

**TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD**

vs.

**JOHN THWEATT
TX-1336116-R**

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**COMPLAINT CASE NUMBER
21-232**

DEFAULT FINAL ORDER

On this 15th day of November, 2021, the Texas Appraiser Licensing and Certification Board (“TALCB” or “Board”), through the delegation of authority to the Commissioner, considered the above-noted matter.

After proper notice was given, John Thweatt (“Respondent”) failed to respond and request a hearing in this matter.

The Texas Appraiser Licensing and Certification Board through the delegation of authority to the Commissioner, after review and due consideration of the Notice of Violation and Penalty, incorporated by reference and attached hereto as **Exhibit A**, makes the following findings of fact and conclusions of law. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

FINDINGS OF FACT

1. Respondent is an appraiser who held license number TX-1336116-R during all times material to the above-noted complaint case.

2. Respondent’s last known mailing address as provided to the Board is [REDACTED] and his email address as last provided to the Board is: [REDACTED]

3. On or about January 29, 2021, complaint #21-232 was filed with the Board by an appraisal management company. The complaint alleged that Respondent utilized a comparable property that was too distant from the subject, and that he failed to adequately explain a 38% increase in valuation between his original report and a revised report submitted after a reconsideration of value was submitted by the lender.

4. The Board, in accordance with TEX. GOV’T CODE ANN. Chpt. 2001, the Administrative Procedure Act (the “APA”), and TEX. OCC. CODE CHPT. 1103, the Texas Appraiser Licensing and Certification Act (the “Act”), notified Respondent on February 1, 2021, of the nature of the accusations involved in the complaint. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board.

5. Despite being sent the initial notice of complaint, and a final notice of complaint, the Board never received responsive documents or any written response from Respondent regarding complaint #21-232.

6. Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in the following manner:

a. Standard 1-6(a) – The Respondent failed to reconcile the quality and quantity of data available. Specifically, although the Respondent stated the market was stable, and that supply and demand were in balance, Respondent failed to explain his rationale in reaching a value conclusion substantially in excess of the listing price of the subject property, which was on the market for almost 4 months, only 5 months prior to the effective date of the appraisal; and

b. Standard 2-2(a)(x)(5) - Respondent failed to summarize the information analyzed and the reasoning supporting his analysis, in determining the amount of adjustment to be applied for differences between the subject and comparable properties.

7. Further, Respondent failed to respond and did not provide any of the requested documentation for the complaint within 20 days of notice.

8. On April 12, 2021, Board staff sent Respondents a Final Notice of Complaint to the email address Respondent provided to the TALCB: [REDACTED]

9. On October 11, 2021, the Board staff sent the Respondent a Notice of Violation and Penalty (“Notice”) via certified mail, return receipt requested to the address Respondent provided to the TALCB: [REDACTED]

10. On October 11, 2021, the Board staff also sent the notice to the email address Respondent provided to the TALCB: [REDACTED]

11. The notice recommended the imposition of a \$2,250.00 administrative penalty and the requirement to obtain 2 hours of mentorship.

12. In the notice, Respondent was informed that failure to respond, no later than the 20th day after the date of receiving the Notice, would result in the submission of an order imposing the above recommendation to the Board.

13. Respondent failed to request a hearing on this matter.

CONCLUSIONS OF LAW

14. The TALCB has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103 et seq.

15. The TALCB provided adequate notice of the allegations brought against him and the recommended sanctions pursuant to TEX. OCC. CODE § 1103.5011.

16. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(6)

17. Respondent knowingly violated 22 TEX. ADMIN. CODE § 153.20(a)(24).

18. Respondent violated TEX. OCC. CODE § 1103.405.

19. The notice recommended the imposition of 2 hours of mentorship and a \$2,250.00 administrative penalty.

20. Pursuant to TEX. OCC. CODE § 1103.5012, if the Respondent fails to respond to the notice in a timely manner, the TALCB is authorized to approve the determinations in the Notice, order payment of the recommended penalty and impose the recommended sanction.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board through the delegation of authority to the Commissioner that John Thweatt is hereby required to obtain 2 hours of mentorship (in adequately analyzing and reporting comparable sales and in reconciliation of value) by Friday, February 25, 2022 and is assessed an administrative penalty of two thousand two-hundred and fifty dollars (\$2,250.00), due twenty days after the date he is notified of this Final Order.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Texas Appraiser Licensing and Certification Board through the delegation of authority to the Commissioner and Signed this 15th day of November, 2021.



Chelsea Buchholtz, Commissioner
Texas Appraiser Licensing and Certification Board

RIGHT TO REHEARING AND JUDICIAL REVIEW OF FINAL ORDER

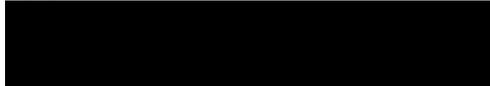
You are entitled to apply for a rehearing of this Final Order. A rehearing may be obtained by filing an application for rehearing within 25 days of being notified either in person or by certified mail, return receipt requested, of the Final Order. The application for rehearing must state the specific grounds for rehearing and the relief sought. The application for rehearing will be denied if the Board does not act on it before the 55th day after the date the Commissioner is served with the application. In the absence of a timely application for rehearing, the Final Order will be final on the expiration of the period for filing an application for rehearing. A decision becomes final and appealable on the date of rendition of the order overruling application for rehearing, or on the date the application for rehearing is overruled by operation of law.

An application for rehearing is a prerequisite to judicial review. Judicial review may be obtained by filing in the Travis County, Texas, District Court, within 30 days after the order of the board is final and appealable.

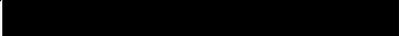
CERTIFICATE OF SERVICE

I certify that on November 15, 2021 a true and correct copy of the foregoing Default Final Order was delivered to Respondent by the following methods:

JOHN THWEATT



VIA CMRRR: 9214 8901 9403 8359 2983 72

VIA EMAIL: 

Mark R. Lee

Digitally signed by Mark R. Lee
DN: cn=Mark R. Lee, o=Texas Appraiser Licensing &
Certification Board, ou=Standards & Enforcement
Services, email=mark.lee@talcb.texas.gov, c=US
Date: 2021.11.15 13:23:02 -06'00'

Mark Lee, Staff Attorney
Texas Appraiser Licensing and Certification Board

**TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD**

vs.

**JOHN JOSEPH THWEATT
#TX-1336116-R**

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**COMPLAINT CASE NO.
21-232**

NOTICE OF VIOLATION AND PENALTY

In accordance with TEX. OCC. CODE § 1103.5011, please take notice of the following:

PARTIES AND JURISDICTION

1. Petitioner is the Texas Appraiser Licensing and Certification Board (Board).
2. Respondent John Joseph Thweatt is an appraiser who held license number TX-1336116-R during all times material to the above-noted complaint case, with a last known mailing address of [REDACTED] and an email address as last provided to the Board of: [REDACTED]

SUMMARY OF ALLEGED VIOLATIONS

3. On or about October 9, 2020, Respondent appraised real property located at 2025 Valencia Cove, Westlake, Texas 76262 ("Property"). On or about January 29, 2021, complaint #21-232 was filed with the Board by the appraisal management company which had contracted the Respondent for the appraisal. The complaint alleged Respondent utilized a comparable property that was too distant from the subject, and that he failed to adequately explain a 38% increase in valuation between his original report and a revised report submitted after a reconsideration of value was requested by the lender.
4. The Board, in accordance with TEX. GOV'T CODE ANN. CHPT. 2001, the

Administrative Procedure Act (the “APA”), and TEX. OCC. CODE CHPT. 1103, the Texas Appraiser Licensing and Certification Act (the “Act”), notified Respondent of the nature of the accusations involved in the complaints. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board.

5. Despite being sent the initial notice of complaint on or about February 1, 2021, a final notice of complaint on or about March 15, 2021, a “response overdue” warning from the staff attorney on or about April 12, 2021, and an additional notice sent on or about June 29, 2021, by a legal assistant, Respondent failed to respond to the complaint. All notices were sent to Respondent’s email as provided to the Board in accordance with TEX. OCC. CODE § 1103.403(b).

6. Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice (“USPAP”) in the following manner:

- a) USPAP Standard 1-6(a) – The Respondent failed to reconcile the quality and quantity of data available. Specifically, although the Respondent stated the market was stable, and that supply and demand were in balance, Respondent failed to explain his rationale in reaching a value conclusion substantially in excess of the listing price of the subject property, which was on the market for almost 4 months, only 5 months prior to the effective date of the appraisal; and
- b) USPAP Standard 2-2(a)(x)(5) - Respondent failed to summarize the information analyzed and the reasoning supporting his analysis, in determining the amount of adjustment to be applied for differences between

the subject and comparable properties.

7. This conduct is a violation of TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE § 153.20(a)(6).

8. Further, Respondent failed to respond and did not provide any of the requested documentation for the complaint within 20 days of notice in violation of 22 TEX. ADMIN. CODE § 153.20(a)(24).

RECOMMENDED SANCTION AND PENALTY

9. Respondent has no prior discipline with the Board. Respondent failed to comply with USPAP which resulted in a non-credible appraisal report in violation of TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE § 153.20(a)(6). These deficiencies constitute 1st-time, level 2 violations.

10. Respondent intentionally failed to provide responsive documents in violation of 22 TEX. ADMIN. CODE § 153.20(a)(24). This constitutes a 1st time, level three violation.

11. Based on the foregoing, Petitioner recommends 2 hours of mentorship in the USPAP standards at issues, and the imposition of an administrative penalty in the amount of \$2,250.00 against Respondent.

RESPONDENT'S RIGHT TO A HEARING

12. Pursuant to TEX. OCC. CODE § 1103.5011, Respondent has the right to a hearing to contest:

- a. the alleged violations;
- b. the recommended sanctions and penalty; or
- c. both the alleged violations and recommended sanctions and penalty.

13. However, if Respondent fails to respond to this notice and does not affirmatively request in writing a hearing within the next 20 days, a final order, imposing the recommended sanctions and penalty outlined above will be automatically entered and imposed against Respondent by default.

Respectfully Submitted,

By: Mark R. Lee
Mark Lee, Staff Attorney
Texas Appraiser Licensing and Certification Board
Texas Bar No. 24004410
P.O. Box 12188
Austin, TX 78711-2188
Telephone: (512) 936-3625
Fax: (512) 936-3966
Email: Mark.Lee@talcb.texas.gov

CERTIFICATE OF SERVICE

I certify that on October 11, 2021, in accordance with TEX. OCC. CODE § 1103.5011, a true and correct copy of the foregoing Notice of Violation and Penalty was sent to the following parties by the method specified:

JOHN J. THWEATT



VIA CMRR: 9214 8901 9403 8353 0318 38
VIA EMAIL: 

Mark R. Lee
Mark Lee, Staff Attorney