

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JODY WAYNE PICKETT
TX-1334212-L

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DOCKETED COMPLAINT NO.
15-303

AGREED FINAL ORDER

On the 19 day of August, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the license of Jody Wayne Pickett.

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 licensed residential real estate appraiser who holds license number TX-1334212-L and was licensed by the Board during all times material to the above-noted complaint.
2. During May and June of 2015, Respondent failed to respond in a timely manner to multiple requests from the Board staff for documentation related to a criminal conviction disclosed on his license renewal application. Despite written requests for the documentation, the information was not provided.
3. Thereafter, the complaint, numbered 15-303, was filed by the staff on or about July 20, 2015, alleging the Respondent had failed to provide the requested documents timely. The Board initiated the complaint to ensure the Respondent's compliance with TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules). Upon receipt of the complaint, Respondent provided additional documents, but still did not supply all the requested documentation.
4. In addition, Respondent thereafter failed to respond in a timely manner to the complaint itself. Despite granting an extension of time to respond, Respondent did not provide a response within the extended deadline. Staff sent additional correspondence requesting a complete response, which included addressing the incomplete information from the application process. The investigator had to obtain the information on her own

initiative to complete the investigation. The completed investigation did not reveal any basis to deny the license renewal, which was processed accordingly.

5. As a result of the Board's investigation, the Board finds that Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(24) on two separate occasions. First, Respondent failed to respond timely and provide complete documentation for his criminal conviction despite repeated requests. Second, Respondent failed to respond to Complaint #15-303 in a timely and complete manner despite repeated requests.

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

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(24) on two distinct occasions by failing to timely respond to inquiries of the Board and failing to timely respond to a complaint.
3. 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.** On or before September 8, 2016, Respondent shall pay to the Board an administrative penalty of four hundred dollars (\$400.00), by cashier's check or money order.
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

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, CERTIFICATION, AUTHORIZATION OR REGISTRATION 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 Respondent's 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 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 for 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).

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 of 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 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.

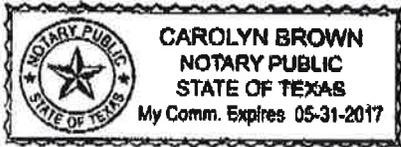
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

Signed this 11 day of MAY, 2016.

Jody Wayne Pickett
Jody Wayne Pickett

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 11 day of May, 2016, by Jody Wayne Pickett, to certify which witness my hand and official seal.



Carolyn Brown
Notary Public's Signature

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 12th day of May, 2016.

Mark Lee
Mark Lee, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 28 day of JUNE, 2016.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this 19 day of August, 2016.

Jamie Wickliffe
Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board