

TEXAS APPRAISER LICENSING & CERTIFICATION BOARD



BOARD MEETING

MAY 15, 2015



Stephen F. Austin Building
Room 170
1700 N. Congress Ave
Austin, Texas



MEETING AGENDA

Texas Appraiser Licensing & Certification Board
Room 170, TALCB Headquarters Office
Stephen F. Austin State Office Building
1700 North Congress, Austin, Texas 78701

Friday, May 15, 2015, 10:30 a.m.

CALL TO ORDER

1. Call to order and pledges of allegiance
2. Roll call and discussion and possible action to excuse Board member absence(s), if any

APPOINTMENTS

3. Discussion and possible action regarding appointment of John Dorie as a Mentor

PUBLIC COMMENTS

4. Comments from members of the public regarding non-agenda items

EXECUTIVE SESSION

5. Executive session to discuss pending litigation or receive advice of counsel pursuant to Texas Government Code §551.071 and personnel matters pursuant to Texas Government Code §551.074

CONSENT AGENDA

6. Ratification of the official record of the February 20, 2015 Board meeting as approved for posting on the website by the Secretary of the Board
7. Approval of agreed final orders and surrenders in the matter of:
 - a. Complaint #14-272 (Lena G. Walker, TX-1334107-R)
 - b. Complaint #13-236 (Chad Alan Heidecker, TX-1332324-R)
 - c. Complaint #14-226 (Randy R. Earle, TX-1329177-L)
 - d. Complaint #15-160 (James M. Willis, TX-1322906-G)
 - e. Complaint #13-243 (Pamela Gaye Green, TX-1336513-R)



- f. Complaint #14-155 (Barbara Lynne Cathey, TX-1337337-L)
- g. Complaint #13-292 & 15-113 (Richard Thomas Jones, TX-1331973-R)
- h. Complaint #14-038 (Summer A. Key, TX-1332901-R)

CONTESTED CASES

- 8. Discussion and possible action on proposal for decision from the State Office of Administrative Hearings in the matter of SOAH Docket #329-14-5147.ALC (Olajide O. Balogun, Unlicensed)

COMMITTEE REPORTS

- 9. Report by AMC Advisory Committee
- 10. Report by Budget Committee
- 11. Report by Education Committee
- 12. Report by Enforcement Committee

STAFF REPORTS

- 13. Staff reports by Commissioner, Deputy Commissioner, and Division Directors, which may include reports on processes, monthly activities and statistical data for communications, licensing, education, information technology, staff services, and enforcement; current topics related to regulation of real estate appraisers; discussion of topics raised by monthly reports; introduction of new employees; and questions by Board members to staff regarding issues raised by the staff reports

RULES FOR POSSIBLE ADOPTION

- 14. Discussion and possible action to adopt amendments to 22 TAC §153.24, Complaint Processing

RULES FOR POSSIBLE PROPOSAL

- 15. Discussion and possible action to propose amendments to 22 TAC §153.1, Definitions
- 16. Discussion and possible action to propose amendments to 22 TAC §155.2, Work Relating to Property Tax Protests



17. Discussion and possible action to propose amendments to 22 TAC §159.204, Appraisal Management Company Complaint Processing

PENDING BUSINESS

18. Discussion and possible action on legislative matters
19. Update on new building plans

NEW BUSINESS

20. Discussion regarding performance review and salary of Commissioner
21. Discussion and possible action regarding FY 2016 draft of TALCB Budget
22. Discussion and possible action to approve changes to Board Order policy
23. Discussion and possible action to approve new or changes to TALCB forms:
 - a. Application for Registration as an AMC (AMC-2)
 - b. Renewal of Registration as an AMC (AMCR-1)

OTHER BUSINESS

24. Request for potential future meeting agenda items
25. Discussion and possible action to schedule future meeting dates
26. Adjourn

The Texas Appraiser Licensing and Certification Board may meet with its attorney in executive session on any item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't Code, §§551.071 and 551.074.



AGENDA ITEM 1

Call to order and pledges of allegiance.

Texas Pledge

“Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

AGENDA ITEM 2

Roll call and discussion and possible action to excuse Board member absences, if any.

RECOMMENDED MOTION

MOVED, that the absence(s) of _____ for the May 15, 2015 Board meeting is/are hereby excused.

AGENDA ITEM 3

Discussion and possible action regarding appointment of John Dorie as a Mentor.

SUMMARY

To be presented.

STAFF RECOMMENDATION

Staff recommends that the Board appoint John Dorie as a Mentor.

RECOMMENDED MOTION

MOVED, that the Board appoint John Dorie as a Mentor for the Board’s mentorship program.



Application to Serve on a TALCB Peer Investigative Committee (PIC)/Act as Mentor

Applicants must meet the following minimum requirements:

- Texas-certified as an appraiser
- In good standing in Texas and any other state of licensure/certification
- Certified USPAP instructor
- Willing and able to attend a PIC and/or Mentor training session
- Willing and able to complete four investigative reviews in a year (roughly one per quarter), each within 30 days of assignment and/or
- Willing and able to perform a minimum of 32 hours in a year of in person mentorship meetings with appraisers who are required by TALCB to complete a mentorship program

1. Personal Information and Certification #:

JOHN N. DORIE TX-133458412
 Name Texas Appraiser Certification #
3316 Lovers Lane Dallas TX 75225
 Street address or P.O. Box City State Zip Code
214-668-7154 X metropexappraiser@hotmail.com
 Work Phone Number Fax Number Email

2. Are you licensed/certified in any other state? If so, list: NO

3. Are there any lawsuits, regulatory complaints, or criminal action pending against you in Texas or elsewhere?
Yes No (If yes, explain) _____

4. What market area(s) do you serve? I will serve statewide.

5. What property type(s) do you appraise? RESIDENTIAL

6. I wish to be appointed to serve on the PIC act as a Mentor both

7. Please attach a letter on your professional letterhead stating your qualifications and experience as an appraiser and USPAP Certified Instructor, and your rationale for requesting appointment to the PIC or to act as a Mentor.

By my signature below, I certify that the information I have provided is true and correct. If I am appointed to serve on a peer investigative committee, I agree to perform each investigative review assigned to me within 30 days of assignment. I will decline any assignment I am not competent to complete or that presents a conflict of interest or even the appearance of a conflict of interest. If I am appointed to act as a Mentor, I will discuss the Uniform Standards of Professional Appraisal Practice; real estate appraisal practices, skills, and methods with the appraiser in an effort to improve the individual's skills as a real estate appraiser.

John N. Dorie
Signature of Applicant

March 9, 2015
Date Signed

Please return a signed application, letter of qualifications, and PIC Service Agreement and/or Mentor Appointment Agreement to TALCB at the address provided above. TALCB will make a determination, in its sole discretion, based on the application and any other information it deems relevant to the appointment.

This document is available on the TALCB website at www.talcb.texas.gov

JOHN H. DORIE
REAL ESTATE APPRAISAL & CONSULTATION

PO Box 670155
DALLAS, TEXAS 75367

214-668-7154
metroplexappraiser@hotmail.com

PO Box 303
COMFORT, TEXAS 78013

March 9, 2015

Ms. Dione Frederick
PIC/Mentor Coordinator
TALCB Standards & Enforcement Service
PO Box 12188
Austin, Texas 78711-2188

RECEIVED
TEXAS REAL ESTATE COMMISSION

MAR 13 2015

**CASHIER'S SECTION
OPERATOR 13**

Dear Ms. Frederick:

It was a pleasure to meet you last week and discuss the PIC Committee; I am looking forward to the first assignment and "getting my feet wet."

You asked me about the Mentor program, and frankly, when I received the letter about the PIC and Mentor programs I was ignorant of the duties and responsibilities of each program. Due to this uncertainty, I only applied for the PIC program; but after I learned more of the Mentor program, I regretted my decision to not apply for the Mentor program, and I planned to apply at the next opportunity. You mentioned the possibility of a late application being accepted; therefore, I am now applying for assignment as a Mentor for 2015.

When I learned about the program, I realized the positive difference I might make to educate an appraiser about specific topics and areas of weakness. This will go hand-in-hand with my continuing desire to teach appraisers how to improve their appraisal products. Again, I want to emphasize my belief that expanding the educational foundation of an appraiser strengthens and improves their products and thusly improves the reputation and perception of our profession.

I look forward to learning if my tardy application is accepted.

Sincerely,





AGENDA ITEM 4

Comments from members of the public regarding non-agenda items.

AGENDA ITEM 5

Executive session to receive advice of counsel pursuant to Texas Government Code §551.071 and personnel matters pursuant to Texas Government Code §551.074.

Announcement by Chair to enter Executive Session:

The time is _____. The Board will now go into executive session to obtain the advice of legal counsel or discuss pending or contemplated litigation, including settlement offers and enforcement actions, pursuant to Texas Government Code §551.071 and to discuss personnel matters pursuant to Texas Government Code §551.074. We anticipate returning to open session in approximately _____ minutes.

Announcement by Chair upon return from Executive Session:

It is now _____ (time), and the Board is back from executive session and reconvening in open session.



CONSENT AGENDA

AGENDA ITEM 6

Ratification of the official record of the February 20, 2015 Board meeting as approved for posting on the website by the Secretary of the Board.

FOR REFERENCE:

22 TAC §153.24. Complaint Processing.

AGENDA ITEMS 7(a)-(h)

Approval of agreed final orders and surrenders in the matter of:

- a. Complaint #14-272 (Lena G. Walker, TX-1334107-R)
- b. Complaint #13-236 (Chad Alan Heidecker, TX-1332324-R)
- c. Complaint #14-226 (Randy R. Earle, TX-1329177-L)
- d. Complaint #15-160 (James M. Willis, TX-1322906-G)
- e. Complaint #13-243 (Pamela Gaye Green, TX-1336513-R)
- f. Complaint #14-155 (Barbara Lynne Cathey, TX-1337337-L)
- g. Complaint #13-292 & 15-113 (Richard Thomas Jones, TX-1331973-R)
- h. Complaint #14-038 (Summer A. Key, TX-1332901-R)

STAFF RECOMMENDATION

Ratify and approve all items on the Consent Agenda as presented.

RECOMMENDED MOTION

MOVED, that the Board ratify and approve all items on the Consent Agenda as presented.

Minutes accompanying meeting video from February 20, 2015

These minutes set out the agenda item, the subject matter discussed, and any action taken on each item. To hear the full discussion on any agenda item, click on the link, and you will be taken directly to that section of the meeting video on the right side of the screen.

Note: While the written portion of the minutes below are published in agenda order, the Board may have taken items out of order.

[AGENDA ITEM 1](#) - Call to order and pledges of allegiance

[AGENDA ITEM 2](#) - Roll call and discussion and possible action to excuse Board member absences, if any

A roll call was conducted by the recording secretary and the following members of the Board, constituting a quorum, answered present: Chair, Ms. Jamie S. Wickliffe, Ms. Laurie Fontana, Mr. Walker Beard, Mr. Brian Padden, Mr. Clayton Black, Mr. Patrick Carlson, Mr. Jesse Barba and Mr. Jim Jeffries.

Mr. Mark McAnally arrived at 10:05 am.

[AGENDA ITEM 3](#) - Election of Officers

ACTION TAKEN: Ms. Wickliffe opened the floor for nominations. Hearing none, Mr. Carlson moved to approve the slate of officers nominated at the November 21, 2014 Board meeting. Mr. Jeffries seconded the motion, and the Board unanimously elected Ms. Wickliffe for Chair, Ms. Fontana for Vice Chair, and Mr. McAnally for Secretary.

[AGENDA ITEM 4](#) - Discussion and possible action regarding committee appointments

ACTION TAKEN: The Chair appointed Board members to the following committees:

Enforcement Committee:

- Laurie Fontana (chair),
- Jessie Barba, and
- Mark McAnally

Budget & Finance Committee:

- Walker Beard (chair),
- Clayton Black, and
- Patrick Carlson

Education Committee:

- Jim Jeffries (chair),
- Walker Beard, and
- Brian Padden

Executive Committee:

- Jamie Wickliffe (chair),
- Laurie Fontana, and
- Mark McAnally

The Chair also noted that the Vice Chair of the Board (Laurie Fontana) is statutorily designated as chair of the AMC Advisory Committee.

AGENDA ITEM 5 - Discussion and possible action regarding appointments to Peer Investigative Committees

ACTION TAKEN: Mr. McAnally moved to appoint John Dorie, Glenn Garoon, Robert Hetrick, Deloris Kraft-Longoria, Peter Mark Loftus, Jim Pearson, James Pistilli, Gregory Reynolds, Dane Sever, Greg Stephens, James Synatzske, and Pamela Teel to Peer Investigative Committees for a period of one year. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 6 - Discussion and possible action regarding appointment of Mentors

ACTION TAKEN: Mr. Jeffries moved to appoint Bobby Crisp, Paul Hornsby, Deloris Kraft-Longoria, Peter Mark Loftus, Jim Pearson, James Pistilli, Gregory Reynolds, Dane Sever, Greg Stephens, James Synatzske, and Pamela Teel as Mentors for a period of two years. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 7 - Comments from members of the public regarding non-agenda items

No comments were offered.

AGENDA ITEM 8 - Executive session to receive advice of counsel pursuant to Texas Government Code §551.071

ACTION TAKEN: The Chair called the Board into executive session at 10:28 am.

The Chair reconvened the meeting at 11:10 am.

AGENDA ITEM 9 - Ratification of the official record of the November 20, 2014 and November 21, 2014 Board meetings as approved for posting on the website by the Secretary of the Board

AGENDA ITEM 10 - Approval of agreed final orders and surrenders in the matter of:

- a. Audit #14-300 (Dawn Trippett Ficht, TX-1350114-L)

- b. Complaint #14-116 (Karl Frank Armstead, TX-1322008-G)
- c. Complaint #14-123 (Herbert Ervin Caffey, TX-1323844-R)
- d. Complaint #14-045 (James Neal Huckaby, Unlicensed)
- e. Complaint #13-321 & 13-325 (George F. Kahle, III, TX-1325255-G)
- f. Complaint #14-211 (April Lynne Acker, TX-1360168-R, Expired)
- g. Complaint #14-022 (Randy Ray Ellisor, TX-1334529-R)
- h. Complaint #14-068 (Charles Gregory Rencher, TX-1322835-G)
- i. Complaint #14-273 (Janet Ruth Wilburn, TX-1326066-R)

ACTION TAKEN: Agenda items 9 and 10 were taken together as one item with the exception of item 10d. Mr. Beard moved to approve these matters. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

Mr. Barba moved to approve item 10d as amended and presented by staff and to delegate authority to the Commissioner to make additional changes within his reasonable discretion, if needed, and approve the agreed order on behalf of the Board. Mr. Beard seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 11 - Discussion and possible action on proposal for decision from the State Office of Administrative Hearings in the matter of SOAH Docket #329-15-0788.ALC (Christopher J. Brown, TX-1340299-T)

Comments were made by Mr. Troy Beaulieu, TALCB Standards & Enforcement Managing Attorney

Comments were made by Mr. Christopher Brown, Respondent

The Chair called the Board into executive session at 11:32 am.

The Chair reconvened the meeting at 12:42 pm.

Mr. Carlson left the meeting after executive session and did not return.

ACTION TAKEN: Mr. McAnally moved to accept the Proposal for Decision. Mr. Black seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 12 - Report by AMC Advisory Committee

AGENDA ITEM 13 - Staff reports on processes, monthly activities, and statistical data

Mr. Douglas Oldmixon, Commissioner

Ms. Lorie Deanda, Director of Reception & Communication Services

Ms. Gwen Jackson, Director of Education & Licensing Services

Mr. Steve Spyropoulos, Director of Information & Technology Services

Ms. Melissa Huerta, Director of Staff & Support Services

Mr. Mark Mrnak, Director of Standards & Enforcement Services

AGENDA ITEM 14A - Discussion and possible action to adopt amendments to 22 TAC §153.9. Applications

ACTION TAKEN: Mr. Barba moved for the adoption of the rule as published. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 14B - Discussion and possible action to adopt amendments to 22 TAC §153.21. Appraiser Trainees and Sponsors

ACTION TAKEN: Mr. Black moved for the adoption of the rule as published. Mr. Jim Jeffries seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 15 - Discussion and possible action to propose amendments to 22 TAC §153.24, Complaint Processing

ACTION TAKEN: Mr. McAnally moved that the proposed amendments be published in the Texas Register for public comment as recommended by staff. Mr. Jeffries seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 16 - Discussion and possible action on legislative matters

No action was taken.

AGENDA ITEM 17 - Discussion and possible action regarding approval of Investment Policy

ACTION TAKEN: Mr. McAnally moved to approve the Investment Policy as presented. Mr. Black seconded the motion, and the Board approved the motion unanimously.

AGENDA ITEM 18 - Request for potential future meeting agenda items

Mr. Padden requested an agenda item to present an update on the new building plans.

AGENDA ITEM 19 - Discussion and possible action to schedule future meeting dates

Future meeting dates were confirmed for May 15, 2015 and August 21, 2015.

AGENDA ITEM 20 - The Chair adjourned the meeting at 1:50 pm.

FOR REFERENCE

§153.24. Complaint Processing.

- (a) Receipt of a Complaint Intake Form by the Board does not constitute the filing of a formal complaint by the Board against the individual named on the Complaint Intake Form. Upon receipt of a signed Complaint Intake Form, staff shall:
- (1) assign the complaint a case number in the complaint tracking system; and
 - (2) send written acknowledgement of receipt to the Complainant.
- (b) If the staff determines at any time that the complaint is not within the Board's jurisdiction or that no violation exists, the complaint shall be dismissed with no further processing. The Board or the commissioner may delegate to staff the duty to dismiss complaints.
- (c) A complaint alleging mortgage fraud or in which mortgage fraud is suspected:
- (1) may be investigated covertly; and
 - (2) shall be referred to the appropriate prosecutorial authorities.
- (d) Staff may request additional information from any person, if necessary, to determine how to proceed with the complaint.
- (e) As part of a preliminary investigative review, a copy of the Complaint Intake Form and all supporting documentation shall be sent to the Respondent unless the complaint qualifies for covert investigation and the Standards and Enforcement Services Division deems covert investigation appropriate.
- (f) The Respondent shall submit a response within 20 days of receiving a copy of the Complaint Intake Form. The 20-day period may be extended for good cause upon request in writing or by e-mail. The response shall include the following:
- (1) a copy of the appraisal report that is the subject of the complaint;
 - (2) a copy of the Respondent's work file associated with the appraisal(s) listed in the complaint, with the following signed statement attached to the work file(s): I

SWEAR AND AFFIRM THAT EXCEPT AS SPECIFICALLY SET FORTH HEREIN, THE COPY OF EACH AND EVERY APPRAISAL WORK FILE ACCOMPANYING THIS RESPONSE IS A TRUE AND CORRECT COPY OF THE ACTUAL WORK FILE, AND NOTHING HAS BEEN ADDED TO OR REMOVED FROM THIS WORK FILE OR ALTERED AFTER PLACEMENT IN THE WORK FILE. (SIGNATURE OF RESPONDENT);

- (3) a narrative response to the complaint, addressing each and every item in the complaint;
 - (4) a list of any and all persons known to the Respondent to have actual knowledge of any of the matters made the subject of the complaint and, if in the Respondent's possession, contact information;
 - (5) any documentation that supports Respondent's position that was not in the work file, as long as it is conspicuously labeled as non-work file documentation and kept separate from the work file. The Respondent may also address other matters not raised in the complaint that the Respondent believes need explanation; and
 - (6) a signed, dated and completed copy of any questionnaire sent by Board staff.
- (g) Staff will evaluate the complaint within three months after receipt of the response from Respondent to determine whether sufficient evidence of a potential violation of the Act, Board rules, or the USPAP exists to pursue investigation and possible formal disciplinary action. If the staff determines that there is no jurisdiction, no violation exists, there is insufficient evidence to prove a violation, or the complaint warrants dismissal, including contingent dismissal, under subsection (k) of this section, the complaint shall be dismissed with no further processing.
- (h) A formal complaint will be opened and investigated by a staff investigator or peer investigative committee, as appropriate, if:

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(1) the informal complaint is not dismissed under subsection (g) of this section; or

(2) staff opens a formal complaint on its own motion.

(i) Written notice that a formal complaint has been opened will be sent to the Complainant and Respondent.

(j) The staff investigator or peer investigative committee assigned to investigate a formal complaint shall prepare a report detailing its findings on a form approved by the Board. Reports prepared by a peer investigative committee shall be reviewed by the Standards and Enforcement Services Division.

(k) In determining the proper disposition of a formal complaint pending as of or filed after the effective date of this subsection, and subject to the maximum penalties authorized under Texas Occupations Code §1103.552, staff, the administrative law judge in a contested case hearing, and the Board shall consider the following sanctions guidelines and list of non-exclusive factors as demonstrated by the evidence in the record of a contested case proceeding.

(1) For the purposes of these sanctions guidelines:

(A) A person will not be considered to have had a prior warning letter, contingent dismissal or discipline if that prior warning letter, contingent dismissal or discipline occurred more than seven years ago;

(B) A prior warning letter, contingent dismissal or discipline given less than seven years ago will not be considered unless the Board had taken final action against the person before the date of the appraisal that led to the subsequent disciplinary action;

(C) Prior discipline is defined as any sanction (including administrative penalty) received under a Board final or agreed order;

(D) A violation refers to a violation of any provision of the Act, Board rules or USPAP;

(E) "Minor deficiencies" is defined as violations of the Act, Board rules or USPAP which do not impact the credibility of the appraisal assignment results, the assignment results themselves and do not impact the license holder's honesty, integrity, or trustworthiness to the Board, the license holder's clients, or intended users of the appraisal service provided;

(F) "Serious deficiencies" is defined as violations of the Act, Board rules or USPAP which do impact the credibility of the appraisal assignment results, the assignment results themselves or do impact the license holder's honesty, trustworthiness or integrity to the Board, the license holder's clients, or intended users of the appraisal service provided;

(G) "Remedial measures" include, but are not limited to, training, mentorship, education, reexamination, or any combination thereof; and

(H) The terms of a contingent dismissal agreement will be in writing and agreed to by all parties. If the Respondent completes all remedial measures required in the agreement within the prescribed period of time, the complaint will be dismissed with a non-disciplinary warning letter.

(2) List of factors to consider in determining proper disposition of a formal complaint:

(A) Whether the Respondent has previously received a warning letter or contingent dismissal and, if so, the similarity of facts or violations in that previous complaint to the facts or violations in the instant complaint matter;

(B) Whether the Respondent has previously been disciplined;

(C) If previously disciplined, the nature of the prior discipline, including:

(i) Whether prior discipline concerned the same or similar violations or facts;

(ii) The nature of the disciplinary sanctions previously imposed; and

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(iii)The length of time since the prior discipline;

(D)The difficulty or complexity of the appraisal assignment(s) at issue;

(E)Whether the violations found were of a negligent, grossly negligent or a knowing or intentional nature;

(F)Whether the violations found involved a single appraisal/instance of conduct or multiple appraisals/instances of conduct;

(G)To whom were the appraisal report(s) or the conduct directed, with greater weight placed upon appraisal report(s) or conduct directed at:

(i)A financial institution or their agent, contemplating a lending decision based, in part, on the appraisal report(s) or conduct at issue;

(ii)The Board;

(iii)A matter which is actively being litigated in a state or federal court or before a regulatory body of a state or the federal government;

(iv)Another government agency or government sponsored entity, including, but not limited to, the United States Department of Veteran's Administration, the United States Department of Housing and Urban Development, the State of Texas, Fannie Mae, and Freddie Mac; or

(v)A consumer contemplating a real property transaction involving the consumer's principal residence;

(H)Whether Respondent's violations caused any harm, including financial harm, and the extent or amount of such harm;

(I)Whether Respondent acknowledged or admitted to violations and cooperated with the Board's investigation prior to any contested case hearing;

(J)The level of experience Respondent had in the appraisal profession at the time of the violations, including:

(i)The level of appraisal credential Respondent held;

(ii)The length of time Respondent had been an appraiser;

(iii)The nature and extent of any education Respondent had received related to the areas in which violations were found; and

(iv)Any other real estate or appraisal related background or experience Respondent had;

(K)Whether Respondent can improve appraisal skills and reports through the use of remedial measures;

(3)The following sanctions guidelines shall be employed in conjunction with the factors listed in paragraph (2) of this subsection to assist in reaching the proper disposition of a formal complaint:

(A)1st Time Discipline Level 1-- violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:

(i)Dismissal;

(ii)Dismissal with non-disciplinary warning letter; or

(iii)Contingent dismissal with remedial measures.

(B)1st Time Discipline Level 2-- violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in one of the following outcomes:

(i)Contingent dismissal with remedial measures; or

(ii)A final order which imposes one or more of the following:

(I)Remedial measures;

(II)Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(III)A probationary period with provisions for monitoring the Respondent's practice;

(IV)Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(V)Restrictions on the scope of practice the Respondent is allowed to engage in for a

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specified time period or until specified conditions are satisfied; or

(VI) Up to \$250 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, not to exceed \$3,000 in the aggregate.

(C) 1st Time Discipline Level 3-- violations of the Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(v) A probationary period with provisions for monitoring the Respondent's practice;

(vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(D) 2nd Time Discipline Level 1-- violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures; or

(iv) A final order which imposes one or more of the following:

(I) Remedial measures;

(II) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(III) A probationary period with provisions for monitoring the Respondent's practice;

(IV) Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(V) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(VI) Up to \$250 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$1,000 statutory limit per complaint matter.

(E) 2nd Time Discipline Level 2-- violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(v) A probationary period with provisions for monitoring the Respondent's practice;

(vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(F) 2nd Time Discipline Level 3-- violations of the Act, Board rules, or USPAP which evidence serious deficiencies

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and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

- (i) A period of suspension;
 - (ii) A revocation;
 - (iii) Remedial measures;
 - (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (v) A probationary period with provisions for monitoring the Respondent's practice;
 - (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.
- (G) 3rd Time Discipline Level 1--violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in a final order which imposes one or more of the following:
- (i) A period of suspension;
 - (ii) A revocation;
 - (iii) Remedial measures;
 - (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (v) A probationary period with provisions for monitoring the Respondent's practice;
 - (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (vii) Restrictions on the scope of practice the Respondent's is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (viii) \$1,000 to \$1,500 in administrative penalties per act or omission which

constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(H) 3rd Time Discipline Level 2--violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:

- (i) A period of suspension;
- (ii) A revocation;
- (iii) Remedial measures;
- (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
- (v) A probationary period with provisions for monitoring the Respondent's practice;
- (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
- (vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
- (viii) \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(I) 3rd Time Discipline Level 3--violations of the Act, Board Rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

- (i) A revocation; or
- (ii) \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(J) 4th Time Discipline--violations of the Act, Board rules, or USPAP will result in a final order which imposes the following:

- (i) A revocation; and

FOR REFERENCE

(ii) \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of USPAP, Board rules, or the Act, up to the maximum \$5,000 statutory limit per complaint matter.

(K) Unlicensed appraisal activity will result in a final order which imposes a \$1,500 in administrative penalties per unlicensed appraisal activity, up to the maximum \$5,000 statutory limit per complaint matter.

(4) In addition, staff may recommend any or all of the following:

(A) reducing or increasing the recommended sanction or administrative penalty for a complaint based on documented factors that support the deviation, including but not limited to those factors articulated under paragraph (2) of this subsection;

(B) probating all or a portion of any sanction or administrative penalty for a period not to exceed five years;

(C) requiring additional reporting requirements; and

(D) such other recommendations, with documented support, as will achieve the purposes of the Act, Board rules, or USPAP.

(l) Agreed resolutions of complaint matters pursuant to Texas Occupations Code §1103.458 or §1103.459 must be signed by the Respondent, a representative of the Standards and Enforcement Services Division, and the Commissioner.

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
14-272

LENA G. WALKER
TX-1334107-R

AGREED FINAL ORDER

On the _____ day of _____, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Lena G. Walker (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1334107-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 412 Crosstimber Drive, Hurst, Texas (the "Property"), on or about January 28, 2013.
3. Thereafter, the complaint, numbered 14-272, was filed with the Board by an appraisal management company, on or about July 28, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about August 5, 2014. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about September 1, 2014.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a)

Agreed Final Order
Page 1 of 6

by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

- a. USPAP Scope of Work Rule, USPAP Standards Rules 1-2(h) and 2-2(b)(viii) – Respondent failed to perform the scope of work necessary for credible assignment results;
 - b. USPAP Standards Rule 2-2(b)(x) – Respondent failed to state the use of an extraordinary assumption would affect the assignment results;
 - c. USPAP Standards Rules 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
 - d. USPAP Standards Rules 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the improvements;
 - e. USPAP Standards Rules 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to identify and report the Property's zoning;
 - f. USPAP Standards Rules 1-3(b) and 2-2(b)(ix) – Respondent failed to properly develop the opinion of highest and best use;
 - g. USPAP Standards Rules 1-1(a) and 1-4(b)(i) – Respondent failed to use an appropriate method or technique to develop a site value determination;
 - h. USPAP Standards Rules 1-1(a), 1-4(a), and 2-2(b)(viii)– Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach;
 - i. USPAP Standards Rules 1-6(a) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach; and
 - j. USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 2-1(a), and 2-1(b) – For the reasons detailed above, Respondent produced an appraisal report for the Property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.
7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

1. **EDUCATION.** On or before May 15, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before May 15, 2016.
2. **MENTORSHIP.** On or before May 15, 2016, Respondent shall complete eight (8) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - a. Eight (8) hours of mentorship concerning the sales comparison approach and the above-noted violations in the findings of fact, on or before May 15, 2016.

3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

Agreed Final Order
Page 4 of 6

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

RESPONDENT

Signed this 24 day of March, 2015.

Lena G. Walker
Lena G. Walker

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 24 day of March, 2015, by Lena G. Walker, to certify which witness my hand and official seal.

Kathleen M. Shannon
Notary Public's Signature

KATHLEEN M. SHANNON
Notary Public's Printed Name



STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 25th day of March, 2015.



Kyle Wolfe, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 1 day of April, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

SURRENDER OF CERTIFICATION

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
13-236

CHAD ALAN HEIDECKER
TX-1332324-R

ORDER OF THE BOARD

WHEREAS, CHAD ALAN HEIDECKER has submitted to the Board his affidavit that he no longer desires to be approved as a Texas state certified residential real estate appraiser, and that he has voluntarily surrendered his certification, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that certification number TX-1332324-R hereto issued to CHAD ALAN HEIDECKER, to practice real property appraisal in the State of Texas, be revoked without formal charges, notice of hearing, or a formal hearing.

Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
14-226

RANDY R. EARLE
TX-1329177-L

AGREED FINAL ORDER

On the 25 day of APRIL, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the license of Randy R. Earle (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state licensed real estate appraiser who holds license number TX-1329177-L and was licensed by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 1819 Sawdust Road, Spring, Texas 77380 (the "Property"), on or about April 16, 2013.
3. Thereafter, the complaint, numbered 14-226, was filed with the Board by an appraisal management company, on or about May 27, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about June 3, 2014. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about July 1, 2014.
5. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

Agreed Final Order
Page 1 of 6

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- a. USPAP Record Keeping Rule – Respondent failed to provide documentation in his work file necessary to support his analyses, opinions and conclusions and added additional documentation to his work file after the fact;
 - b. USPAP Competency Rule – Respondent was not competent to perform the assignment and did not acquire the necessary competency;
 - c. USPAP Scope of Work Rule; USPAP Standards Rules 1-2(h) & 2-2(a)(vii); 1-2(c) & 2-2(a)(v); 1-3(a) & 2-2(a)(viii); 1-3(b) & 2-2(a)(ix) – Respondent failed to summarize his scope of work, did not identify the definition of market value and did not summarize his rationale for his highest and best use determination, did not identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
 - d. USPAP Standards 1-2(e)(i) & 2-2(a)(iii); 1-2(e)(v) & 2-2(a)(viii) – Respondent failed to identify and describe the site and improvements description adequately, including that the subject property was a 2.4 acre physical segment at the center of a larger 84. Acre site with agricultural and timber exemptions;
 - e. USPAP Standards 1-4(b)(i), (b)(ii), (b)(iii) & 2-2(a)(viii); 1-1(a) – Respondent failed to use an appropriate method or technique to develop the site value determination, failed to collect, verify, analyze and reconcile comparable cost data to determine the cost new of improvements and failed to collect, verify, analyze and reconcile accrued depreciation. Respondent generally failed to employ recognized methods and techniques in the cost approach;
 - f. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques correctly in the sales comparison approach; and,
 - g. USPAP Standard 2-1(a); 1-1(b) and 1-1(c) – Respondent produced a misleading appraisal report with substantial errors of omission or commission and carelessness that significantly impacted his appraisal.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.

7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.

Agreed Final Order
Page 2 of 6

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2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's state license (TX-1329177-L) shall be suspended, with this suspension being fully probated for twelve (12) months, under the following terms and conditions.

1. **EDUCATION.** On or before February 14, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A minimum 15 classroom hour course in USPAP; and,
 - b. A minimum 7 classroom hour course in residential market analysis and highest and best use.
 - i. No examination shall be required for this course.
2. **MENTORSHIP.** On or before August 14, 2015, Respondent shall complete eight (8) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - a. 3 hours of mentorship in the sales comparison approach;

Agreed Final Order
Page 3 of 6

- b. 2 hours of mentorship in the cost approach; and,
 - c. 3 hours of mentorship in analysis of site and improvements.
3. **ADMINISTRATIVE PENALTY.** On or before June 4, 2015, Respondent shall pay to the Board an administrative penalty of three thousand dollars (\$3,000.00), by cashier's check or money order.
 4. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
 5. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

RESPONDENT'S FAILURE TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE SHALL RESULT IN THE AUTOMATIC REVOCATION OF PROBATION AND THE SUSPENSION IMPOSED IN THIS AGREED FINAL ORDER SHALL BE EFFECTIVE FOR THE FULL TERM COMMENCING ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION. IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, THE RESPONDENT SHALL BE IMMEDIATELY ASSESSED A \$1,000 ADMINISTRATIVE PENALTY.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law

Agreed Final Order
Page 4 of 6

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contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

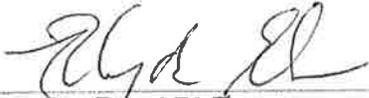
EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

RESPONDENT

Signed this 25 day of April, 2015.



RANDY R. EARLE

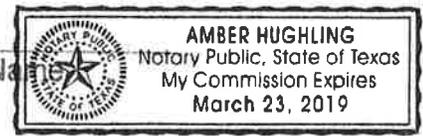
Agreed Final Order
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SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 25 day of April, 2015, by RANDY R. EARLE, to certify which witness my hand and official seal.

[Signature]
Notary Public's Signature

Amber Hughling
Notary Public's Printed Name



STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 27th day of APRIL, 2015.

[Signature]
Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 28 day of Apr, 2015.

[Signature]
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

Agreed Final Order
Page 6 of 6

SURRENDER OF CERTIFICATION

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
15-160

JAMES M. WILLIS
TX-1322906-G

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared JAMES M. WILLIS, who being by me duly sworn, deposes as follows:

"My name is JAMES M. WILLIS. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a STATE CERTIFIED GENERAL REAL ESTATE APPRAISER in the State of Texas and I am voluntarily and permanently surrendering my CERTIFICATION to the Texas Appraiser Licensing and Certification Board because I no longer desire to be CERTIFIED.

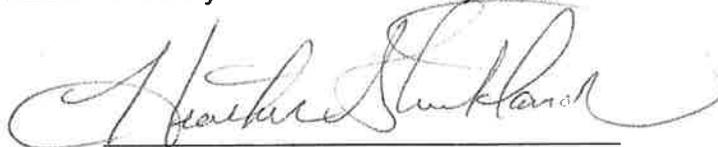
I understand that through this action the Texas Appraiser Licensing and Certification Board will permanently revoke my CERTIFICATION without formal charges, notice, or a hearing.

I hereby waive my right to appeal or complain of any final order entered by the Texas Appraiser Licensing and Certification Board accepting the voluntary surrender of my CERTIFICATION."

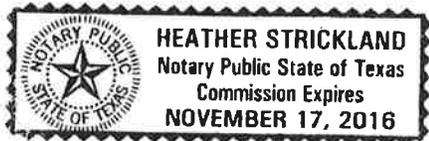


JAMES M. WILLIS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 27 day of April, 2015, by JAMES M. WILLIS to certify which witness my hand and official seal.



Notary Public's Signature



SURRENDER OF CERTIFICATION

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
15-160

JAMES M. WILLIS
TX-1322906-G

ORDER OF THE BOARD

WHEREAS, JAMES M. WILLIS has submitted to the Board his affidavit that he no longer desires to be approved as a Texas state certified general real estate appraiser, and that he has voluntarily surrendered his certification, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that certification number TX-1322906-G hereto issued to JAMES M. WILLIS, to practice real property appraisal in the State of Texas, be revoked without formal charges, notice of hearing, or a formal hearing.

Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
13-243

PAMELA GAYE GREEN
TX-1336513-R

AGREED FINAL ORDER

On the _____ day of _____, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Pamela Gaye Green (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1336513-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 401 Little Reba Ranch Road, Weatherford, Texas 76088 (the "Property"), on or about March 24, 2013.
3. Thereafter, the complaint, numbered 13-243, was filed with the Board by Consumers, on or about June 10, 2013. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about June 14, 2013. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about July 30, 2013.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by

the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

- a. USPAP Record Keeping Rule – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
- b. USPAP Standards Rules 1-2(c) and 2-2(b)(v) – Respondent failed to identify a definition of market value;
- c. USPAP Standards Rules 1-2(d) and 2-2(b)(vi) – Respondent failed to identify the effective date of the opinions and conclusions in the appraisal;
- d. USPAP Standards Rules 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
- e. USPAP Standards Rules 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the improvements;
- f. USPAP Standards Rules 1-2(e)(iii), 1-4(g), and 2-2(b)(viii) – Respondent failed to adequately identify and consider the effect on value of any personal property;
- g. USPAP Standards Rules 1-3(a) and 2-2(b)(viii); 1-1(b) – Respondent failed to identify and analyze the effect on use and of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends; or Respondent failed to support the opinions and conclusions in the Neighborhood section of the appraisal report;
- h. USPAP Standards Rules 1-3(b) and 2-2(b)(ix) – Respondent failed to properly develop the opinion of highest and best use;
- i. USPAP Standards Rules 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) and 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements; Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
- j. USPAP Standards Rules 1-4(a) and 2-2(b)(viii); 1-1(a) and 1-4(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments or made

inappropriate adjustments to the sales used, and did not disclose the analysis and reasoning behind the adjustments made or not made; and

- k. USPAP Standards Rules 1-6(a), 1-6(b), and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used.

6. Respondent made material omissions of material fact with respect to the appraisal of the Property as detailed above.

7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.

2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material omissions of material fact.

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

1. **EDUCATION.** On or before May 15, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.

- a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before May 15, 2016.

2. **MENTORSHIP.** On or before May 15, 2016, Respondent shall complete twelve (12) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - a. Twelve (12) hours of mentorship concerning the above-noted violations in the findings of fact, on or before May 15, 2016.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

RESPONDENT

Signed this 4 day of May, 2015.

Pamela Gaye Green
Pamela Gaye Green

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4th day of May, 2015, by Pamela Gaye Green, to certify which witness my hand and official seal.



[Signature]
Notary Public's Signature

RESPONDENT'S ATTORNEY

Signed this 4th day of May, 2015.

Ted Whitmer
Ted Whitmer, Respondent's Attorney

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 4th day of May, 2015.



Kyle Wolfe, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 4th day of May, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
14-155

BARBARA LYNNE CATHEY
TX-1337337-L

AGREED FINAL ORDER

On the _____ day of _____, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the license of Barbara Lynne Cathey (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state licensed real estate appraiser who holds license number TX-1337337-L and was licensed by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 191 County Road 845, Rosharon, Texas 77583 (the "Property"), on or about January 14, 2014.
3. Thereafter, the complaint, numbered 14-155, was filed with the Board by a consumer, on or about March 10, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about March 26, 2014. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about April 21, 2014.
5. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

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AFOPv320150118

- a. USPAP Record Keeping Rule – Respondent failed to provide documentation in her work file necessary to support her analyses, opinions and conclusions;
 - b. USPAP Scope of Work Rule; USPAP Standards Rules 1-2(h) & 2-2(a)(vii); 1-2(b) & 2-2(a)(ii); 1-2(c) & 2-2(a)(v); 1-3(b) & 2-2(a)(ix); 1-1(c) – Respondent failed to summarize her scope of work, intended user of her opinions and conclusions, did not identify the definition of market value and did not summarize her rationale for her highest and best use determination;
 - c. USPAP Standards 1-2(e)(i) & 2-2(a)(iii) – Respondent failed to identify and describe the site and improvements description adequately
 - d. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques correctly in the sales comparison approach; and,
 - e. USPAP Standard 2-1(a) – Respondent produced a misleading appraisal report.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.
7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's state license (TX-1337337-L) shall be suspended until the earlier of: (1) 5:00 p.m. on August 14, 2015 or (2) the time at which all mentorship required by this agreed final order is completed, submitted and received by the Board. IT IS FURTHER ORDERED that Respondent's license be revoked, with this revocation being fully probated for twenty-four (24) months, under the following terms and conditions.

Agreed Final Order
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AFOPv320150116

1. **EDUCATION.** On or before May 14, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A minimum 15 classroom hour course in USPAP; and,

2. **MENTORSHIP.** On or before August 14, 2015, Respondent shall complete thirty-one (31) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - a. 7 hours of mentorship covering common USPAP areas of deficiency (to include 3 hours addressing the sales comparison approach);
 - b. 6 hours of mentorship in the sales comparison approach;
 - c. 6 hours of mentorship in making, analyzing, and supporting adjustments in the sales comparison approach;
 - d. 2 hours of mentorship in residential report writing; and,
 - e. 2 hours of mentorship in work file obligations under USPAP; and,
 - f. 8 additional hours of mentorship to be completed 30 days after completion of the 23 hours noted above (items 2a through 2e) and after the mentor reviews at least 2 samples of Respondent's recent work product. These additional 8 hours shall cover those areas of deficiency or weakness revealed by the mentor's review of Respondent's recent work product.

3. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of one thousand, five hundred dollars (\$1,500.00) via (10) ten, monthly installment payments, by cashier's check or money order.

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AFOPV320150116

Payments shall timely be delivered to the Board based on the following payment schedule:

- a) \$100.00 on or before 5:00 p.m. on Thursday, June 4, 2015;
 - b) \$100.00 on or before 5:00 p.m. on Monday, July 6, 2015;
 - c) \$100.00 on or before 5:00 p.m. on Tuesday, August 4, 2015;
 - d) \$100.00 on or before 5:00 p.m. on Friday, September 4, 2015;
 - e) \$100.00 on or before 5:00 p.m. on Monday, October 5, 2015;
 - f) \$100.00 on or before 5:00 p.m. on Wednesday, November 4, 2015;
 - g) \$100.00 on or before 5:00 p.m. on Friday, December 4, 2015;
 - h) \$100.00 on or before 5:00 p.m. on Monday, January 4, 2016;
 - i) \$100.00 on or before 5:00 p.m. on Thursday, February 4, 2016;
 - j) \$100.00 on or before 5:00 p.m. on Friday, March 4, 2016;
 - k) \$100.00 on or before 5:00 p.m. on Monday, April 4, 2016;
 - l) \$100.00 on or before 5:00 p.m. on Wednesday, May 4, 2016;
 - m) \$100.00 on or before 5:00 p.m. on Monday, June 6, 2016;
 - n) \$100.00 on or before 5:00 p.m. on Monday, July 4, 2016; and,
 - o) \$100.00 on or before 5:00 p.m. on Thursday, August 4, 2016.
4. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and,
5. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

RESPONDENT'S FAILURE TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE SHALL RESULT IN THE AUTOMATIC REVOCATION OF PROBATION AND THE REVOCATION IMPOSED IN THIS AGREED FINAL ORDER SHALL BE EFFECTIVE FOR THE FULL TERM COMMENCING ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION. IF RESPONDENT FAILS TO TIMELY COMPLY

Agreed Final Order
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AFOPv320150116

WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, THE RESPONDENT SHALL BE IMMEDIATELY ASSESSED A \$1,000 ADMINISTRATIVE PENALTY.

ANY SUCH REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as *res judicata*, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement

Agreed Final Order
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AFOPv320150116

Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

RESPONDENT

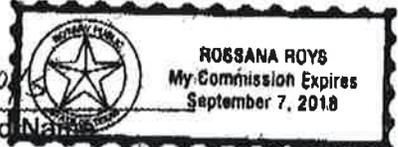
Signed this 4th day of May, 2015.

Barbara Lynne Cathey
BARBARA LYNNE CATHEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4th day of May, 2015, by BARBARA LYNNE CATHEY, to certify which witness my hand and official seal.

Rossana Roys
Notary Public's Signature

ROSSANA ROYS
Notary Public's Printed Name



RESPONDENT'S ATTORNEY

Signed this 4 day of May, 2015.

Ted Whitmer
TED WHITMER, Respondent's Attorney

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 4TH day of MAY, 2015.

Troy Beaulieu
Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

Agreed Final Order
Page 6 of 7

COMMISSIONER

Signed by the Commissioner this 4 day of May, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this _____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

Agreed Final Order
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AFOPv320150110

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
13-292 & 15-113

RICHARD THOMAS JONES
TX-1331973-R

AGREED FINAL ORDER

On the _____ day of _____, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Richard Thomas Jones (the "Respondent").

In order to conclude this matter, **Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein.** Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1331973-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 855 Greenwood Cut Off, Weatherford, Texas (the "Weatherford Property"), on or about July 23, 2013.
3. Respondent appraised residential property located at 1392 Rabbit Ridge Road, Rockwall, Texas ("the Rockwall Property") on or about August 17, 2014.
4. Thereafter, complaints, numbered 13-292 and 15-113, were filed with the Board by real estate agents and an appraisal management company, on or about August 2, 2013 and December 12, 2014, respectively. The Board investigated the complaints to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
5. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about August 5, 2013 and December 12, 2014. Respondent was afforded an opportunity to respond to the accusations in the complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about October 15, 2013 and January 30, 2015.

Agreed Final Order
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6. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Weatherford Property:

- a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing the documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Competency Rule – Respondent did not perform the appraisal for the Weatherford Property competently and failed to acquire the necessary competency before performing the assignment;
- c. USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(vii) – Respondent failed to develop and employ a scope of work sufficient to produce credible assignment results;
- d. USPAP Standards 1-2(f), 1-2(g), 2-1(c) & 2-2(b)(x) – Respondent failed to disclose extraordinary assumptions he used in his appraisal of the Weatherford property;
- e. USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and describe adequately the improvement(s) and site for the Weatherford property;
- f. USPAP Standards 1-2(e)(iv) & 2-2(b)(viii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix) – Respondent failed to identify, consider and describe any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature, did not identify and analyze the effect on use and value of existing land use regulations and did not employ recognized methods and techniques in developing a highest and best use determination, including not providing any supporting rationale for this determination;
- g. USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) – Respondent failed to employ recognized methods and techniques in his cost approach, and did not provide any supporting rationale for his site value, cost new of improvements and depreciation determinations;
- h. USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in his sales comparison approach; and,
- i. USPAP Standards 1-1(b); 1-1(c); and, 2-1(a) – Respondent produced an inaccurate appraisal report for the Weatherford Property which contained substantial errors of omission or commission.

7. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following

Agreed Final Order
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acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Rockwall Property:

- a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing the documentation necessary to support his analyses, opinions and conclusions;
 - b. USPAP Competency Rule – Respondent did not perform the appraisal for the Rockwall Property competently and failed to acquire the necessary competency before performing the assignment;
 - c. USPAP Scope of Work Rule; 1-2(h) & 2-2(a)(vii) – Respondent failed to develop and employ a scope of work sufficient to produce credible assignment results;
 - d. USPAP Standards 1-2(f), 1-2(g), 2-1(c) & 2-2(a)(xi) – Respondent failed to disclose extraordinary assumptions he used in his appraisal of the Weatherford property;
 - e. USPAP Standards 1-2(e)(i) & 2-2(a)(iii) – Respondent failed to identify and describe adequately the improvement(s) and site for the Weatherford property;
 - f. USPAP Standards 1-2(e)(iv) & 2-2(a)(viii); 1-3(a) & 2-2(a)(viii); 1-3(b) & 2-2(a)(ix) – Respondent failed to identify, consider and describe any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts declarations, special assessments, ordinances or other items of a similar nature, did not identify and analyze the effect on use and value of existing land use regulations and did not employ recognized methods and techniques in developing a highest and best use determination, including not providing any supporting rationale for this determination;
 - g. USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) – Respondent failed to employ recognized methods and techniques in his cost approach, and did not provide any supporting rationale for his site value, cost new of improvements and depreciation determinations;
 - h. USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in his sales comparison approach; and,
 - i. USPAP Standards 1-1(b); 1-1(c); and, 2-1(a) – Respondent produced an inaccurate appraisal report for the Weatherford Property which contained substantial errors of omission or commission.
8. Respondent made omissions of material fact with respect to the appraisal of the Weatherford Property and Rockwall Property as detailed above.

9. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent has voluntarily waived a formal hearing on these findings and further voluntarily waives future judicial review of this Order. **Respondent neither admits nor denies the Findings of Fact outlined above**, but voluntarily agrees to this Order to resolve such findings set forth above the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
3. Respondent has voluntarily waived a formal hearing on these findings and further voluntarily waives future judicial review of this Order. **Respondent neither admits nor denies the Findings of Fact outlined above**, but voluntarily agrees to this Order to resolve such findings that Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

1. **EDUCATION.** On or before May 14, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A minimum, 15 classroom hour course in USPAP.
2. **MENTORSHIP.** On or before November 14, 2015, Respondent shall complete sixteen (16) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or

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before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

- a. 4 hours of mentorship in the sales comparison approach;
 - b. 4 hours of mentorship addressing making, analyzing and supporting adjustments in the sales comparison approach;
 - c. 4 hours of mentorship in the cost approach, including addressing depreciation;
 - d. 2 hours of mentorship in residential report writing; and,
 - e. 2 hours of mentorship addressing the work file obligations under USPAP.
3. **ADMINISTRATIVE PENALTY.** On or before June 4, 2015, Respondent shall pay to the Board an administrative penalty of one thousand, (\$1,000.00), by cashier's check or money order.
 4. **TRAINEES.** Respondent shall not sponsor any trainees until such time as all provisions of this Agreed Final Order are completed satisfactorily.
 5. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
 6. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this

Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

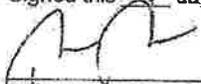
EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

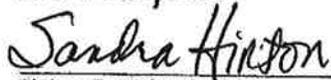
has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

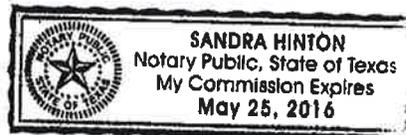
Signed this 4 day of May, 2015.


RICHARD THOMAS JONES

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4 day of May, 2015, by RICHARD THOMAS JONES, to certify which witness my hand and official seal.

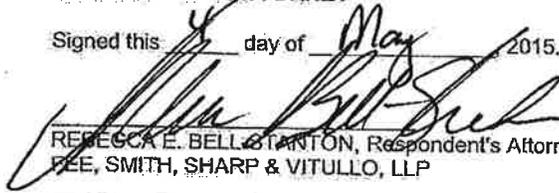

Notary Public's Signature

Sandra Hinton
Notary Public's Printed Name



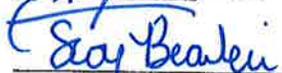
RESPONDENT'S ATTORNEY

Signed this 4 day of May, 2015.


REBECCA E. BELL STANTON, Respondent's Attorney
FEE, SMITH, SHARP & VITULLO, LLP

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 4TH day of MAY, 2015.


Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

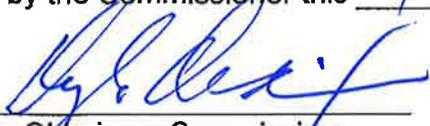
COMMISSIONER

Signed by the Commissioner this 4 day of May, 2015.

Agreed Final Order
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AFOPv420150202

Signed by the Commissioner this 4 day of May, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this _____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.
14-038

SUMMER A. KEY
TX-1332901-R

AGREED FINAL ORDER

On the _____ day of _____, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Summer A. Key (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1332901-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 8823 Park Vista Drive, San Antonio, Texas 78250 (the "Property"), on or about July 12, 2012.
3. Respondent's client for this assignment was Landavalue, LLC.
4. During the time period of July 12, 2012 through January 14, 2013, Respondent completed an additional 22 appraisals for various properties at the request of Landavalue, LLC
5. Landavalue, LLC was an appraisal management company ("AMC") registered with the Board from August 29, 2012 until May 21, 2014, when its registration (TX-2000170) was revoked by final order of the Board.
3. Thereafter, the complaint, numbered 14-038, a staff-initiated was filed with the Board on or about October 9, 2013. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").

4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about October 10, 2013. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about November 19, 2013.

5. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

- a. USPAP Record Keeping Rule – Respondent failed to maintain all documentation necessary to support her analyses, opinions and conclusions contained in her appraisal report;
- b. USPAP Standards 1-2(f), 1-2(g), 2-1(c) & 2-2(b)(x) – Respondent failed to address extraordinary assumptions made regarding her comparable sales search;
- c. USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and describe the Property's improvement(s) adequately;
- d. USPAP Standards 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, and market area trends and failed to summarize the supporting rationale for her highest and best use determination;
- e. USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) – Respondent failed to employ recognized methods and techniques in the cost approach, did not use an appropriate method or technique to determine site value or provide her supporting rationale for that site value determination, failed to collect, verify, analyze and reconcile comparable cost data to determine the cost new of improvements and did not collect, verify, analyze and reconcile comparable data to determination depreciation, effective age or economic life;
- f. USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent did not employ recognized methods and techniques in the sales comparison approach, did not provide any analysis or supporting rationale for her determinations in the sales comparison approach; and,
- g. USPAP Standard 2-1(a) – Respondent produced a misleading appraisal for the Property;

6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.

7. In addition, Respondent accepted assignments and produced her appraisal of the Property and other properties even though she knew she was not on Landavalue, LLC's panel of appraisers maintained with the Board.

8. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(25) by, after conducting reasonable due diligence, knowingly accepting assignments from an AMC when not on that company's panel of appraisers maintained with the Board or when the AMC was not registered with the Board.
5. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

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

1. **EDUCATION.** On or before February 14, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
 - a. A minimum, 15 classroom hour course in USPAP.
2. **MENTORSHIP.** On or before August 14, 2015, Respondent shall complete twelve (12) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the

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approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

- a. 3 hours of mentorship in the sales comparison approach;
 - b. 3 hours of mentorship in the cost approach;
 - c. 3 hours of mentorship addressing site valuation; and,
 - d. 3 hours of mentorship addressing highest and best use analysis.
3. **REPORT.** On or before March 1, 2016, upon completion of the mentorship and remedial education required by this final order, Respondent shall submit to the Board a two (2) page written report addressing areas of Respondent's appraisal practice that resulted in USPAP violations and explaining what steps will be taken to avoid these deficiencies in the future.
4. **TRAINEES.** Respondent shall not sponsor any trainees for twelve (12) months, from May 15, 2015 through May 14, 2016.
5. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
6. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this

Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. 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 website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

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.

RESPONDENT

Signed this 4th day of May, 2015.

Summer A. Key
SUMMER A. KEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4 day of May, 2015, by SUMMER A. KEY, to certify which witness my hand and official seal.

AM  Angelica Mojica
Notary Public's Signature Notary Public's Printed Name

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 5th day of MAY, 2015.

Troy Beaulieu
Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 5 day of May, 2015.

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

CHAIRPERSON

Agreed Final Order
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Approved by the Board and Signed this ____ day of _____, 2015.

Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

AGENDA ITEM 8

Discussion and possible action on proposal for decision from the State Office of Administrative Hearings in the matter of SOAH Docket #329-14-5147.ALC (Olajide O. Balogun, Unlicensed).

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

April 6, 2015

Douglas E. Oldmixon
Administrator
Texas Appraiser Licensing and Certification Board
1700 N. Congress Avenue, Suite 400
Austin, TX 78701

VIA INTERAGENCY

RE: Docket No. 329-14-5147.ALC; Texas Appraiser Licensing and Certification Board v. Olajide Olayinka Balogun

Dear Mr. Oldmixon:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "H. D. Gard".

Henry D. Gard
Administrative Law Judge

HDC/lh
Enclosure

xc: Kyle Wolfe, TALCB Staff Attorney, 1700 N. Congress Ave., Suite 400, Austin, TX - **VIA INTERAGENCY**
Olajide Olayinka Balogun, 8307 Solara Bend Street, Houston, TX 77083 - **VIA REGULAR MAIL**
Mark Mrnak, TALCB, 1700 N. Congress Ave., Suite 400, Austin, TX 78701 - (with 1 hearing CD(s); Certified Evidentiary Record) **VIA-INTERAGENCY**

300 W. 15th Street, Suite 502, Austin, Texas 78701 / P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)
www.soah.state.tx.us

**TEXAS APPRAISER LICENSING AND
CERTIFICATION BOARD,**

Petitioner

v.

OLAJIDE O. BALOGUN,

Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Appraiser Licensing and Certification Board (Board) denied the application of Olajide O. Balogun for a real estate appraiser license. Mr. Balogun appealed the denial. Staff based its denial of the application on Mr. Balogun's alleged failure to satisfy the experience requirements established by statute and the Board's rules; the alleged failure of his claimed experience to meet the Uniform Standard of Professional Appraisal Practice (USPAP) Standard 6; and his alleged failure to demonstrate proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1.¹ The Administrative Law Judge (ALJ) concludes that, based on the evidence presented and the applicable law, the Board should deny the application.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

No issues were raised regarding jurisdiction or notice. Accordingly, those matters are addressed in the Findings of Fact and Conclusions of Law sections below without further discussion here.

The hearing in this matter was held on January 28, 2015, at the State Office of Administrative Hearings (SOAH) before ALJ Henry D. Card. Staff Attorney Kyle Wolfe represented Staff. Mr. Balogun appeared at the hearing and represented himself. The hearing adjourned the same day. After the hearing, on February 9, 2015, Mr. Balogun filed a one-page

¹ USPAP are the standards that govern professional appraisals.

written summary of the arguments he had raised at the hearing. The record closed with the filing of that summary.

II. FACTUAL BACKGROUND AND APPLICABLE LAW

Mr. Balogun is employed as a commercial evaluation analyst by the Harris County Appraisal District (HCAD). In his employment, he performs mass commercial ad valorem appraisals. He received his Provisional Real Estate Appraiser license in 2005. He filed this application for his appraiser license on November 20, 2011.² After evaluating his documentation, Staff denied the application on February 4, 2013,³ after which Mr. Balogun requested a hearing.⁴

To be eligible for licensure as a real estate appraiser, an applicant must:

- (1) Pass an examination;
- (2) Complete a specified number of courses;
- (3) Provide evidence satisfactory to the Board demonstrating that the applicant has the minimum number of hours of experience in performing appraisals over the specified time period; and
- (4) Satisfy the Board as to his honesty, trustworthiness, and integrity.⁵

The experience requirement is at issue in this case. To satisfy that requirement, an applicant must provide the Board with satisfactory evidence that he or she possesses at least 2,000 hours of real estate appraisal experience over a minimum of twelve months.⁶ Experience credit may be awarded for:

- (1) Fee or staff appraisal when it is performed in accordance with Standards 1 and 2 and other provisions of the USPAP in effect at the time of the appraisal.

² Staff Ex. 2.

³ Staff Ex. 3.

⁴ Staff Ex. 4.

⁵ Tex. Occ. Code § 1103.203; 22 Tex. Admin. Code (TAC) § 153.15.

⁶ 22 TAC § 153.15(c).

- (2) Ad valorem tax appraisal that:
 - (A) conforms to USPAP Standard 6; and
 - (B) demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1.⁷

A fee or staff appraisal is one that is done on an individual property for a specific customer or client (such as an appraisal that would be performed in conjunction with the sale of a home). An ad valorem tax appraisal is a simultaneous appraisal of multiple properties (such as might be performed by an appraisal district in conjunction with assessing property taxes), such as those performed by Mr. Balogun for HCAD.

The experience claimed by an applicant must be identified on an Appraisal Experience Log accompanied by an Appraisal Experience Affidavit.⁸ The Board is then legally obligated to verify the legitimacy of the work experience claimed by the applicant. To do so, it may require the applicant to provide documentation in support of his claimed experience. Staff may select a random sampling of the applicant's appraisals, and ask the applicant to provide copies of the specified appraisals, along with supporting relevant documentation, including work files.⁹

Once the requested materials are provided, Staff is obligated to examine the appraisals and accompanying records and work files in order to confirm whether the work performed by the applicant complied with the applicable USPAP standards. If the work did not comply with the applicable USPAP standards, then it cannot be claimed as experience supporting the application.¹⁰

III. EVIDENCE AND ARGUMENTS

Staff contends that Mr. Balogun failed to maintain and provide satisfactory evidence of his experience, that his claimed experience does not satisfy the requirements of USPAP

⁷ 22 TAC § 153.15(e).

⁸ Tex. Occ. Code § 1103.205(b); 22 TAC § 153.15(g).

⁹ Tex. Occ. Code § 1103.206; 22 TAC § 153.15(g)(3).

¹⁰ 22 TAC § 153.15(h).

Standard 6, and that the experience does not show proficiency under USPAP Standard 1. Staff offered into evidence Mr. Balogun's application, his appraisal experience affidavit and log, work files he submitted for three properties as requested,¹¹ the Staff experience audit summary and checklist for those properties, a previous SOAH proposal for decision (PFD) and Board Order in a somewhat similar fact situation,¹² a copy of USPAP for 2010-2011, and the HCAD Mass Appraisal Reports for 2010 and 2011.

In addition, Board Investigator Larry Ray testified for Staff. Mr. Ray conducted the experience audit of Mr. Balogun's appraisal reports for the three properties for which the work files were requested and provided.¹³ In both his written audits and his testimony, Mr. Ray concluded that the appraisal reports did not generally comply with USPAP and the applicable statutes and rules. He recommended that the application be denied.

Mr. Ray concluded that the three appraisals submitted by Mr. Balogun did not comply with USPAP Standard 6. Specifically, in his audits Mr. Ray stated that the cost approach was the only approach used to value the subjects. However, no land comparables or construction cost data were provided. Mr. Ray also stated that the income approach and sales comparison approach, which are typical approaches used in the appraisal of such properties, were not used. Mr. Ray concluded that the work file information was inadequate to verify whether reasonable market data, if any, were used in the appraisal reports and whether the analyses generally followed accepted appraisal methods and techniques.¹⁴

¹¹ Mr. Balogun testified he sent additional documents to the Staff. Those were not specifically identified or produced at the hearing.

¹² Staff Exs. 12 and 13. *TALCB v. Francis Onyemauche Kafor*, SOAH Docket No. 329-13-3390.ALC (PFD July 15, 2013; Final Order August 16, 2013). That case differs from this case in that Mr. Kafor, who conducted mass appraisals for the Dallas Central Appraisal District, had declined to provide work files.

¹³ The three properties were office warehouses located at 6415 Mesa Drive, Houston, TX 77028, 1810 Milby Street, Houston, TX, and 1123 Church Street, Cosby, TX 77352. The work files were admitted into evidence as Staff Exs. 6, 7, and 8; the experience audit summaries and checklists were admitted as Staff Exs. 9, 10, and 11.

¹⁴ Staff Exs. 9, 10, and 11.

Mr. Ray acknowledged that work files for mass appraisals generally are different from work files for fee appraisals. He stated, however, that he has been provided substantially more data in other mass appraisal cases.

Staff also questioned the extent of Mr. Balogun's participation in the HCAD mass appraisals. The HCAD Mass Appraisal Reports for 2010 and 2011 were admitted into evidence. Both listed names of commercial property staff members who had provided "significant mass appraisal assistance."¹⁵ Mr. Balogun's name was not listed in either document.

Mr. Ray testified that USPAP technically requires that all persons who provided significant assistance be listed in an appraisal document. He stated, however, that everyone who provided such assistance generally is not listed in a mass appraisal report. He frankly acknowledged that he was not sure whether Mr. Balogun's name should have been listed.

Mr. Balogun, in his testimony and his subsequent filing, pointed out that USPAP Standard 6 covers mass appraisals. He emphasized that work files for mass appraisals are different for single property appraisals. He noted that a mass appraisal report does not necessarily show all the names of every appraiser that contributed to the project.

Mr. Balogun stated that there are many Board-licensed appraisers working as mass appraisers whose license have been renewed by the Board. He believed he was being singled out unfairly and that all applicants should be treated equally.

Mr. Balogun testified that he had considered all three appraisal approaches but that one ultimately must be chosen. The Mass Appraisal Reports themselves note that the cost approach is applied to all real property, but the income approach is only applied to those properties that are considered "income producing."¹⁶

¹⁵ Staff Ex. 15 at 580; Staff Ex. 16 at 663.

¹⁶ Staff Ex. 15 at 567; Staff Ex. 16 at 650.

Mr. Balogun offered into evidence copies of his provisional licenses and other certifications.¹⁷

IV. ANALYSIS AND RECOMMENDATION

The ALJ finds Staff is correct that Mr. Balogun did not provide adequate verifiable proof that he has the appraisal experience required for licensure. Under the Board's rule at 22 Texas Administrative Code § 153.15(e), experience credit may be awarded for:

- (1) Fee or staff appraisal when it is performed in accordance with Standards 1 and 2 and other provisions of the USPAP in effect at the time of the appraisal.
- (2) Ad valorem tax appraisal that:
 - (A) conforms to USPAP Standard 6; and
 - (B) demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1.¹⁸

Even if Mr. Balogun has performed the requisite number of mass appraisals, and even if those appraisals conformed to USPAP Standard 6, Mr. Balogun was required to submit verifiable information that he is proficient in the principles, techniques, or skills used by appraisers practicing under USPAP Standard 1. As Mr. Ray testified, the work files contained no land comparables or construction cost data, and the income approach was not used. Even if those omissions were appropriate for the ad valorem appraisals, and even though work files for mass appraisals are different from those for fee appraisals, the less extensive data contained in the work files were inadequate to demonstrate Mr. Balogun's proficiency in the requisite principles, techniques, or skills used by appraisers under USPAP Standard 1.

Mr. Balogun argued that other appraisers in identical situations have been licensed by the Board. Because no evidence of such licensure, or the details of the information provided by those applicants, were presented at the hearing, it is impossible to determine whether the Staff is

¹⁷ Respondent Ex. 1.

¹⁸ 22 TAC § 153.15(e).

treating Mr. Balogun's application differently. Mr. Ray's testimony about other mass appraisal work files he had received, however, suggests that the Staff's and the Board's decision were properly based upon the documentation presented.

V. FINDINGS OF FACT

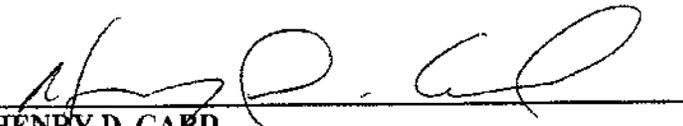
1. Olajide O. Balogun is employed as a commercial evaluation analyst by the Harris County Appraisal District (HCAD).
2. In his employment, Mr. Balogun performs mass commercial ad valorem appraisals.
3. Mr. Balogun received his Provisional Real Estate Appraiser license in 2005.
4. Mr. Balogun filed this application for his appraiser license on November 20, 2011.
5. After evaluating Mr. Balogun's documentation, the staff (Staff) of the Texas Appraiser Licensing and Certification Board (Board) denied the application on February 4, 2013.
6. Mr. Balogun filed a timely request for a hearing.
7. Notice of the hearing was sent October 1, 2014.
8. The notice 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.
9. The hearing was held on January 28, 2015, before Administrative Law Judge Henry D. Card. Staff Attorney Kyle Wolfe represented Staff. Mr. Balogun appeared at the hearing and represented himself. The hearing adjourned the same day.
10. After the hearing, on February 9, 2015, Mr. Balogun filed a one-page written summary of the arguments he had raised at the hearing. The record closed with the filing of that summary.
11. The data contained in the work files provided by Mr. Balogun were inadequate to demonstrate Mr. Balogun's proficiency in the requisite principles, techniques, or skills used by appraisers under Uniform Standard of Professional Appraisal Practice (USPAP) Standard 1.

12. Mr. Balogun's application, accompanying information, and work files did not contain adequate verifiable evidence that Mr. Balogun has the appraisal experience required for licensure.

VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. 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. Tex. Occ. Code § 1103.508; Tex. Gov't Code chs. 2001, 2003.
3. Board Staff had the burden of proof in this proceeding. 1 Tex. Admin. Code § 155.427.
4. Staff proved that Mr. Balogun's application, accompanying information, and work files did not contain adequate verifiable evidence that he is eligible to be licensed as a real estate appraiser under Texas Occupations Code § 1103.203 and 22 Texas Administrative Code § 153.15.
5. Mr. Balogun's application should be denied.

SIGNED April 6, 2015.



HENRY D. CARD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

AGENDA ITEM 9

Report by AMC Advisory Committee.

TALCB Board Members

Jamie S. Wickliffe
Chair

Laurie C. Fontana
Vice Chair

Mark A. McAnally
Secretary

Jesse Barba, Jr.

Walker R. Beard

Clayton P. Black

Patrick M. Carlson

James J. Jeffries

Brian L. Padden

Douglas E. Oldmixon
Commissioner

AMC Advisory Committee Report May 15, 2015**Members: Laurie Fontana, Chair, Sara Oates and Lawrence McNamara**

Since the February 2015 Board meeting, the AMC Advisory Committee met via teleconference on April 24, 2015.

Committee Members in attendance: Laurie Fontana, Sara Oates, and Lawrence McNamara

Other Board Members in attendance: None

Staff in attendance: Douglas Oldmixon, Commissioner; Kristen Worman, General Counsel; Tony Slagle, Government Affairs; Dione Frederick, Recording Secretary; Mark Mrnak, Director-SES; Troy Beaulieu, Managing Attorney; Kyle Wolfe, Staff Attorney; Gwen Jackson, Director-ELS; Becky Jarmon, Licensing Specialist; Amy Jasper, Manager-RCS; and Ellen Sameth, Assistant Attorney General, Office of the Attorney General.

Public in attendance: None.

The Committee discussed several items at its recent meeting, including possible changes to the definition of "review" and scope of work in TALCB Rule 159.155, revisions to AMC application and renewal forms, and adoption of a penalty matrix for AMCs. The Committee also continued its discussion of the process and format for AMC compliance audits. The Committee appreciates staff's hard work in developing a penalty matrix for AMCs and recommends publication of the proposed amendments to TALCB Rule 159.204 to implement the penalty matrix.

The Committee noted that the Federal Deposit Insurance Corporation (FDIC), along with other federal agencies, recently released rules regarding AMCs that may impact the Board's regulation of AMCs. The Committee anticipates a full discussion regarding the newly announced federal rules for AMCs at the next Committee meeting, which has been tentatively scheduled for July 24, 2015 at 9:30am.



AGENDA ITEM 10

Report by Budget Committee.

AGENDA ITEM 11

Report by Education Committee.

AGENDA ITEM 12

Report by Enforcement Committee.

TALCB Board Members

Jamie S. Wickliffe
Chair

Laurie C. Fontana
Vice Chair

Mark A. McAnally
Secretary

Jesse Barba, Jr.

Walker R. Beard

Clayton P. Black

Patrick M. Carlson

Luis F. De La Garza, Jr.

Brian L. Padden

Douglas E. Oldmixon
Commissioner

Enforcement Committee Report May 15, 2015

Members: Laurie Fontana, Chair, Mark McAnally and Jesse Barba, Jr.

Since the February 2015 Board meeting, the Enforcement Committee met with staff on March 25, 2015 to gather information on enforcement processes and met via teleconference on April 24, 2015.

Meeting on April 24, 2015

Committee Members in attendance: Laurie Fontana, Mark McAnally, and Jesse Barba, Jr.

Other Board Members in attendance: None

Staff in attendance: Douglas Oldmixon, Commissioner; Kristen Worman, General Counsel; Tony Slagle, Government Affairs; Dione Frederick, Recording Secretary; Mark Mrnak, Director-SES; Troy Beaulieu, Managing Attorney; Kyle Wolfe, Staff Attorney; and Ellen Sameth, Assistant Attorney General.

Public in attendance: Joe Woller on behalf of FACT.

The Committee continued its discussion regarding qualifications for appointment as a Mentor and considered the survey results presented by staff. The Committee appreciates the work by staff to address the Committee's concerns about expanding the pool of possible Mentors. The Committee will continue its discussion of this item at its next meeting before bringing a recommendation to the Board.

The Committee also discussed possible changes to the policy on Board orders, a proposed definition of "real estate appraisal experience," and reviewed examples of the checklist of topics provided to respondents in preparation for an investigative conference. The Committee appreciates staff's efforts to provide transparency to appraisers who participate in an investigative conference.

The Committee unanimously recommends the Board adopt the proposed changes to the policy on Board orders and publish the proposed amendments to TALCB Rule 153.1 to include a definition of "real estate appraisal experience."

The Committee has tentatively scheduled its next meeting for July, 24, 2015 at 1:30pm.



AGENDA ITEM 13

Staff reports by Commissioner, Deputy Commissioner, and Division Directors, which may include reports on processes, monthly activities and statistical data for communications, licensing, education, information technology, staff services, and enforcement; current topics related to regulation of real estate appraisers; discussion of topics raised by monthly reports; introduction of new employees; and questions by Board members to staff regarding issues raised by the staff reports.

Reception and Communication Services Division

Incoming Calls

	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	FYTD Total
Local Lines	15,634	17,394	11,564	14,115	19,236	17,015	20,183						115,141
TALCB LL	1,031	1,151	886	1,040	1,334	980	1,260						7,682
Total Calls	16,665	18,545	12,450	15,155	20,570	17,995	21,443						122,823

Walk Ins

	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	FYTD Total
Licensing	210	157	154	115	167	169	204						1,176
Education	144	45	75	47	41	52	51						455
Inspector	18	7	6	8	11	24	12						86
Enforcement	19	21	20	10	16	19	12						117
TALCB Lic	6	3	12	8	9	0	7						45
TALCB Enf	0	0	0	1	0	0	0						1
Total	397	233	267	189	244	264	286						1,880

Emails

	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	FYTD Total
Licensing	4,478	4,502	3,302	3,969	5,366	4,566	5,714						31,897
Education	659	1,129	750	832	1,029	1,170	1,080						6,649
Inspector	87	66	81	128	56	80	142						640
Enforcement	115	106	85	75	60	73	86						600
TALCB Lic	70	139	121	249	115	191	378						1,263
TALCB Enf	4	7	3	6	6	5	12						43
Total	5,413	5,949	4,342	5,259	6,632	6,085	7,412						41,092

C1 Report
FY 2015

TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

ACTIVE CERTIFICATIONS AND LICENSES

FISCAL YEAR	END OF MONTH	GENERAL	RESIDENTIAL	LICENSE	PROVISIONAL	TOTAL G.R.L. & P		TRAINEE		TOTAL	TOTAL CHANGE
						G.R.L. & P	CHANGE	TRAINEE	CHANGE		
FY-2011	Sep10	2,366	2,486	651	23	5,526	-18	614	67	6,140	49
	Oct-Dec10 - Totals for October thru December 2010 are not available due to system conversion										
	Jan11	2,361	2,470	626	21	5,478	-48	520	-94	5,998	-142
	Feb11	2,370	2,472	628	21	5,491	13	534	14	6,025	27
	Mar11	2,381	2,482	630	22	5,515	24	553	19	6,068	43
	Apr11	2,379	2,486	629	22	5,516	1	561	8	6,077	9
	May11	2,368	2,456	596	22	5,442	-74	518	-43	5,960	-117
	Jun11	2,374	2,458	598	22	5,452	10	528	10	5,980	20
	Jul11	2,379	2,463	604	22	5,468	16	538	10	6,006	26
	Aug11	2,396	2,476	605	23	5,500	32	549	11	6,049	43
FY-2012	Sep11	2,403	2,480	606	23	5,512	12	567	18	6,079	30
	Oct11	2,408	2,486	606	23	5,523	11	574	7	6,097	18
	Nov11	2,417	2,484	614	23	5,538	15	584	10	6,122	25
	Dec11	2,369	2,414	543	13	5,339	-199	500	-84	5,839	-283
	Jan12	2,376	2,412	542	14	5,344	5	520	20	5,864	25
	Feb12	2,358	2,387	527	13	5,285	-59	498	-22	5,783	-81
	Mar12	2,364	2,382	522	13	5,281	-4	498	0	5,779	-4
	Apr12	2,371	2,381	518	13	5,283	2	496	-2	5,779	0
	May12	2,369	2,380	517	13	5,279	-4	498	2	5,777	-2
	Jun12	2,375	2,381	513	11	5,280	1	502	4	5,782	5
	Jul12	2,365	2,376	513	10	5,264	-16	512	10	5,776	-6
	Aug12	2,371	2,385	515	10	5,281	17	515	3	5,796	20
FY-2013	Sep12	2,382	2,388	512	9	5,291	10	534	19	5,825	29
	Oct12	2,385	2,389	509	8	5,291	0	531	-3	5,822	-3
	Nov12	2,386	2,387	509	7	5,289	-2	534	3	5,823	1
	Dec12	2,390	2,381	501	6	5,278	-11	550	16	5,828	5
	Jan13	2,377	2,380	502	6	5,265	-13	576	26	5,841	13
	Feb13	2,379	2,377	499	4	5,259	-6	591	15	5,850	9
	Mar13	2,382	2,374	490	3	5,249	-10	607	16	5,856	6
	Apr13	2,378	2,373	484	2	5,237	-12	634	27	5,871	15
	May13	2,369	2,371	482	2	5,224	-13	657	23	5,881	10
	Jun13	2,368	2,369	480	2	5,219	-5	682	25	5,901	20
	Jul13	2,359	2,367	477	2	5,205	-14	702	20	5,907	6
	Aug13	2,367	2,371	470	2	5,210	5	724	22	5,934	27
FY-2014	Sep13	2,368	2,375	467	1	5,211	1	741	17	5,952	18
	Oct13	2,367	2,381	467	1	5,216	5	767	26	5,983	31
	Nov13	2,371	2,381	467	1	5,220	4	781	14	6,001	18
	Dec13	2,374	2,380	466	1	5,221	1	792	11	6,013	12
	Jan14	2,363	2,382	461	1	5,207	-14	786	-6	5,993	-20
	Feb14	2,365	2,379	457	0	5,201	-6	780	-6	5,981	-12
	Mar14	2,368	2,385	453	0	5,206	5	788	8	5,994	13
	Apr14	2,373	2,393	454	0	5,220	14	783	-5	6,003	9
	May14	2,375	2,399	457	0	5,231	11	779	-4	6,010	7
	Jun14	2,378	2,401	451	0	5,230	-1	777	-2	6,007	-3
	Jul14	2,377	2,403	454	0	5,234	4	766	-11	6,000	-7
	Aug14	2,386	2,405	453	0	5,244	10	760	-6	6,004	4
FY-2015	Sep14	2,393	2,407	451	0	5,251	7	767	7	6,018	14
	Oct14	2,402	2,418	448	0	5,268	17	766	-1	6,034	16
	Nov14	2,407	2,415	440	0	5,262	-6	749	-17	6,011	-23
	Dec14	2,409	2,431	442	0	5,282	20	756	7	6,038	27
	Jan15	2,405	2,437	446	0	5,288	6	767	11	6,055	17
	Feb15	2,417	2,437	442	0	5,296	8	760	-7	6,056	1
	Mar15	2,423	2,445	444	0	5,312	16	761	1	6,073	17

(March 2015: Temporary Out of State Appraisers = 854; Inactive Appraisers = 142)

**APPRAISAL MANAGEMENT COMPANY REGISTRATIONS
MARCH 2015**

	Month	Paper Apps. Received	Online Apps. Received	Total Apps. Received	Total AMC Registrations Issued	Total AMC Renewals Issued
FY-2012	Mar-12	18	4	22	0	
	Apr-12	16	5	21	0	
	May-12	25	16	41	44	
	Jun-12	53	14	67	65	
	Jul-12	13	6	19	53	
	Aug. 12	5	1	6	7	
FY- 2013	Sep-12	0	1	1	3	
	Oct-12	0	3	3	5	
	Nov-12	2	1	3	2	
	Dec-12	1	2	3	4	
	Jan-13	0	0	0	2	
	Feb-13	1	0	1	0	
	Mar-13	0	0	0	0	
	Apr-13	1	1	2	0	
	May-13	0	0	0	1	
	Jun-13	0	1	1	4	
	Jul-13	0	1	1	1	
	Aug-13	1	1	2	1	
FY- 2014	Sep-13	0	3	3	2	
	Oct-13	0	1	1	2	
	Nov-13	0	0	0	0	
	Dec-13	0	1	1	0	0
	Jan-14	0	0	0	1	1
	Feb-14	0	0	0	0	5
	Mar-14	0	2	2	2	9
	Apr-14	1	0	1	2	18
	May-14	1	1	2	0	28
	Jun-14	1	1	2	4	38
	Jul-14	0	0	0	0	24
	Aug-14	0	0	0	0	15
FY- 2015	Sep-14	1	1	2	1	4
	Oct-14	0	0	0	1	2
	Nov-14	1	1	2	2	2
	Dec-14	3	1	4	1	0
	Jan-15	3	0	3	1	1
	Feb-15	0	0	0	5	1
	Mar-15	1	0	1	0	0
TOTALS		148	69	217	216	148

Registrations Surrendered in February '13	-3
Registrations Revoked in March '13	-1
Registrations Surrendered in July '13	-1
Registrations Revoked in July '13	-1
Registrations Surrendered in September '13	-1
Registrations Surrendered in February '14	-1
Registrations Surrendered in March '14	-1
Registrations Revoked in May '14	-1
Registrations Surrendered in June '14	-1
Registrations Surrendered in February '15	-2

TOTAL AMC REGISTRATIONS

203

Education & Licensing Services Division - TALCB

Fiscal Year Comparison

Fiscal Year - 2015

MARCH

	This YTD 9/14 - 03/15	Last YTD 9/13 - 03/14	Count	Change Percent
<i>Original Applications Received</i>				
Certified General Applications	87	85	2	2.35%
Certified Residential Applications	110	99	11	11.11%
State Licensed Applications	43	44	-1	-2.27%
Appraiser Trainee Applications	147	159	-12	-7.55%
Non-Residential Temporary Applications	134	176	-42	-23.86%
Total Original Applications	521	563	-42	-7.46%
<i>Licenses Issued from Original Applications</i>				
Certified General Licenses	91	67	24	35.82%
Certified Residential Licenses	107	91	16	17.58%
State Licensed	47	27	20	74.07%
Appraiser Trainee Licenses	125	156	-31	-19.87%
Non-Residential Temporary Licenses	129	175	-46	-26.29%
Total Licenses from Original Applications	499	516	-17	-3.29%
<i>Licenses Issued from Renewal Applications</i>				
Certified General Renewals	720	682	38	5.57%
Certified Residential Renewals	624	773	-149	-19.28%
State Licensed Renewals	154	153	1	0.65%
Appraiser Trainee Renewals	261	62	199	320.97%
Total Renewal Licenses Issued	1,759	1,670	89	5.33%
<i>Licenses Issued from Reinstatement Applications</i>				
Certified General Reinstatements	11	9	2	22.22%
Certified Residential Reinstatements	4	0	4	n/a
State Licensed Reinstatements	2	2	0	0.00%
Appraiser Trainee Reinstatements	8	19	-11	-57.89%
Total Reinstatement Licenses Issued	25	30	-5	-16.67%

Examination Activity - Fiscal Year 2014-2015

YEAR-TO-DATE RESULTS: SEPTEMBER 2014 thru MARCH 2015				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	20	58	25	103	
Examinations Failed	27	38	14		79
Examinations Taken	47	96	39	182	182
Examination Pass Rate (%)	42.55%	60.42%	64.10%	56.59%	43.41%

All examination types	
Total first time candidates:	130
Total repeat candidates:	52
Total pass:	103
Total fail:	79
Total examinations taken:	182

Examination Activity - Fiscal Year 2014-2015

MONTHLY RESULTS: MARCH 2015				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	1	2	2	5	
Examinations Failed	0	1	1		2
Examinations Taken	1	3	3	7	7
Examination Pass Rate (%)	100.00%	66.67%	66.67%	71.43%	28.57%

All examination types	
Total first time candidates:	4
Total repeat candidates:	3
Total pass:	5
Total fail:	2
Total examinations taken:	7

EXAMINATION ACTIVITY

FISCAL YEAR-TO-DATE COMPARISON MARCH

	<u>Mar. 2015</u> <u>Pass Rate</u>	<u>Mar. 2014</u> <u>Pass Rate</u>	<u>Difference</u>
Certified General Appraiser	64.1%	65.7%	- 1.6%
Certified Residential Appraiser	60.4%	68.0%	- 7.6%
Licensed Appraiser	42.5%	42.8%	+0.3%
Overall Appraiser Pass Rate	56.5%	59.0%	-2.5%

Information Technology Services Division

Electronic Information Outlet Statistics

TALCB as of March 2015

World Wide Web	Latest 3 Months	Prior Yr 3 Mo	Total Fiscal YTD	Total Prior Fiscal YTD
Total Pages Viewed	577,228	339,887	1,083,256	735,873
Total Monthly Unique Visitors	26,649	22,480	62,439	49,145

Online Transactions	Total Latest 3 Mo	Online Latest 3 Mo	Online Percent	Fiscal YTD Online Percent	Prior Fiscal YTD Online Percent
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Applications	132	57	43.2%	38.7%	20.8%
AMC	6	4	66.7%	54.5%	75.0%
Certified General Appraiser	34	5	14.7%	14.6%	0.0%
Certified Residential Appraiser	35	6	17.1%	21.4%	0.0%
State Licensed Appraiser	10	5	50.0%	47.6%	0.0%
Appraiser Trainee	47	37	78.7%	65.0%	0.0%

Renewals	624	569	91.2%	88.7%	89.3%
AMC	2	2	100.0%	80.0%	72.2
Certified General Appraiser	298	267	89.6%	89.5%	89.7%
Certified Residential Appraiser	242	236	97.5%	94.7%	94.8%
State Licensed Appraiser	52	37	71.2%	68.3%	67.6%
Appraiser Trainee	30	27	90.0%	74.8%	65.6%

AMC Panel:	Last 3 Months	FY YTD
Invitations	1466	3408
Removals	189	483

Staff & Support Services Division

TALCB Budget Status Report

March 2015

5/12 = 41.7%

Expenditure Category	Budget FY2015	Expenditures	Balance	Budget % Remaining	Comments
Salaries & Wages	\$970,424	\$497,420	\$473,004	48.7%	
Employee Benefits	259,397	143,253	116,144	44.8%	
Retiree Insurance	33,636	13,216	20,420	60.7%	
Other Personnel Costs	42,800	15,950	26,850	62.7%	
Professional Fees & Services	86,690	33,679	53,011	61.1%	
Consumables	8,500	1,225	7,275	85.6%	
Utilities	1,740	572	1,168	67.2%	
Travel	30,000	12,364	17,636	58.8%	
Office Rent	37,625	33,891	3,734	9.9%	Rent paid for the year.
Equipment Rental/Leases	8,500	3,106	5,394	63.5%	
Registration & Membership	14,875	3,724	11,151	75.0%	
Maintenance & Repairs	9,340	8,933	407	4.4%	Versa annual maintenance pd for the year
Reproduction & Printing	1,500	61	1,439	96.0%	
Contract Services	42,080	6,961	35,119	83.5%	Court Reporter/Transcripts/Subpoenas
Postage	6,125	2,400	3,725	60.8%	
Supplies & Equipment	10,785	1,332	9,453	87.7%	
Communication Services	8,046	3,628	4,418	54.9%	
Other Operating Expenses	4,331	766	3,565	82.3%	
Subtotal -Operations Expenditures	1,576,394	782,480	793,914	50.4%	
DPS Criminal History Background Checks	3,000	1,376	1,624	54.1%	
Statewide Cost Allocation Plan (SWCAP)	45,000	21,685	23,315	51.8%	
Contribution to General Revenue	30,000	17,500	12,500	41.67%	% allocated monthly but pmt not due until 8/31/15
Subtotal - Nonoperational Expenditures	78,000	40,561	37,439	48.0%	
Total Expenditures	\$1,654,394	\$823,042	\$831,352	50.3%	

Revenue	FY2015 Projected	Revenue Collected	Revenue Remaining to be Collected	Revenue % Remaining to be Collected	Comments
License Fees	\$1,201,592	\$715,830	\$485,762	40.4%	
AMCs	112,830	110,170	\$2,660	2.4%	12 new apps, 7 renewals, 2500 panelists
Other Miscellaneous Revenue	1,355	1,900	(\$545)	-40.2%	Exam Admin Fees/NSF fees
Total Revenue	\$1,315,777	\$827,900	\$487,877	37.1%	

	FY14 Carry Forward	Allocated Amount	Remaining to be Allocated	Carry Forward % Remaining	
AMC Revenue Carry Forward from FY14	\$366,285	\$213,666.25	\$152,619	41.7%	Pro-rated thru March

Revenue Over/(Under) Expenditures & Transfers	\$27,668	\$218,524			Includes AMC Carry Forward
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Staff Services Division

**Tx Appraiser Licensing & Certification Board Operating Account No. 3056 Investments
Current Securities**

March 2015

Purchase Date	Par Value	Purchase Price	Beginning Market Value	Additions Changes	Ending Market Value	Accrued Interest	Description	Maturity Date
12/04/2014	100,000.00	100,484.97	100,125.00	39.00	100,164.00	146.98	U.S. T-Notes, 0.50%	06/15/2016
12/04/2014	100,000.00	100,168.26	100,031.00	(8.00)	100,023.00	73.49	U.S. T-Notes, 0.25%	12/15/2015
12/04/2014	60,000.00	60,199.48	60,046.80	(9.00)	60,037.80	66.14	U.S. T-Notes, 0.375%	06/15/2015
Totals	\$ 260,000.00	\$ 260,852.71	\$ 260,202.80	\$ 22.00	\$ 260,224.80	\$ 286.61		

Receipts:	<u>Current Month</u>	<u>FY2015 Cumulative Total</u>
Treasury Note Earnings	0.00	487.50

Investment Compliance: These investments have been made in compliance with the Board's Investment Policy.



Melissa Huerta, Investment Officer



Barbara Kolb, Alternate Investment Officer

TALCB Standards & Enforcement Services

CASE STATUS REPORT FY 2015 as of APRIL 28, 2015

of Cases Received

Case Classification	FY2013	FY2014	14-Sep	14-Oct	14-Nov	14-Dec	15-Jan	15-Feb	15-Mar	15-Apr	15-May	15-Jun	15-Jul	15-Aug	FYTD
Regulatory Complaints:															
AMCs	20	12	1	1	0	0	0	0	1	0					3
Dodd Frank	28	16	0	0	0	0	1	4	2	2					9
Ethics	8	5	1	0	0	0	0	0	0	0					1
USPAP	160	111	7	8	8	13	4	9	11	11					71
Other	12	7	0	0	3	0	1	1	0	1					6
No Jurisdiction	3	0	0	0	0	0	1	0	0	0					1
	231	151	9	9	11	13	7	14	14	14	0	0	0	SUB:	91
Experience Audits	93	155	19	20	21	22	1	18	7	7					115
RFAs & Covert Complaints	1	3	0	1	0	0	0	2	0	0					3
MCD Inquiries	7	4	1	0	0	0	0	0	0	0					1
	101	162	20	21	21	22	1	20	7	0	0	0	0	SUB:	112
Opened During Month	332	313	29	30	32	35	8	34	21	21	0	0	0		210

of Cases Closed

Case Disposition	FY2013	FY2014	14-Sep	14-Oct	14-Nov	14-Dec	15-Jan	15-Feb	15-Mar	15-Apr	15-May	15-Jun	15-Jul	15-Aug	FYTD
Regulatory Complaints:															
Surrendered	8	4	0	0	0	0	0	2	0	0					2
Agreed Final Order / Final Order	68	46	0	0	20	1	0	7	0	0					28
Other Disciplinary Action	12	2	0	0	0	0	0	0	0	0					0
Insufficient Evidence	0	0	0	0	0	0	0	0	0	0					0
Dismissed	271	106	12	4	6	9	8	10	7	8					64
No Jurisdiction	8	0	0	0	0	0	0	1	0	0					1
	367	158	12	4	26	10	8	20	7	8	0	0	0	SUB:	95
Experience Audits	93	130	14	27	8	28	12	18	8	13					128
RFAs	20	14	0	0	0	0	0	5	0	0					5
MCD Inquiries	7	3	2	1	0	0	0	0	0	0					3
	120	147	16	28	8	28	12	23	8	13	0	0	0	SUB:	136
Closed During Month	487	305	28	32	34	38	20	43	15	21	0	0	0		231

Total Cases Open as of 4/28/2015:

162

TALCB Standards & Enforcement Services

AMC CASE STATUS REPORT FY 2015 as of APRIL 28, 2015

of Cases Received

Case Classification	FY 2013	FY 2014	14-Sep	14-Oct	14-Nov	14-Dec	15-Jan	15-Feb	15-Mar	15-Apr	15-May	15-Jun	15-Jul	15-Aug	FYTD
AMC Complaints:															
AMC Compliance	0	3	0	0	0	0	0	0	1	0					1
Dodd Frank	0	0	0	0	0	0	0	0	0	0					0
Ethics	7	0	0	0	0	0	0	0	0	0					0
USPAP	6	9	1	0	0	0	1	0	0	0					2
Other	7	0	0	1	0	0	0	0	0	1					2
No Jurisdiction	0	0	0	0	0	0	0	0	0	0					0
	20	12	1	1	0	0	1	0	1	0	0	0	0	0	4
RFA's & Covert Complaints	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Opened During Month	20	12	1	1	0	0	1	0	1	0	0	0	0	0	4

of Cases Closed

Case Disposition	FY2013	FY2014	14-Sep	14-Oct	14-Nov	14-Dec	15-Jan	15-Feb	15-Mar	15-Apr	15-May	15-Jun	15-Jul	15-Aug	FYTD
AMC Complaints:															
Surrendered	0	0	0	0	0	0	0	0	0	0					0
Agreed Final Order	0	0	0	0	0	0	0	0	0	0					0
Other Disciplinary Action	2	2	0	0	0	0	0	0	0	0					0
Insufficient Evidence	0	0	0	0	0	0	0	0	0	0					0
Dismissed	17	7	1	0	0	1	0	1	0	0					3
No Jurisdiction	2	0	0	0	0	0	0	0	0	0					0
	21	9	1	0	0	1	0	1	0	0	0	0	0	0	3
RFA's & Covert Complaints	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed During Month	21	9	1	0	0	1	0	1	0	0	0	0	0	0	3

Total Cases Open as of 4/28/2015:

3

TOTAL OPEN REGULATORY COMPLAINTS & RFAs

Fiscal Year	No. Pending (as of 7/24/14)		No. Pending (as of 10/31/14)		No. Pending (as of 1/28/15)		No. Pending (as of 4/28/15)		Percentage Change from Previous Reporting Period
2008	1	1 Covert	1	1 Covert	1	1 Covert	0	0 Covert	(100%)
		0 RFA		0 RFA		0 RFA		0 RFA	
2009	4	1 Covert	4	1 Covert	3	0 Covert	1	0 Covert	(66.67%)
		3 RFA		3 RFA		3 RFA		1 RFA	
2010	2	0 Reg	2	0 Reg	2	0 Reg	0	0 Reg	(100%)
		2 RFA		2 RFA		2 RFA		0 RFA	
2011	1	0 Reg	1	0 Reg	1	0 Reg	0	0 Reg	(100%)
		1 RFA		1 RFA		1 RFA		0 RFA	
2012	2	1 Reg	2	1 Reg	1	0 Reg	1	0 Reg	-----
		1 RFA		1 RFA		1 RFA		1 RFA	
2013	27	26 Reg	23	22 Reg	13	12 Reg	9	8 Reg	(30.77%)
		1 RFA		1 RFA		1 RFA		1 RFA	
2014	91	89 Reg	85	82 Reg	59	56 Reg	39	36 Reg	(33.90%)
		2 RFA		3 RFA		3 RFA		3 RFA	
2015	-----		19	18 Reg	42	41 Reg	78	75 Reg	85.71%
				1 RFA		1 RFA		3 RFA	
Total		128		137		122		128	4.92%

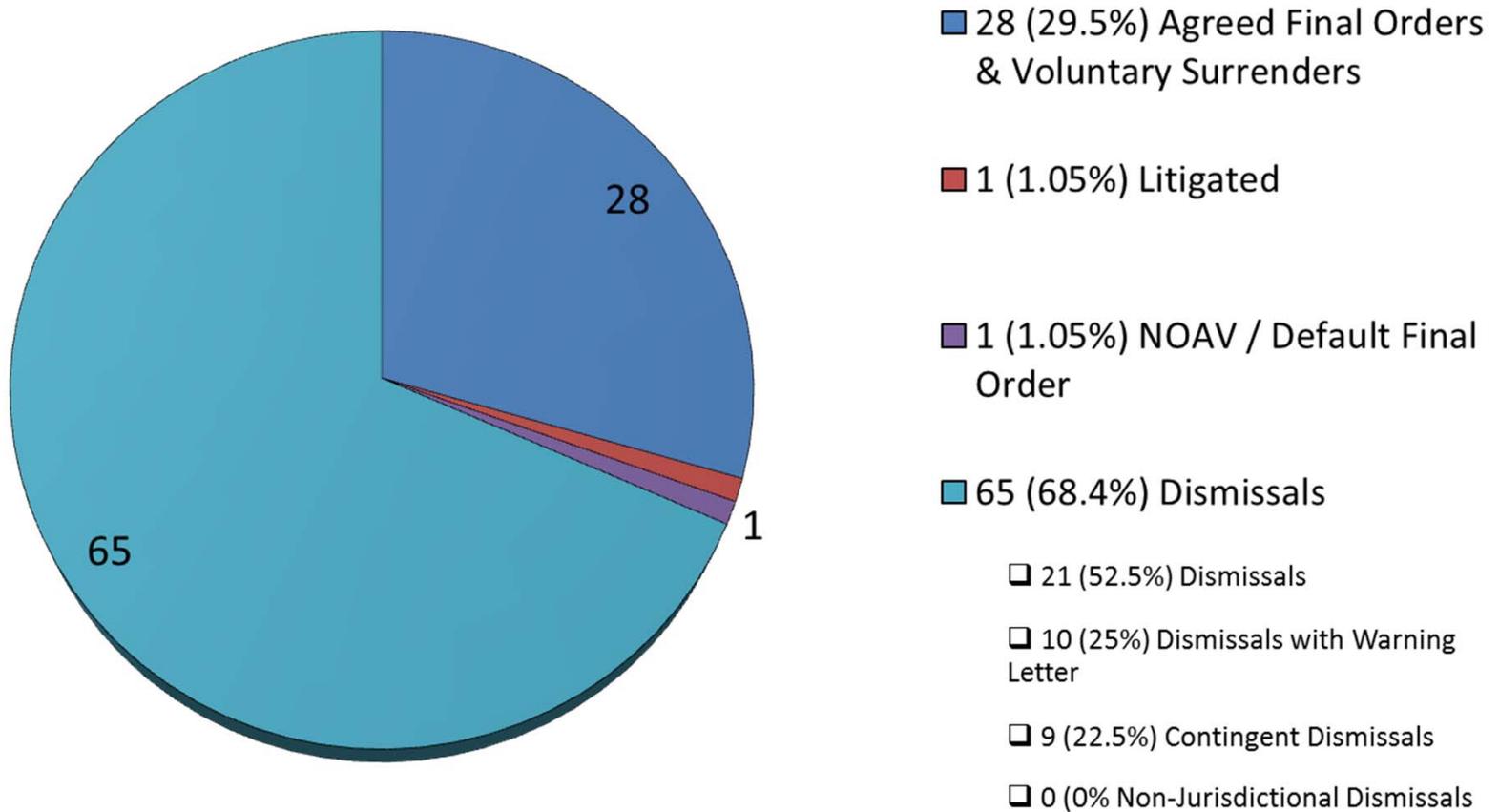
CASES AT LEAST 1-YR OLD

	As of 04/23/14	As of 07/24/14	As of 10/31/14	As of 01/28/15	As of 04/28/15	Percentage Change from Reporting Period
Agreed Orders / PFD Received	0	0	9	5	1	(80%)
Awaiting Receipt of PFD	0	1	0	0	0	_____
Set for Hearing	0	0	0	0	0	_____
Hearing Required/Being Processed for SOAH	1	0	0	0	0	_____
In Negotiations/Pending Dismissals	1	9	7	9	9	_____
RFAs / Covert Reviews / Litigation Holds	16	12	10	12	6	(50%)
Regulatory Reviews in Investigation	0	6	15	11	4	(63.6%)
Sent to Peer Review Committee	0	0	0	0	1	100%
Total Cases	19	28	41	37	21	(43.2%)

CASE RESOLUTIONS FY 2015

SEPTEMBER 1, 2014 – APRIL 28, 2015

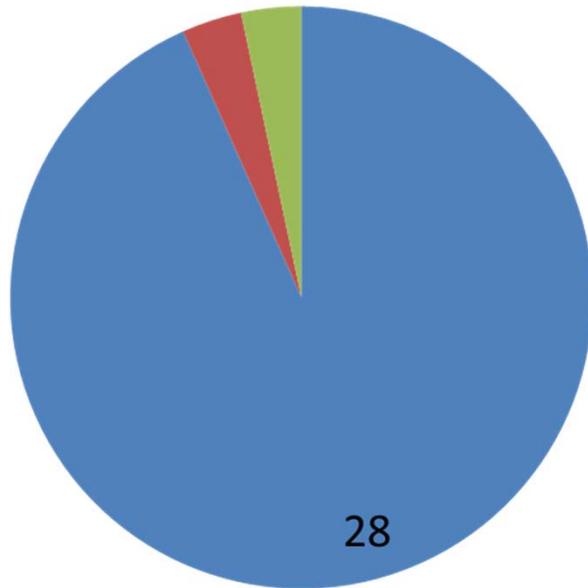
95 Total Complaints Resolved



DISCIPLINARY ACTIONS FY 2015

SEPTEMBER 1, 2014 – APRIL 28, 2015

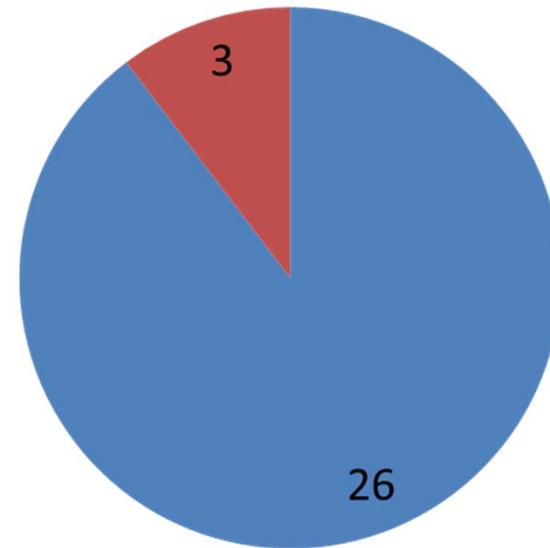
30 Disciplinary Actions



- 28 (93.33%) Agreed Final Orders & Voluntary Surrenders
- 1 (3.33%) Litigated / SOAH Proposal for Decision
- 1 (3.33%) NOAV / Revocation

Disciplinary Recidivism

- 26 (89.66%) Distinct Respondents
- 3 (10.34%) Repeat Offenders



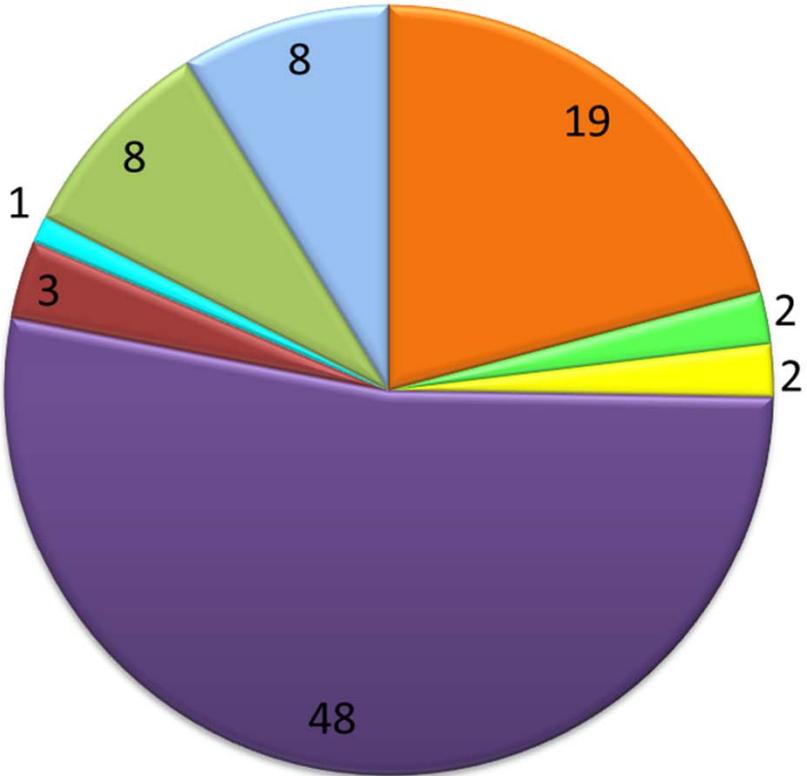
Total Number of Licensees
(as of March 31, 2015)

7,069

.04% Recidivism Rate

COMPLAINT SOURCES FY 2015

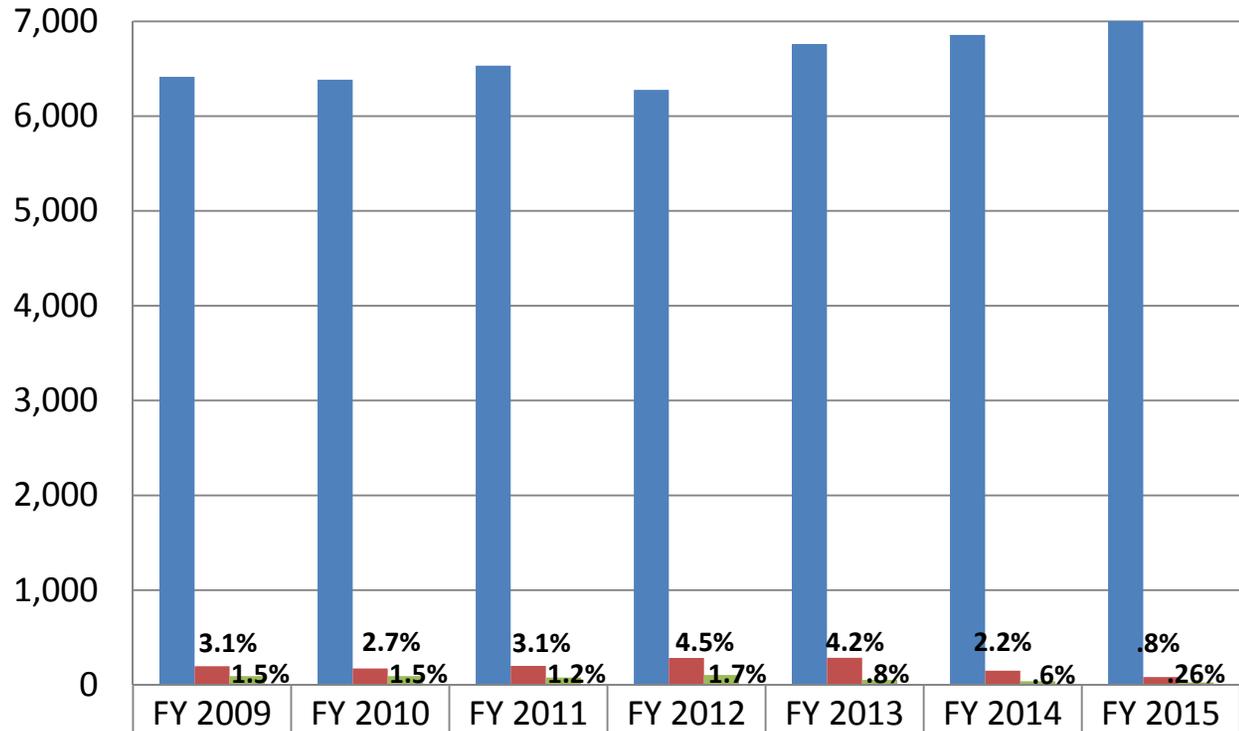
SEPTEMBER 1, 2014 – APRIL 28, 2015



91 Total Complaints

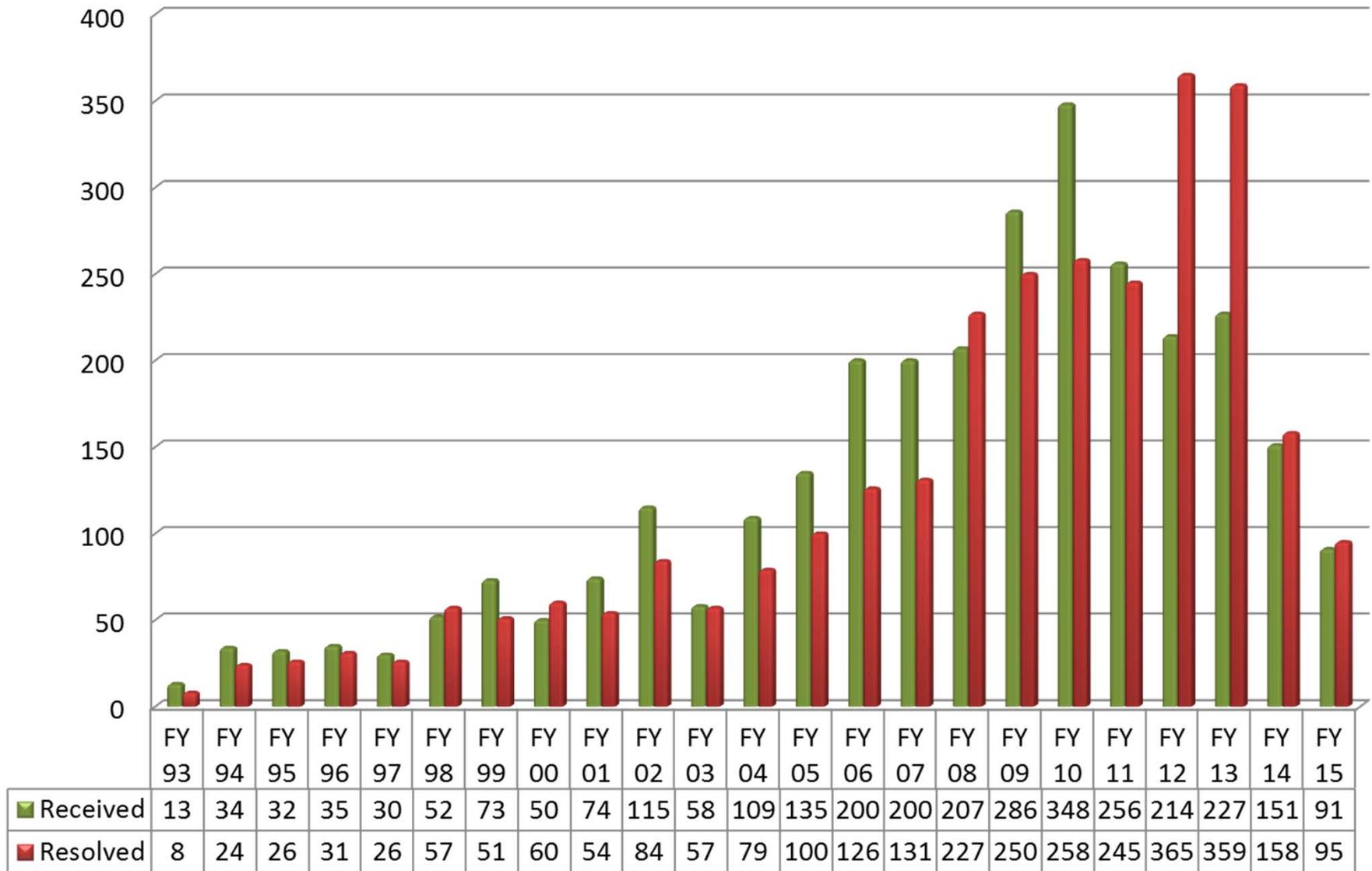
- AMC - 19
- Appraisers - 2
- Banks & Thrifts - 2
- Consumers - 48
- Dodd-Frank Referrals - 0
- Federal & State Regulators - 0
- Mortgage Lenders - 3
- Other Governmental Agencies - 1
- Other - 8
- Staff Initiated - 8
- Trade Organizations - 0
- Unknown - 0

NO. OF LICENSEES VS. RESPONDENTS WITH COMPLAINTS & DISCIPLINARY ACTIONS



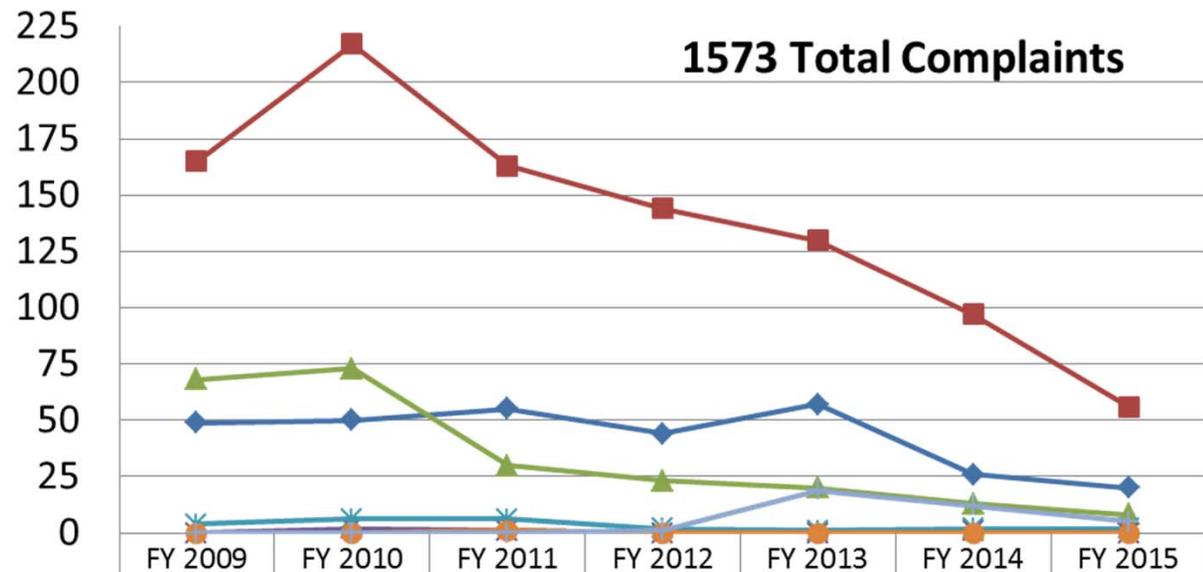
■ # of Licensees	6,415	6,385	6,532	6,277	6,761	6,856	7,069
■ # of Respondents w/Resolved Complaints	198	174	200	285	287	151	84
■ # of Respondents w/Disciplinary Action	94	94	78	105	53	39	26

ENFORCEMENT CASE TRENDS FY 1993 TO FY 2015



No. of COMPLAINTS RECEIVED

PER LICENSE TYPE

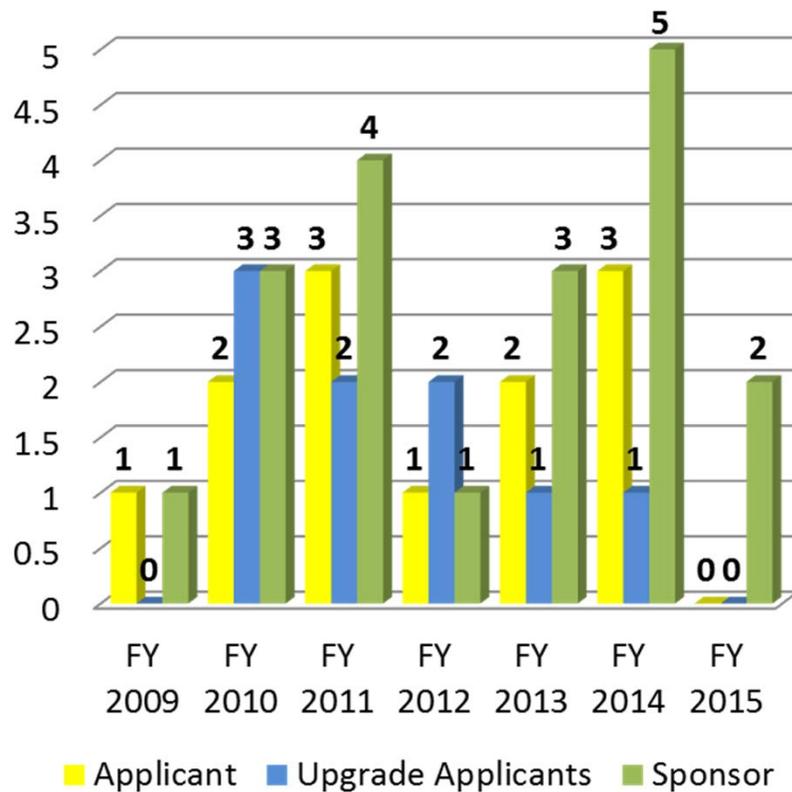


◆ Certified General	49	50	55	44	57	26	20
■ Certified Residential	165	217	163	144	130	97	56
▲ State Licensed	68	73	30	23	20	13	8
✕ Provisional Licensed	0	2	1	0	0	1	0
✧ Appraiser Trainee	4	6	6	2	1	2	2
● Out-of-State Temporary Registrations	0	0	1	0	0	0	0
+ AMCs	0	0	0	1	19	12	5

(as of 04/28/15)

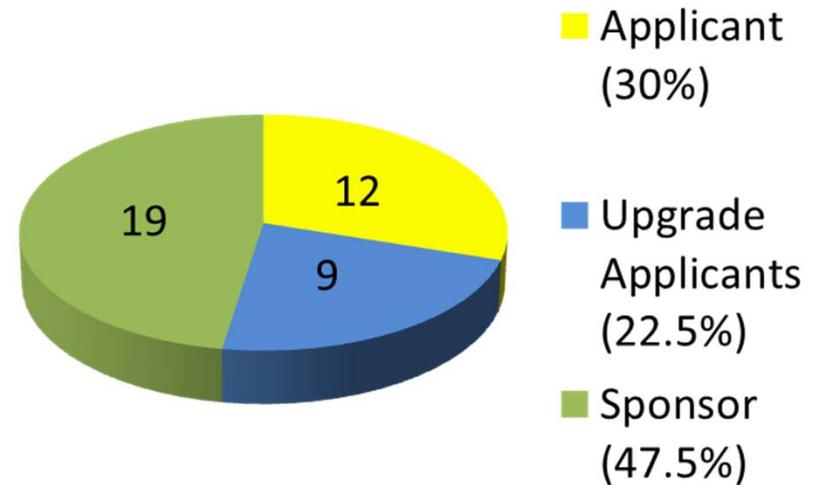
STAFF-INITIATED COMPLAINTS BASED ON EXPERIENCE AUDITS

No. of Staff-Initiated Complaints
from Audits per Fiscal Year

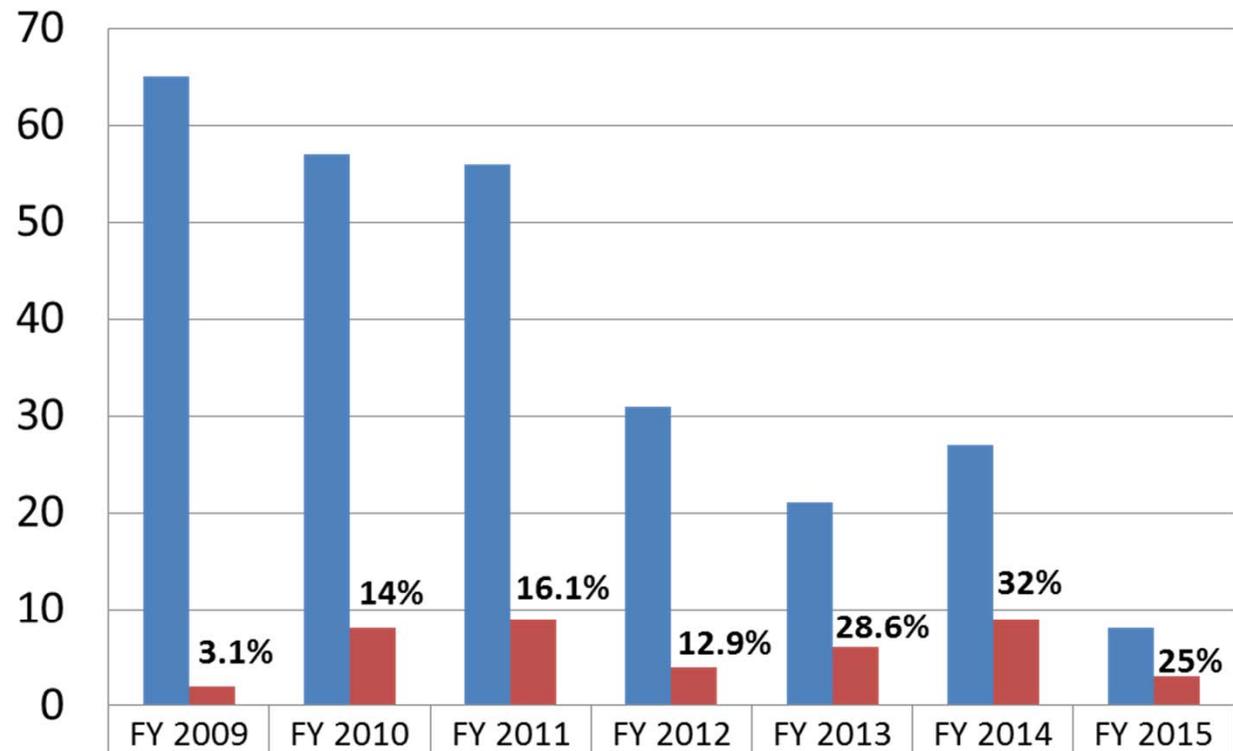


% Of Staff-Initiated Complaints
from Audits per Respondent Type

40 Total Complaints



TOTAL STAFF-INITIATED COMPLAINTS VS. STAFF-INITIATED COMPLAINTS FROM AUDITS

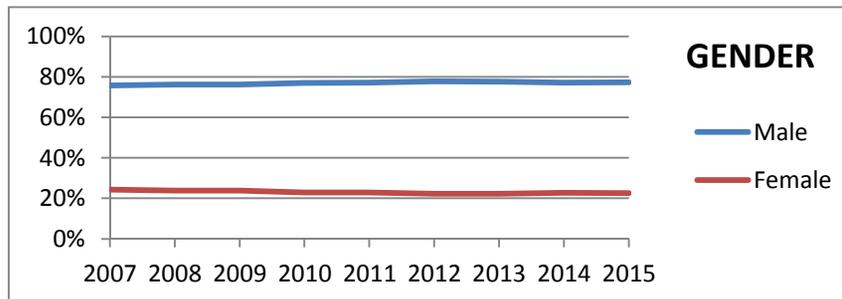
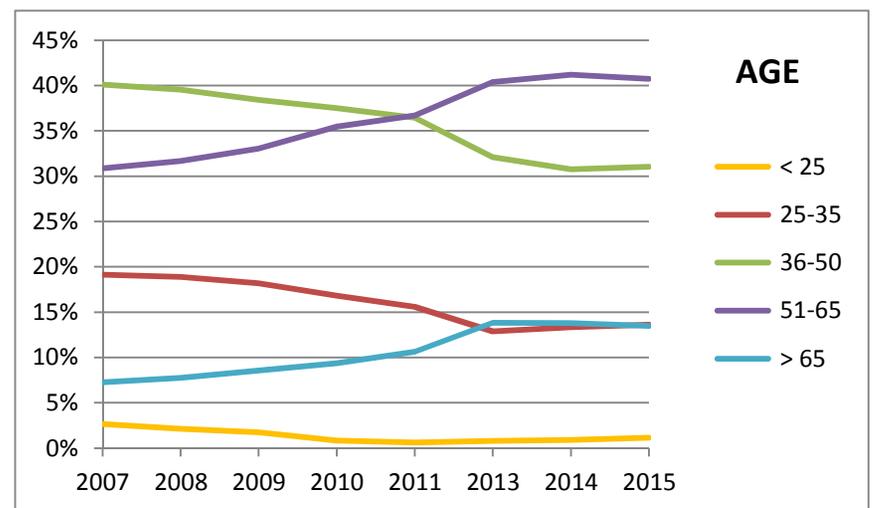
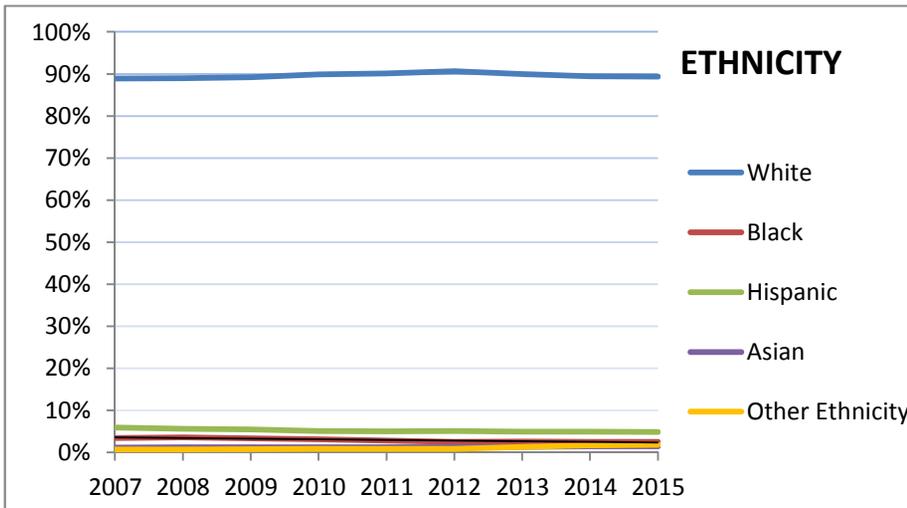


■ Total Staff-Initiated Complaints	65	57	56	31	21	27	8
■ Staff-Initiated Complaints from Audits	2	8	9	4	6	9	3

TALCB APPRAISER DEMOGRAPHICS

Percentage of Total by Year												
Fiscal Year	White	Black	Hispanic	Asian	Other Ethnicity	Male	Female	< 25	25 - 35	36 - 50	51 - 65	> 65
2007	88.91%	3.43%	5.88%	1.13%	0.68%	75.68%	24.32%	2.66%	19.12%	40.10%	30.86%	7.26%
2008	88.99%	3.54%	5.60%	1.22%	0.70%	76.14%	23.85%	2.13%	18.89%	39.53%	31.68%	7.77%
2009	89.21%	3.35%	5.47%	1.21%	0.78%	76.17%	23.83%	1.76%	18.20%	38.42%	33.06%	8.56%
2010	89.86%	3.08%	5.09%	1.18%	0.84%	77.04%	22.96%	0.84%	16.82%	37.50%	35.46%	9.39%
2011	90.15%	2.83%	4.97%	1.23%	0.86%	77.13%	22.87%	0.62%	15.60%	36.46%	36.70%	10.62%
2012	90.65%	2.48%	5.10%	1.29%	0.84%	77.75%	22.25%	N/A	N/A	N/A	N/A	N/A
2013	89.99%	2.60%	4.92%	1.27%	1.25%	77.67%	22.28%	0.81%	12.90%	32.10%	40.37%	13.83%
2014	89.45%	2.52%	4.95%	1.44%	1.66%	77.19%	22.71%	0.91%	13.35%	30.76%	41.20%	13.78%
2015	89.38%	2.49%	4.87%	1.42%	1.81%	77.25%	22.66%	1.16%	13.63%	31.03%	40.72%	13.46%
Since Market Peak	0.48%	-0.94%	-1.01%	0.29%	1.13%	1.57%	-1.65%	-1.50%	-5.49%	-9.07%	9.86%	6.20%

** "Percentage of Total" for 2012 taken from the TREC/TALCB 2013-2017 Strategic Plan - demographic for age was not reported at that time.



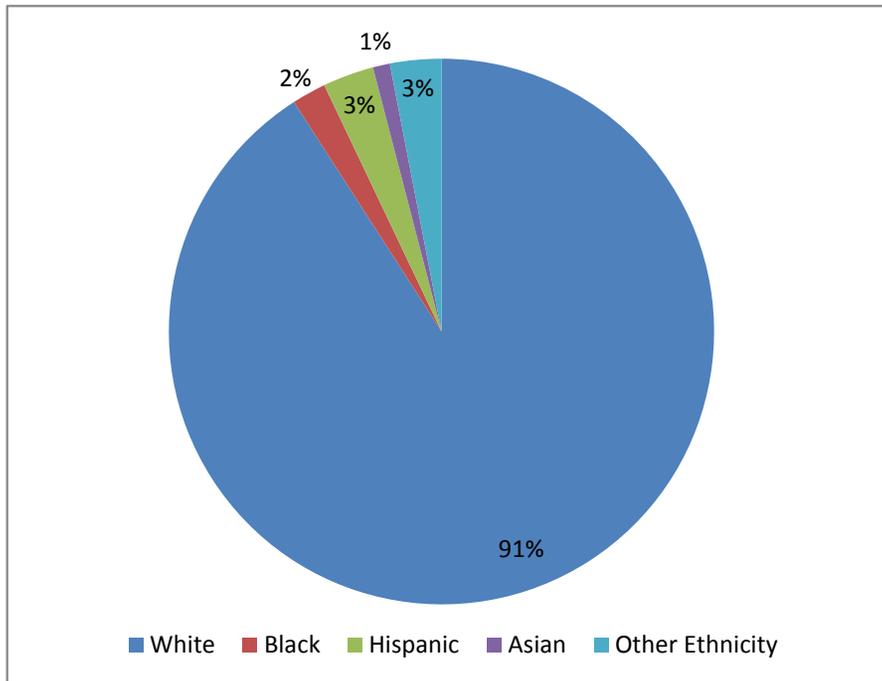
How Does Texas Compare Nationally? (2015)

Source	White	Black	Hispanic	Asian	Other Ethnicity	Male	Female	< 25	25 - 35	36 - 50	51 - 65	> 65	Total
AI Survey*	1306 90.00%	29 2.00%	44 3.00%	15 1.00%	44 3.00%	1074 74.00%	377 26.00%	15 1.00%	174 12.00%	348 24.00%	740 51.00%	160 11.00%	1451
Texas Numbers	5490 89.38%	153 2.49%	299 4.87%	87 1.42%	111 1.81%	4745 77.25%	1392 22.66%	71 1.16%	837 13.63%	1906 31.03%	2501 40.72%	827 13.46%	6142
Difference	-0.62%	0.49%	1.87%	0.42%	-1.19%	3.25%	-3.34%	0.16%	1.63%	7.03%	-10.28%	2.46%	

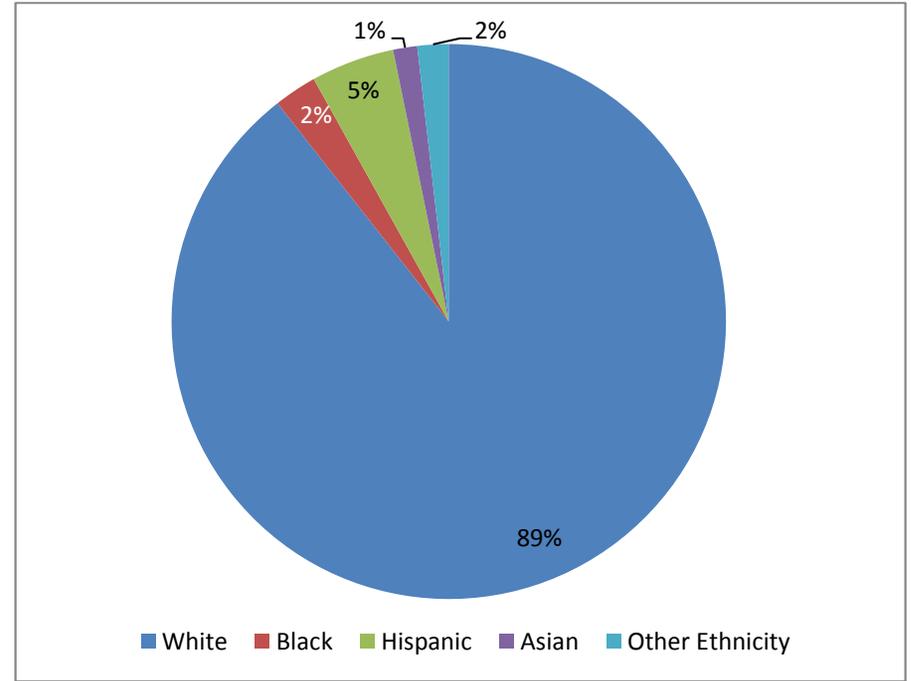
* Numbers taken from the Appraisal Institute's *U.S. Valuation Profession Fact Sheet - December 2014*- survey conducted in 2014 of 1451 individuals (+/- 2.6%)

ETHNICITY

NATIONAL NUMBERS



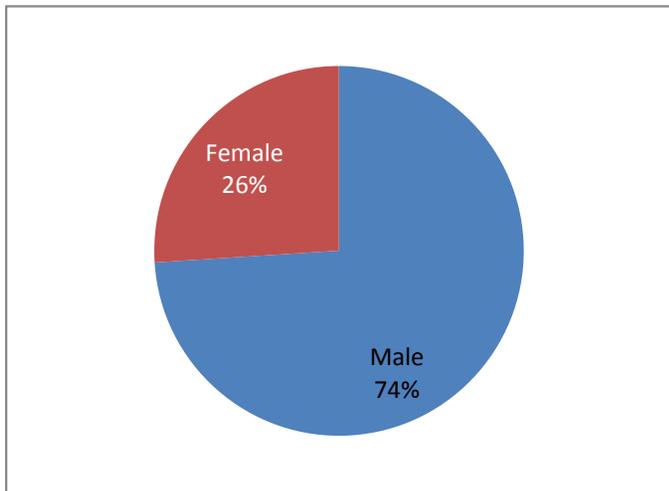
TEXAS NUMBERS



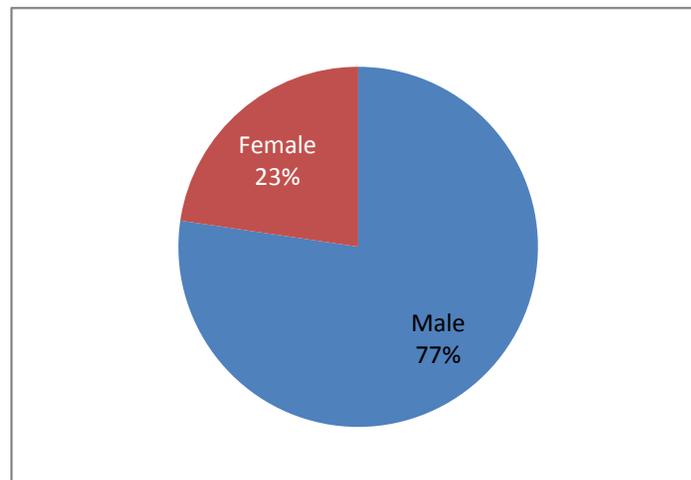
How Does Texas Compare Nationally? (2015)

GENDER

NATIONAL NUMBERS

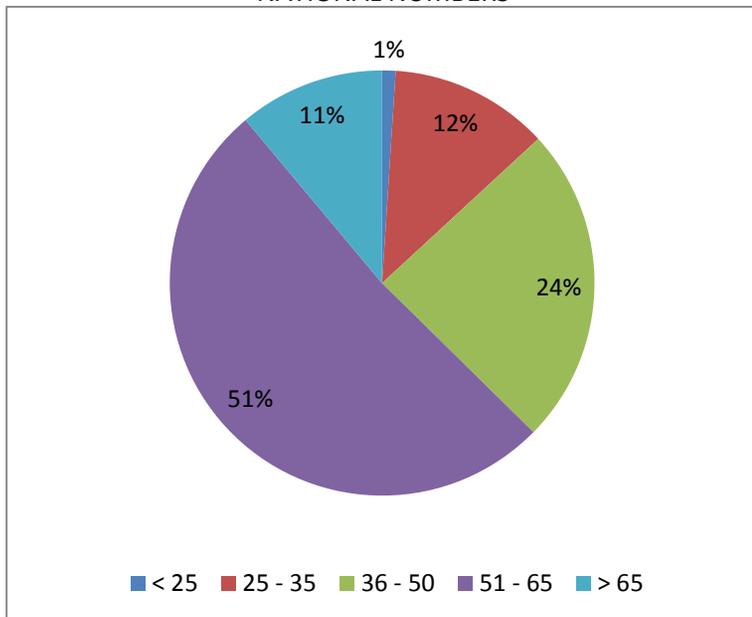


TEXAS NUMBERS

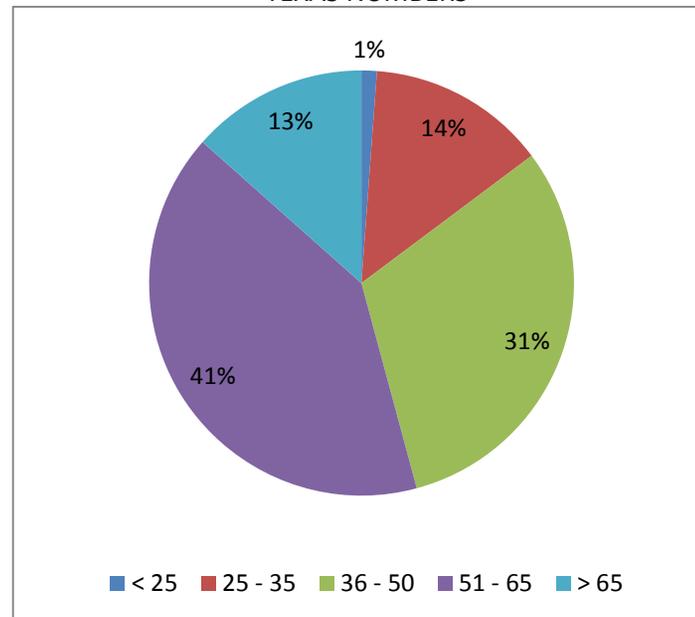


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AGENDA ITEM 14

Discussion and possible action to adopt amendments to 22 TAC Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act §153.24, Complaint Processing.

SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.24, Complaint Processing, as published in the March 13, 2015 issue of the *Texas Register* (40 TexReg 1346). The amendments correct a typographical error to align the rule with the Board's statutory authority.

COMMENTS

No comments were received on the amendments as proposed.

STAFF RECOMMENDATION

Adopt rules as published.

RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.24, Complaint Processing, without changes to text as published in the *Texas Register*, along with any technical or non-substantive changes required for adoption.



**ADOPTION RULE ACTION FROM
MAY 15, 2015 MEETING OF
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

Chapter 153. Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act

22 TAC §153.24. Complaint Processing

§153.24. Complaint Processing.

(a) Receipt of a Complaint Intake Form by the Board does not constitute the filing of a formal complaint by the Board against the individual named on the Complaint Intake Form. Upon receipt of a signed Complaint Intake Form, staff shall:

(1) assign the complaint a case number in the complaint tracking system; and

(2) send written acknowledgement of receipt to the Complainant.

(b) If the staff determines at any time that the complaint is not within the Board's jurisdiction or that no violation exists, the complaint shall be dismissed with no further processing. The Board or the commissioner may delegate to staff the duty to dismiss complaints.

(c) A complaint alleging mortgage fraud or in which mortgage fraud is suspected:

(1) may be investigated covertly; and

(2) shall be referred to the appropriate prosecutorial authorities.

(d) Staff may request additional information from any person, if necessary, to determine how to proceed with the complaint.

(e) As part of a preliminary investigative review, a copy of the Complaint Intake Form and all supporting documentation shall be sent to the Respondent unless the complaint qualifies for covert investigation and the Standards and Enforcement Services Division deems covert investigation appropriate.

(f) The Respondent shall submit a response within 20 days of receiving a copy of the Complaint Intake

Form. The 20-day period may be extended for good cause upon request in writing or by e-mail. The response shall include the following:

(1) a copy of the appraisal report that is the subject of the complaint;

(2) a copy of the Respondent's work file associated with the appraisal(s) listed in the complaint, with the following signed statement attached to the work file(s): I SWEAR AND AFFIRM THAT EXCEPT AS SPECIFICALLY SET FORTH HEREIN, THE COPY OF EACH AND EVERY APPRAISAL WORK FILE ACCOMPANYING THIS RESPONSE IS A TRUE AND CORRECT COPY OF THE ACTUAL WORK FILE, AND NOTHING HAS BEEN ADDED TO OR REMOVED FROM THIS WORK FILE OR ALTERED AFTER PLACEMENT IN THE WORK FILE.

(SIGNATURE OF RESPONDENT);

(3) a narrative response to the complaint, addressing each and every item in the complaint;

(4) a list of any and all persons known to the Respondent to have actual knowledge of any of the matters made the subject of the complaint and, if in the Respondent's possession, contact information;

(5) any documentation that supports Respondent's position that was not in the work file, as long as it is conspicuously labeled as non-work file documentation and kept separate from the work file. The Respondent may also address other matters not raised in the complaint that the Respondent believes need explanation; and

(6) a signed, dated and completed copy of any questionnaire sent by Board staff.

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(g) Staff will evaluate the complaint within three months after receipt of the response from Respondent to determine whether sufficient evidence of a potential violation of the Act, Board rules, or the USPAP exists to pursue investigation and possible formal disciplinary action. If the staff determines that there is no jurisdiction, no violation exists, there is insufficient evidence to prove a violation, or the complaint warrants dismissal, including contingent dismissal, under subsection (k) of this section, the complaint shall be dismissed with no further processing.

(h) A formal complaint will be opened and investigated by a staff investigator or peer investigative committee, as appropriate, if:

(1) the informal complaint is not dismissed under subsection (g) of this section; or

(2) staff opens a formal complaint on its own motion.

(i) Written notice that a formal complaint has been opened will be sent to the Complainant and Respondent.

(j) The staff investigator or peer investigative committee assigned to investigate a formal complaint shall prepare a report detailing its findings on a form approved by the Board. Reports prepared by a peer investigative committee shall be reviewed by the Standards and Enforcement Services Division.

(k) In determining the proper disposition of a formal complaint pending as of or filed after the effective date of this subsection, and subject to the maximum penalties authorized under Texas Occupations Code §1103.552, staff, the administrative law judge in a contested case hearing, and the Board shall consider the following sanctions guidelines and list of non-exclusive factors as demonstrated by the evidence in the record of a contested case proceeding.

(1) For the purposes of these sanctions guidelines:

(A) A person will not be considered to have had a prior warning letter, contingent dismissal or discipline if that prior warning letter, contingent dismissal or discipline occurred more than seven years ago;

(B) A prior warning letter, contingent dismissal or discipline given less than seven years ago will not be considered unless the Board had taken final

action against the person before the date of the appraisal that led to the subsequent disciplinary action;

(C) Prior discipline is defined as any sanction (including administrative penalty) received under a Board final or agreed order;

(D) A violation refers to a violation of any provision of the Act, Board rules or USPAP;

(E) "Minor deficiencies" is defined as violations of the Act, Board rules or USPAP which do not impact the credibility of the appraisal assignment results, the assignment results themselves and do not impact the license holder's honesty, integrity, or trustworthiness to the Board, the license holder's clients, or intended users of the appraisal service provided;

(F) "Serious deficiencies" is defined as violations of the Act, Board rules or USPAP which do impact the credibility of the appraisal assignment results, the assignment results themselves or do impact the license holder's honesty, trustworthiness or integrity to the Board, the license holder's clients, or intended users of the appraisal service provided;

(G) "Remedial measures" include, but are not limited to, training, mentorship, education, reexamination, or any combination thereof; and

(H) The terms of a contingent dismissal agreement will be in writing and agreed to by all parties. If the Respondent completes all remedial measures required in the agreement within the prescribed period of time, the complaint will be dismissed with a non-disciplinary warning letter.

(2) List of factors to consider in determining proper disposition of a formal complaint:

(A) Whether the Respondent has previously received a warning letter or contingent dismissal and, if so, the similarity of facts or violations in that previous complaint to the facts or violations in the instant complaint matter;

(B) Whether the Respondent has previously been disciplined;

(C) If previously disciplined, the nature of the prior discipline, including:

(i) Whether prior discipline concerned the same or similar violations or facts;

(ii) The nature of the disciplinary sanctions previously imposed; and

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(iii)The length of time since the prior discipline;

(D)The difficulty or complexity of the appraisal assignment(s) at issue;

(E)Whether the violations found were of a negligent, grossly negligent or a knowing or intentional nature;

(F)Whether the violations found involved a single appraisal/instance of conduct or multiple appraisals/instances of conduct;

(G)To whom were the appraisal report(s) or the conduct directed, with greater weight placed upon appraisal report(s) or conduct directed at:

(i)A financial institution or their agent, contemplating a lending decision based, in part, on the appraisal report(s) or conduct at issue;

(ii)The Board;

(iii)A matter which is actively being litigated in a state or federal court or before a regulatory body of a state or the federal government;

(iv)Another government agency or government sponsored entity, including, but not limited to, the United States Department of Veteran's Administration, the United States Department of Housing and Urban Development, the State of Texas, Fannie Mae, and Freddie Mac; or

(v)A consumer contemplating a real property transaction involving the consumer's principal residence;

(H)Whether Respondent's violations caused any harm, including financial harm, and the extent or amount of such harm;

(I)Whether Respondent acknowledged or admitted to violations and cooperated with the Board's investigation prior to any contested case hearing;

(J)The level of experience Respondent had in the appraisal profession at the time of the violations, including:

(i)The level of appraisal credential Respondent held;

(ii)The length of time Respondent had been an appraiser;

(iii)The nature and extent of any education Respondent had received related to the areas in which violations were found; and

(iv)Any other real estate or appraisal related background or experience Respondent had;

(K)Whether Respondent can improve appraisal skills and reports through the use of remedial measures;

(3)The following sanctions guidelines shall be employed in conjunction with the factors listed in paragraph (2) of this subsection to assist in reaching the proper disposition of a formal complaint:

(A)1st Time Discipline Level 1--violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:

(i)Dismissal;

(ii)Dismissal with non-disciplinary warning letter; or

(iii)Contingent dismissal with remedial measures.

(B)1st Time Discipline Level 2--violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in one of the following outcomes:

(i)Contingent dismissal with remedial measures; or

(ii)A final order which imposes one or more of the following:

(I)Remedial measures;

(II)Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(III)A probationary period with provisions for monitoring the Respondent's practice;

(IV)Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(V)Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(VI)Up to \$250 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, not to exceed \$3,000 in the aggregate.

(C)1st Time Discipline Level 3--violations of the Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

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- (i) A period of suspension;
 - (ii) A revocation;
 - (iii) Remedial measures;
 - (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (v) A probationary period with provisions for monitoring the Respondent's practice;
 - (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.
- (D) 2nd Time Discipline Level 1--violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:
- (i) Dismissal;
 - (ii) Dismissal with non-disciplinary warning letter;
 - (iii) Contingent dismissal with remedial measures; or
 - (iv) A final order which imposes one or more of the following:
 - (I) Remedial measures;
 - (II) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (III) A probationary period with provisions for monitoring the Respondent's practice;
 - (IV) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (V) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (VI) Up to \$250 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 [~~\$1,000~~] statutory limit per complaint matter.

- (E) 2nd Time Discipline Level 2--violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:
- (i) A period of suspension;
 - (ii) A revocation;
 - (iii) Remedial measures;
 - (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (v) A probationary period with provisions for monitoring the Respondent's practice;
 - (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.
- (F) 2nd Time Discipline Level 3--violations of the Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:
- (i) A period of suspension;
 - (ii) A revocation;
 - (iii) Remedial measures;
 - (iv) Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;
 - (v) A probationary period with provisions for monitoring the Respondent's practice;
 - (vi) Restrictions on the Respondent's ability to sponsor any appraiser trainees;
 - (vii) Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or
 - (viii) Up to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of

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the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(G)3rd Time Discipline Level 1--violations of the Act, Board rules, or USPAP which evidence minor deficiencies will result in a final order which imposes one or more of the following:

(i)A period of suspension;

(ii)A revocation;

(iii)Remedial measures;

(iv)Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(v)A probationary period with provisions for monitoring the Respondent's practice;

(vi)Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(vii)Restrictions on the scope of practice the Respondent's is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(viii)\$1,000 to \$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(H)3rd Time Discipline Level 2--violations of the Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i)A period of suspension;

(ii)A revocation;

(iii)Remedial measures;

(iv)Required promulgation, adoption and implementation of written, preventative policies or procedures addressing specific areas of professional practice;

(v)A probationary period with provisions for monitoring the Respondent's practice;

(vi)Restrictions on the Respondent's ability to sponsor any appraiser trainees;

(vii)Restrictions on the scope of practice the Respondent is allowed to engage in for a specified time period or until specified conditions are satisfied; or

(viii)\$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act,

Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(I)3rd Time Discipline Level 3--violations of the Act, Board Rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

(i)A revocation; or

(ii)\$1,500 in administrative penalties per act or omission which constitutes a violation(s) of the Act, Board rules, or USPAP, up to the maximum \$5,000 statutory limit per complaint matter.

(J)4th Time Discipline--violations of the Act, Board rules, or USPAP will result in a final order which imposes the following:

(i)A revocation; and

(ii)\$1,500 in administrative penalties per act or omission which constitutes a violation(s) of USPAP, Board rules, or the Act, up to the maximum \$5,000 statutory limit per complaint matter.

(K)Unlicensed appraisal activity will result in a final order which imposes a \$1,500 in administrative penalties per unlicensed appraisal activity, up to the maximum \$5,000 statutory limit per complaint matter.

(4)In addition, staff may recommend any or all of the following:

(A)reducing or increasing the recommended sanction or administrative penalty for a complaint based on documented factors that support the deviation, including but not limited to those factors articulated under paragraph (2) of this subsection;

(B)probating all or a portion of any sanction or administrative penalty for a period not to exceed five years;

(C)requiring additional reporting requirements; and

(D)such other recommendations, with documented support, as will achieve the purposes of the Act, Board rules, or USPAP.

(I)Agreed resolutions of complaint matters pursuant to Texas Occupations Code §1103.458 or §1103.459 must be signed by the Respondent, a representative of the Standards and Enforcement Services Division, and the Commissioner.



AGENDA ITEM 15

Discussion and possible action to propose amendments to 22 TAC §153.1, Definitions.

SUMMARY

The amendments propose a definition of “real estate appraisal experience.” The Enforcement Committee has reviewed the proposed definition and recommends that the Board propose the amendments as presented.

STAFF RECOMMENDATION

Propose the amendments as presented.

RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §153.1, Definitions, as presented for publication and public comment to the *Texas Register*, along with any technical or non-substantive changes required for proposal.



PROPOSED RULE ACTION FROM

MAY 15, 2015 MEETING OF

THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

Chapter 153. Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act

22 TAC §153.1. Definitions

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.1. Definitions. The amendments propose a definition of “real estate appraisal experience.”

Kristen Worman, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the proposed amendments. There is no anticipated significant impact on small businesses, micro-businesses or local or state employment as a result of implementing the proposed amendments. There is no significant anticipated economic cost to persons who are required to comply with the proposed amendments.

Ms. Worman also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a requirement that is easier to understand, apply and process.

Comments on the proposal may be submitted to Kristen Worman, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188 or emailed to general.counsel@talcb.texas.gov. The deadline for comments is 30 days after publication in the Texas Register.

The amendments are proposed under Texas Occupations Code, §1103.151, which authorizes the TALCB to adopt rules relating to certificates and licenses, and §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the Appraiser Qualifications Board.

The statute affected by these amendments is Texas Occupations Code, Chapter 1103. No other statute, code or article is affected by the proposed amendments.

§153.1 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1)ACE--Appraiser Continuing Education.
- (2)Act--The Texas Appraiser Licensing and Certification Act.
- (3)Administrative Law Judge--A judge employed by the State Office of Administrative Hearings (SOAH).
- (4)Analysis--The act or process of providing information, recommendations or conclusions on diversified problems in real estate other than estimating value.
- (5)Applicant--A person seeking a certification, license, approval as an appraiser trainee, or registration as a temporary out-of-state appraiser from the Board.
- (6)Appraisal practice--Valuation services performed by an individual acting as an appraiser,

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including but not limited to appraisal and appraisal review.

(7)Appraisal report--A report as defined by and prepared under the USPAP.

(8)Appraisal Standards Board--The Appraisal Standards Board (ASB) of the Appraisal Foundation, or its successor.

(9)Appraisal Subcommittee--The Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council or its successor.

(10)Appraiser Qualifications Board--The Appraiser Qualifications Board (AQB) of the Appraisal Foundation, or its successor.

(11)Appraiser trainee--A person approved by the Board to perform appraisals or appraiser services under the active, personal and diligent supervision and direction of the sponsoring certified appraiser. In addition an appraiser trainee may perform appraisals or appraiser services under the active, personal and diligent supervision of an authorized supervisor as further detailed in this chapter.

(12)Board--The Texas Appraiser Licensing and Certification Board.

(13)Classroom hour--Fifty minutes of actual classroom session time.

(14)Client--Any party for whom an appraiser performs an assignment.

(15)College--Junior or community college, senior college, university, or any other postsecondary educational institution established by the Texas Legislature, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or like commissions of other regional accrediting associations, or is a candidate for such accreditation.

(16)Commissioner--The commissioner of the Texas Appraiser Licensing and Certification Board.

(17)Complainant--Any person who has made a written complaint to the Board against any person subject to the jurisdiction of the Board.

(18)Complex appraisal--An appraisal in which the property to be appraised, the form of ownership, market conditions, or any combination thereof are atypical.

(19)Council--The Federal Financial Institutions Examination Council (FFIEC) or its successor.

(20)Day--A calendar day unless clearly indicated otherwise.

(21)Distance education--Any educational process based on the geographical separation of student and instructor that provides a reciprocal environment where the student has verbal or written communication with an instructor.

(22)Feasibility analysis--A study of the cost-benefit relationship of an economic endeavor.

(23)Federal financial institution regulatory agency--The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, or the successors of any of those agencies.

(24)Federally related transaction--Any real estate-related transaction that requires the services of an appraiser and that is engaged in, contracted for, or regulated by a federal financial institution regulatory agency.

(25)Foundation--The Appraisal Foundation (TAF) or its successor.

(26)Fundamental real estate appraisal course--Those courses approved by the Appraiser Qualifications Board as qualifying education.

(27)Inactive certificate or license--A general certification, residential certification, or state license which has been placed on inactive status by the Board.

(28)License--The whole or a part of any Board permit, certificate, approval, registration or similar form of permission required by law.

(29)License holder--A person certified, licensed, approved, authorized or registered by the Board under the Texas Appraiser Licensing and Certification Act.

(30)Licensing--Includes the Board processes respecting the granting, disapproval, denial, renewal, certification, revocation, suspension, annulment, withdrawal or amendment of a license.

(31)Market analysis--A study of market conditions for a specific type of property.

(32)Nonresidential real estate appraisal course--A course with emphasis on the appraisal of nonresidential real estate properties which include, but are not limited to, income capitalization, income

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property, commercial appraisal, rural appraisal, agricultural property appraisal, discounted cash flow analysis, subdivision analysis and valuation, or other courses specifically determined by the Board.

(33)Nonresidential property--A property which does not conform to the definition of residential property.

(34)Party--The Board and each person or other entity named or admitted as a party.

(35)Person--Any individual, partnership, corporation, or other legal entity.

(36)Personal property--Identifiable tangible objects and chattels that are considered by the general public as being "personal," for example, furnishings, artwork, antiques, gems and jewelry collectibles, machinery and equipment; all tangible property that is not classified as real estate.

(37)Petitioner--The person or other entity seeking an advisory ruling, the person petitioning for the adoption of a rule, or the party seeking affirmative relief in a proceeding before the Board.

(38)Pleading--A written document, submitted by a party or a person seeking to participate in a case as a party, that requests procedural or substantive relief, makes claims, alleges facts, makes a legal argument, or otherwise addresses matters involved in the case.

(39)Real estate--An identified parcel or tract of land, including improvements, if any.

(40)Real estate appraisal experience--valuation services performed as an appraiser or appraiser trainee by the person claiming experience credit.significant reap property appraisal experience requires active participation; mere observation of another appraiser's work is not real estate appraisal experience.

(41[40])Real estate-related financial transaction--Any transaction involving: the sale, lease, purchase, investment in, or exchange of real property, including an interest in property or the financing of property; the financing of real property or an interest in real property; or the use of real property or an interest in real property as security for a loan or investment including a mortgage-backed security.

(42[41])Real property--The interests, benefits, and rights inherent in the ownership of real estate.

(43[42])Record--All notices, pleadings, motions and intermediate orders; questions and offers of

proof; objections and rulings on them; any decision, opinion or report by the Board; and all staff memoranda submitted to or considered by the Board.

(44[43])Report--Any communication, written or oral, of an appraisal, review, or analysis; the document that is transmitted to the client upon completion of an assignment.

(45[44])Residential property--Property that consists of at least one but not more than four residential units.

(46[47])Respondent--Any person subject to the jurisdiction of the Board, licensed or unlicensed, against whom any complaint has been made.

(47[46])Sponsor or sponsoring appraiser--A certified general or residential appraiser who is designated as a supervisory appraiser, as defined by the AQB, for an appraiser trainee. The sponsor or sponsoring appraiser is responsible for providing active, personal and diligent supervision and direction of the appraiser trainee.

(48[47])State certified real estate appraiser--A person certified under the Texas Appraiser Licensing and Certification Act.

(49[48])State licensed real estate appraiser--A person licensed under the Texas Appraiser Licensing and Certification Act.

(50[49])USPAP--Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

(51[50])Workfile--Documentation necessary to support an appraiser's analysis, opinions, and conclusions, and in compliance with the record keeping provisions of USPAP.



AGENDA ITEM 16

Discussion and possible action to propose amendments to 22 TAC §155.2, Work Relating to Property Tax Protests.

SUMMARY

The amendments correct a typographical error to reflect the proper statutory reference.

STAFF RECOMMENDATION

Propose the amendments as presented.

RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §155.2, Work Relating to Property Tax Protests, as presented for publication and public comment to the *Texas Register*, along with any technical or non-substantive changes required for proposal.



**PROPOSED RULE ACTION FROM
MAY 15, 2015 MEETING OF
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD
Chapter 155. Rules Relating to Standards of Practice**

22 TAC §155.2. Work Relating to Property Tax Protests

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §155.2. Work Relating to Property Tax Protests. The amendments correct a typographical error to reflect the proper statutory reference.

Kristen Worman, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the proposed amendments. There is no anticipated significant impact on small businesses, micro-businesses or local or state employment as a result of implementing the proposed amendments. There is no significant anticipated economic cost to persons who are required to comply with the proposed amendments.

Ms. Worman also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a requirement that is easier to understand, apply and process.

Comments on the proposal may be submitted to Kristen Worman, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188 or emailed to general.counsel@talcb.texas.gov. The deadline for comments is 30 days after publication in the Texas Register.

The amendments are proposed under Texas Occupations Code, §1103.151, which authorizes the TALCB to adopt rules relating to certificates and licenses, and §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB.

The statute affected by these amendments is Texas Occupations Code, Chapter 1103. No other statute, code or article is affected by the proposed amendments.

§155.2 Work Relating to Property Tax Protests.

- (a) The preparation of a report or other work performed for an appraisal district or as part of any property tax consulting services on behalf of another person, that is used to develop, support, or protest an unequal appraisal under Chapter 41, Subchapter C or Chapter 42, Subchapter B of the Tax Code, is considered an appraisal or appraisal practice for the purposes of §155.1 of this chapter (relating to Standards of Practice) and must conform with Uniform Standards of Professional Appraisal Practice (USPAP), if the person preparing the report or other work presents it as the product of a person licensed, certified, registered, or approved under the Texas Appraiser Licensing and Certification Act.
- (b) A person licensed, certified, registered, or approved under the Texas Appraiser Licensing and Certification Act who is also certified as a property tax professional under Chapter 1151 of the [Occupations \[Tax\]](#) Code or as a property tax consultant under Chapter 1152 of the [Occupations](#)

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Chapter 155. Rules Relating to Standards of Practice

[Tax] Code, must include the USPAP disclaimer set out in subsection (c) of this section whenever that person prepares a report or other work used to develop, support, or protest an unequal appraisal under Chapter 41, Subchapter C or Chapter 42, Subchapter B of the Tax Code, solely under the authority of a property tax professional or consultant certification.

(c)The USPAP disclaimer required under this section must:

(1)be located directly above the preparer's signature;

(2)be in at least 10-point boldface type; and

(3)read as follows: USPAP DISCLAIMER: I AM LICENSED OR CERTIFIED AS A REAL PROPERTY APPRAISER AND A PROPERTY TAX PROFESSIONAL OR CONSULTANT. THIS REPORT WAS PREPARED IN MY CAPACITY AS A PROPERTY TAX PROFESSIONAL OR CONSULTANT AND MAY NOT COMPLY WITH THE REQUIREMENTS FOR DEVELOPMENT OF A REAL PROPERTY APPRAISAL CONTAINED IN THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP) OF THE APPRAISAL STANDARDS BOARD OF THE APPRAISAL FOUNDATION.



AGENDA ITEM 17

Discussion and possible action to propose amendments to 22 TAC §159.204, Complaint Processing.

SUMMARY

The amendments implement a penalty matrix for complaints filed against an appraisal management company. The AMC Advisory Committee has reviewed the proposed amendments and recommends the Board propose the amendments as presented.

STAFF RECOMMENDATION

Propose the amendments as presented.

RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §159.204, Complaint Processing, as presented for publication and public comment to the *Texas Register*, along with any technical or non-substantive changes required for proposal.



**PROPOSED RULE ACTION FROM
MAY 15, 2015 MEETING OF
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 159. Rules Relating to the Provisions of the Texas Appraisal Management Company
Registration and Regulation Act**

22 TAC §159.204. Complaint Processing

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §159.204. Complaint Processing. The amendments implement a penalty matrix for complaints filed against an appraisal management company.

Kristen Worman, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the proposed amendments. There is no anticipated significant impact on small businesses, micro-businesses or local or state employment as a result of implementing the proposed amendments. There is no significant anticipated economic cost to persons who are required to comply with the proposed amendments.

Ms. Worman also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a requirement that is easier to understand, apply and process.

Comments on the proposal may be submitted to Kristen Worman, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188 or emailed to general.counsel@talcb.texas.gov. The deadline for comments is 30 days after publication in the Texas Register.

The amendments are proposed under Texas Occupations Code, §1104.051, which authorizes the TALCB to adopt rules necessary to administer the provisions of Chapter 1104, Texas Occupations Code.

The statute affected by these amendments is Texas Occupations Code, Chapter 1104. No other statute, code or article is affected by the proposed amendments.

§159.204 Complaint Processing.

(a) ~~[A complaint must be in writing on a form prescribed by the Board and must be signed by the complainant. Board staff may initiate a complaint.]~~ Receipt of a Complaint Intake Form by the Board does not constitute the filing of a formal complaint by the Board against the AMC named on the Complaint Intake Form. Upon receipt of a signed Complaint Intake Form ~~[complaint]~~, staff will:

- (1) assign the complaint a case number in the complaint tracking system; and
 - (2) send written acknowledgement of receipt to the complainant.
- (b) If the staff determines at any time that the complaint is not within the Board's jurisdiction, or that no violation exists, the complaint will be dismissed with no further processing. The Board or

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the Commissioner may delegate to staff the duty to dismiss complaints.

(c) A complaint alleging mortgage fraud or in which mortgage fraud is suspected:

(1) may be investigated covertly; and

(2) will be referred to the appropriate prosecutorial authorities.

(d) Staff may request additional information necessary to determine how to proceed with the complaint from any person.

(e) As part of a preliminary investigative review, a~~[A]~~ copy of the Complaint Intake Form ~~[complaint]~~ and all supporting documentation will be sent to the Respondent unless the complaint qualifies for covert investigation and the Standards and Enforcement Services Division deems covert investigation appropriate.

(f) The Respondent must submit a response within 20 days of receiving a copy of the Complaint Intake Form ~~[complaint]~~. The 20-day period may be extended for good cause upon request in writing or by e-mail. The response must include the following:

(1) A copy of the appraisal report(s), if any, that is(are) the subject of the complaint;~~The response must include the following:~~

~~—(A) a narrative response to the complaint, addressing each and every element thereof;~~

~~—(B) a copy of all requested records and any other relevant records;~~

~~—(C) a list of any and all persons known to the respondent to have actual knowledge of any of the matters made the subject of the complaint and, if in the Respondent's possession, contact information for such persons; and~~

~~—(D) the following statement in the letter transmitting the response: EXCEPT AS SPECIFICALLY SET FORTH HEREIN, THE COPIES OF RECORDS ACCOMPANYING THIS RESPONSE ARE TRUE AND CORRECT COPIES OF THE ACTUAL RECORDS.]~~

(2) A copy of the documents or other business records associated with the appraisal report(s), incident(s), or conduct listed in the complaint, with the following signed statement attached to the response: I SWEAR AND AFFIRM THAT EXCEPT AS SPECIFICALLY SET FORTH HEREIN, THE COPY OF EACH AND EVERY BUSINESS RECORD ACCOMPANYING THIS RESPONSE IS A TRUE AND CORRECT COPY OF THE ACTUAL BUSINESS RECORD, AND NOTHING HAS BEEN ADDED TO OR REMOVED FROM THIS BUSINESS RECORD OR ALTERED. (SIGNATURE OF RESPONDENT);~~[The Respondent may also address other matters not raised in the complaint that the Respondent believes likely to be raised.]~~

(3) A narrative response to the complaint, addressing each and every item in the complaint;

(4) A list of any and all persons known to the Respondent to have actual knowledge of any of the matters made the subject of the complaint and, if in the Respondent's possession, contact information.

(5) Any documentation that supports Respondent's position that was not in the original documentation, as long as it is conspicuously labeled as additional documentation and kept separate from the original documentation. The Respondent may also address other matters not raised in the complaint that the Respondent believes need explanation; and

(6) a signed, dated and completed copy of any questionnaire sent by Board staff.

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(g) Staff will evaluate the complaint within three months of receipt of the response from Respondent to determine whether sufficient evidence of a potential violation of the AMC Act, Board rules or USPAP exists to pursue investigation and possible formal disciplinary action. If staff determines there is no jurisdiction, no violation exists, or there is insufficient evidence to prove a violation, or the complaint warrants dismissal, including contingent dismissal, under subsection (k) of this section, the complaint will be dismissed with no further processing. [The complaint will be assigned to a staff investigator and will be investigated by the staff investigator or peer investigative committee, as appropriate.]

(h) A formal complaint will be opened and investigated by a staff investigator or peer investigative committee if:

(1) The informal complaint is not dismissed under subsection (g) of this section; or

(2) staff opens a formal complaint on its own motion. [The staff investigator or peer investigative committee assigned to investigate a complaint will prepare a report detailing its findings on a form approved by the Board for that purpose.]

(i) Written notice that a formal complaint has been opened will be sent to the Complainant and Respondent. [Staff will evaluate the complaint, the Respondent's response, if any, and the investigative report to determine if there is probable cause to believe a violation of the AMC Act or Board rules occurred:

~~–(1) If staff concludes there is no probable cause to believe that a violation of the AMC Act or Board rules occurred, the complaint will be dismissed with no further processing;~~

~~–(2) If staff concludes there is probable cause to believe that a violation of the AMC Act or Board rules occurred, staff may recommend that the Board~~

~~enter into an agreed order with the Respondent or, if an agreed resolution cannot be reached, proceed as the complainant in a contested case hearing under Chapter 2001, Government Code.]~~

(j) The staff investigator or peer investigative committee assigned to investigate a formal complaint will prepare a report detailing all findings. [Agreed orders must be signed by the Respondent, a representative of the Standards and Enforcement Services Division, and the Commissioner.]

(k) In determining the proper disposition of a formal complaint pending as of or filed after the effective date of this subsection, and subject to the maximum penalties authorized under Chapter 1104, Texas Occupations Code, staff, the administrative law judge in a contested case hearing and the Board shall consider the following sanctions guidelines and list of non-exclusive factors as demonstrated by the evidence in the record of a contested case proceeding.

(1) For the purposes of these sanctions guidelines:

(A) An AMC will not be considered to have had a prior warning letter, contingent dismissal or discipline if that prior warning letter, contingent dismissal or discipline occurred more than ten years ago;

(B) A prior warning letter, contingent dismissal or discipline given less than ten years ago will not be considered unless the Board took final action against the AMC before the date of the incident that led to the subsequent disciplinary action;

(C) Prior discipline is defined as any sanction, including an administrative penalty, received under a Board final or agreed order;

(D) A violation refers to a violation of any provision of the AMC Act, Board rules, or USPAP;

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(E) "Minor deficiencies" is defined as violations of the AMC Act, Board rules, or USPAP which do not call into question the qualification of the AMC for licensure in Texas;

(F) "Serious deficiencies" is defined as violations of the Act, Board rules or USPAP which do call into question the qualification of the AMC for licensure in Texas;

(G) "Remedial measures" include training, auditing, or any combination thereof; and

(H) The terms of a contingent dismissal agreement will be in writing and agreed to by all parties. If Respondent completes all remedial measures required in the agreement within a certain prescribed period of time, the complaint will be dismissed with a non-disciplinary warning letter.

(2) List of factors to consider in determining proper disposition of a formal complaint:

(A) Whether the Respondent has previously received a warning letter or contingent dismissal, and if so, the similarity of facts or violations in that previous complaint to the facts or violations in the instant complaint matter;

(B) Whether the Respondent has previously been disciplined;

(C) If previously disciplined, the nature of the discipline, including:

(i) Whether it concerned the same or similar violations or facts;

(ii) The nature of the disciplinary sanctions imposed;

(iii) The length of time since the previous discipline;

(D) The difficulty or complexity of the incident at issue;

(E) Whether the violations found were of a negligent, grossly negligent or a knowing or intentional nature;

(F) Whether the violations found involved a single appraisal or instance of conduct or multiple appraisals or instances of conduct;

(G) To whom were the appraisal report(s) or the conduct directed, with greater weight placed upon appraisal report(s) or conduct directed at:

(i) A financial institution or their agent, contemplating a lending decision based, in part, on the appraisal report(s) or conduct at issue;

(ii) The Board;

(iii) A matter which is actively being litigated in a state or federal court or before a regulatory body of a state or the federal government;

(iv) Another government agency or government sponsored entity, including, but not limited to, the United States Department of Veteran's Administration, the United States Department of Housing and Urban Development, the State of Texas, Fannie Mae, and Freddie Mac;

(v) A consumer contemplating a real property transaction involving the consumer's principal residence;

(H) Whether Respondent's violations caused any harm, including financial harm, and the amount of such harm;

(I) Whether Respondent acknowledged or admitted to violations and cooperated with the Board's investigation prior to any contested case hearing;

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(J) The business operating history of the AMC, including:

- (i) The size of the AMC's appraiser panel;**
- (ii) The length of time Respondent has been licensed as an AMC in Texas;**
- (iii) The length of time the AMC has been conducting business operations, in any jurisdiction;**
- (iv) The nature and extent of any remedial measures and sanctions the Respondent had received related to the areas in which violations were found; and**
- (v) Respondent's affiliation with other business entities;**

(K) Whether Respondent can improve the AMC's practice through the use of remedial measures; and

(L) Whether Respondent has voluntarily completed remedial measures prior to the resolution of the complaint.

(3) The sanctions guidelines contained herein shall be employed in conjunction with the factors listed in paragraph (2) of this subsection to assist in reaching the proper disposition of a formal complaint:

(A) 1st Time Discipline Level 1--violations of the AMC Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:

- (i) Dismissal;**
- (ii) Dismissal with non-disciplinary warning letter;**
- (iii) Contingent dismissal with remedial measures.**

(B) 1st Time Discipline Level 2--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies will result in one of the following outcomes:

- (i) Contingent dismissal with remedial measures;**
- (ii) A final order which imposes one or more of the following:**

- (I) Remedial measures;**
- (II) Required adoption and implementation of written, preventative policies or procedures;**
- (III) A probationary period with provisions for monitoring the AMC;**

(IV) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(V) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(VI) Minimum of \$1,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(C) 1st Time Discipline Level 3--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

- (i) A period of suspension;**
- (ii) A revocation;**
- (iii) Remedial measures;**

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(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of \$2,500 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(D) 2nd Time Discipline Level 1--violations of the AMC Act, Board rules, or USPAP which evidence minor deficiencies will result in one of the following outcomes:

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures;

(iv) A final order which imposes one or more of the following:

(I) Remedial measures;

(II) Required adoption and implementation of written, preventative policies or procedures;

(III) A probationary period with provisions for monitoring the AMC;

(IV) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(V) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(VI) Minimum of \$1,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(E) 2nd Time Discipline Level 2--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of \$2,500 in administrative penalties per act or omission which constitutes a violation(s) of AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(F) 2nd Time Discipline Level 3--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

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(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of \$4,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(G) 3rd Time Discipline Level 1--violations of the AMC Act, Board rules, or USPAP which evidence minor deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of \$2,500 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(H) 3rd Time Discipline Level 2--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of \$4,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(I) 3rd Time Discipline Level 3--violations of the AMC Act, Board rules, or USPAP which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross

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negligence will result in a final order which imposes one or more of the following:

(i) A revocation; and

(ii) Minimum of \$7,000 in administrative penalties per act or omission which constitutes a violation(s) of USPAP, Board Rules, or the Act; each day of a continuing violation is a separate violation.

(J) 4th Time Discipline--violations of the AMC Act, Board rules or USPAP will result in a final order which imposes the following:

(i) A revocation; and

(ii) \$10,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act, Board rules, or USPAP; each day of a continuing violation is a separate violation.

(K) Unlicensed AMC activity will result in a final order which imposes a \$10,000 in administrative penalties per unlicensed AMC activity; each day of a continuing violation is a separate violation.

(4) In addition, staff may recommend any or all of the following:

(A) Reducing or increasing the recommended sanction or administrative penalty for a complaint based on documented factors that support the deviation, including but not limited to those factors articulated under paragraph (2) of this subsection;

(B) Probating all or a portion of any remedial measure, sanction, or administrative penalty for a period not to exceed three years;

(C) Requiring additional reporting requirements;

(D) Payment of costs expended by the Board associated with the investigation, and if applicable, a contested case, including legal fees and administrative costs; and

(E) Such other recommendations, with documented support, as will achieve the purposes of the AMC Act, Board rules, or USPAP.

(I) Agreed resolutions of complaint matters pursuant to Texas Occupations Code §1104.208(a)(3) must be:

(1) Approved by the Board; and

(2) Signed by:

(A) Respondent;

(B) Respondent's attorney, if respondent is represented;

(C) A representative of the Standards and Enforcement Services Division; and

(D) The Commissioner.



AGENDA ITEM 18

Discussion and possible action on legislative matters.

AGENDA ITEM 19

Update on new building plans.

AGENDA ITEM 20

Discussion regarding performance review and salary of Commissioner.

AGENDA ITEM 21

Discussion and possible action regarding FY 2016 draft of TALCB budget.



AGENDA ITEM 22

Discussion and possible action to approve changes to Board Order policy.

SUMMARY

The Enforcement Committee has reviewed the policy on Board Orders and recommends changes to this policy to provide more flexibility to respondents to bring themselves back into compliance with the terms of their Agreed Orders. The proposed changes would eliminate the option of probated suspensions and allow for automatic suspension of a license in the event a Respondent fails to comply with the terms or conditions in an Agreed Order. These changes would allow the suspension to be lifted once a Respondent provides proof of compliance.

STAFF RECOMMENDATION

Adopt the changes to the policy on Board Orders as presented.

RECOMMENDED MOTION

MOVED, that the Board adopt the changes to the policy on Board Orders as recommended by the Enforcement Committee.

**TALCB Board Members**

Jamie S. Wickliffe
Chair

Laurie C. Fontana
Vice Chair

Mark A. McAnally
Secretary

Jesse Barba, Jr.

Walker R. Beard

Clayton P. Black

Patrick M. Carlson

James J. Jeffries

Brian L. Padden

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: May15, 2015

RE: Board Order Guidelines

This memorandum confirms that the Texas Appraiser Licensing and Certification Board (Board) approved the implementation of the following guidelines for all Agreed and Final Orders of the Board.

- Experience logs will be due after completion of any ordered education;
- There will be clear and specific dates set out as deadlines for delivery of evidence of compliance with terms and conditions contained in the Order;
- In an Order where a respondent is not placed on probated revocation, if a respondent fails to comply with any of the terms with a stated due date in the Order within the time allotted, the Order shall contain a provision setting out a sanction of automatic suspension until respondent is in full compliance with the Order and an administrative penalty of \$1,000.00;
- In an Order where a respondent is placed on probated revocation, the Order will state that failure to comply with the terms and conditions of the Order will result in automatic revocation;
- If a respondent fails to comply with any of the terms or conditions of an Order that will result in automatic suspension or revocation, at least three (3) days prior to the effective date of the suspension or revocation, Board staff will send a written notice to the respondent via e-mail stating that respondent is in violation of the Order and respondent will be suspended or revoked as of the effective date set out in the notice unless, respondent can provide evidence of having previously submitted evidence of timely compliance with the Order. This policy is being put in place as a safeguard against mistakenly suspending or revoking a respondent who was actually in compliance and not as a method for a respondent to comply with terms or conditions after being notified of the violation;
- Use the term “cashier's check or money order” instead of “certified funds” in all Agreed or Final Orders; and
- Include the category of property that is the subject of the appraisal in the Order.

The Board revokes the previous memorandum entitled Board Order Guidelines, adopted November 21, 2014.

This policy is effective as of May 15, 2015 and remains in effect unless and until changed or revoked by the Board.

Approved by the Board and signed this 15th day of May, 2015.

Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board

POLICY MEMORANDUM

Date: ~~May~~November 15, 2015

RE: Board Order Guidelines

This memorandum confirms that the Texas Appraiser Licensing and Certification Board (Board) approved the implementation of the following guidelines for all Agreed and Final Orders of the Board.

- Experience logs will be due after completion of any ordered education;
- There will be clear and specific dates set out as deadlines for delivery of evidence of compliance with terms and conditions contained in the Order;
- In an Order where a respondent is not placed on ~~probated suspension or~~ probated revocation, if a respondent fails to comply with any of the terms with a stated due date in the Order within the time allotted, the Order shall contain a provision setting out a sanction of automatic suspension until respondent is in full compliance with the Order and an administrative penalty of \$1,000.00:-
- In an Order where ~~a~~ respondent is placed on ~~probated suspension or~~ probated revocation, the Order will state that failure to comply with the terms and conditions of the Order will result in automatic revocation ~~of the probation and the full term of the suspension or the revocation will take effect;~~
- If a respondent fails to comply with any of the terms or conditions of an Order that will result in automatic suspension or revocation, at least three (3) days prior to the effective date of the suspension or revocation, Board staff will send a written notice to the respondent via e-mail stating that respondent is in violation of the Order and respondent will be suspended or revoked as of the effective date set out in the notice unless, respondent can provide evidence of having previously submitted evidence of timely compliance with the Order. This policy is being put in place as a safeguard against mistakenly suspending or revoking a respondent who was actually in compliance and not as a method for a respondent to comply with terms or conditions after being notified of the violation;
- Use the term “cashier's check or money order” instead of “certified funds” in all Agreed or Final Orders; and
- Include the category of property that is the subject of the appraisal in the Order.

The Board revokes the previous memorandum entitled Board Order Guidelines, Agreed Order Guidelines, adopted November 219, 20142; Agreed Order Guidelines Part 2, adopted February 15, 2013; Final Order Guidelines, adopted May 17, 2013; and Board Orders, adopted May 9, 2014.

This policy is effective as of May 15, November, 2015 and remains in effect unless and until changed or revoked by the Board.

Approved by the Board and signed this 15th day of MayNovember, 20154.

Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board

TALCB Board Members

Jamie S. Wickliffe
Chair

Laurie C. Fontana
Vice Chair

Mark A. McAnally
Secretary

Jesse Barba, Jr.

Walker R. Beard

Clayton P. Black

Patrick M. Carlson

James J. Jeffries

Brian L. Padden

Douglas E. Oldmixon
Commissioner

POLICY MEMORANDUM

Date: November 21, 2014

RE: Board Order Guidelines

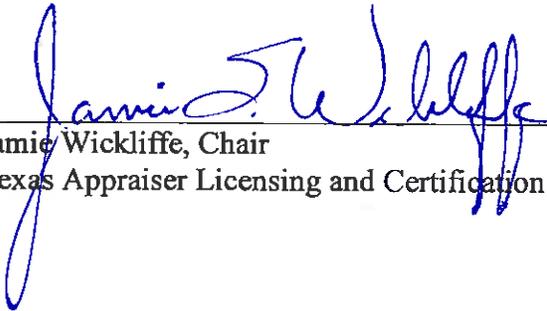
This memorandum confirms that the Texas Appraiser Licensing and Certification Board (Board) approved the implementation of the following guidelines for all Agreed and Final Orders of the Board.

- Experience logs will be due after completion of any ordered education;
- There will be clear and specific dates set out as deadlines for delivery of evidence of compliance with terms and conditions contained in the Order;
- In an Order where a respondent is not placed on probated suspension or probated revocation, if a respondent fails to comply with any of the terms with a stated due date in the Order within the time allotted, the Order shall contain a provision setting out a sanction of automatic suspension until respondent is in full compliance with the Order and an administrative penalty of \$1,000.00.
- In an Order where a respondent is placed on probated suspension or probated revocation, the Order will state that failure to comply with the terms and conditions of the Order will result in automatic revocation of the probation and the full term of the suspension or the revocation will take effect;
- If a respondent fails to comply with any of the terms or conditions of an Order that will result in automatic suspension or revocation, at least three (3) days prior to the effective date of the suspension or revocation, Board staff will send a written notice to the respondent via e-mail stating that respondent is in violation of the Order and respondent will be suspended or revoked as of the effective date set out in the notice unless, respondent can provide evidence of having previously submitted evidence of timely compliance with the Order. This policy is being put in place as a safeguard against mistakenly suspending or revoking a respondent who was actually in compliance and not as a method for a respondent to comply with terms or conditions after being notified of the violation;
- Use the term "cashier's check or money order" instead of "certified funds" in all Agreed or Final Orders; and
- Include the category of property that is the subject of the appraisal in the Order.

The Board revokes the previous memoranda entitled Agreed Order Guidelines, adopted November 9, 2012; Agreed Order Guidelines Part 2, adopted February 15, 2013; Final Order Guidelines, adopted May 17, 2013; and Board Orders, adopted May 9, 2014.

This policy is effective as of November 21, 2014 and remains in effect unless and until changed or revoked by the Board.

Approved by the Board and signed this ____ day of November, 2014.



Jamie Wickliffe, Chair
Texas Appraiser Licensing and Certification Board



AGENDA ITEM 23

Discussion and possible action to approve new or changes to TALCB forms:

- a. Application for Registration as an AMC (AMC-2)
- b. Renewal of Registration as an AMC (AMCR-1)

SUMMARY

The AMC Advisory Committee has reviewed these forms and recommends that the Board adopt the proposed revision to collect AMC dba information.

STAFF RECOMMENDATION

Adopt the revised forms as presented.

RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to revise the Application for Registration as an AMC and the Renewal of Registration as an AMC as recommended by the AMC Advisory Committee.



APPLICATION FOR REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY (AMC)

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
AMC APPLICATION		\$3,419		

DO NOT WRITE ABOVE THIS LINE

ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. THE AMOUNT ABOVE INCLUDES A \$20 PAPER FILING FEE THAT YOU CAN AVOID IF YOU APPLY ONLINE. FEES ARE NON-REFUNDABLE.

Note: If the AMC is a business entity, a current "Certificate of Good Standing" (aka Account Status), dated within 21 days prior to the date of the application, issued by the governing state agency where the business entity was incorporated or organized, recognizing the standing of the business entity in that state must be provided with this application.

1. Full Legal Name of AMC:

Name TIN or EIN

2. Assumed Business Name or DBA (if any):

3. Place of Business Address: (must be a fixed street address, not a Post Office Box)

Number, Street and Suite No.

City State Zip Code Phone Number

4. Primary Contact Information: (must meet the definition of "controlling person" in Section 1104.003(b)(6) Texas Occupations Code)
 The Primary Contact must sign and submit a separate Owner/Primary Contact Background History Form.

Name

Number, Street and Suite No.

City State Zip Code Phone Number

E-mail Address

5. The Primary Contact: (check one)

is a certified appraiser _____

Certification No. State Expiration Date

OR

has taken the 15-Hour National USPAP course (submit copy of course completion certificate)

6. Owner Information: (for each individual or business entity owning more than 10% of AMC)

Each owner must sign and submit a separate Owner/Primary Contact Background History form.

Space is provided for three owners. Attach an additional copy of this page if there are more than three owners of more than 10% .

Individual

Business Entity

Name

Certification/License No. (if applicable)

State

Expiration Date

Business Street Address OR P.O. Box No.

City

State

Zip Code

Phone Number

Individual

Business Entity

Name

Certification/License No. (if applicable)

State

Expiration Date

Business Street Address OR P.O. Box No.

City

State

Zip Code

Phone Number

Individual

Business Entity

Name

Certification/License No. (if applicable)

State

Expiration Date

Business Street Address OR P.O. Box No.

City

State

Zip Code

Phone Number

7. Appraiser Contact Information: (must be a licensed or certified appraiser)

Name

Certification/License No.

State

Expiration Date

Business Street Address OR P.O. Box No.

City

State

Zip Code

Phone Number

Email Address

8. Has the AMC ever (1) had any professional or occupational license or certification suspended, canceled or revoked; (2) received a reprimand or disciplinary action; or (3) had an application for such denied in Texas or any other state? Yes No
If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.

9. Are there any complaints, disciplinary hearings or investigations pending against any professional or occupational licenses held by the AMC? Yes No
If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.

10. (a) Has the AMC ever been convicted of a criminal offense? (Include **ALL** felonies and misdemeanors) Yes No
(b) Has the AMC ever been placed on probation, community supervision or deferred adjudication? Yes No
(c) Are there any criminal charges pending against the AMC? Yes No
If the answer to (a), (b), or (c) is YES, submit copies of all indictments, orders and charges, and a written explanation.

11. In the past four (4) years, has the AMC had a civil judgment rendered against it, or are there any civil suits pending against it on one of the following grounds; (a) fraud; (b) intentional or knowing misrepresentation; or (c) grossly negligent misrepresentation in the making of real estate appraiser services? Yes No
If YES, submit copies of all petitions and judgments and a complete written explanation, including whether or not the judgment has been paid.

IRREVOCABLE CONSENT TO SERVICE OF PROCESS

I do hereby irrevocably make, constitute, and appoint the Commissioner of the Texas Appraiser Licensing and Certification Board and its successors as my agent, for and in the State of Texas, upon whom service in a legal proceeding arising out of my activities as an appraisal management company may be made, if the plaintiff in the action cannot, in the exercise of due diligence, effect personal service on the AMC through the AMC's agent in Texas. Service of process upon the Commissioner shall be deemed valid personal service upon the AMC pursuant to applicable Texas law. I understand that the AMC has a legal duty to keep the Board informed of its current address. I understand that if and when the Commissioner is served with process, the notice will be forwarded to the primary contact at the current address provided on record with the Board. I also understand that if I fail to notify the Board of any changes, I may not receive notice of legal proceeding against the AMC.

If the AMC is not domiciled in Texas, the AMC must list a legally authorized agent to accept service of process in Texas below:

Agent for Service of Process

Business Street Address (must be a fixed street address, not a Post Office Box)

City

State

Zip Code

Phone Number

CERTIFICATION STATEMENT

On behalf of Applicant, I certify that I have personally prepared this application and all supporting information and documentation, and that all such information given is true, correct, and complete. If so requested by the Texas Appraiser Licensing and Certification Board (the "Board"), I will furnish all additional information or documentation as may be deemed necessary for the verification of the information provided. I authorize and consent to the Board's conducting such investigations of Applicant and the matters addressed herein as it deems necessary. I understand that information revealed in an investigation may be cause for disapproval of the application even though other requirements for registration have been met. I acknowledge that this registration may be disapproved for cause in accordance with the Texas Appraisal Management Company Registration and Regulation Act (Texas Occupations Code, Chapter 1104 (the "Act")) and that any registration may be revoked if I provide false or misleading information to the Board. I further understand that information submitted in conjunction with this registration may be subject to public disclosure or inspection in accordance with the Public Information Act (Chapter 552, Government Code). If granted the registration, Applicant will abide by the provisions of the Act and the Rules of the Board (22TAC Chapter 159), Applicant will not hold itself out as a registered AMC or perform any acts that only a registered AMC may perform until and unless so registered by the Board.

I certify that Applicant has reviewed each entity owning more than 10% of the AMC and has verified that none are more than 10% owned by a person who has had a license or certification to act as an appraiser denied, revoked, or surrendered in lieu of revocation and has not subsequently had a license or certification granted or reinstated.

I certify that Applicant has a system in place to ensure compliance with Subchapter D and Section 129E of the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

I certify that Applicant will retain ownership records for a period of five years.

This application and this certification are made under penalty of perjury.

Signature of Person with Authority to Sign on Behalf of AMC

Date Signed

Typed or Printed Name

Title

Be certain that your application:

- * Is complete - incomplete applications cannot be processed and will be returned
- * Is signed and dated
- * Includes original, signed Owner/Primary Contact Background History forms for all required individuals and entities

- * Includes copies of required course completion document(s)
- * Includes copies of required documents for any "YES" answers
- * Includes current Certificate of Good Standing

PRIVACY NOTICE

In accordance with Chapter 559, Government Code, the following notice about certain information laws and practices is given.

- (1) With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual.
- (2) Under Sections 552.021 and 552.023 of the Governmental Code, the individual is entitled to receive and review the information.
- (3) Under Section 559.004 of the Governmental Code, the individual is entitled to have the governmental body correct information about the individual that is incorrect.



APPLICATION FOR REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY(AMC)

REQUIRED FEES	AMOUNT	RECEIPT NUMBER	DATE RECEIVED
Application Fee	\$3,300.00	<i>Staff Only</i>	<i>Staff Only</i>
Texas Online Fee	\$99.00	(Online fee required whether filing online or on paper)	REGISTRATION NO.
Paper Filing Fee	\$20.00	(Fee not required if filed online)	<i>Staff Only</i>

DO NOT WRITE ABOVE THIS LINE
MAKE CHECKS OR MONEY ORDERS PAYABLE TO: TALCB
(ALL FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE)

ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. INCOMPLETE FORMS WILL NOT BE ACCEPTED.

PART I. Appraisal Management Company (Applicant) Information

Note: If the AMC is a business entity, a current "Certificate of Good Standing", dated within 21 days prior to the date of the application, issued by the governing state agency where the business entity was incorporated or organized, recognizing the standing of the business entity in that state must be provided with this application.

1. _____
 Full Legal Name of Appraisal Management Company _____ TIN or EIN

_____ _____ Apt. or Suite
 Business Street Address (cannot be a P.O. Box)

_____ _____ _____ _____
 City State Zip Code Telephone No.

2. Has the AMC ever had any professional or occupational license or certification suspended, canceled or revoked; received a reprimand or disciplinary action; surrendered a license or certification pending disciplinary action; or had an application for such denied in Texas or in any other state? Yes No

If "YES" please attach a complete written explanation with copies of all orders, notices, disapprovals, investigative reports, and other documentation.

3. Are any complaints, disciplinary hearings, or investigations pending against any professional or occupational licenses held by the AMC? Yes No

If "YES" please attach a complete written explanation and appropriate documentation such as final orders, etc.

4. (a) Has the AMC ever been convicted of a criminal offense? (Include **ALL** felonies and misdemeanors.) Yes No

(b) Has the AMC ever been placed on probation, community supervision, or deferred adjudication? Yes No

(c) Are there any criminal charges pending against the AMC? Yes No

If the answer to (a), (b), or (c) is YES, submit copies of all indictments, information, judgments, orders and charges, and a written explanation.

5. In the past four (4) years, has the AMC ever had a civil judgment rendered against it, or are there any civil suits pending against it on one of the following grounds: (a) fraud; (b) intentional or knowing misrepresentation; or (c) grossly negligent misrepresentation in the making of real estate appraiser services. Yes No

If "YES" attach copies of all petitions and judgments and a complete written explanation, including whether or not the judgment has been paid.

PART II. Owner Information (for each individual or business entity owning more than 10% of AMC)
Each owner must sign and submit a separate Owner/Primary Contact Background History form. Space is provided for three owners. Attach an additional copy of page 2 if there are more than three owners of more than 10%.

- Individual
- Business Entity

Name _____

Certification/License No. (if applicable) _____ State _____ Expiration Date _____

Business Street Address **OR** P.O. Box No. _____ Apt. or Suite _____

City _____ State _____ Zip Code _____ Telephone No. _____

- Individual
- Business Entity

Name _____

Certification/License No.(if applicable) _____ State _____ Expiration Date _____

Business Street Address **OR** P.O. Box No. _____ Apt. or Suite _____

City _____ State _____ Zip Code _____ Telephone No. _____

- Individual
- Business Entity

Name _____

Certification/License No.(if applicable) _____ State _____ Expiration Date _____

Business Street Address **OR** P.O. Box No. _____ Apt. or Suite _____

City _____ State _____ Zip Code _____ Telephone No. _____

CERTIFICATION

On behalf of Applicant, I certify that I have personally prepared this application and all supporting information and documentation, and that all such information given is true, correct, and complete. If so requested by the Texas Appraiser Licensing and Certification Board (the "Board"), I will furnish all additional information or documentation as may be deemed necessary for the verification of the information provided. I authorize and consent to the Board's conducting such investigations of Applicant and the matters addressed herein as it deems necessary. I understand that information revealed in an investigation may be cause for disapproval of the application even though other requirements for registration have been met. I acknowledge that this registration may be disapproved for cause in accordance with the Texas Appraisal Management Company Registration and Regulation Act (Texas Occupations Code, Chapter 1104 (the "Act")) and that any registration may be revoked if I provide false or misleading information to the Board. I further understand that information submitted in conjunction with this registration may become public record. If granted the registration, Applicant will abide by the provisions of the Act and the Rules of the Board (22 TAC Chapter 159), Applicant will not hold itself out as a registered AMC or perform any acts that only a registered AMC may perform until and unless so registered by the Board.

I certify that Applicant has reviewed each entity owning more than 10% of the AMC and has verified that none are more than 10% owned by a person who has had a license or certification to act as an appraiser denied, revoked, or surrendered in lieu of revocation and has not subsequently had a license or certification granted or reinstated.

I certify that Applicant has a system in place to ensure compliance with Subchapter D and Section 129E of the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

I certify that Applicant will retain ownership records for a period of five years.

This application and this certification are made under penalty of perjury.

Signature of Person with Authority to sign on behalf of AMC

Date Signed

Typed or Printed Name

Position within AMC

PRIVACY NOTICE

Under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information.

- (1) With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual.
- (2) The following notice about certain information, laws, and practices is given in accordance with Chapter 559, Texas Government Code.
- (3) Under Section 559.004 of the Government Code, the individual is entitled to have the governmental body correct information about the individual that is incorrect.



RENEWAL OF REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY (AMC)

FEE	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
TIMELY RENEWAL		\$3,419 + (\$10.30 x number of panelists)		
EXPIRED 90 DAYS OR LESS		\$5,069 + (\$10.30 x number of panelists)		
EXPIRED MORE THAN 90 DAYS BUT LESS THAN 6 MONTHS		\$6,719 + (\$10.30 x number of panelists)		

DO NOT WRITE ABOVE THIS LINE

ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. THE AMOUNT ABOVE INCLUDES A \$20 PAPER FILING FEE THAT YOU CAN AVOID IF YOU RENEW ONLINE. PANELIST FEES MUST BE PAID FOR ALL PANELISTS ON YOUR ACCOUNT. YOU MAY REMOVE A PANELIST ONLINE OR ON A TERMINATION OF PANELIST FORM PRIOR TO RENEWAL WITH THE APPROPRIATE FEE. FEES ARE NON-REFUNDABLE.

1. Full Legal Name of AMC:

2. Assumed Business Name or DBA (if any):

3. TALCB Registration Number: _____ **4. Expiration Date:** _____

5. Place of Business Address: (must be a fixed street address, not a Post Office Box)

 Number, Street and Suite No.

 City State Zip Code Phone Number

6. Primary Contact Information: (must meet the definition of "controlling person" in Section 1104.003(b)(6) Texas Occupations Code)
 The Primary Contact must sign and submit a separate Owner/Primary Contact Background History Form.

 Name

 Number, Street and Suite No. City State Zip Code

 Phone Number E-mail Address

7. The Primary Contact: (check one)
 is a certified appraiser _____
 Certification No. State Expiration Date
OR
 has taken a 7-Hour National USPAP Update course within two years of AMC renewal
 (submit copy of course completion certificate)

8. Owner Information: (for each individual or business entity owning more than 10% of AMC)

Each owner must sign and submit a separate Owner/Primary Contact Background History form. Space is provided for three owners. Attach an additional copy of this page if there are more than three owners of more than 10% .

- Individual
- Business Entity

Name

Certification/License No. (if applicable) State Expiration Date

Business Street Address OR P.O. Box No.

City State Zip Code Phone Number

- Individual
- Business Entity

Name

Certification/License No. (if applicable) State Expiration Date

Business Street Address OR P.O. Box No.

City State Zip Code Phone Number

- Individual
- Business Entity

Name

Certification/License No. (if applicable) State Expiration Date

Business Street Address OR P.O. Box No.

City State Zip Code Phone Number

9. Appraiser Contact Information: (must be a licensed or certified appraiser)

Name

Certification/License No.

State

Expiration Date

Business Street Address OR P.O. Box No.

City

State

Zip Code

Phone Number

Email Address

10. Since registration or the last renewal, has the AMC (1) had any professional or occupational license or certification suspended, canceled or revoked; (2) received a reprimand, warning letter, or disciplinary action; or (3) had an application for such denied in Texas or any other state? Yes No
If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.

11. Are there any pending complaints, investigations, or disciplinary hearings against any professional or occupational licenses held by the AMC? Yes No
If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.

12. Since registration or the last renewal, has the AMC (1) been convicted of or pleaded *nolo contendere* to a criminal offence (Include **ALL** felonies and misdemeanors); (2) been placed on probation, community supervision, or deferred adjudication; or (3) are there any criminal charges pending against the AMC? Yes No
If the answer to (1), (2), or (3) is YES, submit copies of all indictments, information, judgments, orders and charges, and a written explanation.

13. Since registration or the last renewal, has the AMC had a civil judgment rendered against it, or are there any civil suits pending against it? Yes No
If YES, submit a complete written explanation and copies of all petitions and judgments.

IRREVOCABLE CONSENT TO SERVICE OF PROCESS

I do hereby irrevocably make, constitute, and appoint the Commissioner of the Texas Appraiser Licensing and Certification Board and its successors as my agent, for and in the State of Texas, upon whom service in a legal proceeding arising out of my activities as an appraisal management company may be made, if the plaintiff in the action cannot, in the exercise of due diligence, effect personal service on the AMC through the AMC's agent in Texas. Service of process upon the Commissioner shall be deemed valid personal service upon the AMC pursuant to applicable Texas law. I understand that the AMC has a legal duty to keep the Board informed of its current address. I understand that if and when the Commissioner is served with process, the notice will be forwarded to the primary contact at the current address provided on record with the Board. I also understand that if I fail to notify the Board of any changes, I may not receive notice of legal proceeding against the AMC.

If the AMC is not domiciled in Texas, the AMC must list a legally authorized agent to accept service of process in Texas below:

Agent for Service of Process

Business Street Address (must be a fixed street address, not a Post Office Box)

City

State

Zip Code

Phone Number

CERTIFICATION STATEMENT

I certify that I am authorized to sign this form on behalf of the AMC, that I have personally prepared this form and all information is true, complete and correct. If so requested by TALCB, I will furnish all additional information or documentation as may be deemed necessary for the verification of information provided. I authorize and consent to TALCB conducting investigations of any individual or entity owning more than 10% of the AMC and the primary contact. I understand that information revealed in an investigation may be cause for the AMC to be placed on inactive status, suspended or revoked if the owners or primary contact do not qualify under Subchapter C of Texas Occupations Code 1104, even though other requirements for renewal have been met. I acknowledge that any registration may be revoked if I provide false or misleading information to the Board. I further understand that information submitted in conjunction with this renewal may be subject to public disclosure or inspection in accordance with the Public Information Act (Chapter 552, Government Code).

I certify that the AMC has reviewed each entity owning more than 10% of the AMC and has verified that none are more than 10% owned by a person who has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation and has not subsequently had a license or certification granted or reinstated.

I certify that the AMC has a system in place to ensure compliance with Subchapter D and Section 129E of the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

If the AMC is a corporation, LLC or partnership (entity), I certify that the entity is in compliance with all statutes, rules and regulations required of it to conduct business in the State of Texas.

I understand that the AMC's registration is not renewed until TALCB reissues my registration.

_____ Signature of Person with Authority to Sign on Behalf of AMC	_____ Date Signed
_____ Typed or Printed Name	_____ Title

Be certain that your renewal application:

- | | |
|---|---|
| <ul style="list-style-type: none">* Is complete - incomplete renewals cannot be processed and will be returned* Is signed and dated* Is postmarked no later than the expiration date* Includes original, signed Owner/Primary Contact Background History forms for all required individuals and entities | <ul style="list-style-type: none">* Includes copies of course completion document(s) for this renewal* Includes copies of required documents for any "YES" answers |
|---|---|

PRIVACY NOTICE

In accordance with Chapter 559, Government Code, the following notice about certain information laws and practices is given.

- (1) With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual.
- (2) Under Sections 552.021 and 552.023 of the Governmental Code, the individual is entitled to receive and review the information.
- (3) Under Section 559.004 of the Governmental Code, the individual is entitled to have the governmental body correct information about the individual that is incorrect.



AGENDA ITEM 24

Request for potential future meeting agenda items.

AGENDA ITEM 25

Discussion and possible action to schedule future meeting dates.

AGENDA ITEM 26

Adjourn.

Texas Appraiser Licensing and Certification Board

May 15, 2015

May 2015						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

May

10 Mothers' Day
 15 TALCB Meeting
 23 UT Commencement
 25 Memorial Day

June 2015						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June

21 Fathers' Day

July 2015						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

July

4 Independence Day

August 2015						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

21 TALCB Meeting

September 2015						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

September

7 Labor Day

October 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

October

12 Columbus Day

November 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

November

3 Election Day
 11 Veterans' Day
 26 Thanksgiving

December 2015						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

December

25 Christmas Holiday
 31 New Year's Eve

January 2016						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January

1 New Year's Day
 18 MLK Day

February 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

February

15 Presidents' Day

March 2016						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

March

25 Good Friday
 27 Easter

April 2016						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

April