

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO. 10-167

TU Q. TRAN  
TX-1331622-G

**AGREED FINAL ORDER**

On this the 21<sup>st</sup> day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Tu Q. Tran (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Tu Q. Tran 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, Tu Q. Tran is a **state certified general real estate** appraiser, holds certification number TX-1331622-G and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. Respondent signed an Agreed Final Order dated February 20, 2009 related to docketed complaint no. 07-055 & 08-246.
4. In that Agreed Final Order, Respondent consented to a 12 month suspension of his certification, with the first month being fully suspended, and the remaining 11 months of suspension fully probated.
5. Respondent agreed to provide the Board with a log and affidavit of all real estate appraisal reports conducted by him over the last 11 months of the probated

suspension. Respondent has not provided the required log and affidavit during the prescribed time period.

6. Respondent completed all education requirements of the Agreed Order, but did not do so within the time frame specified by the Agreed Order.

## **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 §§ 1103.451-1103.5535.

2. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(21) by not fulfilling the terms of the previous Agreed Order.

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

Have his certification suspended for twelve months with this suspension being fully probated under the following conditions:

- i. During the entire probated, twelve month suspension period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of this period of probation within the twenty days of notice of any such request;
- ii. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order;

b. Pay to the Board an administrative penalty of \$220.00.---

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

**ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS**

APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within twenty days of the effective date of this Agreed Final Order.

Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on and provides adequate documentation of same to the Board.

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 6th day of April, 2010.

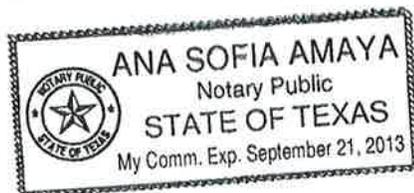
  
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TU Q. Tran

  
Ted Whitmer, Attorney for Respondent

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 6th day of April, 2010, by Ana S. Amaya, to certify which, witness my hand and official seal.

  
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Notary Public Signature

Ana Sofia Amaya  
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Notary Public's Printed Name



Signed by the Commissioner this 21 day of May, 2010.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21<sup>st</sup> day of May, 2010.

  
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James B. Ratliff, Chairperson  
Texas Appraiser Licensing and Certification Board