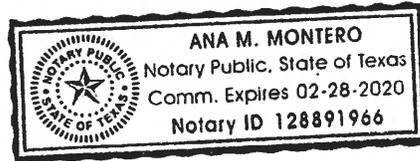
RESPONDENT

Signed this 15th day of March, 2019.

Eugenio Mireles Jr
Eugenio Mireles Jr

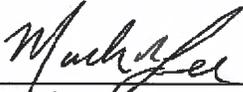
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 15th day of March, 2019, by Eugenio Mireles Jr, to certify which witness my hand and official seal.

[Signature]
Notary Public's Signature



STANDARDS AND ENFORCEMENT SERVICES DIVISION

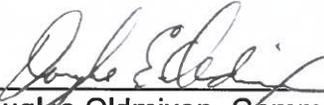
Signed by the Standards and Enforcement Services Division this 15th day of March, 2019.



Mark Lee
Staff Attorney, Standards and Enforcement Services Division
Texas Appraiser Licensing and Certification Board

COMMISSIONER

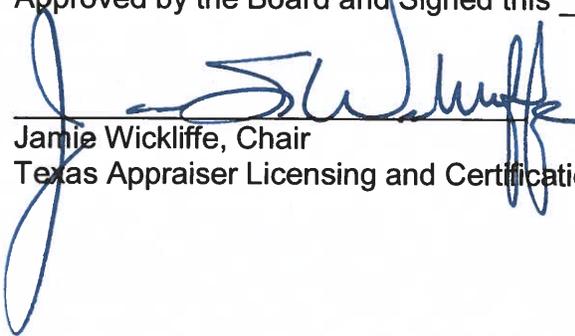
Signed by the Commissioner this 3 day of April, 2019.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIR

Approved by the Board and Signed this 12 day of April, 2019.



Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board