

**MEETING AGENDA****TALCB Executive Committee**

TALCB Headquarters Office
4th Floor, Stephen F. Austin State Office Building
1700 North Congress, Austin, Texas 78701

Via Teleconference

Monday, August 4, 2014, 2:00p.m.

1. Call to order
2. Discussion and possible action regarding review of existing Board policies, including:
 - a. Acceptability of Imaged Signatures;
 - b. Confidentiality of Social Security Numbers (SSNs);
 - c. Work performed by a licensed appraiser on behalf of another person for the purpose of a property tax protest;
 - d. Period review of appraisals by AMCs;
 - e. TALCB liaison to TREC;
 - f. TALCB National Registry access; and
 - g. Official record of Board meetings
3. Discussion and possible action regarding possible topics for November training workshop
4. Discussion and possible action regarding letters sent to Board members from Governor Perry, Lt. Governor Dewhurst and Speaker of the House Strauss
5. Discussion and possible action regarding letter from state auditor
6. Discussion and possible action regarding 2-year appointments for Mentors and PIC members
7. Update regarding investigation into allegations of staff misconduct
8. Discussion regarding agenda items for future meetings
9. Discussion regarding future meeting dates
10. Adjourn



REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

MEMORANDUM

TO: TREC/TALCB Staff
FROM: Douglas E. Oldmixon
RE: Policy Regarding Acceptability of Imaged Signatures
DATE: March 1, 2010

PURPOSE

The purpose of this policy is to clarify the acceptable use of handwritten or imaged signatures communicated electronically to the agency. Since the agency will soon be imaging all of its paper records, documents with an original signature become extraneous since we will no longer maintain paper records with original signatures on any applicant or complaint once all files are imaged and maintained electronically.

POLICY

Handwritten signatures on applications and complaints that are communicated to the agency by fax or email (imaged signatures) are the equivalent of "original" ink signatures. On this basis, while a document must still be signed to be acceptable, it is not necessary that a person submit an "original" ink signature before the agency processes the document. An imaged signature may be considered an "original" signature for all agency purposes.



REAL ESTATE COMMISSION

APPRAISER LICENSING & CERTIFICATION BOARD

MEMORANDUM

TO: TREC/TALCB Staff

FROM: Douglas E. Oldmixon

RE: Confidentiality of Social Security Number (SSN)

DATE: July 7, 1999 – reviewed and endorsed 11/2/09

The 76th Legislature passed HB 692, effective May 29, 1999. This bill makes SSN for license applicants or holders confidential. Thus, all SSN for current and past license holders, registrants and pending applicants may not be released to the public except as provided below:

If the agency is sending out a copy of a public record which has the SSN on it, the number must be marked through on the copy so that it is not legible.

If a member of the public calls to confirm a particular license holder's SSN, it is acceptable to confirm the number as recited by the caller, but staff may not provide the number itself or correct a mistake made by the caller.

If a license holder or applicant desires the agency to send a document containing that person's SSN to someone else, staff may do so only if written, signed consent from the license holder or applicant is received. For this purposed, a faxed consent is acceptable.



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

TALCB Board Members

Luis F. De La Garza, Jr
Chair

Walker Beard
Vice Chair

Sheryl R. Swift
Secretary

Keith Kidd

Laurie C. Fontana

Mark A. McAnally

Shannon K. McClendon

Donna J. Walz

Jamie S. Wickliffe

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: November 9, 2012

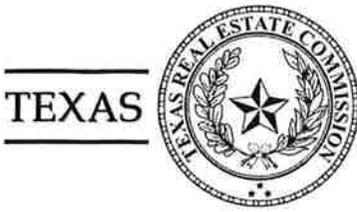
RE: Work performed by a person licensed, certified, registered, or approved under the Texas Appraiser Licensing and Certification Act on behalf of another person for the purposes a property tax protest.

This memorandum is to confirm that the Texas Appraiser Licensing and Certification Board (Board), pursuant to Texas Occupation Code §1103.002, asserts jurisdiction over work performed after May 27, 2011 by a person licensed, certified, registered, or approved under the Texas Appraiser Licensing and Certification Act (appraiser) on behalf of another person for the purposes of protesting an unequal appraisal under Subchapter C, Chapter 41, Tax Code, or Subchapter B, Chapter 42 of the Tax Code, if that work is performed solely under the authority granted to appraiser under the Act. Due to the Board's delay in fully asserting its jurisdiction, the Board will take the following actions:

- **Work Performed after December 1, 2012:**
For all work performed after December 1, 2012 by an appraiser who is also a certified property tax consultant, the Board will require the appraiser to provide the USPAP disclaimer required by 22 TAC §155.2 (USPAP disclaimer) anytime that appraiser performs work for the purposes a property tax protest solely under his or her authority as a property tax consultant.

The Board will require any work performed and presented in connection with property tax consulting services signed by an appraiser operating solely under the authority of the Act must be USPAP compliant and must include the appraiser's license number. The Board will accept and investigate any complaints alleging violations of USPAP in connection with property tax consulting services performed after December 1, 2012 and signed by an appraiser operating solely under the authority of the Act.

- **Work Performed Prior to May 27, 2011:**
The Board will dismiss all complaints sent to the Board alleging violation of USPAP in connection with property tax consulting services performed prior to May 27, 2011 with a written notice explaining:
 1. any work performed and presented in connection with property tax consulting services signed by an appraiser operating solely under the authority of the Act must be USPAP compliant; and



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

2. Any work performed and presented in connection with property tax consulting services signed by an appraiser operating solely under a current property tax consultant certification must include the USPAP Disclaimer.
- **Work Performed after May 27, 2011, but prior to December 1, 2012:**
The Board will dismiss all complaints sent to the Board alleging violation of USPAP in connection with property tax consulting services performed after May 27, 2011, but prior to December 1, 2012, with a WARNING LETTER stating that all valuation related work done by an appraiser must comply with USPAP requirements. Additionally, the WARNING LETTER will provide notice that:
 1. any work performed and presented in connection with property tax consulting services signed by an appraiser operating solely under the authority of the Act must be USPAP compliant; and
 2. any work performed and presented in connection with property tax consulting services signed by an appraiser operating solely under a current property tax consultant certification must include the USPAP Disclaimer.
 - **Agency Outreach:**
 1. Staff will widely publicize the recommended policy clarification and anticipated rule update, including a copy of the proposed rule with all U&E related correspondence.
 2. Staff will publish an FAQ on the Board's website to provide appraisers insight into the kind of USPAP lapses observed by the Board's investigators when reviewing complaints in connection with property tax consulting services performed by appraisers, and guidance for appraisers seeking to comply.

Approved by the Board and signed this 9th day of November, 2012.



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



TALCB Board Members

Walker Beard
Chair

Jamie S. Wickliffe
Vice Chair

Laurie C. Fontana
Secretary

Clayton Black

Luis F. De La Garza, Jr

Keith Kidd

Mark A. McAnally

Shannon K. McClendon

Sheryl R. Swift

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: May 17, 2013

RE: Period Review of Appraisals by AMCs

This memorandum is intended to clarify the Texas Appraiser Licensing and Certification Board's interpretation of the scope of the reviews required under 22 TAC §159.155 is limited to appraisal services on 1-4 family unit properties collateralizing mortgage obligations as contemplated by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 amendments to Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. This policy is necessary until such time as the proposed amendments to 22 TAC §159.155 can be adopted since a majority of registered AMCs will reach the 12 months deadline to perform the required reviews over the next several months. Without the policy in place, AMC's with divisions that perform other types of appraisal services could incur unnecessary expenditures.

This policy is effective as of May 17, 2013 and remains in effect until and unless changed or revoked by the Board.

Approved by the Board and signed this 21 day of May, 2013.

Walker R. Beard, Chairperson
Texas Appraiser Licensing and Certification Board

TEXAS



APPRAISER LICENSING & CERTIFICATION BOARD

TALCB Board Members

Luis F. De La Garza, Jr
Chair

Walker Beard
Vice Chair

Sheryl R. Swift
Secretary

Keith Kidd

Laurie C. Fontana

Mark A. McAnally

Shannon K. McClendon

Donna J. Walz

Jamie S. Wickliffe

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: November 9, 2012

RE: TALCB Liaison to TREC

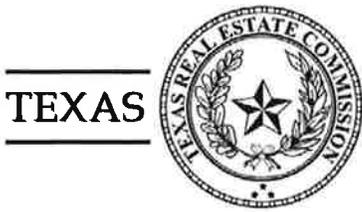
This memorandum is to confirm that the Texas Appraiser Licensing and Certification Board (Board) appointed the Chair of the Board as the official liaison to the Texas Real Estate Commission.

This policy is effective as of November 9, 2012 and remains in effect until and unless changed or revoked by the Board.

Approved by the Board and signed this 14th day of November, 2012.



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



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

TALCB Board Members

Walker Beard
Chair

Jamie S. Wickliffe
Vice Chair

Laurie C. Fontana
Secretary

Clayton Black

Luis F. De La Garza, Jr

Keith Kidd

Mark A. McAnally

Shannon K. McClendon

Sheryl R. Swift

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: August 16, 2013

RE: TALCB National Registry Access

The Appraisal Subcommittee (ASC) of the FFIEC has issued Policy Statement 3, *National Registry*, which requires that States using the ASC's extranet application for submission of data to the National Registry (Registry) have a written policy governing access to the Registry. This requirement also applies to States with access to the Registry's full data base. The Texas Appraiser Licensing and Certification Board (TALCB) hereby adopts this policy to meet that requirement.

TALCB hereby designates the Commissioner of TALCB to serve as TALCB's Authorized Registry Official (ARO). The ARO will:

1. Notify the ASC in writing of this appointment. The notification will include the ARO's full name, contact address and telephone number, and position.
2. Designate necessary staff to have access to the Registry under any of three secure permission levels for the Registry: (1) User, which gives access only to viewing the non-public side of the Registry; (2) Extranet User, which allows viewing of the non-public side of the Registry as well as the ability to make changes directly to the National Registry data for that State; and (3) File Transfer User, which allows users to securely upload data files to the ASC extranet application for processing by ASC staff. For each such designation, notify the ASC in writing of the full name, level of access to be granted and contact information for that designee. The ASC will, on receipt of such designation, issue a User Name and password unique to that designee directly to the designee.
3. Maintain a list of designated users for the Registry that is accurate and updated as needed. Keep a record of each prior version of the list for two years. Promptly notify the ASC in writing of any changes to the designated users such as termination of access privileges, changes to access levels, etc.
4. Educate all designated users of the Registry regarding the need for user name, password, access and data security in conjunction with their use of the Registry.
5. Obtain a signed Confidential Treatment of Information Acknowledgement form (attached hereto as Exhibit "A") from each designated user.



6. Verify that all equipment used to access the Registry has adequate anti-virus software installed and ensure that such software is kept current.
7. Immediately notify the ASC and the Chair of TALCB of any known or suspected breach of security involving the Registry or its data and provide a description of the known or suspected breach.

This policy is effective as of July 1, 2013 and remains in effect until and unless changed or revoked by the Board.

Approved by the Board and signed this 16 day of August, 2013.

A handwritten signature in blue ink, appearing to read "Walker R. Beard", is written over a horizontal line.

Walker R. Beard, Chairperson
Texas Appraiser Licensing and Certification Board



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

EXHIBIT A

Confidential Treatment of Information Acknowledgement

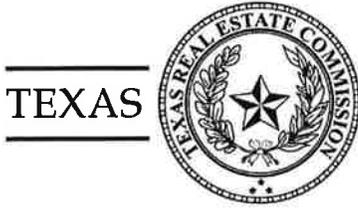
I understand that the computer system user name and password I receive to access the National Registry is confidential. I will not disclose my user name or password to anyone, including management and technical personnel, and I will not write them or post them where they may be viewed by unauthorized people. Once I have logged on to the National Registry, I will not leave my computer until I have logged off from the National Registry. I understand that I am responsible for any computer transactions performed as a result of access authorized by use of my username and password and I will ensure the accuracy of all data submitted by me to the National Registry. I understand that confidential information viewed on the National Registry is to be held in strictest confidence and I will act in accordance with applicable federal and state laws and regulations regarding the safekeeping and disclosure of confidential information. I understand that unauthorized access to Registry data may result in violations of State and Federal laws and expose the State to civil penalties.

By my signature hereon, I acknowledge my understanding of the contents of this form, the continued applicability of these provisions after my access to the National Registry has been terminated and that failure to comply with the above statements may constitute grounds for disciplinary action and/or termination.

Printed Name: _____

Date: _____

Signature: _____



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

TALCB Board Members

Luis F. De La Garza, Jr
Chair

Walker R. Beard
Vice Chair

Sheryl R. Swift
Secretary

Laurie C. Fontana

Keith W. Kidd

Mark A. McAnally

Shannon K. McClendon

Donna Walz

Jamie S. Wickliffe

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: February 15, 2013

RE: Official Record of Board Meetings

This memorandum is to confirm that the Texas Appraiser Licensing and Certification Board (Board) approved the use of electronic minutes with a booked marked video recording of Board meetings as the official record of the meetings and delegated authority to the Board Secretary to approve this official record prior to posting it on the agency website. The Board will ratify the action taken by the Board Secretary at the subsequent Board meeting.

This policy is effective as of February 15, 2013 and remains in effect until and unless changed or revoked by the Board.

Approved by the Board and signed this 15 day of February 15, 2013.

Walker Beard, Chairperson
Texas Appraiser Licensing and Certification Board