

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

STEPHEN S. SINES,  
TX-1337077-T.

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DOCKETED COMPLAINT NO.  
11-036 and 11-157

**AGREED FINAL ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the application for certification denial, 11-036, and complaint, 11-157, of Stephen S. Sines (the "Respondent"); Docket No. 329-11-7460.ALC.

In order to conclude this matter, Stephen S. Sines 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 S. Sines was an authorized real estate appraiser trainee who held trainee license number TX-1337077-T during all times material to the above-noted complaint case.
2. Respondent was an applicant for state certification issued by TALCB. Respondent's application was audited and Respondent's application was denied. The grounds for denial were outlined in a letter of notification delivered to the Respondent on December 10<sup>th</sup>, 2010, per 22 Tex. Admin. Code § 157.7.
3. In accordance with Tex. Occ. Code § 1103.210 and 22 Tex. Admin Code § 157.7, Respondent made a timely written request to appeal the denial of his application.
4. Petitioner also pursued disciplinary action against Respondent on a complaint which arose pursuant to the audit and resulting application denial, related to real property appraisal services performed by Respondent on property located at:
  - a. 100 Farris Road, Georgetown, Texas 78633 (the "Georgetown Property");
  - b. 7403 Fuchsia Lane, Humble, Texas 77346 (the "Humble Property"); and
  - c. 8570 River Road, New Braunfels, Texas 78132 (the "New Braunfels Property").
5. The Georgetown Property, Humble Property and New Braunfels Property may be referred to collectively as the "Properties."

6. The complaint involved allegations that Respondent produced appraisal reports that were misrepresentative and not performed in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP").
7. Respondent was notified of the complaint. Respondent's response to the complaint was received.
8. The Board had Jurisdiction of the case under the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code §§ 1103.210 and 1103.451-1103.5545 ("the Act") and 22 Tex. Admin. Code § 157.7. The Court had jurisdiction over the matter pursuant to Tex. Occ. Code § 1103.508 and 1 Tex. Admin. Code §§ 155.51 and 155.7.
9. Respondent appraised the Georgetown Property on or about January 11, 2008.
10. Respondent appraised the Humble Property on or about March 3, 2010.
11. Respondent appraised the New Braunfels Property on or about January 30, 2008.
12. Each of the real estate appraisal reports were performed for purposes of a mortgage finance or refinance transaction in which the lender / client was seeking to determine the value of the property to assist in their lending decision.
13. Respondent violated the USPAP, the Act and Board rules by producing intentionally inflated, misrepresentative, unreliable and otherwise deficient appraisal reports on the Properties, as described in Petitioner's Original Statement of Charges.
14. Since the time of the complaint, Respondent's state trainee authorization as a real estate appraiser expired and Respondent no longer desires to hold a license, certification, authorization or registration from the Board. Respondent acknowledges that Respondent's state trainee authorization has lapsed and Respondent is hereby agreeing not to seek renewal of the trainee authorization, nor to apply for any authorization, license, certification or registration with the Board in the future.
15. Respondent agrees to withdraw, rescind, and terminate Respondent's appeal of Pensioner's denial of Respondent's application for certification (the "Appeal Withdrawal"). The Petitioner and Respondent agreed on the Appeal Withdrawal pursuant to a Rule 11 Agreement. Upon receipt of an executed Rule 11 Agreement, Petitioner filed a motion to dismiss the case without prejudice.
16. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the 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.
3. Respondent's application for certification was denied because Respondent failed to satisfy the experience requirements detailed in TEX. OCC. CODE §§ 1103.203, 1103.205 and 1103.405 and 22 TEX. ADMIN. CODE § 153.15(b), (d) and (f), which requires that the experience claimed as part of an application for certification to comport with USPAP.
4. Respondent's work product failed to comport with USPAP, therefore Respondent's application was properly denied in accordance with 22 TEX. ADMIN. CODE §§ 153.20(a)(3), 153.15(f) and 155.1.
5. Respondent made material misrepresentations and omitted material facts in the Respondent's appraisal reports for the Properties. Since the Respondent engaged in this conduct, the Respondent violated 22 Tex. Admin. Code §153.20(12) and thus the Respondent's application was properly denied in accordance with 22 TEX. ADMIN. CODE §§ 153.20(a)(9) and 153.9(f) and (g).
6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by failing to comply with USPAP in effect at the time of his appraisal or appraisal practice for the Properties.
7. Respondent signed the appraisal reports but failed to affix the Respondent's trainee license number and the word "Trainee" on the appraisal reports, as required by, and in violation of, 22 Tex. Admin. Code §153.21(h).

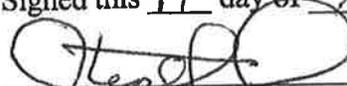
### **ORDER**

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall not seek renewal of Respondent's trainee authorization, nor apply to the Board for any authorization, license, certification or registration in the future.

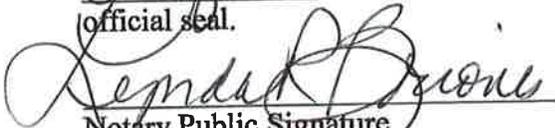
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

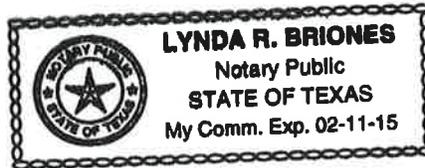
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by Board vote.

Signed this 19 day of August, 2011.

  
STEPHEN S. SINES, Respondent

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 19 day of August, 2011, by STEPHEN S. SINES, to certify which, witness my hand and official seal.

  
Notary Public Signature  
LYNDA R. BRIONES  
Notary Public's Printed Name



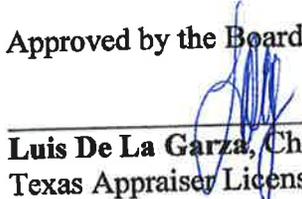
Signed by the Standards and Enforcement Services Division this 15 day of August, 2011.

  
Mark J. Mrnak, Esq. Director of Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner this 12<sup>th</sup> day of October, 2011.

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

Approved by the Board and Signed this 12<sup>th</sup> day of October, 2011.

  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board