

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

CHRISTOPHER ANTHONY TURTON  
TX-1337901-T

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DOCKETED COMPLAINT NO.  
08-219

**FINAL ORDER**

On this 24 day of August, 2009, the Board considered the above-noted matter.

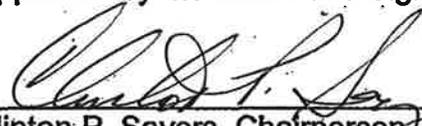
After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the Respondent pay to the Board an administrative penalty of \$2,000.00. Payment of the ADMINISTRATIVE PENALTY must be by certified funds, and must be tendered within TWENTY DAYS of the date Christopher Anthony Turton 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 Board and Signed this 24 day of August, 2009.

  
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Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board

**EXHIBIT A**

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

RECEIVED

JUN 05 2009

Texas Real Estate Commission

June 4, 2009

Loretta DeHay  
Interim Administrator  
Texas Appraiser Licensing and Certification Board  
1101 Camino La Costa  
Austin, Texas 78752

INTER-AGENCY

RE: Docket No. 329-09-3088.ALC ; Texas Appraiser Licensing and Certification Board v. Christopher A. Turton

Dear Ms. DeHay:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in black ink that reads "Roy G. Scudday".

Roy G. Scudday  
Administrative Law Judge

RGS/ap  
Enclosure

xc: Christopher A. Turton, 12106 La Charca, San Antonio, TX 78233 - VIA REGULAR MAIL  
Troy Beaulieu, Attorney, Texas Appraiser Licensing and Certification Board, 1101 Camino La Costa,  
Austin, TX 78752 - (with 1 hearing CD; TALCB Exhibits 1-3) - VIA-INTER-AGENCY

Post Office Box 13025 ♦ William P. Clements Building ♦ Austin Texas 78711-3025  
(512) 475-4993 ♦ 300 West 15th Street, Suite 502 ♦ Docket (512) 475-3445 ♦ Fax (512) 475-4994  
<http://www.soah.state.tx.us>

SOAH DOCKET NO. 329-09-3088.ALC

TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD,  
Petitioner

V.

CHRISTOPHER A. TURTON,  
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION**

The Texas Appraiser Licensing and Certification Board (Staff/Board) brought this action seeking the revocation of the appraiser trainee certification held by Christopher A. Turton (Respondent), as well as the assessment of an administrative penalty. The basis for this action was Respondent's alleged failure to comply with the 22 TEX. ADMIN. CODE ANN. (TAC) §§ 153.20(a)(2) and (15), and 153.22. The Administrative Law Judge (ALJ) recommends that Respondent should be assessed an administrative penalty in the amount of \$2,000. Because Respondent's trainee certification has expired, the revocation action is moot.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

The hearing convened May 27, 2009, before ALJ Roy G. Scudday in the William P. Clements Building, 300 West 15<sup>th</sup> Street, Fourth Floor, Austin, Texas. Staff was represented by Troy Beaulieu, attorney, who moved for a default based on Respondent's failure to appear.

Staff offered competent evidence establishing jurisdiction and that appropriate notice of the hearing was provided to Licensee. Those matters are set out in the Findings of Fact and Conclusions of Law.

**II. RECOMMENDATION**

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TEX. ADMIN. CODE § 155.501, the ALJ granted Staff's motion for default and recommends that Respondent be assessed an administrative penalty in the amount of \$2,000.

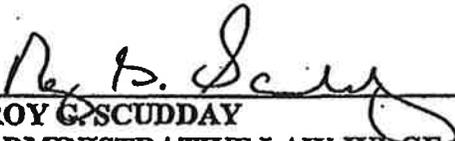
### III. FINDINGS OF FACT

1. Christopher A. Turton (Respondent) held a certificate as an appraiser trainee issued by the Texas Appraiser Licensing and Certification Board (TALCB).
2. On April 2, 2009, staff of the TALCB (Staff) sent a First Amended Statement of Charges to Respondent proposing revocation of the certificate referred to in Finding of Fact No. 1.
3. On April 2, 2009, a notice of hearing was mailed to Respondent, by certified mail at 12106 La Charca, San Antonio, TX 78233. Receipt of the notice was signed for by Respondent on April 4, 2009.
4. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
5. The hearing notice contained the following language in capital letters in at least 12-point, boldface type: "FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE FIRST AMENDED STATEMENT OF CHARGES BEING ADMITTED AS TRUE, THE RELIEF SOUGHT BY TALCB GRANTED, AND A DEFAULT JUDGMENT BEING TAKEN AGAINST YOU."
6. The hearing convened May 27, 2009, in the William P. Clements Building, 300 West 15<sup>th</sup> Street, Austin, Texas.
7. Respondent did not appear and was not represented at the hearing.
8. Staff moved for a default, which was granted.
9. On or about April 15, 2008, Respondent submitted a check for payment of fees in connection with his original application for approval as an appraiser trainee.
10. On or about May 12, 2008, Respondent was notified by certified mail at his last known address indicated in TALCB records that his check had been returned due to insufficient funds and a request was made for payment within thirty days.
11. As of the present date, Respondent has failed to make payment of the fees.
12. On or after May 12, 2008, Staff notified Respondent of the complaint and provided him the opportunity to respond to the allegations, and requested that Respondent provide certain documentation to Staff.
13. As of the present date, Respondent has failed to answer inquiries and provide certain documents related to the complaint despite a written request that he promptly do so.
14. Petitioner's certificate expired on April 30, 2009.

## IV. CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board (Board) has jurisdiction over this matter pursuant to TEX. OCC. CODE ANN. (Code) ch. 1103.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.
3. Notice of the complaint and of the hearing on the merits was provided as required by Code § 1103.502 and by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052.
4. Based on Findings of Fact Nos. 9-11, Respondent violated 22 TEX. ADMIN. CODE ANN. (TAC) § 153.20(a)(15).
5. Based on Findings of Fact Nos. 12-13, Respondent violated 22 TAC §§ 153.20(a)(2) and 153.22.
6. The Board is authorized by 22 TAC § 153.20(b) to determine the appropriate penalty for a violation of 22 TAC § 153.20(a).
7. Respondent should be assessed an administrative penalty in the amount of \$2,000.

SIGNED June 4, 2009.

  
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ROY G. SCUDDAY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS