

# TEXAS APPRAISER LICENSING & CERTIFICATION BOARD



## BOARD MEETING

AUGUST 14, 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, August 14, 2015, 10:00 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

### **PUBLIC COMMENTS**

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

### **EXECUTIVE SESSION**

4. Executive session to discuss pending litigation or receive advice of counsel pursuant to Texas Government Code §551.071

### **CONSENT AGENDA**

5. Ratification of the official record of the May 15, 2015 Board meeting as approved for posting on the website by the Secretary of the Board
6. Approval of agreed final orders and surrenders in the matter of:
  - a. Complaint #14-251 (Andrew Thomas Huffstetler, TX-1350029-L)
  - b. Complaint #14-253 (William Jackson Huffstetler, TX-1321011-R)
  - c. Complaint #14-111 (Russell Earl Milan, TX-1323544-R)
  - d. Complaint #15-091 (Ernest Claude Dunson III, TX-1336144-L)
  - e. Complaint #14-260 & 15-071 (Joseph Edward Acker, TX-1360097-R)
  - f. Complaint #14-209 & 15-162 (Sidney Jack Crawford, TX-1337551-R)
  - g. Complaint #15-125 (Kristina L. Mabey, TX-1327024-R)
  - h. Complaint #14-221 (Sean Michael Murphy, TX-1350087-L)
  - i. Complaint #14-222 (Thomas R. Rohde, TX-1323013-G)



### **MODIFICATIONS**

7. Discussion and possible action to approve request for modification of agreed order in the matter of Complaint #13-299 (Ben Autry Campbell, TX-1325877-G)

### **COMMITTEE REPORTS**

8. Report by AMC Advisory Committee
9. Report by Budget Committee
10. Report by Education Committee
11. Report by Enforcement Committee
12. Report by Executive 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 §153.1, Definitions
15. Discussion and possible action to adopt amendments to 22 TAC §155.2, Work Relating to Property Tax Protests
16. Discussion and possible action to adopt amendments to 22 TAC §159.204, Complaint Processing

### **RULES FOR EMERGENCY ADOPTION**

17. Discussion and possible action to adopt emergency amendments to 22 TAC, Chapter 153, Rules Relating to provisions of the Texas Appraiser Licensing and Certification Act:
  - a. §153.9, Applications



b. §153.17, Renewal or Extension of License

18. Discussion and possible action to adopt emergency amendments to 22 TAC §157.18, Motions for Rehearing; Finality of Decisions

### **RULES FOR POSSIBLE PROPOSAL**

19. Discussion and possible action to propose amendments to 22 TAC, Chapter 153, Rules Relating to provisions of the Texas Appraiser Licensing and Certification Act:

- a. §153.1, Definitions
- b. §153.5, Fees
- c. §153.9, Applications
- d. §153.16, License Reinstatement
- e. §153.17, Renewal or Extension of License
- f. §153.20, Guidelines for Revocation, Suspension, Denial of License; Probationary License
- g. §153.21, Appraiser Trainees and Sponsors

20. Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Rules Relating to Practice and Procedure:

- a. Subchapter A. General Provisions
  - i. 157.7, Denial of a License
  - ii. 157.8, Adverse Action Against a License Holder or Registrant
- b. Subchapter B. Contested Case Hearings
  - i. §157.9, Notice of Hearing
  - ii. §157.12, Failure to Attend Hearing; Default Judgment
- c. Subchapter C. Post Hearing
  - i. §157.17, Final Decisions and Orders
  - ii. §157.18, Motions for Rehearing; Finality of Decisions
  - iii. §157.20, Judicial Review
- d. Subchapter D. Penalties and Other Enforcement Provisions
  - i. §157.25, Temporary Suspension
  - ii. §157.26, Unlicensed Activity
- e. Subchapter E. Alternative Dispute Resolution
  - i. §157.31, Investigative Conference

### **RULES FOR POSSIBLE REPEAL**

21. Discussion and possible action to repeal 22 TAC §157.19, Prerequisite to Judicial Review

### **PENDING BUSINESS**

22. Discussion and possible action regarding FY 2016 TALCB Budget



23. Update on new building plans

#### **NEW BUSINESS**

24. Discussion and possible action on recommendations from AMC Committee regarding proposed changes to AMC forms
25. Discussion and possible action on recommendations from Enforcement Committee regarding changes to Mentor criteria
26. Discussion and possible action regarding appointment of a Working Group to develop recommendations regarding criminal background checks
27. Discussion and possible action regarding approval of Memorandum of Understanding between the Texas Real Estate Commission and TALCB

#### **OTHER BUSINESS**

28. Request for potential future meeting agenda items
29. Discussion and possible action to schedule future meeting dates
30. 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.**



### 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 August 14, 2015 Board meeting is/are hereby excused.

### AGENDA ITEM 3

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

### AGENDA ITEM 4

Executive session to receive advice of counsel pursuant to Texas Government Code §551.071.

#### **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. 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 5**

Ratification of the official record of the May 15, 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 6(a)-(i)**

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

- a. Complaint #14-251 (Andrew Thomas Huffstetler, TX-1350029-L)
- b. Complaint #14-253 (William Jackson Huffstetler, TX-1321011-R)
- c. Complaint #14-111 (Russell Earl Milan, TX-1323544-R)
- d. Complaint #15-091 (Ernest Claude Dunson III, TX-1336144-L)
- e. Complaint #14-260 & 15-071 (Joseph Edward Acker, TX-1360097-R)
- f. Complaint #14-209 & 15-162 (Sidney Jack Crawford, TX-1337551-R)
- g. Complaint #15-125 (Kristina L. Mabey, TX-1327024-R)
- h. Complaint #14-221 (Sean Michael Murphy, TX-1350087-L)
- i. Complaint #14-222 (Thomas R. Rohde, TX-1323013-G)

**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 May 15, 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 commission 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. Mark McAnally, Mr. Walker Beard, Mr. Clayton Black, Mr. Brian Padden, and Mr. Jim Jeffries.

**ACTION TAKEN:** Ms. Fontana moved to excuse the absences of Mr. Patrick Carlson and Mr. Jesse Barba. Mr. Black seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 3** - Discussion and possible action regarding appointment of John Dorie as a Mentor

**ACTION TAKEN:** Ms. Fontana moved to appoint John Dorie as a Mentor for a period of two years. Mr. Jeffries seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 4** - Comments from members of the public regarding non-agenda items

No comments were offered.

**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

**ACTION TAKEN:** The Chair called the Board into executive session at 10:40 am.

**The Chair reconvened the meeting at 11:25 am.**

**AGENDA ITEM 6** - Ratification of the official record of the February 20, 2015 and Board meeting as approved for posting on the website by the Secretary of the Board

**AGENDA ITEM 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)

ACTION TAKEN: Agenda items 6 and 7 were taken together as one item. Mr. McAnally moved to approve these matters. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

**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)

ACTION TAKEN: Mr. Beard moved to accept the Proposal for Decision. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 9** - Report by AMC Advisory Committee

**AGENDA ITEM 10** - Report by Budget Committee

**AGENDA ITEM 11** - Report by Education Committee

**AGENDA ITEM 12** - Report by Enforcement Committee

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

**Mr. Douglas Oldmixon, Commissioner**

**Ms. Kristen Worman, General Counsel**

**Ms. Lorie Deanda, Director of Reception & Communication Services**

**Ms. Gwen Jackson, Director of Education & Licensing Services**

**Mr. Steve Spyropoulos, Director of Information & Technology Services**

**Mr. Douglas Oldmixon, Commissioner (on behalf of Staff & Support Services)**

**Mr. Troy Beaulieu, Acting Director of Standards & Enforcement Services**

**Mr. Tony Slagle, Government Relations Specialist**

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

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

**AGENDA ITEM 15** - Discussion and possible action to propose amendments to 22 TAC §153.1, Definitions

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

**AGENDA ITEM 16** - Discussion and possible action to propose amendments to 22 TAC §155.2, Work Relating to Property Tax Protests

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

**AGENDA ITEM 17** - Discussion and possible action to propose amendments to 22 TAC §159.204, Complaint Processing

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

**AGENDA ITEM 18** - Discussion and possible action on legislative matters

No action was taken.

**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

No action was taken.

**AGENDA ITEM 22** - Discussion and possible action to approve changes to Board Order policy

ACTION TAKEN: Mr. Black moved to adopt the policy changes as presented. Mr. Beard seconded the motion, and the Board approved the motion unanimously.

**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)

ACTION TAKEN: Mr. Jeffries moved to approve the form revisions as presented. Mr. Padden seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 24** - Request for potential future meeting agenda items

Ms. Wickliffe requested that the Enforcement Committee consider revisions to the Appraisal Experience Log.

Mr. Beard requested that the Executive Committee consider a liaison to the Texas Department of Licensing and Regulation to improve communication regarding requirements for Property Tax Consultants wishing to become licensed through TALCB.

**AGENDA ITEM 25** - Discussion and possible action to schedule future meeting dates

The next meeting date was tentatively changed to August 14, 2015 pending confirmation of available facilities. Future meeting dates were confirmed for November 20, 2015 and February 19, 2016.

**AGENDA ITEM 26** - The Chair adjourned the meeting at 12:45 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

## FOR REFERENCE

(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 \$5,000 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

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(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.  
14-251

ANDREW THOMAS HUFFSTETLER  
TX-1350029-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 Andrew Thomas Huffstetler (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-1350029-L and was approved by the Board as a trainee (TX-1337389-T) during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 4432 Ballinger Drive, Plano, Texas 75093 (the "Property"), on or about June 3, 2010.
3. Thereafter, the complaint, numbered 14-251, was filed by Board staff, on or about July 2, 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 July 7, 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 30, 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:

- a. USPAP Ethics Rule – Respondent knowingly permitted another person to communicate a misleading appraisal report, which claimed Respondent's sponsor inspected the Property.
6. 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. 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 license (TX-1350029-L) is hereby revoked, with this revocation being fully probated for seven (7) 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 classroom course in USPAP, which is at least fifteen (15) class hours, on or before February 14, 2016.
2. **ADMINISTRATIVE PENALTY.** On or before September 3, 2015, Respondent shall pay to the Board an administrative penalty of one thousand five hundred dollars (\$1,500.00), by cashier's check or money order.
3. **REPRIMAND.** Respondent is hereby reprimanded for the above-noted violations.

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 ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION.**

**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](mailto: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 23 day of May, 2015.



Andrew Thomas Huffstetler

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 23 day of May, 2015, by Andrew Thomas Huffstetler, to certify which witness my hand and official seal.



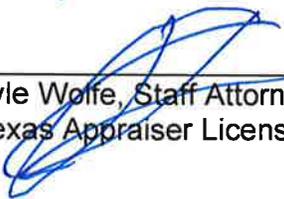
Notary Public's Signature



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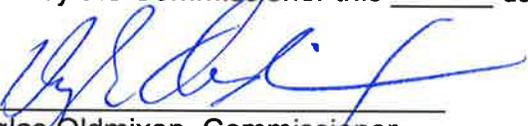
**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 10th day of May, 2015.

  
\_\_\_\_\_  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 11 day of June, 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.  
14-253

William Jackson Huffstetler  
TX-1321011-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 William Jackson Huffstetler (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-1321011-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 4432 Ballinger Drive, Plano, Texas 75093 (the "Property"), on or about June 3, 2010.
3. Thereafter, the complaint, numbered 14-253, was filed by Board staff, on or about July 2, 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 July 7, 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 August 4, 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 5

- a. USPAP Ethics Rule – Respondent knowingly communicated an appraisal report that was misleading by not inspecting the Property as claimed; and
  - b. 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 by not inspecting the Property as claimed.
6. Respondent failed to actively, personally, and diligently supervise an appraiser trainee.
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)(15) by failing to actively, personally, and diligently supervise an appraiser trainee.
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 certification (TX-1321011-R) is hereby revoked, with this revocation being fully probated for seven (7) 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 classroom course in USPAP, which is at least fifteen (15) class hours, on or before February 14, 2016.

2. **ADMINISTRATIVE PENALTY.** On or before September 3, 2015, Respondent shall pay to the Board an administrative penalty of two thousand dollars (\$2,000.00), by cashier's check or money order.
3. **REPRIMAND.** Respondent is hereby reprimanded for the above-noted violations.
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 ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION.**

**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](mailto: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.

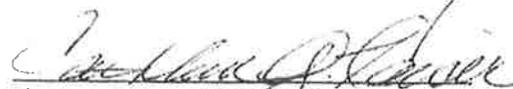
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

### RESPONDENT

Signed this 4 day of June, 2015.

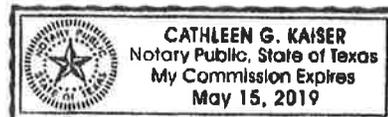
  
William Jackson Huffstetler

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4<sup>th</sup> day of June, 2015, by William Jackson Huffstetler, to certify which witness my hand and official seal.

  
Notary Public's Signature

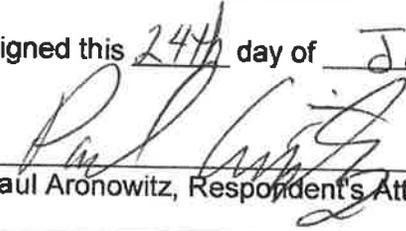
Agreed Final Order  
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**RESPONDENT'S ATTORNEY**

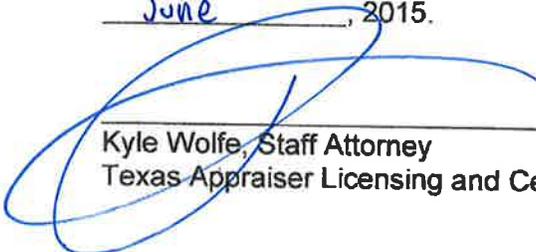
Signed this 24th day of June, 2015.

  
\_\_\_\_\_  
Paul Aronowitz, Respondent's Attorney

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**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 24th day of June, 2015.

  
\_\_\_\_\_  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 24 day of JUNE, 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  
Page 5 of 5



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
14-111

RUSSELL EARL MILAN  
TX-1323544-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 Russell Earl Milan (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-1323544-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent performed an appraisal review of an appraisal of residential real property located at 127 Woodhaven Lane, Seabrook, Texas, on or about June 18, 2013.
3. Thereafter, the complaint, numbered 14-111, was filed by Board staff, on or about February 3, 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 February 4, 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 February 25, 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 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal review:

Agreed Final Order  
Page 1 of 6

- a. USPAP Ethics Rule – Respondent communicated the assignment results in a grossly negligent manner;
  - b. 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 review;
  - c. USPAP Scope of Work Rule, USPAP Standards Rules 3-2(h) and 3-5(g) – Respondent failed to perform the scope of work necessary for credible assignment results;
  - d. USPAP Standards Rules 3-1(a) and 3-3 – Respondent failed to employ those methods and techniques necessary to produce a credible appraisal review;
  - e. USPAP Standards Rule 3-1(b) – Respondent committed substantial errors of omission and/or commission, which include: stating the cost approach was accurate, failing to address deficiencies “Market Analysis Section,” and failing to comply with Standard 1 and 2;
  - f. USPAP Standards Rules 3-2(e) and 3-5(e) – Respondent failed to identify the effective date in the appraisal review;
  - g. USPAP Standards Rules 3-3(a)(i), (a)(ii), and (a)(iii) – Respondent failed to develop an opinion as to whether the analyses are appropriate, failed to develop as to an opinion whether the opinions and conclusions are credible; and failed to develop any reasons for disagreement;
  - h. USPAP Standards Rules 3-3(b)(i), 3-3(b)(ii), and 3-5(h) – Respondent failed to develop an opinion as to whether the report is appropriate and not misleading and failed to develop any reasons for any disagreement;
  - i. USPAP Standards Rules 3-4(a) and 3-4(b) – Respondent failed to set forth an appraisal review in a manner that was not misleading and failed to provide sufficient information to enable intended users to understand the report properly; and
  - j. USPAP Standards Rules 3-5(i) and 3-3(c) – Respondent failed to state the information used in developing an opinion of value, failed to summarize any additional information relied on and the reasoning for the opinion of value, failed to state all extraordinary assumptions and hypothetical conditions connected with the opinion of value, and failed to comply with the USPAP Standards applicable to the opinion of value.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal review 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**:

1. **EDUCATION.** On or before August 21, 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. An in-classroom 15-hour National USPAP Course, on or before August 21, 2016.
  - b. A classroom course on the cost approach, a minimum of fifteen (15) class hours, on or before August 21, 2016.
  - c. A classroom course on report writing, a minimum of fifteen (15) class hours, on or before August 21, 2016.
2. **MENTORSHIP.** On or before August 21, 2016, Respondent shall complete four (4) 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. Four (4) hours of mentorship concerning appraisal review and the above-noted violations in the findings of fact, on or before August 21, 2016.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order.
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.

Agreed Final Order  
Page 4 of 6

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](mailto: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 6 day of May, 2015.

*Russell Earl Milan*  
Russell Earl Milan

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 6<sup>th</sup> day of May, 2015, by Russell Earl Milan, to certify which witness my hand and official seal.



*D. Michael Webster*  
Notary Public's Signature

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 6<sup>th</sup> day of May, 2015.

*Kyle Wolfe*  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 8 day of May, 2015.

*Douglas Oldmixon*  
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

RECEIVED  
TEXAS REAL ESTATE COMMISSION  
MAY 11 2015  
CASHIER'S SECTION  
OPERATOR 13

SURRENDER OF LICENSE

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-091

ERNEST CLAUDE DUNSON III  
TX-1336144-L

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Ernest Dunson, who being by me duly sworn, deposes as follows:

My name is Ernest Dunson 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 LICENSED REAL ESTATE APPRAISER in the State of Texas and I am voluntarily and permanently surrendering my LICENSE to the Texas Appraiser Licensing and Certification Board because I no longer desire to be LICENSED.

I understand that through this action the Texas Appraiser Licensing and Certification Board will permanently revoke my LICENSE 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 LICENSE.

Ernest Dunson  
NAME (PRINT)

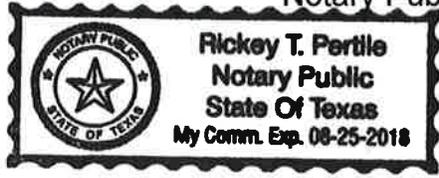
Ernest C. Dunson III  
SIGNATURE

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 4 day of May, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Rickey T. Pertile  
Notary Public's Signature

Rickey T. Pertile  
Notary Public's Printed Name



**SURRENDER OF LICENSE**

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-091

ERNEST CLAUDE DUNSON III  
TX-1336144-L

**ORDER OF THE BOARD**

WHEREAS, ERNEST CLAUDE DUNSON III has submitted to the Board his affidavit that he no longer desires to be approved as a Texas state licensed real estate appraiser, and that he has voluntarily surrendered his license, the Board takes the following action:

NOW, THEREFORE, IT IS ORDERED that license number TX-1336144-L hereto issued to ERNEST CLAUDE DUNSON III, 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.  
14-260 & 15-071

JOSEPH EDWARD ACKER  
TX-1360097-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 Joseph Edward Acker (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-1360097-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 105 Austin Drive, Spicewood, Texas (the "Spicewood Property"), on or about December 20, 2012, and Respondent appraised residential real property located at 103 The Hills Drive, Austin, Texas (the "Hills Property") on or about June 14, 2013.
3. Thereafter, complaint number 14-260, was staff-initiated with the Board on or about July 10, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. Occ. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").
4. Respondent appraised commercial real property located at 638 Tejas Trail, Blanco, Texas 78606, Texas (the "Blanco Property"), on or about February 3, 2014.
5. Thereafter, complaint number 15-071 was staff initiated with the Board on or about November 7, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. Occ. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").

6. The Board, in accordance with the mandate of TEx.Gov'T CODE ANN. CH. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved in these complaints, on or about July 14, 2014 and November 24, 2014, respectively. Respondent was afforded an opportunity to respond to the accusations in both complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about August 21, 2014 and January 9, 2015, respectively.

7. As a result of the Board's investigation into complaint 14-260, 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 Hills Property and Spicewood Property:

- a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Scope of Work Rule; 1-2(h) and 2-2(b)(vii) – Respondent failed to perform the scope of work necessary to develop credible assignment results;
- c. USPAP Standards 1-2(e)(i) and 2-2(b)(iii) -Respondent failed to identify and describe the improvement(s) adequately;
- d. USPAP Standards 1-3(a) and 2-2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of economic supply and demand, and market area trends;
- e. USPAP Standards 1-4(b)(i), 1-4(b)(ii) and 2-2(b)(viii); 1-l(a) – Respondent failed to employ recognized methods and techniques in developing his site value determination or cost new of improvements for the cost approach; failed to provide any supporting reasoning for his conclusions regarding site value in his appraisal of The Hills Property; did not collect, verify, and analyze comparable cost data to estimate the cost new of improvements; and, failed to provide a supporting rationale for his conclusions on this topic;
- f. USPAP Standards 1-4(a) and 2-2(b)(viii); 1-l(a), 1-l(b), 1-4(a), and 1-6(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in his sales comparison approach; Respondent has not provided his reasoning and a summary of his analysis in his sales comparison approach. In addition, Respondent failed to provide his supporting rationale for his adjustments. In general, objective market data, which should have been reported and analyzed was overlooked by Respondent or incorrectly analyzed and disclosed; and Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach for the Hills Property appraisal; and
- g. USPAP Standards 1-5(b) and 2-2(b)(viii); 1-l(b) – Respondent failed to report and analyze a prior sale of the Hills Property which occurred roughly 2 months prior to Respondent's appraisal.

8. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the Hills Property and Spicewood Property as detailed above.

9. As a result of the Board's investigation into complaint 15-071, 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 Blanco Property:

- a. USPAP Ethics Rule (conduct) - Respondent knowingly permitted another person to communicate a misleading report by allowing the report to be submitted even though it wrongly claimed Respondent's wife, April Acker, inspected the property when in fact Respondent completed the interior/exterior inspection;
- b. USPAP Competency Rule - Respondent was not competent to perform the assignment, because this was an income producing farm that required competency in commercial appraising and a general certification. Respondent did not have either of these. Despite this, Respondent failed to acquire an understanding necessary to produce credible assignment results for the specific property type and market involved in an assignment, did not associate with a commercial appraiser and, failed to decline or withdraw from the assignment; and
- c. Scope of Work Rule and USPAP Standards 2-2(a)(vii) - Respondent failed to develop a scope of work that produced credible assignment results (including failing to draw upon commercial data sources to locate comparable sales and instead relying solely on the multiple listing service) and failed to identify those aspects of the assignment he was involved in.

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

11. 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**

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

13. 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).

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

15. Respondent violated 22 TEX. ADMIN. CODE § 153.8 by performing commercial appraisal activity outside the scope of practice as a residential appraiser and without associating with a general certified appraiser.

16. 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 certification (TX-1360097-R) is hereby revoked, with this revocation being fully probated for six (6) months, under the following terms and conditions:

1. **EDUCATION.** On or before Monday, December 14, 2015, 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 hour classroom course in USPAP.
  
2. **MENTORSHIP.** On or before Tuesday, January 12, 2016, 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 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. Three (3) hours of mentorship concerning Scope of Work;
  - b. Four (4) hours of mentorship concerning Highest and Best Use;
  - c. Four (4) hours of mentorship concerning Sales Comparison Approach;
  - d. Three (3) hours of mentorship concerning Cost Analysis;
  - e. Two (2) hours of mentorship concerning Scope of Practice;
  
3. **ADMINISTRATIVE PENALTY.** On or before Thursday, September 3, 2015, Respondent shall pay to the Board an administrative penalty of One Thousand Dollars (\$1,000.00), by cashier's check or money order.

4. **TRAINEES.** Respondent shall not sponsor any trainees for six (6) months from the date this Agreed Final Order is fully executed.
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 ON THE EFFECTIVE DATE OF THE REVOCATION PROBATION.**

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

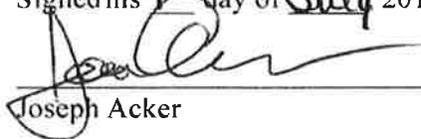
**EXECUTION**

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.

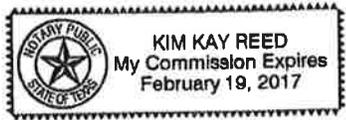
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

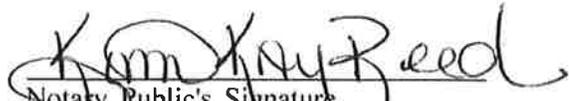
**RESPONDENT**

Signed his 7<sup>th</sup> day of July 2015.

  
\_\_\_\_\_  
Joseph Acker

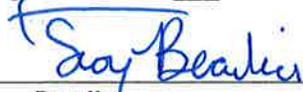
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 7<sup>th</sup> day of July 2015, by Joseph Edward Acker, witnessed by my hand and official seal.



  
\_\_\_\_\_  
Notary Public's Signature

STANDARDS AND ENFORCEMENT SERVICES DIVISION

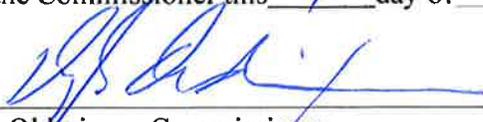
Signed this the 9<sup>TH</sup> day of JULY, 2015.



\_\_\_\_\_  
Troy Beaulieu  
Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

COMMISSIONER

Signed by the Commissioner this 9 day of JULY, 2015.



\_\_\_\_\_  
Douglas E. 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

vs.

SIDNEY JACK CRAWFORD  
TX-1337551-R

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DOCKETED COMPLAINT NOS.  
14-209 and 15-162

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Sidney Jack Crawford (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-1337551-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 4504 North County Road 25, Big Spring, Texas 79720 (the "Big Spring Property"), on or about April 25, 2014.
3. Thereafter, complaint number 14-209 was filed with the Board by the homeowner on or about May 6, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").
4. Respondent appraised residential real property located at 441 West Chambers, Garden City, Texas 79739, Texas (the "Garden City Property") on or about October 1, 2014.
5. Thereafter, complaint number 15-162 was filed with the Board by an Appraiser Management Company on or about February 12, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").

Agreed Final Order

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6. The Board, in accordance with the mandate of TEX. GOVT. CODE ANN. CH. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved in these complaints, on or about May 29, 2014 and March 31, 2015, respectively. Respondent was afforded an opportunity to respond to the accusations in both complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent provided the documentation, on or about June 19, 2014 and May 26, 2015, respectively.

7. As a result of the Board's investigation into complaint 14-209, 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 Big Spring Property:

- a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Competency Rule – Respondent failed to perform competently when completing the assignment by misapplication of recognized methods and techniques throughout the appraisal and statements in the appraisal report that demonstrate a lack of competence;
- c. USPAP Scope of Work Rule; 1-2(h) and 2-2(a)(vii) – Respondent failed to perform the scope of work necessary to develop credible assignment results;
- d. USPAP Standards 1-2(f), 1-2(g), and 2-2(a)(xi) -Respondent failed to identify and describe the improvement(s) adequately and did not identify extraordinary assumptions or hypothetical conditions he relied on;
- e. USPAP Standards 1-2(e)(i) and 2-2(a)(iii) - Respondent failed to identify the property's location, and physical, legal and economic attributes accurately or to state sufficient information to identify the property;
- f. USPAP Standards 1-2(e)(iv) and 2-2 (a)(viii)– Respondent failed to identify any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of similar nature;
- g. USPAP Standards 1-3(a) and 2-2(a)(viii); 1-3(b) and 2-2(a)(ix) – Respondent failed to identify and analyze the effect on the use and value of existing land regulations, modifications of such land use regulations, economic supply and demand, and the physical adaptability of the real estate and the market area trends. Respondent did not provide support for his highest and best use determination for the property;

Agreed Final Order

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AFOPR.v.1.6.24.2015

- h. USPAP Standards 1-4(b)(i) and (b)(ii) and 2-2(a)(viii)- Respondent failed to provide data, information, or documentation necessary in support of his opinion of site value, failed to analyze such comparable cost data as are available to estimate the cost of new improvements and to estimate depreciation and failed to utilize recognized methods or techniques in his development of the cost approach;
- i. USPAP Standards 1-4(a) and 2-2(a)(viii)- Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in the sales comparison approach;
- j. USPAP Standards 1-4(c), and 2-2(a)(viii)- Respondent failed to reconcile or discuss his decision to not develop the income approach;
- k. USPAP Standards 1-5(a) and 2-2(a)(viii)- Respondent failed to analyze the agreements of sale for the subject property current as of the effective date of the appraisal;
- l. USPAP Standards 1-6(a) and (b), and 2-2(a)(viii)- Respondent failed to reconcile the quality and quantity of data available and analyzed within the approaches used or to reconcile the applicability and relevance of the approaches, methods and techniques used to arrive at the value conclusions;
- m. USPAP Standards 1-1(a)-(c)- Respondent failed to employ recognized methods and techniques correctly to produce a credible appraisal, Respondent made numerous and substantial errors of omission or commission that significantly affected the appraisal, and he made a series of careless and negligent errors that affected the credibility of his results;
- n. USPAP Standards 2-1(a)-(b)- Respondent failed to set forth the appraisal clearly and accurately in a manner that was not misleading, and failed to provide sufficient information to enable intended users to understand the report.

8. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the Big Spring Property as detailed above.

9. As a result of the Board's investigation into complaint 15-162, 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 Garden City Property:

- a. USPAP Record Keeping Rule — Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;

Agreed Final Order

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AFOPR.v.1.6.24.2015

- b. USPAP Scope of Work Rule and USPAP Standards 1-2(h) and 2-2(a)(vii) - Respondent failed to develop a scope of work that produced credible assignment results;
- c. USPAP Standards 1-2(c) and 2-2(a)(v)- Respondent provided two different definitions of market value within his report;
- d. USPAP Standards 1-2(f), 1-2(g), and 2-2(a)(xi)- Respondent failed to identify and disclose any extraordinary assumptions or hypothetical conditions and limiting conditions used in the assignment and how their use might have affected the assignment results;
- e. USPAP Standards 1-2(e) and 2-2(a)(iii) and 1-2(e)(iv) and 2-2(a)(iii) and 1-3(a) and 2-2(a)(viii) and 1-3(b) and 2-2(a)(ix)- Respondent misidentified several salient characteristics of the property's site, including zoning, utilities, surrounding land uses and easements and did not identify the improvements adequately. He also mischaracterized the property as being subject to residential zoning when it was not. He also did not provide any supporting explanation for his highest and best use conclusions, which is problematic because the property's characteristics and proximity to commercial property suggest at least some analysis was necessary for credible assignment results;
- f. USPAP Standards 1-4(b)(i)--(b)(iii), 1-1(a), and 2-2(a)(viii)- Respondent failed to provide data, information, or documentation necessary in support of his opinion of site value, failed to analyze such comparable cost data as are available to estimate the cost of new improvements, did not estimate accrued depreciation and failed to utilize recognized methods or techniques in his development of site cost approach;
- g. USPAP Standards 1-4(a), 1-1(a), and 2-2(a)(viii)- Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in the sales comparison approach;
- h. USPAP Standards 1-4(c), and 2-2(a)(viii)- Respondent failed to reconcile or discuss his decision to not develop the income approach;
- i. USPAP Standards 1-5(a)-(b) and 2-2(a)(viii)- Respondent failed to analyze all agreements of sale, options, and listings of the property current as of the effective date of the appraisal and to analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal;
- j. USPAP Standards 1-6(a)-(b) and 2-2(a)(viii)- Respondent failed to reconcile the quality and quantity of data available and analyze within the approaches used; Respondent failed to reconcile the applicability and relevance of the approaches;

Agreed Final Order

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methods and techniques used to arrive at the value conclusions;

- k. USPAP Standards 1-1(a)-(c) and 2-1(a)- Respondent failed to employ recognized methods and techniques correctly to produce a credible appraisal, committed substantial errors that significantly affected the appraisal and rendered appraisal services in a careless or negligent manner. This impacted the credibility of the assignment and resulted in an appraisal report that was misleading; and
- l. USPAP Standards 2-2(a)(xii) and 2-3- Respondent failed to include a signed certification for the appraisal report.

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

11. 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**

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

13. 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).

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

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

#### **ORDER**

16. 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

Agreed Final Order

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AFOPR.v.1.6.24.2015

completion of the course in the event of course cancellation or rescheduling by the course provider.

- a. A minimum, 15 hour classroom course in USPAP;
- b. A minimum, 15 hour classroom course in the sales comparison approach;
- c. A minimum, 15 hour classroom course in the cost approach;
- d. A minimum 7 hour classroom course in appraisal report writing (no examination shall be required for this course); and
- e. A minimum 7 hour classroom course in highest and best use of property (no examination shall be required for this course).

2. **MENTORSHIP.** On or before February 14, 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. Three (3) hours of mentorship concerning scope of work;
- b. Three (3) hours of mentorship concerning highest and best Use;
- c. Three (3) hours of mentorship concerning sales comparison approach (adjustment support and comparable selection); and
- d. Three (3) hours of mentorship concerning cost approach (site valuation and market derived depreciation).

3. 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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt

Agreed Final Order

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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](mailto: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 and Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, Texas 78701.

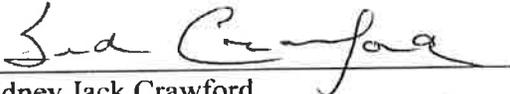
**EXECUTION**

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.

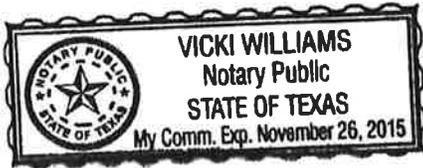
**RESPONDENT**

Signed this 23 day of July, 2015.

  
Sidney Jack Crawford

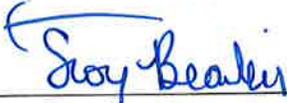
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 23<sup>rd</sup> day of July, 2015, by Sidney Jack Crawford, witnessed by my hand and official seal.

  
Notary Public's Signature



**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed this the 29<sup>th</sup> day of July, 2015.



Troy Beaulieu  
Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 30<sup>th</sup> day of July, 2015.



*for* Douglas L. 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



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-125

KRISTINA L. MABEY  
TX-1327024-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 Kristina L. Mabey (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-1327024-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 9131 Watercress Drive, Fort Worth, Texas 76135 (the “Property”), on or about November 6, 2014.
3. Thereafter, complaint number 15-125 was filed with the Board by a homeowner on or about December 23, 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. GOVT. CODE ANN. §2001, the Administrative Procedure Act (the “APA”), and the Act, notified Respondent of the nature of the accusations involved, on or about January 8, 2015. 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 provided the requested documentation, on or about February 18, 2015.
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 a work file containing all documentation necessary to support her analyses, opinions and conclusions;
- b. USPAP Competency Rule- Respondent failed to demonstrate competency by correctly employing recognized methods and techniques;
- c. USPAP Scope of Work Rule- Respondent failed to perform the scope of work necessary to develop credible results;
- d. USPAP Standards 1-2(f)-(g), 2-1(c), and 2-2(a)(xi)- Respondent failed to identify any extraordinary assumptions, hypothetical conditions, or limiting conditions necessary in the assignment, and how their use might have affected the assignment results;
- e. USPAP Standards 1-2(e)(i) and 2-2(a)(iii); 1-2(e)(iii), 1-4(g) and 2-2(a)(viii)-- Respondent failed to identify site and improvement(s) description adequately; Respondent failed to identify any personal property, trade fixtures, or intangible items that are not real property but are included in the appraisal or to analyze the effect on value of such non-real property items;
- f. USPAP Standards 1-3(a) and 2-2(a)(viii)- Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends;
- g. USPAP Standards 1-4(b)(i)-(iii), 1-1 (a) and 2-2(a)(viii)- Respondent failed to employ recognized methods and techniques in her cost approach, failed to provide her supporting rationale and relevant evidence and logic for her site value determination, cost of improvements and depreciation in her appraisal report. In addition, her cost of improvements was inconsistent with her stated source data (Marshall and In addition, Swift);
- h. USPAP Standards 1-4(a), 1-1(a) and 2-2(a)(viii)- Respondent failed to employ recognized methods and techniques in the sales comparison approach in terms of both the selection of comparable sales and the application of adjustments., Respondent also failed to summarize the information analyzed, the appraisal and techniques employed, and the reasoning that supported her analyses, opinions, and conclusions;
- i. USPAP Standards 1-5(a) and 2-2(a)(viii); 1-6(a)-(b) and 2-2(a)(viii)-Respondent failed to analyze all agreements of sale, options, and listings of the subject property current as of the effective date of the appraisal; and Respondent failed to summarize the information analyzed, the appraisal and techniques employed, and the reasoning that supported her analyses, opinions, and conclusions to develop a market value opinion. She did not reconcile this information with her other market data; and,

- j. USPAP Standards 1-1(a)-(b); 2-1(a)-(b)- Respondent failed to employ those recognized methods and techniques that are necessary to produce a credible appraisal; and Respondent committed substantial errors of omission or commission that significantly affected the appraisal. Respondent also failed to clearly and accurately set forth the appraisal in a manner that was not misleading or to provide sufficient information to enable the intended users of the appraisal to understand the report properly.
6. Respondent made material misrepresentations and 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**:

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 hour classroom course in USPAP; and,

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- b. A minimum, 7 hour classroom course in residential report writing (no examination for this course required).

2. **MENTORSHIP.** On or before February 14, 2016, 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 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. Four (4) hours of mentorship concerning the sales comparison approach, including both selection of sales and making, and supporting adjustments;
- b. Four (4) hours of mentorship concerning the cost approach, including how to provide supporting evidence and logic for conclusions made;
- c. Four (4) hours of mentorship concerning development and implementation of an adequate scope of work; and
- d. Four (4) hours of mentorship concerning development of an appropriate highest and best use.

3. **TRAINEES.** Respondent shall not sponsor any trainees for six (6) months, from the date this Agreed Final Order is fully executed.

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**

**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](mailto: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.

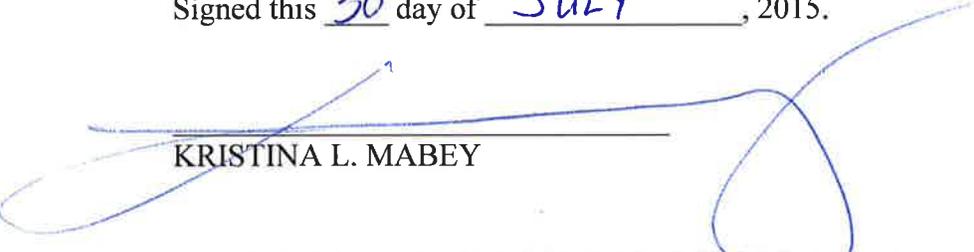
**EXECUTION**

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.

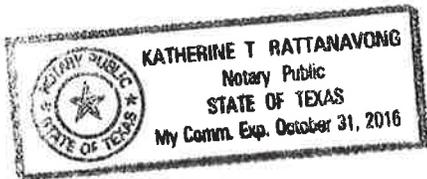
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 30 day of JULY, 2015.

  
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KRISTINA L. MABEY

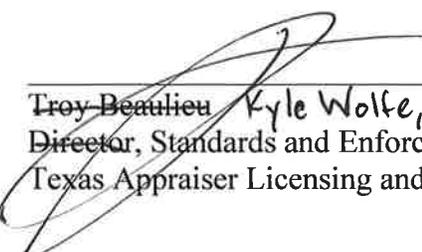
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 30 day of JULY, 2015, by Kristina L. Mabey, to certify which witness my hand and official seal.



  
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Notary Public's Signature

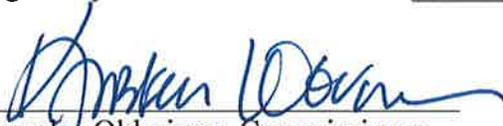
**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 3rd day of August, 2015.

  
Troy Beaulieu Kyle Wolfe, Attorney  
Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

*for*   
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.  
14-221**

**SEAN MICHAEL MURPHY  
TX-1350087-L**

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board, (the “Board”), considered the matter of the certification of Sean Michael Murphy (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-1350087-L and was licensed by the Board during all times material to the above-noted complaint.

2. Respondent provided significant assistance to Thomas R. Rohde, TX-1323013-G in the performance of appraisals of residential real property located at 175 Tahitian Drive, Bastrop, Texas 78602 (the “Tahitian Drive Property”) on or about December 12, 2005; Respondent appraised residential real property located at 3985 River Place Blvd., Austin, Texas 78730 (the “River Place Property”) on or about September 4, 2009; and Respondent appraised residential real property located at 137 Powder Horn Road, Bastrop, Texas 78602 (the "Powder Horn Property"), on or about November 18, 2013. All three properties referred to collectively (the “Properties”).

3. Thereafter, complaint number 14-221 was staff-initiated with the Board on or about June 4, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (the “Act”) and 22 TEX. ADMIN. CODE CH. 153 and 155 (the “Rules”).

4. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CH. 2001, the Administrative Procedure Act (the “APA”), and the Act, notified Respondent of the nature of the accusations involved in these complaint, on or about May 27, 2014. Respondent was afforded an opportunity to respond to the accusations in both complaints and was also requested to provide

certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about June 25, 2014.

5. As a result of the Board's investigation into complaint 14-221, 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 Tahitian Drive Property:

- a. USPAP Ethics Rule (Record Keeping Provision) – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and describe the improvement(s) adequately;
- c. USPAP Standards 1-1(a), 1-4(b)(i)-(iii), 1-4(b)(ii) and 2-2(b)(viii) – Respondent failed to employ recognized methods and techniques in developing his site value determination and cost new of improvements for the cost approach; and failed to provide supporting rationale and analysis for these conclusions in the cost approach;
- d. USPAP Standards 1-4(a), 1-1(a), and 2-2(b)(viii) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach. Objective market data, which should have been reported and analyzed, was overlooked by Respondent or incorrectly analyzed and disclosed; and
- e. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to correctly report the property's characteristics, producing an appraisal in careless or negligent manner that was misleading.

6. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the Tahitian Drive Property as detailed above.

7. As a result of the Board's further investigation into complaint 14-221, 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 River Place Property:

- a. USPAP Ethics Rule (Record Keeping Provision) – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Competency Rule – Respondent failed to demonstrate the geographic competency to complete this assignment, or utilize a primary data source for the property's market, which resulted in misleading information;

c. USPAP Standards 1-1(a), 1-2(e)(i), and 2-2(b)(iii) – Respondent failed to identify and report the site description and reported improvements adequately, and did not employ reorganized methods, including incorrectly aggregating the square footage of a pool house with the main portion of the property’s living area;

d. USPAP Standards 1-4(b)(i)-(iii), 2-2(b)(viii), 1-1(a) and 1-4(a) – Respondent failed to employ recognized methods and techniques in developing his site value determination and cost new of improvements for the cost approach, and failed to analyze or reconcile accrued depreciations properly. He also failed to provide supporting analysis in his cost approach;

e. USPAP Standards 1-4(a), 1-1(a), and 2-2(b)(viii) – Respondent failed to collect, verify, analyze or reconcile comparable sales data adequately, and did not employ recognized methods and techniques in the sales comparison approach. Objective market data, which should have been reported and analyzed, was overlooked by Respondent or incorrectly analyzed and disclosed; and,

f. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to report correctly the property’s characteristics, producing an appraisal in careless or negligent manner that was misleading.

8. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the River Place Property as detailed above.

9. As a result of the Board’s further investigation into complaint 14-221, 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 Powder Horn Property:

a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;

b. USPAP Standards 1-1(a), 1-4(b)(i)-(ii), and 2-2(b)(viii) – Respondent failed to develop a site value determination by an appropriate appraisal method or technique or to analyze and report the cost new of improvements correctly. Respondent failed to provide supporting analysis for his conclusions which were inconsistent with cost publication data and market data. In general, he failed to employ recognized methods and techniques in his cost approach;

c. USPAP Standards 1-1(a), 1-4(a), and 2-2(b)(viii)- Respondent failed to employ recognized methods and techniques, failed to disclose or utilize available sales within the property’s subdivision and utilized sales from outside the subdivision that were superior in quality without making adjustments;

d. USPAP Standards 1-5(b) and 2-2(b)(viii) – Respondent failed to analyze or report all sales of the property within three years prior to the appraisal as are available to estimate cost new of improvements or to determine site value;

e. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to correctly report the property's characteristics, producing an appraisal in careless or negligent manner that was misleading.

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

11. 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

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

13. 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).

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

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

## ORDER

16. 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 hour classroom course in USPAP.

2. **MENTORSHIP.** On or before February 14, 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. Two (2) hours of mentorship concerning cost approach;
- b. Two (2) hours of mentorship concerning sales approach;
- c. Two (2) hours of mentorship concerning geographic competency and scope of work;
- d. One (1) hour of mentorship concerning work file requirements; and,
- e. One (1) hour of mentorship concerning report writing.

3. 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](mailto: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 and Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, Texas 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.

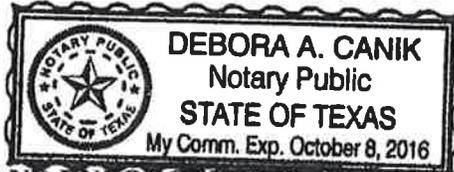
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 30<sup>th</sup> day of July, 2015.

  
Sean Michael Murphy

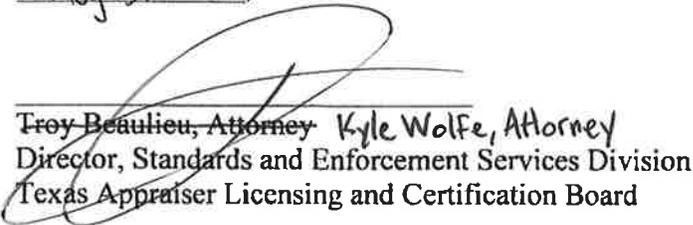
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 30 day of July, 2015, by Sean Michael Murphy, witnessed by my hand and official seal.



  
Notary Public's Signature

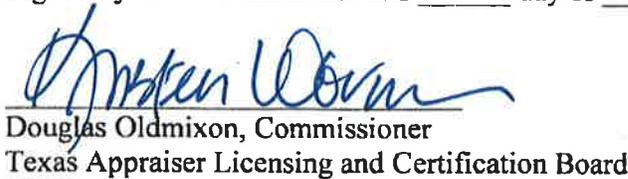
**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 3rd day of August, 2015.

  
~~Troy Beaulieu, Attorney~~ Kyle Wolfe, Attorney  
Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

*for*   
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 7 of 7



**TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD**

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vs.

**DOCKETED COMPLAINT NO.  
14-222**

**THOMAS R. ROHDE  
TX-1323013-G**

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Thomas R. Rohde (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 general real estate appraiser who holds Certification number TX-1323013-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 175 Tahitian Drive, Bastrop, Texas 78602 (the "Tahitian Drive Property") on or about December 12, 2005; Respondent appraised residential real property located at 3985 River Place Blvd., Austin, Texas 78730 (the "River Place Property") on or about September 4, 2009; and Respondent appraised residential real property located at 137 Powder Horn Road, Bastrop, Texas 78602 (the "Powder Horn Property"), on or about November 18, 2013. All three properties referred to collectively (the "Properties").
3. Thereafter, complaint number 14-222 was staff-initiated with the Board 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 CH. 1103 (the "Act") and 22 TEX. ADMIN. CODE CH. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CH. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved in these complaint, on or about May 27, 2014. Respondent was afforded an opportunity to respond to the accusations in both complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about June 25, 2014.

5. As a result of the Board's investigation into complaint 14-222, 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 Tahitian Drive Property:

- a. USPAP Ethics Rule (Record Keeping Provision) – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and describe the improvement(s) adequately;
- c. USPAP Standards 1-1(a), 1-4(b)(i)-(iii), 1-4(b)(ii) and 2-2(b)(viii) – Respondent failed to employ recognized methods and techniques in developing his site value determination and cost new of improvements for the cost approach; and failed to provide supporting rationale and analysis for these conclusions in the cost approach;
- d. USPAP Standards 1-4(a), 1-1(a), and 2-2(b)(viii) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach. Objective market data, which should have been reported and analyzed, was overlooked by Respondent or incorrectly analyzed and disclosed; and
- e. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to correctly report the property's characteristics, producing an appraisal in careless or negligent manner that was misleading.

6. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the Tahitian Drive Property as detailed above.

7. As a result of the Board's further investigation into complaint 14-222, 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 River Place Property:

- a. USPAP Ethics Rule (Record Keeping Provision) – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;
- b. USPAP Competency Rule – Respondent failed to demonstrate the geographic competency to complete this assignment, or utilize a primary data source for the property's market, which resulted in misleading information;
- c. USPAP Standards 1-1(a), 1-2(e)(i), and 2-2(b)(iii) – Respondent failed to identify and report the site description and reported improvements adequately, and did not employ

reorganized methods, including incorrectly aggregating the square footage of a pool house with the main portion of the property's living area;

d. USPAP Standards 1-4(b)(i)-(iii), 2-2(b)(viii), 1-1(a) and 1-4(a) – Respondent failed to employ recognized methods and techniques in developing his site value determination and cost new of improvements for the cost approach, and failed to analyze or reconcile accrued depreciations properly. He also failed to provide supporting analysis in his cost approach;

e. USPAP Standards 1-4(a), 1-1(a), and 2-2(b)(viii) – Respondent failed to collect, verify, analyze or reconcile comparable sales data adequately, and did not employ recognized methods and techniques in the sales comparison approach. Objective market data, which should have been reported and analyzed, was overlooked by Respondent or incorrectly analyzed and disclosed; and,

f. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to report correctly the property's characteristics, producing an appraisal in careless or negligent manner that was misleading.

8. Respondent made material misrepresentations and omitted material facts with respect to the appraisal of the River Place Property as detailed above.

9. As a result of the Board's further investigation into complaint 14-222, 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 Powder Horn Property:

a. USPAP Record Keeping Rule – Respondent failed to maintain a work file containing all documentation necessary to support his analyses, opinions and conclusions;

b. USPAP Standards 1-1(a), 1-4(b)(i)-(ii), and 2-2(b)(viii) – Respondent failed to develop a site value determination by an appropriate appraisal method or technique or to analyze and report the cost new of improvements correctly. Respondent failed to provide supporting analysis for his conclusions which were inconsistent with cost publication data and market data. In general, he failed to employ recognized methods and techniques in his cost approach;

c. USPAP Standards 1-1(a), 1-4(a), and 2-2(b)(viii)- Respondent failed to employ recognized methods and techniques, failed to disclose or utilize available sales within the property's subdivision and utilized sales from outside the subdivision that were superior in quality without making adjustments;

d. USPAP Standards 1-5(b) and 2-2(b)(viii) – Respondent failed to analyze or report all sales of the property within three years prior to the appraisal as are available to estimate cost new of improvements or to determine site value;

e. USPAP Standards 1-1(a)-(c) and 2-1(a) – As detailed above, Respondent committed

substantial errors of omission or commission which had a significant effect on the appraisal, and Respondent failed to correctly report the property's characteristics, producing an appraisal in careless or negligent manner that was misleading.

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

11. 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**

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

13. 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).

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

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

## **ORDER**

16. 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 hour classroom course in USPAP.

2. **MENTORSHIP.** On or before February 14, 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. Two (2) hours of mentorship concerning cost approach;
- b. Two (2) hours of mentorship concerning sales approach;
- c. Two (2) hours of mentorship concerning geographic competency and scope of work;
- d. One (1) hour of mentorship concerning work file requirements; and
- e. One (1) hour of mentorship concerning report writing.

3. 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](mailto: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 and Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, Texas 78701.

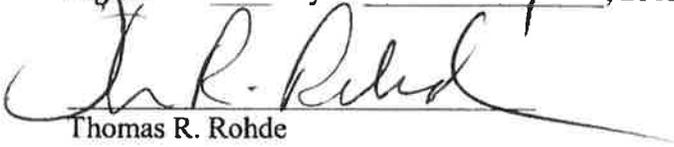
### **EXECUTION**

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.

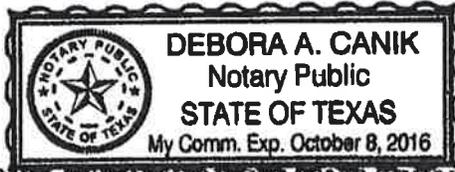
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 30 day of July, 2015.

  
Thomas R. Rohde

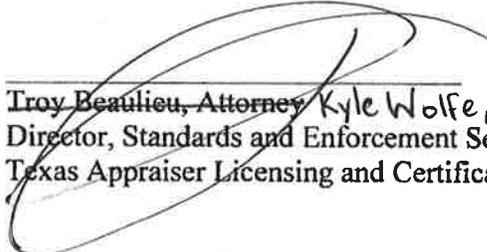
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 30 day of July, 2015, by Thomas R. Rohde, witnessed by my hand and official seal.



  
Notary Public's Signature

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

  
Troy Beaulieu, Attorney Kyle Wolfe, Attorney  
Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

*for*   
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





**AGENDA ITEM 7**

Discussion and possible action to approve request for modification of agreed order in the matter of Complaint #13-299 (Ben Autry Campbell, TX-1325877-G).



May 18, 2015

To Whom It May Concern:

I am writing to request an extension to complete the required appraisal courses in accordance with my agreed settlement, the deadline of which is May 20, 2015. I have completed the required mentorship and USPAP class. However, at this time I have been unable to complete in person classes for "cost approach and site valuation" and "residential report writing" due to my failing health.

Since this settlement agreement became effective on November 20, 2015, I have experienced a litany of health issues which can be verified by medical records. I am a severe diabetic, have had a heart valve replacement, and rely upon a pacemaker. Over the past months my doctors and I have struggled to maintain my blood pressure which has resulted in numerous trips to the local emergency room. This issue is made worse by the following health troubles which require frequent adjustments to my medication doses; essentially we are struggling to find the right balance of medications. In February of 2015 I fell off a porch and fractured the L3 vertebra in my back. This condition causes me severe pain and limits my ability to walk, stand or sit upright for long periods. Finally, on April 15, 2015, half of my right foot was amputated due to an infection. At this time my wound from this surgery has not yet closed and I remain at risk for infection. My next appointment to have stiches removed is on May 28, 2015. I hope that after my foot is cared for I will be able to receive treatment for my back injury.

The above list of medical problems has made it physically and medically impossible for me to timely complete in person classes. Additionally the courses which I am required to take are offered predominately online, making it additionally difficult to timely complete these classes. If granted the requested extension I shall complete said classes as soon as reasonably possible. I humbly request your understanding in this matter. Thank you.

Sincerely,



Ben A. Campbell, Jr.

## Dione Frederick

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**From:** Kristen Worman <kristen.worman@talcb.texas.gov>  
**Sent:** Friday, May 22, 2015 7:54 AM  
**To:** 'Troy Beaulieu'; 'kyle wolfe'; Dione Frederick  
**Subject:** FW: your modification request

Troy & Kyle – FYI

Dione –  
Please save Mr. Campbell's email with the materials for the August Board meeting.

Thanks!  
klw

---

**From:** Ben Campbell [<mailto:bcampbell@starband.net>]  
**Sent:** Thursday, May 21, 2015 10:54 PM  
**To:** 'Kristen Worman'  
**Subject:** RE: your modification request

Kristen Worman

The only school that offers classes with such title is Champions. Both courses are offered the last half of July. I will attend the classes at that time.

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**From:** Kristen Worman [<mailto:kristen.worman@talcb.texas.gov>]  
**Sent:** Tuesday, May 19, 2015 1:39 PM  
**To:** [bcampbell@starband.net](mailto:bcampbell@starband.net)  
**Cc:** [kyle.wolfe@talcb.texas.gov](mailto:kyle.wolfe@talcb.texas.gov); 'Troy Beaulieu'; Dione Frederick  
**Subject:** RE: your modification request

Dear Mr. Campbell –

I have reviewed your request for modification, and I will add your request to the Agenda for the next Board meeting on August 14, 2015. I note that your request does not request a specific date to which you would like the time period for compliance to be extended. The current date for compliance is May 20, 2015. Would you please respond and provide me with the extension date you are requesting, for example, October 31, 2015? The date you provide should allow you sufficient time to complete the remaining terms of your Agreed Order without the need to request another modification from the Board.

Please understand that you are welcome to attend the Board meeting on August 14, 2015, and present your request to the Board in person, but you are not required to do so. We will notify you of the Board's decision after the meeting.

Based on your request, the Board will not take any action against your license until the Board considers your request for an extension of time at their meeting on August 14<sup>th</sup>. However, I would encourage you to work towards fulfilling the remaining terms of your Agreed Order by that date, as there is no guarantee that the Board will grant additional time for compliance beyond August 14, 2015.

Best regards,

**Kristen Worman**  
General Counsel/Deputy Commissioner

Texas Appraiser Licensing & Certification Board  
1700 N. Congress Ave., Suite 400  
Austin, TX 78701  
(512) 936-3093 Telephone  
(512) 936-3788 Facsimile  
[kristen.worman@talcb.texas.gov](mailto:kristen.worman@talcb.texas.gov)

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**From:** Troy Beaulieu [<mailto:troy.beaulieu@talcb.state.tx.us>]  
**Sent:** Monday, May 18, 2015 9:35 AM  
**To:** [bcampbell@starband.net](mailto:bcampbell@starband.net)  
**Cc:** [kyle.wolfe@talcb.texas.gov](mailto:kyle.wolfe@talcb.texas.gov)  
**Subject:** your modification request

Dear Mr. Campbell,

We've received your faxed request for modification of your agreed final order and it has been forwarded to our general counsel, Kristen Worman, for consideration.

Sincerely,

Troy Beaulieu  
Acting Director, Standards and Enforcement Services Division  
Texas Appraiser Licensing and Certification Board  
1700 N. Congress Avenue, Ste. 400  
Austin, TX 78701  
(512) 936-3623 (direct)  
(512) 936-3966 (fax)

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

BEN AUTRY CAMPBELL, JR.  
TX-1325877-G

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DOCKETED COMPLAINT NO. 13-299

### AGREED FINAL ORDER

On the 21 day of Nov, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Ben Autry Campbell, Jr. (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 and further agrees to the disciplinary action set out in this Agreed Final Order.

### **FINDINGS OF FACT**

1. Respondent Ben Autry Campbell, Jr. is a Texas state certified general real estate appraiser who holds certification number TX-1325877-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at 504 Circle Drive, Sunset Beach, Texas (the "property") on or about January 15<sup>th</sup>, 2013.
3. On or about August 8, 2014, a complaint was filed with the Board by Joseph Kuzner, a staff appraiser with Flagstar Bank. The complaint alleged that the Respondent produced an appraisal report for the property that contained violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. On or about August 9, 2014, the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to the USPAP:
  - a) USPAP Record Keeping Rule – Respondent's work file did not contain the documentation necessary to support his analyses, opinions and conclusions;

- b) USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(v)(ii) – Respondent failed to perform the scope of work necessary to develop credible assignment results;
- c) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site description for the property adequately;
- d) USPAP Standards 1-3(a) & -2(b)(viii) – Respondent failed to 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;
- e) USPAP Standards 1-3(b) & 2-2(b)(viii) – Respondent failed to provide a summary of his rationale for his termination of the property’s highest and best use;
- f) USPAP Standards 1-4(b)(i) & 2-2(b)(viii) – Respondent failed to employ appropriate methods or techniques to determine the property’s site value and did not provide his supporting rationale for this determination;
- g) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii) – Respondent failed to collect, verify, analyze and reconcile the cost new of improvements;
- h) USPAP Standards 1-1(a) & 1-4(b) – Respondent did not employ recognized methods and techniques in his cost approach;
- i) 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 adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- j) USPAP Standards 1-5(a) & 2-2(b)(viii) – Respondent failed to analyze all agreements of sale, options or listings of the subject current as of the effective date of the appraisal;
- k) USPAP Standards 1-6(a) (b), and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches to value used and the applicability or suitability of the approaches;
- l) USPAP Standards 1-1(a), 1-1(b), and 1-1(c) – For the reasons detailed above, Respondent produced an appraisal for the property that contained substantial errors of omission or commission by not employing correct methods and techniques as detailed above. This resulted in an appraisal that was not credible or reliable.

6. Respondent’s report contained material misrepresentations and omissions of material fact as detailed above.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
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 made material misrepresentations or omissions of material facts as prohibited by 22 TEX. ADMIN. CODE § 153.20(a)(12).
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 Texas appraiser certification be suspended for a period of 12 months, effective 5:00 p.m. (CST) on November 21<sup>st</sup>, 2014. IT IS FURTHER ORDERED that beginning at 5:00 p.m. (CST) on November 21<sup>st</sup>, 2014, the suspension is to be fully probated for 12 months ending 5:00 p.m. (CST) on November 20<sup>th</sup>, 2015, subject to the following terms and conditions:

1. **EDUCATION.** On or before May 20<sup>th</sup>, 2015, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this 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;
  - B. A minimum 7 classroom hour course in the cost approach and site valuation;  
and,
    - i. No examination shall be required for this course;
  - C. A minimum 7 classroom hour course in residential report writing.
    - i. No examination shall be required for this course;

2. **MENTORSHIP.** On or before February 20<sup>th</sup>, 2015, Respondent shall complete 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 on or before the due date listed for the mentorship requirement. Respondent shall also submit a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees form on or before the due date listed for the mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 8 hours of mentorship shall include:
  - A. 4 hours on comparable sales selection; and,
  - B. 4 hours on the sales comparison approach and making adjustments to sales;
3. **NO TRAINEES.** Respondent shall not sponsor or supervise any appraiser trainees for the duration of the above-referenced 12 month probation period;
4. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
5. 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 and amount, commencing on the effective date of the revocation of probation. If Respondent fails to timely comply with any term in this agreed final order, which has a specific, stated due date, the Respondent shall also 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 Texas Appraiser Licensing and Certification Act or the administrative procedure act 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. 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 with this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: [compliance.talcb@talcb.texas.gov](mailto: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.

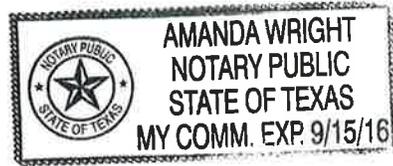
**RESPONDENT**

Signed this 23 day of August, 2014.

*BEN AUTRY CAMPBELL, JR.*  
BEN AUTRY CAMPBELL, JR.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 23<sup>rd</sup> day of August, 2014, by BEN AUTRY CAMPBELL, JR., to certify which, witness my hand and official seal.

*AMANDA WRIGHT*  
Notary Public Signature



*AMANDA WRIGHT*  
Notary Public's Printed Name

**BOARD STAFF ATTORNEY**

Signed by the Standards and Enforcement Services Division this 2<sup>nd</sup> day of SEPTEMBER, 2014.

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

**BOARD COMMISSIONER**

Signed by the Commissioner this 21 day of NOV, 2014.

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

**BOARD CHAIRPERSON**

Approved by the Board and Signed this 21 day of November, 2014.

*JAMIE S. WICKLIFE*  
Jamie S. Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

**CERTIFICATION OF COMPLETION OF MENTORSHIP**

I hereby certify to the Texas Appraiser Licensing and Certification Board that during the time period of January 27, 2015 to January 27, 2015, I conducted a total of 8 1 hour, in person, face-to-face mentorship meetings with Ben A. Campbell, Jr. ("Appraiser"). During each of these mentorship meetings I discussed the Uniform Standards of Professional Appraisal Practice, real estate appraisal practices, skills, methods, techniques, processes or other germane material with the Appraiser in an effort to improve this individual's skills as a real estate appraiser. The Appraiser was interactive and collaborative with me in our common goal to improve this individual's skills as a real estate appraiser.

Bobby W. Crisp

NAME (PRINT)

  
SIGNATURE

DATE: January 27, 2015

**AGENDA ITEM 8**

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 August 14, 2015****Members: Laurie Fontana, Chair, Sara Oates and Lawrence McNamara**

Since the May 2015 Board meeting, the AMC Advisory Committee met via teleconference on August 14, 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; Troy Beaulieu, Director-SES; Kyle Wolfe, Staff Attorney; Gwen Jackson, Director-ELS; Becky Jarmon, Licensing Specialist; and Britta Mutschler, ITS.

**Public in attendance:** Joe Woller, FACT; David Mentasana, My AMC; and Bart Miller.

The Committee discussed several items, including the newly adopted federal rules regarding AMCs, possible changes to the definition of "review" and scope of work in TALCB Rule 159.155, and revisions to AMC application and renewal forms. The Committee also continued its discussion of the process and format for AMC compliance audits. The Committee considered proposed changes to Rule 159.155 as drafted by Committee Member Sara Oates, but tabled the discussion of any changes to this rule until its next meeting.

The Committee did not set a future meeting date.





TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

**AGENDA ITEM 9**

Report by Budget Committee.

**AGENDA ITEM 10**

Report by Education 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

**Education Committee Report August 14, 2015**

**Members: Jim Jeffries, Chair, Walker Beard and Brian Padden**

The Education Committee met via teleconference on July 23, 2015.

**Meeting on July 23, 2015**

**Committee Members in attendance:** Jim Jeffries, Chair; Walker Beard and Brian Padden.

**Other Board Members in attendance:** None

**Staff in attendance:** Douglas Oldmixon, Commissioner; Kristen Worman, General Counsel; Tony Slagle, Government Affairs; Dione Frederick, Recording Secretary; Troy Beaulieu, Director-SES; Gwen Jackson, Director-ELS; Jennifer Wheeler, Education Manager.

**Public in attendance:** None

The Committee discussed several items, proposed amendments to 22 TAC §153.21, Appraiser Trainees and Sponsors, including related form revisions; developing rules for approval of continuing education providers and courses; and developing a voluntary appraiser trainee review program. Staff presented proposed outlines for:

- 1) approval of continuing education providers and courses; and
- 2) voluntary appraiser trainee review program.

The Committee approved the proposed outlines and structure for approval of continuing education providers and courses and the voluntary appraiser trainee review program. The Committee asked Staff to draft and present rules for these items at the next Committee meeting. In addition to these items, the Committee will consider convening a writing group to develop a Texas Legal Update course at the next Committee meeting.

The Committee set a tentative future meeting date for a teleconference meeting on Thursday, October 8, 2015 at 10:00am.





TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

## AGENDA ITEM 11

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

James J. Jeffries

Brian L. Padden

Douglas E. Oldmixon  
Commissioner

## Enforcement Committee Report August 14, 2015

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

Since the May 2015 Board meeting, the Enforcement Committee met on July 24, 2015.

### Meeting on July 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; Troy Beaulieu, Director-SES; and Kyle Wolfe, Staff Attorney.

**Public in attendance:** Joe Woller, FACT; Joe Milkes, FACT; and Bobby Crisp, ATA.

The Committee continued its discussion regarding qualifications for appointment as a Mentor and voted 2-1 (Ms. Fontana and Mr. Barba, in favor; Mr. McAnally, opposed) to recommend the following criteria for Board approved Mentors:

- 10+ years as a certified residential or certified general appraiser;
- Certified USPAP Instructor; or hold a recognized appraiser designation and are approved to teach courses to obtain that designation; and
- In good standing, with no formal discipline.

The Committee considered alternative standards for evaluating required experience for former license holders and recommends a new rule regarding license reinstatement. The Committee also considered and recommends proposed changes to certain Board rules and new rules based on statutory changes adopted by the 84<sup>th</sup> Legislature.

The Committee did not set a future meeting date.



**AGENDA ITEM 12**

Report by Executive Committee.



TALCB Board Members**Executive Committee Report August 14, 2015**

Jamie S. Wickliffe  
Chair

Since the May 2015 Board meeting, the Executive Committee met via teleconference on July 23, 2015.

Laurie C. Fontana  
Vice Chair

**Meeting on July 23, 2015**

Mark A. McAnally  
Secretary

**Committee Members in attendance:** Jamie Wickliffe, Chair; Laurie Fontana, Vice Chair; and Mark McAnally, Secretary.

Jesse Barba, Jr.

**Staff in attendance:** Douglas Oldmixon, Commissioner; Kristen Worman, General Counsel; and Tony Slagle, Government Affairs.

Walker R. Beard

Clayton P. Black

**Public in attendance:** None.

Patrick M. Carlson

James J. Jeffries

The Committee reviewed the Memorandum of Understanding between the Board and the Texas Real Estate Commission, along with several proposed rule changes based on statutory changes adopted by the 84<sup>th</sup> Legislature. In addition, the Committee considered changes to the 2015 Real Property Appraiser Qualification Criteria adopted by the Appraiser Qualifications Board (AQB) and suggested convening a working group to develop a recommendation for the Board on how to implement these changes.

Brian L. Padden

Douglas E. Oldmixon  
Commissioner

The Committee did not set a future meeting date.





### 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	18,409	19,297	24,027			176,874
<b>TALCB LL</b>	<b>1,031</b>	<b>1,151</b>	<b>886</b>	<b>1,040</b>	<b>1,334</b>	<b>980</b>	<b>1,260</b>	<b>1,198</b>	<b>1,180</b>	<b>1,548</b>			<b>11,608</b>
<b>Total Calls</b>	<b>16,665</b>	<b>18,545</b>	<b>12,450</b>	<b>15,155</b>	<b>20,570</b>	<b>17,995</b>	<b>21,443</b>	<b>19,607</b>	<b>20,477</b>	<b>25,575</b>			<b>188,482</b>

### 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	175	176	194			1,721
Education	144	45	75	47	41	52	51	51	64	39			609
Inspector	18	7	6	8	11	24	12	9	13	7			115
Enforcement	19	21	20	10	16	19	12	9	12	9			147
<b>TALCB Lic</b>	<b>6</b>	<b>3</b>	<b>12</b>	<b>8</b>	<b>9</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>4</b>			<b>52</b>
<b>TALCB Enf</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>			<b>5</b>
<b>Total</b>	<b>397</b>	<b>233</b>	<b>267</b>	<b>189</b>	<b>244</b>	<b>264</b>	<b>286</b>	<b>244</b>	<b>270</b>	<b>255</b>			<b>2,649</b>

### 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	5,224	4,692	5,475			47,288
Education	659	1,129	750	832	1,029	1,170	1,080	1,401	1,326	1,361			10,737
Inspector	87	66	81	128	56	80	142	127	95	82			944
Enforcement	115	106	85	75	60	73	86	73	73	77			823
<b>TALCB Lic</b>	<b>70</b>	<b>139</b>	<b>121</b>	<b>249</b>	<b>115</b>	<b>191</b>	<b>378</b>	<b>314</b>	<b>304</b>	<b>294</b>			<b>2,175</b>
<b>TALCB Enf</b>	<b>4</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>12</b>	<b>8</b>	<b>16</b>	<b>17</b>			<b>84</b>
<b>Total</b>	<b>5,413</b>	<b>5,949</b>	<b>4,342</b>	<b>5,259</b>	<b>6,632</b>	<b>6,085</b>	<b>7,412</b>	<b>7,147</b>	<b>6,506</b>	<b>7,306</b>			<b>62,051</b>

C1 Report  
FY 2015

**TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**  
**ACTIVE CERTIFICATIONS AND LICENSES**

FISCAL YEAR	END OF MONTH					TOTAL	G.R.L. & P		TRAINEE	TOTAL	
		GENERAL	RESIDENTIAL	LICENSE	PROVISIONAL	G.R.L. & P	CHANGE	TRAINEE	CHANGE	TOTAL	CHANGE
<b>FY-2011</b>	Sep10	2,366	2,486	651	23	5,526	-18	614	67	6,140	49
	<b>Oct-Dec10 - Totals for October thru December 2010 are not available due to system conversion</b>										
	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
<b>FY-2012</b>	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
<b>FY-2013</b>	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
<b>FY-2014</b>	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	N/A	5,201	-6	780	-6	5,981	-12
	Mar14	2,368	2,385	453	N/A	5,206	5	788	8	5,994	13
	Apr14	2,373	2,393	454	N/A	5,220	14	783	-5	6,003	9
	May14	2,375	2,399	457	N/A	5,231	11	779	-4	6,010	7
	Jun14	2,378	2,401	451	N/A	5,230	-1	777	-2	6,007	-3
	Jul14	2,377	2,403	454	N/A	5,234	4	766	-11	6,000	-7
	Aug14	2,386	2,405	453	N/A	5,244	10	760	-6	6,004	4
<b>FY-2015</b>	Sep14	2,393	2,407	451	N/A	5,251	7	767	7	6,018	14
	Oct14	2,402	2,418	448	N/A	5,268	17	766	-1	6,034	16
	Nov14	2,407	2,415	440	N/A	5,262	-6	749	-17	6,011	-23
	Dec14	2,409	2,431	442	N/A	5,282	20	756	7	6,038	27
	Jan15	2,405	2,437	446	N/A	5,288	6	767	11	6,055	17
	Feb15	2,417	2,437	442	N/A	5,296	8	760	-7	6,056	1
	Mar15	2,423	2,445	444	N/A	5,312	16	761	1	6,073	17
	Apr15	2,408	2,451	442	N/A	5,301	-11	763	2	6,064	-9
	May15	2,404	2,444	436	N/A	5,284	-17	761	-2	6,045	-19
	Jun15	<b>2,413</b>	<b>2,436</b>	<b>432</b>	<b>N/A</b>	<b>5,281</b>	<b>-3</b>	<b>773</b>	<b>12</b>	<b>6,054</b>	<b>9</b>

(June 2015: Temporary Out of State Appraisers = 918; Inactive Appraisers = 139)

**APPRAISAL MANAGEMENT COMPANY REGISTRATIONS  
JUNE 2015**

	<b>Month</b>	<b>Paper Apps. Received</b>	<b>Online Apps. Received</b>	<b>Total Apps. Received</b>	<b>Total AMC Registrations Issued</b>	<b>Total AMC Renewals Issued</b>
<b>FY-2012</b>	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	
<b>FY- 2013</b>	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	
<b>FY- 2014</b>	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
	<b>FY- 2015</b>	Sep-14	1	1	2	1
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
Apr-15		0	1	1	0	1
May-15		0	0	0	1	0
Jun-15		0	0	0	1	0
<b>TOTALS</b>		<b>148</b>	<b>70</b>	<b>218</b>	<b>218</b>	<b>149</b>

Registrations Surrendered as of June 2015 -12  
 Registrations Revoked as of June 2015 -3  
 Registrations Expired > 6 months as of June 2015 -24

**TOTAL AMC REGISTRATIONS 179**

# Education & Licensing Services Division - TALCB

## Fiscal Year Comparison

### Fiscal Year - 2015

#### JUNE

	This YTD 9/14 - 06/15	Last YTD 9/13 - 06/14	Count	Change Percent
<b><i>Original Applications Received</i></b>				
Certified General Applications	118	119	-1	-0.84%
Certified Residential Applications	140	129	11	8.53%
State Licensed Applications	53	54	-1	-1.85%
Appraiser Trainee Applications	201	208	-7	-3.37%
Non-Residential Temporary Applications	200	229	-29	-12.66%
<b>Total Original Applications</b>	<b>712</b>	<b>739</b>	<b>-27</b>	<b>-3.65%</b>
<b><i>Licenses Issued from Original Applications</i></b>				
Certified General Licenses	115	105	10	9.52%
Certified Residential Licenses	146	126	20	15.87%
State Licensed	56	44	12	27.27%
Appraiser Trainee Licenses	167	205	-38	-18.54%
Non-Residential Temporary Licenses	197	229	-32	-13.97%
<b>Total Licenses from Original Applications</b>	<b>681</b>	<b>709</b>	<b>-28</b>	<b>-3.95%</b>
<b><i>Licenses Issued from Renewal Applications</i></b>				
Certified General Renewals	1,153	914	239	26.15%
Certified Residential Renewals	984	1,021	-37	-3.62%
State Licensed Renewals	202	217	-15	-6.91%
Appraiser Trainee Renewals	365	156	209	133.97%
<b>Total Renewal Licenses Issued</b>	<b>2,704</b>	<b>2,308</b>	<b>396</b>	<b>17.16%</b>
<b><i>Licenses Issued from Reinstatement Applications</i></b>				
Certified General Reinstatements	14	14	0	0.00%
Certified Residential Reinstatements	9	6	3	50.00%
State Licensed Reinstatements	4	2	2	100.00%
Appraiser Trainee Reinstatements	10	25	-15	-60.00%
<b>Total Reinstatement Licenses Issued</b>	<b>37</b>	<b>47</b>	<b>-10</b>	<b>-21.28%</b>

## Examination Activity - Fiscal Year 2014-2015

<b>YEAR-TO-DATE RESULTS: SEPTEMBER 2014 thru June 2015</b>				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	24	67	33	124	
Examinations Failed	33	48	19		100
<b>Examinations Taken</b>	57	115	52	224	224
Examination Pass Rate (%)	42.11%	58.26%	63.46%	55.36%	44.64%

<b>All examination types</b>	
Total first time candidates:	153
Total repeat candidates:	71
Total pass:	124
Total fail:	100
Total examinations taken:	224

## Examination Activity - Fiscal Year 2014-2015

<b>MONTHLY RESULTS: June 2015</b>				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	1	3	3	7	
Examinations Failed	5	5	2		12
<b>Examinations Taken</b>	6	8	5	19	19
Examination Pass Rate (%)	16.67%	37.50%	60.00%	36.84%	63.16%

<b>All examination types</b>	
Total first time candidates:	11
Total repeat candidates:	8
Total pass:	7
Total fail:	12
Total examinations taken:	19

## EXAMINATION ACTIVITY

### FISCAL YEAR-TO-DATE COMPARISON JUNE

	<u>June 2015</u> <u>Pass Rate</u>	<u>June 2014</u> <u>Pass Rate</u>	<u>Difference</u>
Certified General Appraiser	63.4%	64.9%	- 1.5%
Certified Residential Appraiser	58.2%	67.7%	- 9.5%
Licensed Appraiser	42.1%	48.2%	- 6.1%
<b>Overall Appraiser Pass Rate</b>	<b>55.3%</b>	<b>60.5%</b>	<b>-5.2%</b>

## Information Technology Services Division

### Electronic Information Outlet Statistics

TALCB as of June 2015

<b>World Wide Web</b>	<b>Latest 3 Months</b>	<b>Prior Yr 3 Mo</b>	<b>Total Fiscal YTD</b>	<b>Total Prior Fiscal YTD</b>
Total Pages Viewed	1,997,298	359,048	3,080,554	1,094,921
Total Monthly Unique Visitors	62,725	23,023	125,164	72,168

<b>Online Transactions</b>	<b>Total Latest 3 Mo</b>	<b>Online Latest 3 Mo</b>	<b>Online Percent</b>	<b>Fiscal YTD Online Percent</b>	<b>Prior Fiscal YTD Online Percent</b>
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<b>Applications</b>	<b>101</b>	<b>44</b>	<b>43.6%</b>	<b>39.9%</b>	<b>25.9%</b>
AMC	2	1	50.0%	53.8%	64.3%
Certified General Appraiser	22	4	18.2%	15.3%	6.3%
Certified Residential Appraiser	32	8	25.0%	22.4%	1.4%
State Licensed Appraiser	6	2	33.3%	44.4%	4.8%
Appraiser Trainee	39	29	74.4%	67.3%	40.0%

<b>Renewals</b>	<b>833</b>	<b>744</b>	<b>89.3%</b>	<b>88.9%</b>	<b>83.1%</b>
AMC	1	1	100.0%	81.8%	78.4%
Certified General Appraiser	413	354	85.7%	88.0%	83.5%
Certified Residential Appraiser	343	321	93.6%	94.3%	93.6%
State Licensed Appraiser	32	29	90.6%	72.8%	50.7%
Appraiser Trainee	44	39	88.6%	78.9%	64.6%

<b>AMC Panel:</b>	<b>Last 3 Months</b>	<b>FY YTD</b>
Invitations	1914	5322
Removals	194	677

**Staff & Support Services Division**

**TALCB Budget Status Report**

**June 2015**

2/12 = 16.66%

Expenditure Category	Budget FY2015	Expenditures	Balance	Budget % Remaining	Comments
Salaries & Wages	\$970,424	\$692,271	\$278,153	28.7%	
Employee Benefits	259,397	201,995	57,402	22.1%	
Retiree Insurance	33,636	21,515	12,121	36.0%	
Other Personnel Costs	42,800	28,231	14,569	34.0%	
Professional Fees & Services	86,690	44,664	42,026	48.5%	
Consumables	8,500	2,125	6,375	75.0%	
Utilities	1,740	830	910	52.3%	
Travel	30,000	20,111	9,889	33.0%	
Office Rent	37,625	33,891	3,734	9.9%	Rent paid for the year.
Equipment Rental/Leases	8,500	4,346	4,154	48.9%	
Registration & Membership	14,875	4,029	10,846	72.9%	
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	7,949	34,131	81.1%	Court Reporter/Transcripts/Subpoenas
Postage	6,125	3,742	2,383	38.9%	
Supplies & Equipment	10,785	2,174	8,611	79.8%	
Communication Services	8,046	5,740	2,306	28.7%	
Other Operating Expenses	4,331	1,725	2,606	60.2%	
<b>Subtotal -Operations Expenditures</b>	<b>1,576,394</b>	<b>1,084,332</b>	<b>492,062</b>	<b>31.2%</b>	
DPS Criminal History Background Checks	3,000	2,485	515	17.2%	
Statewide Cost Allocation Plan (SWCAP)	45,000	32,528	12,472	27.7%	
Contribution to General Revenue	30,000	25,000	5,000	16.67%	% allocated monthly but pmt not due until 8/31/15
<b>Subtotal - Nonoperational Expenditures</b>	<b>78,000</b>	<b>60,013</b>	<b>17,987</b>	<b>23.1%</b>	
<b>Total Expenditures</b>	<b>\$1,654,394</b>	<b>\$1,144,345</b>	<b>\$510,049</b>	<b>30.8%</b>	

Revenue	FY2015 Projected	Revenue Collected	Revenue Remaining to be Collected	Revenue % Remaining to be Collected	Comments
License Fees	\$1,201,592	\$1,061,850	\$139,742	11.6%	
AMCs	112,830	165,010	(\$52,180)	-46.2%	13 new apps, 14 renewals, 6848 panelists
Other Miscellaneous Revenue	1,355	2,080	(\$725)	-53.5%	Exam Admin Fees/NSF fees
<b>Total Revenue</b>	<b>\$1,315,777</b>	<b>\$1,228,940</b>	<b>\$86,837</b>	<b>6.6%</b>	

	FY14 Carry Forward	Allocated Amount	Remaining to be Allocated	Carry Forward % Remaining	
<b>AMC Revenue Carry Forward from FY14</b>	<b>\$366,285</b>	<b>\$305,237.50</b>	<b>\$61,048</b>	<b>16.7%</b>	<b>Pro-rated thru June</b>

<b>Revenue Over/(Under) Expenditures &amp; Transfers</b>	<b>\$27,668</b>	<b>\$389,832</b>			<b>Includes AMC Carry Forward</b>
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**Staff Services Division**

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

**June 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	100,180.00	8.00	100,188.00	21.86	U.S. T-Notes, 0.50%	06/15/2016
12/04/2014	100,000.00	100,168.26	100,055.00	8.00	100,063.00	10.93	U.S. T-Notes, 0.25%	12/15/2015
12/04/2014	60,000.00	60,199.48	60,004.80	(60,004.80)	0.00	0.00	U.S. T-Notes, 0.375%	06/15/2015
<b>Totals</b>	<b>\$ 260,000.00</b>	<b>\$ 260,852.71</b>	<b>\$ 260,239.80</b>	<b>\$ (59,988.80)</b>	<b>\$ 200,251.00</b>	<b>\$ 32.79</b>		

<b>Receipts:</b>	<b>Current Month</b>	<b>FY2015 Cumulative Total</b>
Treasury Note Earnings	487.50	975.00

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


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 Melissa Huerta, Investment Officer


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 Barbara Kolb, Alternate Investment Officer

## TALCB Standards & Enforcement Services

### CASE STATUS REPORT FY 2015 as of JULY 24, 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
<b>Complaint Category:</b>															
AMCs	20	12	1	1	0	0	0	0	1	1	0	1	0		5
Dodd Frank	28	16	0	0	0	0	1	4	2	4	0	0	0		11
Ethics	8	5	1	0	0	0	0	0	0	1	2	0	0		4
USPAP	160	111	7	8	8	13	4	9	11	14	14	19	6		113
Other	12	7	0	0	3	0	1	1	0	1	3	1	1		11
No Jurisdiction	3	0	0	0	0	0	1	0	0	0	0	1	0		2
	<b>231</b>	<b>151</b>	<b>9</b>	<b>9</b>	<b>11</b>	<b>13</b>	<b>7</b>	<b>14</b>	<b>14</b>	<b>21</b>	<b>19</b>	<b>22</b>	<b>7</b>	<b>SUB:</b>	<b>146</b>
<b>Experience Audits</b>	<b>93</b>	<b>155</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>1</b>	<b>18</b>	<b>7</b>	<b>7</b>	<b>13</b>	<b>11</b>	<b>6</b>		<b>145</b>
<b>RFAs &amp; Covert Complaints</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>		<b>13</b>
<b>MCD Inquiries</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>		<b>3</b>
	<b>101</b>	<b>162</b>	<b>20</b>	<b>21</b>	<b>21</b>	<b>22</b>	<b>1</b>	<b>20</b>	<b>7</b>	<b>8</b>	<b>24</b>	<b>11</b>	<b>6</b>	<b>SUB:</b>	<b>161</b>
<b>Opened During Month</b>	<b>332</b>	<b>313</b>	<b>29</b>	<b>30</b>	<b>32</b>	<b>35</b>	<b>8</b>	<b>34</b>	<b>21</b>	<b>29</b>	<b>43</b>	<b>33</b>	<b>13</b>		<b>307</b>

#### # 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
Surrendered	8	4	0	0	0	0	0	2	0	0	2	0	0		4
Agreed Final Order / Final Order	68	46	0	0	20	1	0	7	0	0	7	0	0		35
Other Disciplinary Action	12	2	0	0	0	0	0	0	0	0	0	0	0		0
Insufficient Evidence	0	0	0	0	0	0	0	0	0	0	0	2	0		2
Dismissed	271	106	13	5	7	9	8	10	7	8	6	6	8		87
No Jurisdiction	8	0	0	0	0	0	0	1	0	0	0	1	0		2
	<b>367</b>	<b>158</b>	<b>13</b>	<b>5</b>	<b>27</b>	<b>10</b>	<b>8</b>	<b>20</b>	<b>7</b>	<b>8</b>	<b>15</b>	<b>9</b>	<b>8</b>	<b>SUB:</b>	<b>130</b>
<b>Experience Audits</b>	<b>93</b>	<b>130</b>	<b>14</b>	<b>27</b>	<b>8</b>	<b>30</b>	<b>12</b>	<b>18</b>	<b>9</b>	<b>14</b>	<b>14</b>	<b>4</b>	<b>6</b>		<b>156</b>
<b>RFAs</b>	<b>20</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>		<b>8</b>
<b>MCD Inquiries</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>5</b>
	<b>120</b>	<b>147</b>	<b>16</b>	<b>28</b>	<b>8</b>	<b>30</b>	<b>12</b>	<b>23</b>	<b>9</b>	<b>14</b>	<b>15</b>	<b>8</b>	<b>6</b>	<b>SUB:</b>	<b>169</b>
<b>Closed During Month</b>	<b>487</b>	<b>305</b>	<b>29</b>	<b>33</b>	<b>35</b>	<b>40</b>	<b>20</b>	<b>43</b>	<b>16</b>	<b>22</b>	<b>30</b>	<b>17</b>	<b>14</b>		<b>299</b>

Total Cases Open as of 7/24/2015:

188

## TALCB Standards & Enforcement Services

### AMC CASE STATUS REPORT FY 2015 as of JULY 24, 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
<b>Complaint Category:</b>															
AMC Compliance	0	3	0	0	0	0	0	0	1	0	0	0	0		1
Dodd Frank	0	0	0	0	0	0	0	0	0	0	0	0	0		0
Ethics	7	0	0	0	0	0	0	0	0	0	0	0	0		0
USPAP	6	9	1	0	0	0	1	0	0	0	0	1	0		3
Other	7	0	0	1	0	0	0	0	0	1	0	0	0		2
No Jurisdiction	0	0	0	0	0	0	0	0	0	0	0	0	0		0
	<b>20</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>SUB:</b>	<b>6</b>
<b>RFAs &amp; Covert Complaints</b>	0	0	0	0	0	0	0	0	0	0	0	0	0		0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>SUB:</b>	<b>0</b>
<b>Opened During Month</b>	<b>20</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>		<b>6</b>

#### # 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
Surrendered	0	0	0	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	0	0		0
Other Disciplinary Action	2	2	0	0	0	0	0	0	0	0	0	0	0		0
Insufficient Evidence	0	0	0	0	0	0	0	0	0	0	0	0	0		0
Dismissed	17	7	1	0	0	1	0	3	1	0	0	0	0		6
No Jurisdiction	2	0	0	0	0	0	0	0	0	0	0	0	0		0
	<b>21</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>SUB:</b>	<b>6</b>
<b>RFAs &amp; Covert Complaints</b>	0	0	0	0	0	0	0	0	0	0	0	0	0		0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>SUB:</b>	<b>0</b>
<b>Closed During Month</b>	<b>21</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>6</b>

**Total Cases Open as of 7/24/2015: 3**

## TOTAL OPEN COMPLAINTS

<b>Fiscal Year</b>	<b>No. Pending (as of 4/28/15)</b>	<b>No. Pending (as of 7/24/15)</b>	<b>IN REVIEW</b>	<b>INVEST COMPLETE</b>	<b>SOAH</b>	<b>AWAITING FINAL DISPOSITION</b>	<b>RFAs &amp; COVERT CASES</b>	<b>Percentage Change from Previous Reporting Period</b>
<b>2009</b>	1	1	—	—	—	—	1	—
<b>2010</b>	0	0	—	—	—	—	—	—
<b>2011</b>	0	0	—	—	—	—	—	—
<b>2012</b>	1	0	—	—	—	—	—	(100%)
<b>2013</b>	9	3	1 (PIC)	—	1	—	1	(66.67%)
<b>2014</b>	39	23	7	7	3	4	2	(41.02%)
<b>2015</b>	78	124	98	10	2	2	11	58.9%
<b>Total</b>	128	151	106	7	6	6	15	17.9%
<b>Total 1 YR OLD</b>	50	26	8	7	4	4	3	(48%)

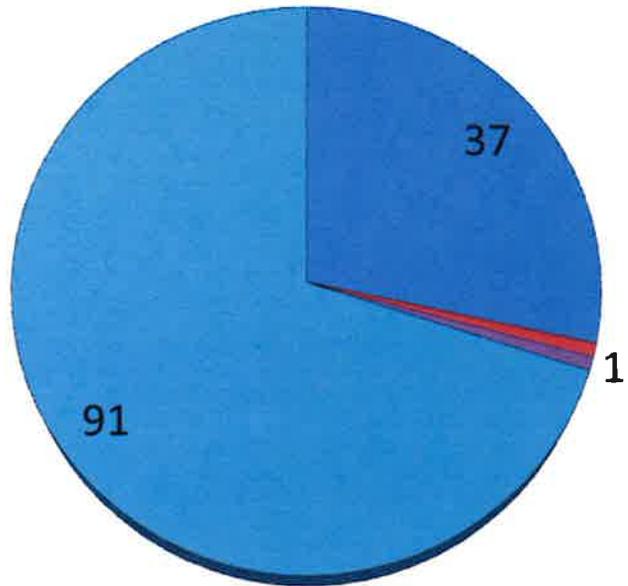
# CASE RESOLUTIONS FY 2015

SEPTEMBER 1, 2014 – JULY 24, 2015

Total Number of Licensees (as of July 24, 2015)

**7,263**

## 130 Total Complaints Resolved



- 37 (28.5%) Agreed Final Orders & Voluntary Surrenders
- 1 (.75%) Litigated
- 1 (.75%) NOAV / Default Final Order
- 91 (70%) Dismissals
  - 43 (47.25%) Dismissals
  - 29 (31.87%) Dismissals with Warning Letter
  - 17 (18.68%) Contingent Dismissals
  - 2 (2.20%) Non-Jurisdictional Dismissals

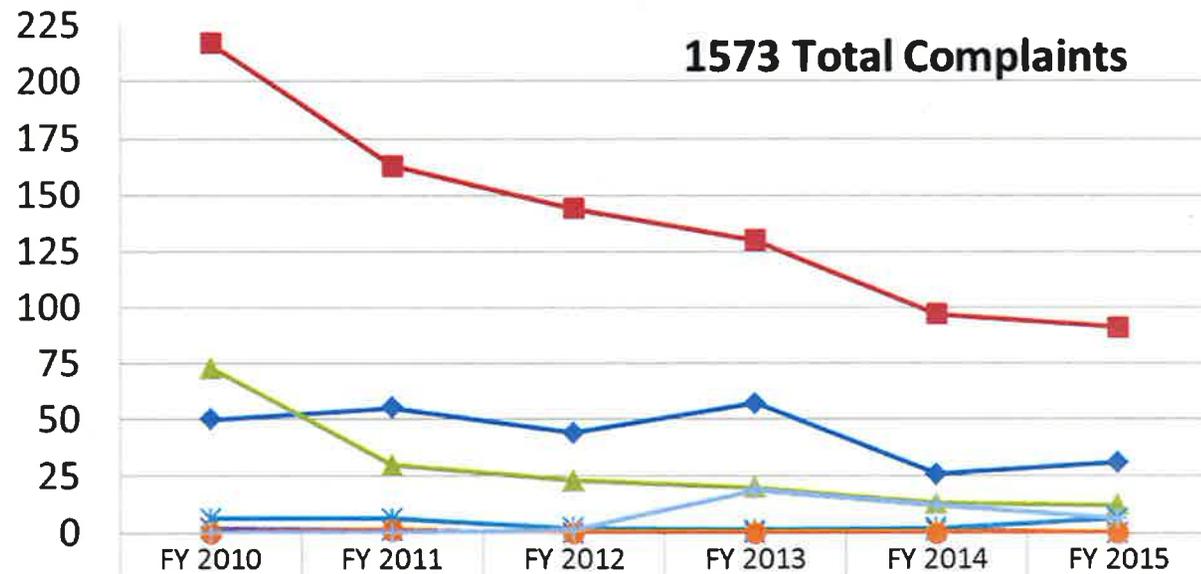
### % of Respondents w/Disciplinary Action

FY 2013	FY 2014	FY 2015
.8%	.6%	.53%

**12.82% Recidivism Rate**

# No. of COMPLAINTS RECEIVED

## PER LICENSE TYPE

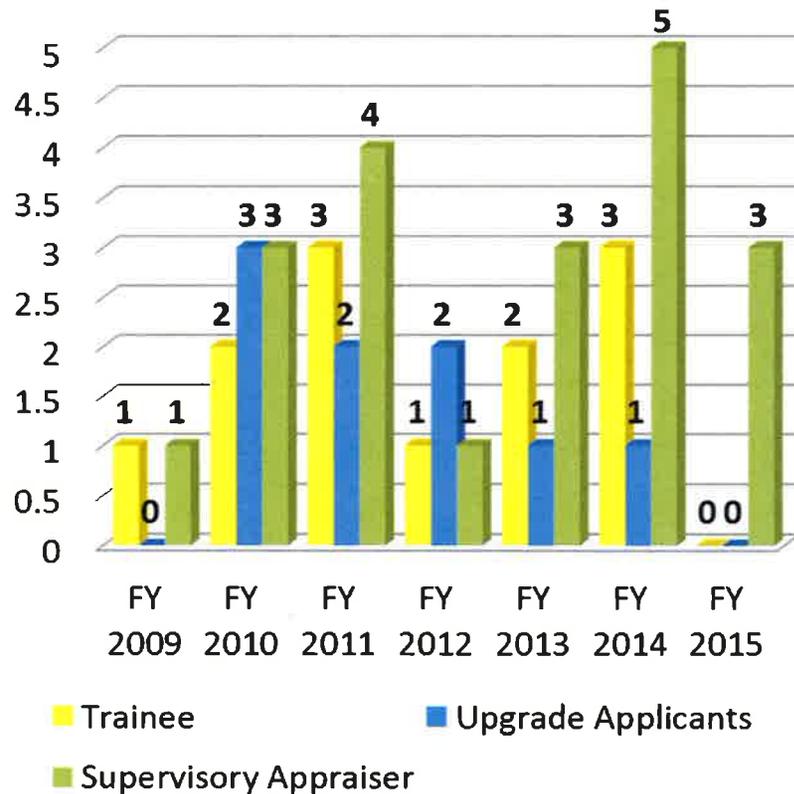


◆ Certified General	50	55	44	57	26	31
■ Certified Residential	217	163	144	130	97	91
▲ State Licensed	73	30	23	20	13	12
— Provisional Licensed	2	1	0	0	1	0
◆ Appraiser Trainee	6	6	2	1	2	6
◆ Out-of-State Temporary Registrations	0	1	0	0	0	0
— AMCs	0	0	1	19	12	6

(as of 7/24/15)

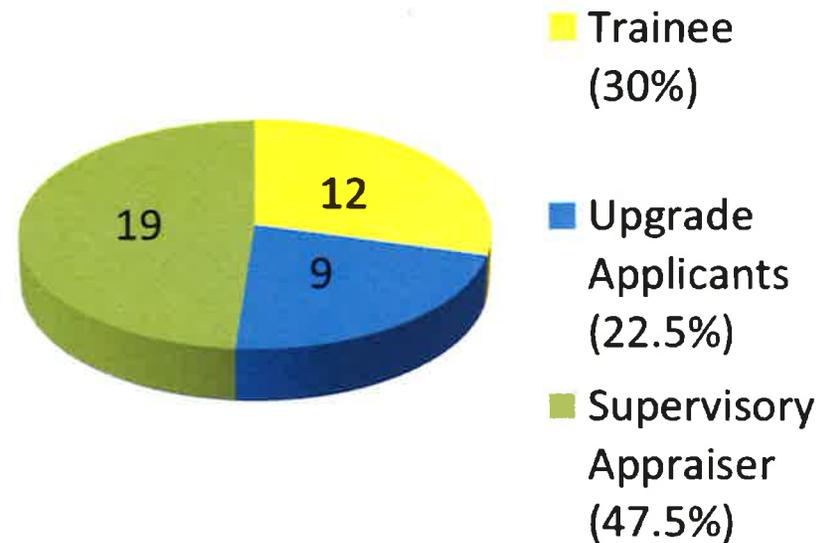
# STAFF-INITIATED COMPLAINTS BASED ON EXPERIENCE AUDITS

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



% Of Staff-Initiated Complaints  
from Audits per Respondent Type

40 Total Complaints







## AGENDA ITEM 14

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

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.1, Definitions, as published in the June 5, 2015 issue of the *Texas Register* (40 TexReg 3535). The amendments add a definition of “real estate appraisal experience.”

### 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 §153.1, Definitions, 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  
AUGUST 14, 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**

**§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, 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.

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(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 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 real 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

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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)~~(45)~~ 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 15**

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

**SUMMARY**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §155.2, Work Relating to Property Tax Protests, as published in the June 5, 2015 issue of the *Texas Register* (40 TexReg 3547). The amendments correct a typographical error to reflect the proper statutory reference.

**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 §155.2, Work Relating to Property Tax Protests, 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  
AUGUST 14, 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**

**§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 [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 16

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

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §159.204, Complaint Processing, as published in the June 5, 2015 issue of the *Texas Register* (40 TexReg 3538). The amendments implement a penalty matrix for complaints filed against an appraisal management company.

### 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 §159.204, 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  
AUGUST 14, 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**

***§159.204. 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 AMC named on the Complaint Intake Form. [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.] 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 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;

(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);

(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

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

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.

~~{(1) 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) The Respondent may also address other matters not raised in the complaint that the Respondent believes likely to be raised.}~~

(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.

(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

(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 will prepare a report detailing all findings.

(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;

(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.

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(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;

(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;

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(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;

(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:

(i) A period of suspension;

(ii) A revocation;

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(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 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;

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(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.

(1) 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.

~~[(g) The complaint will be assigned to a staff investigator and will be investigated by the staff investigator or peer investigative committee, as appropriate.]~~

~~[(h) 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) 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) Agreed orders must be signed by the Respondent, a representative of the Standards and Enforcement Services Division, and the Commissioner.]~~



### **AGENDA ITEM 17(a)**

Discussion and possible action to adopt emergency amendments to 22 TAC §153.9, Applications.

#### **SUMMARY**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §153.9, Applications. The amendments are adopted on an emergency basis to implement changes in Chapter 55, Texas Occupations Code, adopted by the 84th Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes.

#### **STAFF RECOMMENDATION**

Adopt amendments and related form revisions on an emergency basis as presented with an effective date of September 1, 2015.

#### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit the amendments to 22 TAC §153.9, Applications, without changes to text except for any technical or non-substantive changes required for adoption and to adopt related form revisions with an effective date of September 1, 2015.





**EMERGENCY RULE ACTION FROM  
AUGUST 14, 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 §153.9. Applications**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §153.9, Applications. The amendments are adopted on an emergency basis to implement changes in Chapter 55, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes.

The amendments are adopted on an emergency basis under Texas Occupations Code, §1103.151, which authorizes the TALCB to adopt rules relating to certificates and licenses.

The statute affected by this emergency amendment is Chapter 1103, Texas Occupations Code. No other statute, code or article is affected.

**§153.9. Applications.**

(a) A person desiring to be licensed as an appraiser, appraiser trainee, or temporary out-of-state appraiser shall file an application using forms prescribed by the Board or the Board's online application system, if available. The Board may decline to accept for filing an application that is materially incomplete or that is not accompanied by the appropriate fee. Except as provided by the Act, the Board may not grant a license to an applicant who has not:

- (1) paid the required fees;
- (2) satisfied any experience and education requirements established by the Act, Board rules, or the AQB;

(3) successfully completed any qualifying examination prescribed by the Board;

(4) provided all supporting documentation or information requested by the Board in connection with the application;

(5) satisfied all unresolved enforcement matters and requirements with the Board; and

(6) met any additional or superseding requirements established by the Appraisal Qualifications Board.

(b) An application may be considered void and subject to no further evaluation or processing if an applicant fails to provide information or documentation within 60 days after the Board makes a written request for the information or documentation.

(c) A license is valid for the term for which it is issued by the Board unless suspended or revoked for cause and unless revoked, may be renewed in accordance with the requirements of §153.17 of this title (relating to Renewal or Extension of Certification and License or Renewal of Trainee Approval).

(d) The Board may deny a license to an applicant who fails to satisfy the Board as to the applicant's honesty, trustworthiness, and integrity.

(e) The Board may deny a license to an applicant who submits incomplete, false, or misleading information on the application or supporting documentation.

(f) When an application is denied by the Board, no subsequent application will be accepted within one year after the date of the Board's notice denying the application as required in §157.7 of this title (relating to Denial of a License).

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

(g) This subsection applies to an applicant who is a military service member, a military veteran, or the spouse of a person serving on active duty as a member of the armed forces of the United States.

(1) The Board shall waive the license application and examination fees for an applicant who is:

(A) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or

(B) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(2) The Board shall issue on an expedited basis a license to an applicant who holds a current license issued by another state or jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license issued in this state.

(3)~~(2)~~ The Board may issue a license to an applicant who within the five years preceding the application date, held the license in this state ~~[that expired while the applicant lived in a country, territory, or state other than Texas for at least six months].~~

(4)~~(3)~~ The Board may allow an applicant to demonstrate competency by alternative methods in order to meet the requirements for obtaining a particular license issued by the Board. For purposes of this subsection, the standard method of demonstrating competency is the specific examination, education, and/or experience required to obtain a particular license.

(5)~~(4)~~ In lieu of the standard method(s) of demonstrating competency for a particular license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:

- (A) education;
- (B) continuing education;
- (C) examinations (written and/or practical);
- (D) letters of good standing;
- (E) letters of recommendation;

(F) work experience; or

(G) other methods required by the commissioner.

(h) This subsection applies to an applicant who is serving on active duty or is a veteran of the armed forces of the United States.

(1) The Board will credit any verifiable military service, training or education obtained by an applicant that is relevant to a license toward the requirements of a license.

(2) This subsection does not apply to an applicant who holds a restricted license issued by another jurisdiction.

(3) The applicant must pass the qualifying examination, if any, for the type of license sought.

(4) The Board will evaluate applications filed by an applicant who is serving on active duty or is a veteran of the armed forces of the United States consistent with the criteria adopted by the AQB and any exceptions to those criteria as authorized by the AQB.

(i) A person applying for license under subsection (g) or (h) of this section must also:

(1) submit the Board's approved application form for the type of license sought;

(2) submit the appropriate fee for that application; and

(3) submit the supplemental form approved by the Board applicable to subsection (g) or (h) of this section.

(j) The commissioner may waive any prerequisite to obtaining a license for an applicant as allowed by the AQB ~~[issue] a license under subsection (e) or (d) by endorsement in the same manner as the Texas Department of Licensing and Regulation to an applicant under this subsection].~~



**SUPPLEMENTAL FORM FOR  
MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES**

PURSUANT TO OCCUPATIONS CODE, CHAPTER 55

TO BE ELIGIBLE TO USE THIS SUPPLEMENTAL FORM, you must be a veteran of the armed services, or you or your spouse must be serving on active duty as a member of the United States Armed Forces and you must:

- hold a current and substantially equivalent license in another state or jurisdiction; or
- have held a license in Texas within the last five years **that expired while you lived in another state for at least six months.**

IF YOU MEET THESE REQUIREMENTS, FILL OUT AND ATTACH THIS FORM TO YOUR LICENSE APPLICATION. IF YOU ARE A MILITARY SERVICE MEMBER, OR THE SPOUSE OF A MILITARY SERVICE MEMBER, ATTACH **ALONG WITH** A COPY OF YOUR OR YOUR SPOUSE'S MOST RECENT **PERMANENT CHANGE OF STATION (PCS) TRAVEL ORDER TO TEXAS ACTIVATION OR DEPLOYMENT ORDERS.**

**DO NOT WRITE ABOVE THIS LINE**

**NOTE: ALL INFORMATION MUST BE TYPED OR PRINTED IN INK**

1. Applicant's Full Name:

\_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

2. Applicant's Daytime Phone Number:

\_\_\_\_\_

3. Applicant's Email Address:

\_\_\_\_\_

4. Applicant's Social Security Number:

\_\_\_\_\_

5. Applying for (check one box only):

- |  |   |
|--|---|
| <input type="checkbox"/> Certified General Appraiser     | <input type="checkbox"/> Certified General Appraiser by Reciprocity     |
| <input type="checkbox"/> Certified Residential Appraiser | <input type="checkbox"/> Certified Residential Appraiser by Reciprocity |
| <input type="checkbox"/> Licensed Appraiser              | <input type="checkbox"/> Licensed Appraiser by Reciprocity              |
| <input type="checkbox"/> Appraiser Trainee               |   |

6. Are you a member of the United States Armed Forces serving on Active Duty or a veteran of the United States Armed Forces?

Yes  No

6: 7. Are you the spouse of a member of the United States Armed Forces serving on Active Duty?

Yes  No

If yes, please provide spouse's full name (attach a copy of your spouse's most recent **Permanent Change of Station (PCS) travel order to Texas activation or deployment orders**):

\_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

7: 8. Do you currently hold this license type in another state or jurisdiction? (if yes, please attach a certificate of license history from that state or jurisdiction.)

Yes  No

8: 9. Have you held this a license in Texas in the last five years **AND lived outside of Texas for at least six months within those five years?**

Yes  No

If yes, please provide TALCB license number \_\_\_\_\_

I certify all information submitted on this form and any attachments to be true and accurate. I understand that providing false information on this form or any attachments may result in imposition of administrative penalties and/or sanctions, including denial or revocation of the license.

\_\_\_\_\_ Date Signed

\_\_\_\_\_ Signature of Applicant

#### 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 Government Code, the individual is entitled to receive and review the information.
- (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



### **AGENDA ITEM 17(b)**

Discussion and possible action to adopt emergency amendments to 22 TAC §153.17, Renewal or Extension of License.

#### **SUMMARY**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §153.17, Renewal or Extension of License. The amendments are adopted on an emergency basis to implement changes in Chapter 55, Texas Occupations Code, adopted by the 84th Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes.

#### **STAFF RECOMMENDATION**

Adopt amendments on an emergency basis as presented with an effective date of September 1, 2015.

#### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit the amendments to 22 TAC §153.17, Renewal or Extension of License, without changes to text except for any technical or non-substantive changes required for adoption with an effective date of September 1, 2015.





**EMERGENCY RULE ACTION FROM  
AUGUST 14, 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 §153.17. Renewal or Extension of License**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §153.17, Renewal or Extension of License. The amendments are adopted on an emergency basis to implement changes in Chapter 55, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes.

The amendments are adopted on an emergency basis under Texas Occupations Code, §1103.151, which authorizes the TALCB to adopt rules relating to certificates and licenses.

The statute affected by this emergency amendment is Chapter 1103, Texas Occupations Code. No other statute, code or article is affected.

***§153.17. Renewal or Extension of License.***

**(a) General Provisions.**

(1) The Board will send a renewal notice to the license holder at least 90 days prior to the expiration of the license. It is the responsibility of the license holder to apply for renewal in accordance with this chapter, and failure to receive a renewal notice from the Board does not relieve the license holder of the responsibility to timely apply for renewal.

(2) A license holder renews the license by timely filing an application for renewal, paying the appropriate fees to the Board, and satisfying all applicable education and experience requirements.

(3) An application for renewal or extension received by the Board is timely and acceptable for processing if it is:

(A) complete;

(B) accompanied with payment of proper fees; and

(C) postmarked by the U.S. Postal Service, accepted by an overnight delivery service, or accepted by the Board's online processing system on or before the date of expiration.

(b) Certified General, Certified Residential and State Appraiser License Holders.

(1) A license holder may renew the license by timely filing an application for renewal, paying the appropriate fees to the Board and, unless renewing on inactive status, satisfying ACE requirements.

(2) In order to renew on active status, the license holder must complete the ACE report form approved by the Board and, within 20 days of filing the renewal, submit course completion certificates for each course that was not already submitted by the provider and reflected in the license holder's electronic license record.

(A) The Board may request additional verification of ACE submitted in connection with a renewal. If requested, such documentation must be provided within 20 days after the date of request.

(B) Knowingly or intentionally furnishing false or misleading ACE information in connection with a renewal is grounds for disciplinary action up to and including license revocation.

(3) The Board may grant, at the time it issues a license renewal, an extension of time of up to 60 days after the expiration date of the previous license

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to complete ACE required to renew a license, subject to the following:

(A) The license holder must:

- (i) timely submit the completed renewal form with the appropriate renewal fees;
- (ii) complete an extension request form; and
- (iii) pay an extension fee of \$200.

(B) ACE courses completed during the 60-day extension period apply only to the current renewal and may not be applied to any subsequent renewal of the license.

(C) A person whose license was renewed with a 60-day ACE extension:

(i) will not perform appraisals in a federally related transaction until verification is received by the Board that the ACE requirements have been met;

(ii) may continue to perform appraisals in non-federally related transactions under the renewed license;

(iii) must, within 60 days after the date of expiration of the previous license, complete the approved ACE report form and submit course completion certificates for each course that was not already submitted by the provider and reflected in the applicant's electronic license record; and

(iv) will have the renewed license placed in inactive status if, within 60 days of the previous expiration date, ACE is not completed and reported in the manner indicated in paragraph (2) of this subsection. The renewed license will remain on inactive status until satisfactory evidence of meeting the ACE requirements has been received by the Board and the fee to return to active status required by §153.5 of this title (relating to Fees) has been paid.

(c) Appraiser Trainees.

(1) Appraiser trainees must maintain an appraisal log and appraisal experience affidavits on forms approved by the Board, for the license period being renewed. It is the responsibility of both the appraiser trainee and the sponsor to ensure the appraisal log is accurate, complete and signed by both parties at least quarterly or upon change in sponsors. The appraiser trainee will promptly provide copies of the experience logs and affidavits to the Board upon request.

(2) Appraiser trainees may not obtain an extension of time to complete required continuing education.

(d) Renewal of Licenses for Persons on Active Duty. A person who is on active duty in the United States armed forces may renew an expired license without being subject to any increase in fee imposed in his or her absence, or any additional education or experience requirements if the person:

(1) did not provide appraisal services while on active duty;

(2) provides a copy of official orders or other documentation acceptable to the Board showing the person was on active duty during the last renewal period;

(3) applies for the renewal within ~~two years~~<sup>90 days</sup> after the person's active duty ends;

(4) pays the renewal application fees in effect when the previous license expired; and

(5) completes ACE requirements that would have been imposed for a timely renewal.

(e) Expiration and Reapplication. If an application is filed within six months of the expiration of a previous license, the applicant shall also provide satisfactory evidence of completion of any continuing education that would have been required for a timely renewal of the previous license. If the application for license is filed more than six months after the expiration of the previous license, the applicant must meet all then-current requirements for license, including retaking and passing the examination.



## AGENDA ITEM 18

Discussion and possible action to adopt emergency amendments to 22 TAC §157.18, Motions for Rehearing; Finality of Decisions.

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §157.18, Motions for Rehearing; Finality of Decisions. The amendments are adopted on an emergency basis to implement changes in Chapter 2001, Texas Government Code, adopted by the 84th Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes. The Executive Committee considered and recommends adoption of these emergency amendments.

### STAFF RECOMMENDATION

Adopt amendments on an emergency basis as presented with an effective date of September 1, 2015.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit the amendments to 22 TAC §157.18, Motions for Rehearing; Finality of Decisions, without changes to text except for any technical or non-substantive changes required for adoption with an effective date of September 1, 2015.





**EMERGENCY RULE ACTION FROM  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD  
Chapter 157. Rules Relating to Practice and Procedure  
Subchapter C. Post Hearing**

**22 TAC §157.18. Motions for Rehearing; Finality of Decisions**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts on an emergency basis amendments to 22 TAC §153.17, Renewal or Extension of License. The amendments are adopted on an emergency basis to implement changes in Chapter 2001, Texas Government Code, adopted by the 84<sup>th</sup> Legislature, which are effective September 1, 2015. The amendments align this rule with the statutory changes.

The amendments are adopted on an emergency basis under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules relating to certificates and licenses, and Texas Occupations Code §1104.051, which authorizes TALCB to adopt rules necessary to administer Chapter 1104.

The statutes affected by this emergency amendment are Chapters 1103 and 1104, Texas Occupations Code. No other statute, code or article is affected.

**§157.18. Motions for Rehearing; Finality of Decisions.**

(a) Motions for rehearing in proceedings under Chapter 1103, Texas Occupations Code, are governed by §§2001.144-.147, Texas Government Code, and this section [~~Filing times. A motion for rehearing must be filed within 20 days after a party has been notified, either in person or by certified mail, return receipt requested, of the final decision or order made by the Board.~~].

(b) Motions for rehearing in proceedings under Chapter 1104, Texas Occupations Code, are governed by §1104.216, Texas Occupations Code, §§2001.144-.147, Texas Government Code, and this section.

(c) A timely-filed motion for rehearing is a prerequisite to appeal except as provided in section 157.17 of this subchapter.

(d) Replies to a motion for rehearing may be filed as provided in Chapter 2001, Texas Government Code.

(e) ~~(b)~~ A motion for rehearing shall set forth the particular finding of fact, conclusion of law, ruling, or other action which the complaining party asserts caused substantial injustice to the party and was in error such as violation of a constitutional or statutory provision, lack of authority, unlawful procedure, lack of substantial evidence, abuse of discretion, other error of law, or other good cause specifically described in the motion. In the absence of specific grounds in the motion, the Board shall presume that the motion should be overruled.

~~(e) Board action. Board action on a motion must be taken no later than the 20th day after the date the commissioner is served with the motion for rehearing. If Board action is not taken within the 20 day period, the motion for rehearing is overruled by operation of law.~~

~~(d) A decision is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing. A decision is final and appealable on the date of rendition of the order overruling a motion for rehearing, or on the date the~~

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**Chapter 157. Rules Relating to Practice and Procedure**

~~motion for rehearing is overruled by operation of law.~~

(f)~~(e)~~ Any party may request oral arguments before the Board prior to the final disposition of the motion for rehearing. Oral arguments will be conducted in accordance with paragraphs (1) (5) of this subsection.

(1) The chairperson or the Board member designated by the chairperson to preside (the presiding member) shall announce the case. Upon the request of any party, the presiding member may conduct a prehearing conference with the parties and their attorneys of record. The presiding member may announce reasonable time limits for any oral arguments to be presented by the parties.

(2) The hearing on the motion shall be limited to a consideration of the grounds set forth in the motion. Testimony by affidavit or documentary evidence such as excerpts of the record before the presiding officer may be offered in support of, or in opposition to, the motion; provided, however, a party offering affidavit testimony or documentary evidence must provide the other party with copies of the affidavits or documents at the time the motion is filed. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

(3) In presenting oral arguments, the party filing the motion will have the burden of proof and shall open and close. The party responding to the motion may offer rebuttal arguments. Parties may request an opportunity for additional rebuttal subject to the discretion of the presiding member.

(4) After being recognized by the presiding member, the members of the Board may ask questions of the parties. If a party is represented by counsel, the questions must be directed to the party's attorney. Questions must be limited to the grounds asserted for the motion to be granted and to the arguments made by the parties.

(5) Upon the conclusion of oral arguments, questions by the members of the Board, and any discussion by the member of the Board, the

presiding member shall call for a vote on the motion. A member of the Board need not make a separate motion or second a motion filed by a party. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(g)~~(f)~~ A decision is final and appealable on the date rendered if:

(1) the Board finds that an imminent peril to the public health, safety or welfare requires immediate effect~~[-]; and~~

(2) the Board's~~[in which event the]~~ decision or order recites this~~[shall recite the]~~ finding and the fact that the decision is final and effective on the date rendered.



### **AGENDA ITEM 19(a)**

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

#### **SUMMARY**

The proposed amendments clarify the definition of “Appraiser Trainee” and add definitions of “Certified General Appraiser,” “Certified Residential Appraiser,” “Licensed Residential Appraiser,” “Supervisory Appraiser,” and “Trade Association” to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature. The Executive Committee considered and recommends proposing these amendments.

#### **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**

**AUGUST 14, 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 proposed amendments clarify the definition of “Appraiser Trainee” and add definitions of “Certified General Appraiser,” “Certified Residential Appraiser,” “Licensed Residential Appraiser,” “Supervisory Appraiser,” and “Trade Association” to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 consistent with the statute and 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

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registration as a temporary out-of-state appraiser from the Board.

(6) Appraisal practice--Valuation services performed by an individual acting as an appraiser, 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]~~ supervisory 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) Certified General Appraiser--a certified appraiser who is authorized to appraise all types of real property.

(14) Certified Residential Appraiser--a certified appraiser who is authorized to appraise one-four unit residential properties without regard to complexity or transaction value.

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

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

(17) ~~(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.

~~(18)~~ ~~(16)~~ Commissioner--The commissioner of the Texas Appraiser Licensing and Certification Board.

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

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

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

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

(23) ~~(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.

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

(25) ~~(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.

(26) ~~(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.

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

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

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

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

(31) ~~(29)~~ License holder--A person certified, licensed, approved, authorized or registered by the

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Board under the Texas Appraiser Licensing and Certification Act.

**(32) Licensed Residential Appraiser--a licensed appraiser who is authorized to appraise non-complex one-four residential units having a transaction value less than \$1 million and complex one-four residential units having a transaction value less than \$250,000.**

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

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

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

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

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

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

**(39)**~~(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.

**(40)**~~(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.

**(41)**~~(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.

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

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

**(44)**~~(41)~~ 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.

**(45)**~~(42)~~ Real property--The interests, benefits, and rights inherent in the ownership of real estate.

**(46)**~~(43)~~ 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.

**(47)**~~(44)~~ 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.

**(48)**~~(45)~~ Residential property--Property that consists of at least one but not more than four residential units.

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

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

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

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Supervisory Appraiser--A certified general or residential appraiser who is designated as a supervisory appraiser, as defined by the AQB, for an appraiser trainee. The supervisory appraiser is responsible for providing active, personal and diligent supervision and direction of the appraiser trainee.

(48) Trade Association--a nonprofit voluntary member association or organization:

(A) whose membership consists primarily of persons who are licensed as appraisers and pay membership dues to the association or organization;

(B) that is governed by a board of directors elected by the members; and

(C) that subscribes to a written code of professional conduct or ethics.

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

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



### **AGENDA ITEM 19(b)**

Discussion and possible action to propose amendments to 22 TAC §153.5, Fees.

#### **SUMMARY**

The proposed amendments align this section with statutory changes adopted by the 84th Legislature and add a provision for the Board to collect fees for providing certified copies. The Executive Committee considered and recommends proposing these amendments.

#### **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 §153.5, Fees, 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**

**AUGUST 14, 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 §153.5. Fees**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.5. Fees. The amendments align this section with statutory changes adopted by the 84<sup>th</sup> Legislature and add a provision for the Board to collect fees for providing certified copies.

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 consistent with the statute and 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](mailto: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.

**§153.5. Fees.**

(a) The Board shall charge and the Commissioner shall collect the following fees:

- (1) a fee of \$400 for an application for a certified general appraiser license;
- (2) a fee of \$350 for an application for a certified residential appraiser license;
- (3) a fee of \$325 for an application for a [licensed residential](#)[state] appraiser license;
- (4) a fee of \$300 for an application for an appraiser trainee license;
- (5) a fee of \$360 for a timely renewal of a certified general appraiser license;
- (6) a fee of \$310 for a timely renewal of a certified residential appraiser license;
- (7) a fee of \$290 for a timely renewal of a [licensed residential](#)[state] appraiser license;
- (8) a fee of \$250 for a timely renewal of an appraiser trainee license;

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(9) a fee equal to 1-1/2 times the timely renewal fee for the late renewal of a license within 90 days of expiration;

(10) a fee equal to two times the timely renewal fee for the late renewal of a license more than 90 days but less than six months after expiration;

(11) a fee of \$250 for nonresident license;

(12) the national registry fee in the amount charged by the Appraisal Subcommittee;

(13) an application fee for licensure by reciprocity in the same amount as the fee charged for a similar license issued to a Texas resident;

(14) a fee of \$40 for preparing a certificate of licensure history, active licensure, or

supervision~~[sponsorship]~~;

(15) a fee of \$20 for an addition or termination of sponsorship of an appraiser trainee;

(16) a fee of \$20 for replacing a lost or destroyed license;

(17) a fee for a returned check equal to that charged for a returned check by the Texas Real Estate Commission;

(18) a fee of \$200 for an extension of time to complete required continuing education;

(19) a fee of \$25 to request a license be placed on inactive status;

(20) a fee of \$50 to request a return to active status;

(21) a fee of \$50 for evaluation of an applicant's criminal history;

(22) an examination fee as provided in the Board's current examination administration agreement;

(23) a fee of \$20 per certification when providing certified copies of documents;

~~(24)~~[(23)] a fee of \$20 for filing any application, renewal, change request, or other record on paper when the person may otherwise file electronically by accessing the Board's website and entering the required information online; and

~~(25)~~[(24)] any fee required by the Department of Information Resources for establishing and maintaining online applications.

(b) Fees must be submitted in U.S. funds payable to the order of the Texas Appraiser Licensing and Certification Board. Fees are not refundable once an application has been accepted for filing. Persons who have submitted a check which has been returned, and who have not made good on that check

within thirty days, for whatever reason, shall submit all future fees in the form of a cashier's check or money order.

(c) Licensing fees are waived for members of the Board staff who must maintain a license for employment with the Board only and are not also using the license for outside employment.



### **AGENDA ITEM 19(c)**

Discussion and possible action to propose amendments to 22 TAC §153.9, Applications.

#### **SUMMARY**

The proposed amendments align the rule with statutory changes to Chapters 55 and 1103, Texas Occupations Code, adopted by the 84th Legislature.

#### **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 §153.9, Applications, 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**

**AUGUST 14, 2015 MEETING OF**

**THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

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**22 TAC §153.9. Applications**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.9. Applications. The proposed amendments align the rule with statutory changes to Chapters 55 and 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 requirements that are consistent with the statute and 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](mailto: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.

***§153.9. Applications.***

(a) A person desiring to be licensed as an appraiser, appraiser trainee, or temporary out-of-state appraiser shall file an application using forms prescribed by the Board or the Board's online application system, if available. The Board may decline to accept for filing an application that is materially incomplete or that is not accompanied by the appropriate fee. Except as provided by the Act, the Board may not grant a license to an applicant who has not:

- (1) paid the required fees;
- (2) satisfied any experience and education requirements established by the Act, Board rules, or the AQB;
- (3) successfully completed any qualifying examination prescribed by the Board;
- (4) provided all supporting documentation or information requested by the Board in connection with the application;
- (5) satisfied all unresolved enforcement matters and requirements with the Board; and

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(6) met any additional or superseding requirements established by the Appraisal Qualifications Board.

(b) An application may be considered void and subject to no further evaluation or processing if an applicant fails to provide information or documentation within 60 days after the Board makes a written request for the information or documentation.

(c) A license is valid for the term for which it is issued by the Board unless suspended or revoked for cause and unless revoked, may be renewed in accordance with the requirements of §153.17 of this title (relating to Renewal or Extension of Certification and License or Renewal of Trainee Approval).

(d) The Board may deny a license to an applicant who fails to satisfy the Board as to the applicant's honesty, trustworthiness, and integrity.

(e) The Board may deny a license to an applicant who submits incomplete, false, or misleading information on the application or supporting documentation.

(f) When an application is denied by the Board, no subsequent application will be accepted within two years~~[one year]~~ after the date of the Board's notice of denial~~[denying the application]~~ as required in §157.7 of this title~~[(relating to Denial of a License)]~~.

(g) This subsection applies to an applicant who is a military service member, a military veteran, or the spouse of a person serving on active duty as a member of the armed forces of the United States.

(1) The Board shall waive the license application and examination fees for an applicant who is:

(A) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or

(B) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(2) The Board shall issue on an expedited basis a license to an applicant who holds a current license issued by another state or jurisdiction that has licensing requirements that are substantially

equivalent to the requirements for the license issued in this state.

(2) The Board may issue a license to an applicant who within the five years preceding the application date, held the license in this state ~~[that expired while the applicant lived in a country, territory, or state other than Texas for at least six months]~~.

(3) The Board may allow an applicant to demonstrate competency by alternative methods in order to meet the requirements for obtaining a particular license issued by the Board. For purposes of this subsection, the standard method of demonstrating competency is the specific examination, education, and/or experience required to obtain a particular license.

(4) In lieu of the standard method(s) of demonstrating competency for a particular license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:

(A) education;

(B) continuing education;

(C) examinations (written and/or practical);

(D) letters of good standing;

(E) letters of recommendation;

(F) work experience; or

(G) other methods required by the commissioner.

(h) This subsection applies to an applicant who is serving on active duty or is a veteran of the armed forces of the United States.

(1) The Board will credit any verifiable military service, training or education obtained by an applicant that is relevant to a license toward the requirements of a license.

(2) This subsection does not apply to an applicant who holds a restricted license issued by another jurisdiction.

(3) The applicant must pass the qualifying examination, if any, for the type of license sought.

(4) The Board will evaluate applications filed by an applicant who is serving on active duty or is a veteran of the armed forces of the United States consistent with the criteria adopted by the AQB and any exceptions to those criteria as authorized by the AQB.

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(i) A person applying for license under subsection (g) or (h) of this section must also:

(1) submit the Board's approved application form for the type of license sought;

(2) submit the appropriate fee for that application; and

(3) submit the supplemental form approved by the Board applicable to subsection (g) or (h) of this section.

(j) The commissioner may waive any prerequisite to obtaining a license for an applicant as allowed by the AQB [issue] a license under subsection (e) or (d) by endorsement in the same manner as the Texas Department of Licensing and Regulation to an applicant under this subsection].





### AGENDA ITEM 19(d)

Discussion and possible action to propose new rule 22 TAC §153.16, License Reinstatement.

#### **SUMMARY**

The proposed new rule allows persons who previously held a license issued by the Board to reinstate an expired license as authorized by the Appraiser Qualifications Board (AQB). The Enforcement Committee considered and recommends proposing this rule.

#### **STAFF RECOMMENDATION**

Propose the new rule as presented.

#### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit new rule 22 TAC §153.16, License Reinstatement, 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**

**AUGUST 14, 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 §153.16. License Reinstatement**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes a new rule 22 TAC §153.16. License Reinstatement. The proposed rule allows persons who previously held a license issued by the Board to reinstate an expired license as authorized by the Appraiser Qualifications Board (AQB).

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 requirements that allow former license holders a means to return to the profession, which are consistent with state and federal law.

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](mailto: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 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.

*§153.16. License Reinstatement.*

- (a) This section applies only to a person who:
- (1) previously held an appraiser license issued by the Board that has expired; and
  - (2) seeks to obtain the same level of appraiser license previously held by the person before its expiration.
- (b) A person described in subsection (a) may apply to reinstate the person's former license by:
- (1) submitting an application for reinstatement on a form approved by the Board;
  - (2) paying the applicable fee;
  - (3) satisfying the Board as to the person's honesty, trustworthiness and integrity; and
  - (4) satisfying the experience requirements in this section.

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(c) Applicants for reinstatement under this section must demonstrate completion of 14 hours of appraiser continuing education for each year since the last renewal of the person's previous license.

(d) Applicants for reinstatement must demonstrate that their appraisal experience complies with USPAP as follows:

(1) Persons who have work files/license expired less than 5 years. A person described in subsection (a) who has appraisal work files and whose previous license has been expired less than five years may apply to reinstate the person's previous license by submitting an experience log as follows:

(A) For reinstatement as a licensed residential appraiser, a minimum of 10 appraisal reports representing at least 200 hours of real estate appraisal experience.

(B) For reinstatement as a certified residential real estate appraiser, a minimum of 10 residential appraisal reports representing at least 250 hours of residential real estate appraisal experience.

(C) For reinstatement as a certified general appraiser, a minimum of 10 non-residential appraisal reports representing at least 300 hours of non-residential real estate appraisal experience.

(2) Persons who do not have work files/license expired more than 5 years.

(A) A person described in subsection (a) who does not have appraisal work files or whose previous license has been expired for more than five years may apply for a license as an appraiser trainee for the purpose of acquiring the appraisal experience required under this subsection.

(B) An appraiser trainee licensed under this section may apply for reinstatement at the same level of appraiser license that the applicant previously held, after the applicant completes the

required number of appraisal reports or hours of real estate appraisal experience as follows:

(i) For reinstatement as a licensed residential appraiser, the applicant must complete a minimum of 10 appraisal reports or 200 hours of real estate appraisal experience, whichever is more.

(ii) For reinstatement as a certified residential appraiser, the applicant must complete a minimum of 10 residential appraisal reports or 250 hours of residential real estate appraisal experience, whichever is more.

(iii) For reinstatement as a certified general appraiser, the applicant must complete a minimum of 10 non-residential appraisal reports or 300 hours of non-residential real estate appraisal experience, whichever is more.

(B) Upon completion of the required number of appraisal reports or hours of real estate appraisal experience, the applicant must submit an experience log.

(e) Consistent with section 153.15, the Board will evaluate each applicant's real estate appraisal experience for compliance with USPAP based on the submitted experience log.

(f) For those persons described in subsection (a) the Board may waive the following requirements:

- (1) Proof of qualifying education;
- (2) College education or degree requirement;
- and
- (3) Examination.

(g) Consistent with this chapter, upon review of the applicant's real estate appraisal experience, the Board may:

- (1) Reinstate the applicant's previous appraiser license;
- (2) Reinstate the applicant's previous appraiser license, contingent upon completion of additional education, experience or mentorship; or
- (3) Deny the application.



### **AGENDA ITEM 19(e)**

Discussion and possible action to propose amendments to 22 TAC §153.17, Renewal or Extension of License.

#### **SUMMARY**

The proposed amendments align the rule with statutory changes to Chapters 55 and 1103, Texas Occupations Code, adopted by the 84th Legislature.

#### **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 §153.17, Renewal or Extension of License, 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**

**AUGUST 14, 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 §153.17. Renewal or Extension of License**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.17. Renewal or Extension of License. The proposed amendments align the rule with statutory changes to Chapters 55 and 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 requirements that are consistent with the statute and 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](mailto: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.

***§153.17. Renewal or Extension of License.***

(a) General Provisions.

(1) The Board will send a renewal notice to the license holder at least 90 days prior to the expiration of the license. It is the responsibility of the license holder to apply for renewal in accordance with this chapter, and failure to receive a renewal notice from the Board does not relieve the license holder of the responsibility to timely apply for renewal.

(2) A license holder renews the license by timely filing an application for renewal, paying the appropriate fees to the Board, and satisfying all applicable education and experience requirements.

(3) An application for renewal or extension received by the Board is timely and acceptable for processing if it is:

- (A) complete;
- (B) accompanied with payment of proper fees; and
- (C) postmarked by the U.S. Postal Service, accepted by an overnight delivery service, or

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accepted by the Board's online processing system on or before the date of expiration.

(b) Certified General, Certified Residential and Licensed Residential Appraisers~~[State Appraiser License Holders]~~.

(1) A license holder may renew the license by timely filing an application for renewal, paying the appropriate fees to the Board and, unless renewing on inactive status, satisfying ACE requirements.

(2) In order to renew on active status, the license holder must complete the ACE report form approved by the Board and, within 20 days of filing the renewal, submit course completion certificates for each course that was not already submitted by the provider and reflected in the license holder's electronic license record.

(A) The Board may request additional verification of ACE submitted in connection with a renewal. If requested, such documentation must be provided within 20 days after the date of request.

(B) Knowingly or intentionally furnishing false or misleading ACE information in connection with a renewal is grounds for disciplinary action up to and including license revocation.

(3) The Board may grant, at the time it issues a license renewal, an extension of time of up to 60 days after the expiration date of the previous license to complete ACE required to renew a license, subject to the following:

(A) The license holder must:

- (i) timely submit the completed renewal form with the appropriate renewal fees;
- (ii) complete an extension request form; and
- (iii) pay an extension fee of \$200.

(B) ACE courses completed during the 60-day extension period apply only to the current renewal and may not be applied to any subsequent renewal of the license.

(C) A person whose license was renewed with a 60-day ACE extension:

- (i) will not perform appraisals in a federally related transaction until verification is received by the Board that the ACE requirements have been met;
- (ii) may continue to perform appraisals in non-federally related transactions under the renewed license;

(iii) must, within 60 days after the date of expiration of the previous license, complete the approved ACE report form and submit course completion certificates for each course that was not already submitted by the provider and reflected in the applicant's electronic license record; and

(iv) will have the renewed license placed in inactive status if, within 60 days of the previous expiration date, ACE is not completed and reported in the manner indicated in paragraph (2) of this subsection. The renewed license will remain on inactive status until satisfactory evidence of meeting the ACE requirements has been received by the Board and the fee to return to active status required by §153.5 of this title (relating to Fees) has been paid.

(c) Appraiser Trainees.

(1) Appraiser trainees must maintain an appraisal log and appraisal experience affidavits on forms approved by the Board, for the license period being renewed. It is the responsibility of both the appraiser trainee and the supervisory appraiser~~[sponsor]~~ to ensure the appraisal log is accurate, complete and signed by both parties at least quarterly or upon change in supervisory appraiser~~[sponsors]~~. The appraiser trainee will promptly provide copies of the experience logs and affidavits to the Board upon request.

(2) Appraiser trainees may not obtain an extension of time to complete required continuing education.

(d) Renewal of Licenses for Persons on Active Duty. A person who is on active duty in the United States armed forces may renew an expired license without being subject to any increase in fee imposed in his or her absence, or any additional education or experience requirements if the person:

(1) did not provide appraisal services while on active duty;

(2) provides a copy of official orders or other documentation acceptable to the Board showing the person was on active duty during the last renewal period;

(3) applies for the renewal within two years~~[90 days]~~ after the person's active duty ends;

(4) pays the renewal application fees in effect when the previous license expired; and

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(5) completes ACE requirements that would have been imposed for a timely renewal.

(e) **Late Renewal**~~[Expiration and Reapplication]~~. If an application is filed within six months of the expiration of a previous license, the applicant shall also provide satisfactory evidence of completion of any continuing education that would have been required for a timely renewal of the previous license. ~~[If the application for license is filed more than six months after the expiration of the previous license, the applicant must meet all then-current requirements for license, including retaking and passing the examination].~~





### AGENDA ITEM 19(f)

Discussion and possible action to propose amendments to 22 TAC §153.20, Guidelines for Revocation, Suspension, Denial of License; Probationary License.

#### SUMMARY

The amendments propose changes regarding compliance with an agreed order of the Board and the statute of limitations for investigating a complaint to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84th Legislature. The Enforcement Committee considered and recommends proposing these amendments.

#### 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 §153.20, Guidelines for Revocation, Suspension, Denial of License; Probationary License, 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**

**AUGUST 14, 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 §153.20. Guidelines for Revocation, Suspension, Denial of License; Probationary License**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.20. Guidelines for Revocation, Suspension, Denial of License; Probationary License. The amendments propose changes regarding compliance with an agreed order of the Board and the statute of limitations for investigating a complaint to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 consistent with the statute and 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.

***§153.20. Guidelines for Revocation, Suspension, Denial of License; Probationary License.***

(a) The Board may suspend or revoke a license or deny issuing a license to an applicant at any time the Board determines that the applicant or license holder:

- (1) disregards or violates a provision of the Act or the Board rules;
- (2) is convicted of a felony;
- (3) fails to notify the Board not later than the 30th day after the date of the final conviction if the person, in a court of this or another state or in a federal court, has been convicted of or entered a plea of guilty or nolo contendere to a felony or a criminal offense involving fraud or moral turpitude;
- (4) fails to notify the Board not later than the 30th day after the date of incarceration if the person, in

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this or another state, has been incarcerated for a criminal offense involving fraud or moral turpitude;

(5) fails to notify the Board not later than the 30th day after the date disciplinary action becomes final against the person with regard to any occupational license the person holds in Texas or any other jurisdiction;

(6) fails to comply with the USPAP edition in effect at the time of the appraiser service;

(7) acts or holds himself or herself or any other person out as a person licensed [~~real-estate appraiser~~] under the Act when not so licensed;

(8) accepts payment for appraiser services but fails to deliver the agreed service in the agreed upon manner;

(9) refuses to refund payment received for appraiser services when he or she has failed to deliver the appraiser service in the agreed upon manner;

(10) accepts payment for services contingent upon a minimum, maximum, or pre-agreed value estimate except when such action would not interfere with the appraiser's obligation to provide an independent and impartial opinion of value and full disclosure of the contingency is made in writing to the client;

(11) offers to perform appraiser services or agrees to perform such services when employment to perform such services is contingent upon a minimum, maximum, or pre-agreed value estimate except when such action would not interfere with the appraiser's obligation to provide an independent and impartial opinion of value and full disclosure of the contingency is made in writing to the client;

(12) makes a material misrepresentation or omission of material fact;

(13) has had a license as an appraiser revoked, suspended, or otherwise acted against by any other jurisdiction for an act which is a crime under Texas law;

(14) procures, or attempts to procure, a license by making false, misleading, or fraudulent representation;

(15) fails to actively, personally, and diligently supervise an appraiser trainee or any person not licensed under the Act who assists the license holder in performing real estate appraiser services;

(16) has had a final civil judgment entered against him or her on any one of the following grounds:

(A) fraud;

(B) intentional or knowing misrepresentation;

(C) grossly negligent misrepresentation in the performance of appraiser services;

(17) fails to make good on a payment issued to the Board within thirty days after the Board has mailed a request for payment by certified mail to the license holder's last known business address as reflected by the Board's records;

(18) knowingly or willfully engages in false or misleading conduct or advertising with respect to client solicitation;

(19) acts or holds himself or any other person out as a person licensed [~~real-estate appraiser~~] under this or another state's Act when not so licensed;

(20) misuses or misrepresents the type of classification or category of license number;

(21) engages in any other act relating to the business of appraising that the Board, in its discretion, believes warrants a suspension or revocation;

(22) uses any title, designation, initial or other insignia or identification that would mislead the public as to that person's credentials, qualifications, competency, or ability to perform licensed appraisal services;

(23) fails to comply with an agreed order or a final order of the Board;

(24) fails to answer all inquiries concerning matters under the jurisdiction of the Board within 20 days of notice to said individual's address of record, or within the time period allowed if granted a written extension by the Board; or

(25) after conducting reasonable due diligence, knowingly accepts an assignment from an appraisal management company that is not exempt from registration under the Act which:

(A) has not registered with the Board; or

(B) is registered with the Board but has not placed the appraiser on its panel of appraisers maintained with the Board; or

(26) fails to approve, sign, and deliver to their appraiser trainee the appraisal experience log and affidavit required by §153.15(f)(1) and §153.17(c)(1) of this title for all experience actually

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and lawfully acquired by the trainee while under the appraiser's sponsorship.

(b) The Board has discretion in determining the appropriate penalty for any violation under subsection (a) of this section.

(c) The Board may probate a penalty or sanction, and may impose conditions of the probation, including, but not limited to:

(1) the type and scope of appraisals or appraisal practice;

(2) the number of appraiser trainees or authority to sponsor appraiser trainees;

(3) requirements for additional education;

(4) monetary administrative penalties; and

(5) requirements for reporting real property appraisal activity to the Board.

(d) A person applying for reinstatement after revocation or surrender of a license must comply with all requirements that would apply if the license had instead expired.

(e) The provisions of this section do not relieve a person from civil liability or from criminal prosecution under the Act or other laws of this State.

(f) The Board may not investigate a complaint submitted to the Board more than four years after the date on which the alleged violation

occurred~~[either more than two years after the date of discovery or more than two years after the completion of any litigation involving the incident, whichever event occurs later, involving the license holder who is the subject of the complaint].~~

(g) Except as provided by Texas Government Code §402.031(b) and Texas Penal Code §32.32(d), there shall be no undercover or covert investigations conducted by authority of the Act.

(h) A license may be revoked or suspended by the Attorney General or other court of competent jurisdiction for failure to pay child support under the provisions of Chapter 232 of the Texas Family Code.

(i) If the Board determines that issuance of a probationary license is appropriate, the order entered by the Board with regard to the application must set forth the terms and conditions for the probationary license. Terms and conditions for a probationary license may include any of the following:

(1) that the probationary license holder comply with the Act and with the rules of the Texas Appraiser Licensing and Certification Board;

(2) that the probationary license holder fully cooperate with the enforcement division of the Board in the investigation of any complaint filed against the license holder or any other complaint in which the license holder may have relevant information;

(3) that the probationary license holder attend a prescribed number of classroom hours in specific areas of study during the probationary period;

(4) that the probationary license holder limit appraisal practice as prescribed in the order;

(5) that the probationary license holder work under the direct supervision of a certified general or certified residential appraiser who will review and sign each appraisal report completed;

(6) that the probationary license holder report regularly to the Board on any matter which is the basis of the probationary license; or

(7) that the probationary license holder comply with any other terms and conditions contained in the order which have been found to be reasonable and appropriate by the Board after due consideration of the circumstances involved in the particular application.

(k) Unless the order granting a probationary license specifies otherwise, a probationary license holder may renew the license after the probationary period by filing a renewal application, satisfying applicable renewal requirements, and paying the prescribed renewal fee.

(l) If a probationary license expires prior to the completion of a probationary term and the probationary license holder files a late renewal application, any remaining probationary period shall be reinstated effective as of the day following the renewal of the probationary license.



**AGENDA ITEM 19(g)**

Discussion and possible action to propose amendments to 22 TAC §153.21, Appraiser Trainees and Sponsors.

**SUMMARY**

The amendments propose changes to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84th Legislature. The Education Committee considered and recommends proposing these amendments.

**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 §153.21, Appraiser Trainees and Sponsors, 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**

**AUGUST 14, 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 §153.21. Appraiser Trainees and Sponsors**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §153.21. Appraiser Trainees and Sponsors. The amendments propose changes to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 consistent with the statute and 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](mailto: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.

***§153.21. Appraiser Trainees and Supervisory Appraisers*** ~~*[Sponsors]*~~.

- (a) ~~[A person desiring to be an appraiser trainee may apply to the Board on the approved application form for trainee authorization. In addition to the requirements set forth in §1103.353 of the Act, a prospective appraiser trainee must:~~
- ~~–(1) complete 75 creditable classroom hours as set forth in the Trainee Core Curriculum of the AQB;~~
  - ~~–(2) pass the 15-hour National USPAP course and examination; and~~
  - ~~–(3) complete a Board-approved Appraiser Trainee/Sponsor course.]~~ **Supervision of appraiser trainees required.**
- ~~[(b) Once a person is licensed as an]~~ **(1) An** appraiser trainee ~~[by the Board, the person]~~ may perform appraisals or appraiser services only under the active, personal and diligent direction and supervision of a **supervisory** ~~[sponsoring]~~ appraiser. ~~[The trainee's authorization to perform appraisals or appraisal services terminates if:~~

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~~–(1) the appraiser trainee license expires due to nonpayment of the renewal fee or failure to satisfy the educational or experience requirements for renewal; or]~~

(2) An appraiser trainee may be supervised by more than one supervisory appraiser.~~[the appraiser trainee's authority to act has been suspended or revoked by the Board.]~~

(3) Supervisory appraisers may supervise no more than three appraiser trainees at one time.

(4) A supervisory appraiser may be added during the term of an appraiser trainee's license if:

(A) The supervisory appraiser and appraiser trainee have provided proof to the Board of completion of an approved Appraiser Trainee/Supervisory Appraiser course;

(B) an application to supervise has been received and approved by the Board; and

(C) the applicable fee has been paid.

(5) A licensed appraiser trainee who signs an appraisal report must include his or her license number and the word "Trainee" as part of the appraiser trainee's signature in the report.

(b) Eligibility requirements for appraiser trainee supervision.

(1) To be eligible to supervise an appraiser trainee, a certified appraiser must:

(A) be in good standing and not subject to any disciplinary action within the last three years that affected the certified appraiser's eligibility to engage in appraisal practice;

(B) complete an approved Appraiser Trainee/Supervisory Appraiser course; and

(C) submit proof of course completion to the Board.

(2) Before supervising an appraiser trainee, the supervisory appraiser must notify the appraiser trainee in writing of any disciplinary action taken against the supervisory appraiser within the last three years that did not affect the supervisory appraiser's eligibility to engage in appraisal practice.

(3) An application to supervise must be received and approved by the Board before supervision begins.

(c) Maintaining eligibility to supervise appraiser trainees.~~[The sponsoring appraiser shall immediately notify the Board and the trainee in writing of any termination of sponsorship of an appraiser trainee, on a form approved by the Board and shall pay a fee set by the Board not later than the 10th day after the date of such termination.~~

(1) A supervisory appraiser who wishes to continue to supervise appraiser trainees upon renewal of his/her license must complete an approved Appraiser Trainee/Supervisory Appraiser course within four years before the expiration date of the supervisory appraiser's current license and provide proof of completion to the Board.

(2) If a supervisory appraiser has not provided proof of course completion at the time of renewal, but has met all other requirements for renewing the license the supervisory appraiser will no longer be eligible to supervise appraiser trainees; and the Board will take the following actions:

(A) the supervisory appraiser's license will be renewed on active status; and

(B) the license of any appraiser trainees supervised solely by that supervisory appraiser will be placed on inactive status.

(3) A certified appraiser may restore eligibility to supervise appraiser trainees by:

(A) completing the course required by this section; and

(B) submitting proof of course completion to the Board.

(4) The supervisory appraiser's supervision of previously supervised appraiser trainees may be reinstated by:

(A) submitting the required form to the Board; and

(B) payment of any applicable fees.

~~(d) [If an appraiser trainee's license has expired or been revoked by the Board or the appraiser trainee is no longer under the sponsorship of a sponsoring appraiser, the appraiser trainee may not perform the duties of an appraiser trainee until an application to sponsor the trainee has been filed together with payment of the appropriate fee and approved by the~~

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Board.]Maintaining eligibility to act as an appraiser trainee.

(1) An appraiser trainee must complete an approved Appraiser Trainee/Supervisory Appraiser course within four years before the expiration date of the appraiser trainee's current license and provide proof of completion to the Board.

(2) If an appraiser trainee has not provided proof of course completion at the time of renewal, but has met all other requirements for renewing the license, the Board will renew the appraiser trainee's license on inactive status, and the appraiser trainee will no longer be eligible to perform appraisals or appraisal services.

(3) An appraiser trainee may return the appraiser trainee's license to active status by:

(A) completing the course required by this section;

(B) submitting proof of course completion to the Board;

(C) submitting an application to return to active status, including an application to add a supervisory appraiser; and

(D) paying any applicable fees.

~~(e) [Sponsoring appraisers are responsible to the public and to the Board for the conduct of the appraiser trainee under the Act. After notice and hearing, the Board may reprimand a sponsoring appraiser or may suspend or revoke a sponsoring appraiser's or supervisor's license based on conduct by the appraiser trainee constituting a violation of the Act or a rule of the Board.]~~

Duties of the supervisory appraiser.

(1) Supervisory appraisers are responsible to the public and to the Board for the conduct of the appraiser trainee under the Act.

~~[(f) A sponsor may be added during the term of an appraiser trainee's license, by completing a form approved by the Board, paying a fee set by the Board, and completing a Board approved Appraiser Trainee/Sponsor course.]~~

(2)[(g)] The supervisory[sponsoring] appraiser assumes all the duties, responsibilities, and obligations of a supervisory appraiser[sponsor] as specified in these rules and must diligently supervise

the appraiser trainee. Diligent supervision includes, but is not limited to, the following:

(A)[(4)] direct supervision and training as necessary;

(B)[(2)] ongoing training and supervision as necessary after the supervisory appraiser[sponsor] determines that the appraiser trainee no longer requires direct supervision;

(C)[(3)] communication with and accessibility to the appraiser trainee; and

(D)[(4)] review and quality control of the appraiser trainee's work.

~~[(h) A licensed appraiser trainee who signs an appraisal report must include his or her license number and the word "Trainee" as part of the appraiser trainee's signature in the appraisal report.~~

~~-(i) Sponsoring appraisers may sponsor no more than three trainees at one time. Notification of sponsorship of an appraiser trainee must be provided in writing to the Board on a form approved by the Board with payment of the appropriate fee prior to the start of sponsorship.]~~

(3)[(j)] Supervisory appraisers[Sponsors] must approve and sign the appraiser trainee's appraisal log and experience affidavit at least quarterly and provide appraiser trainees with access to any appraisals and work files completed under the supervisory appraiser[sponsor].

(4) After notice and hearing, the Board may reprimand a supervisory appraiser or may suspend or revoke a supervisory appraiser's license based on conduct by the appraiser trainee constituting a violation of the Act or Board rules.

(g) Termination of supervision.

(1) Supervision may be terminated by the supervisory appraiser or the appraiser trainee.

(2) If supervision is terminated, the terminating party must:

(A) immediately notify the Board on a form approved by the Board; and

(B) notify the non-terminating party in writing no later than the 10th day after the date of termination; and

(C) pay any applicable fees no later than the 10th day after the date of termination.

(3) If an appraiser trainee is no longer under the supervision of a supervisory appraiser:

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- (A) the appraiser trainee may no longer perform the duties of an appraiser trainee; and
- (B) is not eligible to perform those duties until:
  - (i) an application to supervise the trainee has been filed;
  - (ii) any applicable fees have been paid; and
  - (iii) the Board has approved the application.

~~[(k) Sponsors must be in good standing and not subject to any disciplinary action within the last three years that affected the sponsor's eligibility to engage in appraisal practice. Disciplinary action taken against a sponsor within the last three years that did not affect the sponsor's eligibility to engage in appraisal practice must be disclosed in writing to the appraiser trainee prior to sponsorship.~~

~~[(l) Beginning September 1, 2015, all sponsors and appraiser trainees must provide proof that they have completed a Board approved Appraiser Trainee/Sponsor course at the time they renew their license. The course must have been completed within four years of the expiration date of the current license.]~~

(h)[(m)] Course approval.

(1) To obtain Board approval of an Appraiser Trainee/Supervisory Appraiser[Sponsor] course, a course provider must:

(A) submit form ATS-0, Appraiser Trainee/Supervisory Appraiser[Sponsor] Course Approval, adopted herein by reference; ~~;~~ and

(B) satisfy the Board that all required content set out in form ATS-0 is adequately covered.

(2) Approval of an Appraiser Trainee/Supervisory Appraiser[Sponsor] course shall expire two years from the date of Board approval.

(3) An ~~[approved Board]~~ Appraiser Trainee/Supervisory Appraiser[Sponsor] course may be delivered through:

(A) classroom delivery method; or

(B) distance education delivery method. The delivery mechanism for distance education courses offered by a non-academic provider must be approved by an AQB-approved organization providing approval of course design and delivery.

(i)[(n)] ACE credit.

(1) Supervisory appraisers[Sponsors] who complete the Appraiser Trainee/Supervisory

Appraiser[Sponsor] course may receive ACE credit for the course.

~~(2)[(o)]~~ Appraiser Trainees may not receive qualifying or ACE credit for completing the Appraiser Trainee/Supervisory Appraiser[Sponsor] course.



**APPLICATION FOR APPROVAL AS AN APPRAISER TRAINEE**

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
TRAINEE APPLICATION		\$325.00		

DO NOT WRITE ABOVE THIS LINE

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

**1. Full Legal Name:** \_\_\_\_\_  
Last First Middle

**2. Social Security Number:** \_\_\_\_\_ **3. Drivers License or State ID Number:** \_\_\_\_\_  
State

**4. Date of Birth:** \_\_\_\_\_ **5. Gender:**  Male  Female

**6. Ethnic Group:**  Black/African American  White  Hispanic  Asian  
 Other (specify): \_\_\_\_\_  
 Decline to respond

**7. Mailing Address and Contact Information: (Post Office Box may be used)**

\_\_\_\_\_  
 Number, Street and Apt No.

\_\_\_\_\_  
City State Zip Code Phone Number

\_\_\_\_\_  
Fax Number E-mail Address

**8. Supervisory Appraiser's Place of Business Address and Contact Information: (Must be a fixed street address, not a Post Office Box)**

\_\_\_\_\_  
 Number, Street and Suite No.

\_\_\_\_\_  
City State Zip Code Phone Number

**9. List all names (maiden, aliases, nicknames, etc.) by which you have been known.**

\_\_\_\_\_

\_\_\_\_\_

**10. Provide the information indicated concerning each "professional or occupational license" that you currently hold, have held in the past five years, or for which you are currently applying. As used herein, a "professional license" is any state or federal license, permit, registration, or certification that is required to engage in a regulated business or activity.**

License Type	License No.	Jurisdiction	Issue Date	Exp/Term Date	Status
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**11. Have you ever (1) had any professional or occupational license or certification suspended, canceled or revoked; (2) received a reprimand or disciplinary action; (3) surrendered a license or certification pending disciplinary action; or (4) 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.**

**12. Are there any pending complaints, investigations, or disciplinary hearings against any professional or occupational licenses or certifications you hold?**  Yes  No  
**If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.**

**13. Have you ever (1) been convicted of or pleaded *nolo contendere* to a criminal offense (Include **ALL** felonies and misdemeanors, including DWI and DUI. You do not have to include traffic tickets); (2) been placed on probation, community supervision, or deferred adjudication; or (3) are there any criminal charges pending against you?**  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.**

**14. Have you ever had a civil judgment rendered against you, or are there any civil suits pending against you?**  Yes  No  
**If YES, submit a complete written explanation and copies of all petitions and judgments.**

**15. Is education to meet the current education requirements being submitted at this time?**  Yes  No  
**If YES, submit photocopies of transcripts and/or course completion certificates.**

Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
15-Hour National USPAP or Equivalent	15 Hours
Appraiser Trainee/Supervisory Appraiser Course	4 Hours

*Please note that all qualifying education must be completed within the 5 year period prior to the date of application.*

### CERTIFICATION OF APPLICANT

I certify that I am eighteen (18) years of age or older; that I am a citizen of the United States or a lawfully admitted alien; and that I have been a legal resident of Texas for the sixty days preceding the date of this application.

I certify that I have read and understand this application and certification of **supervisory appraiser** and that the answers given herein are true, correct and complete. I will furnish all additional information or documentation requested by the Texas Appraiser Licensing and Certification Board (TALCB) for verification of the information given in this application. I understand that failing to provide information or providing information that is false, misleading or fraudulent is grounds for denial of this application or revocation of my license.

I authorize TALCB to conduct any investigations of me as authorized by law or TALCB rules. I understand that information revealed in an investigation may be cause for denial of the application even though other requirements for a license have been met. I further understand that information submitted in conjunction with this application may be subject to public disclosure or inspection in accordance with the Public Information Act (Chapter 552, Government Code).

I certify that I will not perform any act as an appraiser trainee until an approval has been issued to me by the TALCB and I am working under the supervision of an eligible **supervisory** certified Real Property Appraiser. If approved as an appraiser trainee, I will abide by the provisions of The Texas Appraiser Licensing and Certification Act (TEX OCC CODE Chapter 1103), TALCB Rules (22 TAC Chapters 153-157) and the Uniform Standards of Professional Appraisal Practice (USPAP).

**I agree that the Board may send all notices and communications concerning my license to my e-mail address on file with the Board.**

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date Signed** Page 200 of 271

CERTIFICATION OF SUPERVISORY APPRAISER

I agree to **supervise** the person named as applicant in this application. I have reviewed the application, and to the best of my knowledge, the information is true, correct, and complete. I will not allow the applicant to act as an appraiser trainee for me until the Texas Appraiser Licensing and Certification Board (TALCB) approves this applicant to act as an appraiser trainee under my **supervision.**

If applicant is granted appraiser trainee status, I agree to actively, personally and diligently supervise, and train the appraiser trainee and sign the trainee's reports completed under my supervision. I will review and sign the trainee's experience log quarterly. I understand that I will be responsible to the public and to TALCB for the professional conduct of the appraiser trainee until I notify TALCB and the appraiser trainee in writing that my **supervision** of the appraiser trainee has been terminated. I understand that I may be subject to disciplinary action if I or an appraiser trainee that I **supervise** violates the provisions of The Texas Appraiser Licensing and Certification Act (TEX OCC CODE Chapter 1103), TALCB Rules (22 TAC Chapters 153-157) or the Uniform Standards of Professional Appraisal Practice (USPAP).

I certify that I have not been subject to any disciplinary action that affected my legal ability to engage in appraisal practice in the last three years, and that I  HAVE  HAVE NOT **[check one]** been subject to any other disciplinary action during the last three years.

I further certify that I  HAVE  HAVE NOT **[check one]** been certified for three years and have completed the **Appraiser Trainee/Supervisory Appraiser Course** as required by the AQB.

**Supervisory Appraiser's** Typed or Printed Name: \_\_\_\_\_

TALCB Certification Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
**Supervisory Appraiser's** Signature Date Signed

**NOTE: State law prohibits renewing a license after a license holder has defaulted on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG) unless the license holder has entered into a repayment agreement with TG. YOU should contact the TG BEFORE filing this application if you have defaulted on a student loan. A renewal may be rejected if this agency has received information from TG that the applicant has defaulted on a student loan. The Texas Guaranteed Student Loan Corporation can be contacted at: Texas Guaranteed Student Loan Corporation, P.O. Box 83100, Round Rock, TX 78683-3100. Phone: 1-800-252-9743.**

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.



11. Are you maintaining appraisal experience logs and appraisal experience affidavits on forms prescribed by the Board for the period of authorization being renewed as required in Rule §153.17?  Yes  No  
**Note: You must promptly provide copies of the experience logs and affidavits to the Board upon request.**

12. Are you currently in default on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG)?  Yes  No  
**If YES, submit a copy of your repayment agreement with TG.**

13. Complete the chart below with the Appraiser Continuing Education (ACE) you have completed to meet the minimum renewal education requirement of 28 hours of acceptable ACE, that must include 7 hours from a National USPAP Update. **You must ALSO have completed a Board approved Appraiser Trainee/Supervisory Appraiser Course within 4 years of your current expiration date in order to renew active.** You must submit copies of ACE course completion documents for all education listed.

Course/Seminar Title	Course Provider or Sponsor	Date Completed	Hours
<b>Total ACE Hours Completed</b>			

**CERTIFICATION OF TRAINEE**

I have personally completed all coursework listed on this renewal form and am submitting copies of course completion documents with this form.

All information I have submitted in this renewal form is true and correct. I understand my certification or license may be revoked, or other disciplinary action taken, if I furnish false or misleading information on this renewal application. 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 my supervisor(s) have not changed unless noted on an Addition or Termination of Appraiser Trainee Supervision form submitted with this application.

I agree that the Board may send all notices and communications concerning my license to my e-mail address on file with the Board.

I understand that my license is not renewed until the TALCB reissues my certification or license.

\_\_\_\_\_ Date Signed

\_\_\_\_\_ Signature of Trainee

**Be certain that your renewal application:**

- \* Is complete - incomplete renewals cannot be processed and will be returned
- \* Is signed and dated
- \* Is postmarked no later than the expiration date
- \* Includes copies of ACE course completion documents 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.



# Appraiser Trainee Renewal Form Information Sheet

**THIS FORM IS FOR THE TIMELY RENEWAL OF A TRAINEE APPROVAL  
OR FOR RENEWAL OF A TRAINEE APPROVAL  
THAT HAS BEEN EXPIRED LESS THAN SIX MONTHS**

<b>BREAK DOWN OF FEES</b>	<b>Trainee timely renewal</b>	<b>Trainee late renewal 90 days or less</b>	<b>Trainee late renewal more than 90 days but less than 6 mos.</b>
TALCB Renewal Fee	250.00	375.00	500.00
Online Fee	5.00	5.00	5.00
Paper Filing Fee	20.00	20.00	20.00

## IMPORTANT INFORMATION - PLEASE READ CAREFULLY

- **ALL FEES LISTED ABOVE ARE NONREFUNDABLE AND MUST BE SUBMITTED WITH THE APPLICATION.** AN APPLICATION SUBMITTED WITHOUT THE APPROPRIATE FEES WILL BE REJECTED AND RETURNED. All fees should be paid by a single **CASHIERS CHECK, PERSONAL CHECK OR MONEY ORDER** payable to TALCB. DO NOT PAY WITH CASH. You can avoid the \$20 paper filing fee if you renew online at [www.talcb.texas.gov](http://www.talcb.texas.gov).
- Renewals submitted by mail must be postmarked on or before your license expiration date.
- **Additional documents must be submitted to TALCB** regarding Appraiser Continuing Education (ACE) to complete this renewal application. See details below.
- If your **supervisor(s)** will be different during this renewal term, you must submit the Addition or Termination of Appraiser Trainee **Supervision** form and the applicable fee with this application.
- NOTE: Under State Law, TALCB cannot renew your license if you have defaulted on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG) unless you have entered into a repayment agreement with TG. Your renewal application will be rejected if we receive information from TG that you have defaulted on a student loan. **YOU MUST CONTACT TG BEFORE FILING THIS APPLICATION IF YOU HAVE DEFAULTED ON A STUDENT LOAN.** TG can be contacted at: P.O. Box 83100, Round Rock, TX 78683-3100 or 1-800-252-9743.
- Your authorization is not renewed until TALCB has received AND approved the renewal application, fee, and ACE documentation. Please allow sufficient time prior to your expiration date for evaluation and processing.

## REQUIREMENTS AND DOCUMENTATION

### To renew **ACTIVE**

- Trainees must complete 28 hours of acceptable ACE that must include 7 hours from a National USPAP Update. **A Board approved Appraiser Trainee/Supervisory Appraiser Course must also be completed within 4 years of the current license expiration date.**
- Required education must be completed during the term of the license being renewed. Hours cannot be carried over from one term to another.
- Credit will not be awarded for the same course taken more than once within 3 years (except for the 7 hour National USPAP Update course).
- You must maintain an Appraisal Experience Log and accompanying Appraisal Experience Affidavit for all appraisal assignments completed during the renewal term.

If you expire and want to become active within 6 months of expiration, you must complete the required ACE hours, pay the applicable renewal fee, as well as submit an Addition or Termination of Appraiser Trainee **Supervision** form and fee for each **supervisor.**

If you have been expired more than 6 months, you must submit an initial application and meet all then-current requirements for authorization.

### To renew **INACTIVE**

A trainee may file a renewal application and renew an authorization in inactive status without submitting ACE. A license holder cannot engage in appraisal practice with an inactive license.

**Complete the application fully and mail with check or money order payable to TALCB.**



**RENEWAL OF APPRAISER CERTIFICATION**

FEES	RECEIPT NUMBER	RESIDENTIAL CERTIFICATION		GENERAL CERTIFICATION		MONEY TYPE
		Amount to Renew <u>ACTIVE</u>	Amount to Renew <u>INACTIVE</u>	Amount to Renew <u>ACTIVE</u>	Amount to Renew <u>INACTIVE</u>	
TIMELY RENEWAL		\$415.00	\$335.00	\$465.00	\$385.00	
EXPIRED 90 DAYS OR LESS		\$570.00	\$490.00	\$645.00	\$565.00	
EXPIRED MORE THAN 90 DAYS BUT LESS THAN 6 MONTHS		\$725.00	\$645.00	\$825.00	\$745.00	

DO NOT WRITE ABOVE THIS LINE

**NOTE: ALL INFORMATION MUST BE TYPED OR PRINTED IN INK**

**1. Full Name: (as it appears on certification)**

\_\_\_\_\_

Last First Middle

---

**2. Certification Number:** \_\_\_\_\_ **3. Expiration Date:** \_\_\_\_\_

---

**4. Renewal Type:**  Timely  Expired 90 days or less  Expired more than 90 days

---

**5. Renewal Status:**  Active  Inactive

---

**6. Mailing Address and Contact Information: (Post Office Box may be used)**

\_\_\_\_\_

Number, Street and Apt No.

\_\_\_\_\_

City State Zip Code Phone Number

\_\_\_\_\_

Fax Number E-mail Address

---

**7. 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

---

**8. Since your last renewal, have you: (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.**

---

**9. Are there any pending complaints, investigations, or disciplinary hearings against any professional or occupational licenses or certifications you hold?**  Yes  No

**If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.**

---

**10. Since your last renewal, have you (1) been convicted of or pleaded *nolo contendere* to a criminal offense (Include ALL felonies and misdemeanors, including DWI and DUI. You do not have to include traffic tickets); (2) been placed on probation, community supervision, or deferred adjudication; or (3) are there any criminal charges pending against you?**  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.**

11. Since your last renewal, have you had a civil judgment rendered against you, or are there any civil suits pending against you?  Yes  No  
**If YES, submit a complete written explanation and copies of all petitions and judgments.**

12. Are you currently in default on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG)?  Yes  No  
**If YES, submit a copy of your repayment agreement with TG.**

13. Complete the chart below with the Appraiser Continuing Education (ACE) you have completed to meet the minimum renewal education requirement of 28 hours of acceptable ACE, that must include 7 hours from a National USPAP Update. Supervisory appraisers must complete a Board approved Appraiser Trainee/Supervisory Appraiser Course within 4 years of their current expiration date to continue to supervise or relationships with their Appraiser Trainees will be terminated and Appraiser Trainees with one supervisor will be made inactive. You must submit copies of ACE course completion documents for all education listed.

Course/Seminar Title	Course Provider or Sponsor	Date Completed	Hours
<b>Total ACE Hours Completed</b>			

**CERTIFICATION OF APPRAISER**

I have personally completed all coursework listed on this renewal form and am submitting copies of course completion documents with this form.

All information I have submitted in this renewal form is true and correct. I understand my certification or license may be revoked, or other disciplinary action taken, if I furnish false or misleading information on this renewal application. 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 agree that the Board may send all notices and communications concerning my license to my e-mail address on file with the Board.

I understand that my certification is not renewed until the TALCB reissues my certification.

\_\_\_\_\_

**Date Signed** **Signature of Appraiser**

**Be certain that your renewal application:**

- \* Is complete - incomplete renewals cannot be processed and will be returned
- \* Is signed and dated
- \* Is postmarked no later than the expiration date
- \* Includes copies of ACE course completion documents 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.

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# Appraiser Certification Renewal Form Information Sheet

**THIS FORM IS FOR THE TIMELY RENEWAL OF AN APPRAISER CERTIFICATION  
OR FOR RENEWAL OF AN APPRAISER CERTIFICATION  
THAT HAS BEEN EXPIRED LESS THAN SIX MONTHS**

BREAK DOWN OF FEES	RESIDENTIAL CERTIFICATION			GENERAL CERTIFICATION		
	Timely renewal	Late renewal 90 days or less	Late renewal more than 90 days but less than 6 mos.	Timely renewal	Late renewal 90 days or less	Late renewal more than 90 days but less than 6 mos.
TALCB Renewal Fee	310.00	465.00	620.00	360.00	540.00	720.00
National Registry Fee <i>(only for active renewals)</i>	80.00	80.00	80.00	80.00	80.00	80.00
Online Fee	5.00	5.00	5.00	5.00	5.00	5.00
Paper Filing Fee	20.00	20.00	20.00	20.00	20.00	20.00

## IMPORTANT INFORMATION - PLEASE READ CAREFULLY

- **ALL FEES LISTED ABOVE ARE NONREFUNDABLE AND MUST BE SUBMITTED WITH THE APPLICATION.** AN APPLICATION SUBMITTED WITHOUT THE APPROPRIATE FEES WILL BE REJECTED AND RETURNED. All fees should be paid by a single **CASHIERS CHECK, PERSONAL CHECK OR MONEY ORDER** payable to TALCB. DO NOT PAY WITH CASH. You can avoid the \$20 paper filing fee if you renew online at [www.talcb.texas.gov](http://www.talcb.texas.gov).
- Renewals submitted by mail must be postmarked on or before your license expiration date.
- **Additional documents must be submitted to TALCB** regarding Appraiser Continuing Education (ACE) to complete this renewal application. See details below.
- NOTE: Under State Law, TALCB cannot renew your license if you have defaulted on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TG) unless you have entered into a repayment agreement with TG. Your renewal application will be rejected if we receive information from TG that you have defaulted on a student loan. **YOU MUST CONTACT TG BEFORE FILING THIS APPLICATION IF YOU HAVE DEFAULTED ON A STUDENT LOAN.** TG can be contacted at: P.O. Box 83100, Round Rock, TX 78683-3100 or 1-800-252-9743.
- Your certification is not renewed until TALCB has received AND approved the renewal application, fee, and ACE documentation. Please allow sufficient time prior to your expiration date for evaluation and processing.

## REQUIREMENTS AND DOCUMENTATION

### To renew **ACTIVE**

- License holders must complete 28 hours of acceptable ACE, that must include 7 hours from a National USPAP Update. **Supervisory Appraisers must complete a Board approved Appraiser Trainee/Supervisory Appraiser Course within 4 years of their current license expiration date to continue to supervise or relationships with their Appraiser Trainees will be terminated and Appraiser Trainees with one supervisor will be made inactive.**
- Required education must be completed during the term of the license being renewed. Hours cannot be carried over from one renewal term to another.
- Credit will not be awarded for the same course taken more than once within 3 years (except for the 7 hour National USPAP Update course).

If you expire and want to become active within 6 months of expiration, you must complete the required ACE hours and pay the applicable renewal fee.

If you have been expired more than 6 months, you must submit an initial application and meet all then-current requirements for authorization.

### For an **INACTIVE** renewal

A license holder may file a renewal application and renew a license in inactive status without submitting ACE. A license holder cannot engage in appraisal practice with an inactive license.

**Complete the application fully and mail with check or money order payable to TALCB.**



**REQUEST FOR ACTIVE STATUS**

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
ACTIVE STATUS		\$50.00		
NATIONAL REGISTRY <i>(not required for trainees)</i>		\$40.00 (1-12 months) \$80.00 (13-24 months)		

DO NOT WRITE ABOVE THIS LINE

**ALL INFORMATION MUST BE TYPED OR PRINTED IN INK.  
MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. FEES ARE NON-REFUNDABLE.**

Name (as it appears on license)

License No.

Email Address

The following items **MUST** accompany this request in order to be accepted for processing.

- \$50.00 Active Status Fee
- National Registry Fee (as applicable)
  - ◆ Required for licensed/certified appraisers only if NOT paid with your most recent renewal application. If uncertain, please contact TALCB at (512) 936-3001 or [information@talcb.texas.gov](mailto:information@talcb.texas.gov) to confirm.
- Course completion certificates for all ACE
- Addition or Termination of Appraiser Trainee Supervision form and fee
  - ◆ Required for trainees only.

Complete the chart below with the Appraiser Continuing Education (ACE) you have completed to meet the minimum renewal education requirement. You must submit copies of ACE course completion documents for all education listed.

Course/Seminar Title	Course Provider or Sponsor	Date Completed	Hours

Total ACE Hours Completed

CERTIFICATION STATEMENT

I have personally completed all coursework listed on this Request for Active Status form and am submitting copies of course completion documents with this form.

I understand that my certification or license will not become active until TALCB notifies me that I have been returned to active status.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

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.



**REQUEST FOR INACTIVE STATUS** (For Currently Certified or Licensed Appraisers)

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
INACTIVE STATUS		\$25.00		

DO NOT WRITE ABOVE THIS LINE

**ALL INFORMATION MUST BE TYPED OR PRINTED IN INK.  
MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. FEES ARE NON-REFUNDABLE.**

I hereby request that my certification/license be placed on inactive status.

\_\_\_\_\_  
Name (as it appears on license)

\_\_\_\_\_  
License No.

\_\_\_\_\_  
E-mail Address

**CERTIFICATION STATEMENT**

I hereby certify that:

- I will not appraise real property, engage in appraisal practice, or perform any activity for which an appraiser license or certification is required while I am on inactive status.
- I understand that an inactive certified or licensed appraiser is NOT exempted from renewing in a timely manner. To remain on inactive status, the appraiser must renew the certificate or license and pay the appropriate renewal fees.
- I have provided all appraiser trainees under my supervision, if any, written notice of termination of supervision at least 30 days prior to filing this request.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

**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.



ADDITION OR TERMINATION OF APPRAISER TRAINEE SUPERVISION

Table with 4 columns: FEES, RECEIPT NUMBER, AMOUNT, MONEY TYPE. Row 1: ADDITION OR TERMINATION OF SUPERVISION, [blank], \$20.00, [blank]

DO NOT WRITE ABOVE THIS LINE

NOTE: ALL INFORMATION MUST BE TYPED OR PRINTED IN INK

Payment must be a single remittance payable to the Texas Appraiser Licensing and Certification Board and is NOT refundable.

Appraiser Trainee's Name: \_\_\_\_\_

Appraiser Trainee's Authorization Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

[ ] ADDITION OF SUPERVISION Note: Both signatures (supervisory appraiser AND appraiser trainee) are required.

SUPERVISORY APPRAISER'S CERTIFICATION

I hereby certify that I am currently a certified general or certified residential real property appraiser under the Texas Appraiser Licensing and Certification Act and am in good standing. I agree to supervise the appraiser trainee named above on this form. I agree to be responsible to the public and to the TALCB for the professional actions of the appraiser trainee. I agree to allow the trainee to perform appraisals only under my active, personal, and diligent supervision and direction, and I shall sign the trainee's reports. I have carefully investigated this person and, in my opinion, the person is honest, trustworthy, and a person of integrity. I will not allow this person to act as an appraiser trainee for me until I have received the TALCB acknowledgement authorizing the person to do so.

I certify that I have not been subject to any disciplinary action that affected my legal eligibility to engage in appraisal practice in the last 3 years, and that I [ ] HAVE [ ] HAVE NOT [check one] been subject to any other disciplinary action during the last 3 years.

I further certify that I [ ] HAVE [ ] HAVE NOT [check one] been certified for three years and have completed the Appraiser Trainee/Supervisory Appraiser Course as required by the AQB.

Supervisory Appraiser's Name: \_\_\_\_\_

Certification Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Supervisory Appraiser's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

TRAINEE'S CERTIFICATION

I acknowledge the above statement by the supervisory appraiser. I understand that I may not perform appraisals under this supervisory appraiser until the TALCB has authorized me to do so.

Trainee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[ ] TERMINATION OF SUPERVISION Note: Only one signature (supervisory appraiser OR appraiser trainee) is required.

SUPERVISORY APPRAISER'S CERTIFICATION

My supervision of the appraiser trainee listed above is terminated, and I am no longer responsible for the individual's professional actions. I have notified the appraiser trainee of this fact in writing. I understand that I must notify the TALCB in writing within ten days of any termination of supervision of an appraiser trainee.

Supervisory Appraiser's Name: \_\_\_\_\_

Certification Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Supervisory Appraiser's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

TRAINEE'S CERTIFICATION

My supervision by the supervisory appraiser listed above is terminated. I have notified the supervisory appraiser of this fact in writing. I understand that I may not perform appraisals until the TALCB has authorized me to work under a supervisory appraiser.

Trainee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**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.**



**APPRAISER CONTINUING EDUCATION (ACE) SUBMISSION FORM FOR ONLINE RENEWALS**

After completing your online renewal, you must fax this form and course completion documents to (512) 936-3899.

- License holders must complete 28 hours of acceptable ACE, which must include 7 hours from a National USPAP Update.
  - ♦ Supervisory appraisers must complete a Board approved Appraiser Trainee/Supervisory Appraiser Course within 4 years of their current license expiration date to continue to supervise or relationships with their Appraiser Trainees will be terminated and Appraiser Trainees with one supervisor will be made inactive. **This course will count towards the required 28 hours of ACE.**
  - ♦ Appraiser Trainees must complete a Board approved Appraiser Trainee/Supervisory Appraiser Course within 4 years of their current license expiration date in order to renew active. **This course is in addition to the required 28 hours of ACE.**
- Required education must be completed during the term of the license being renewed. Hours cannot be carried over from one renewal term to another.
- Credit will not be awarded for the same course taken more than once within 3 years (except for the National USPAP Update Course).

Complete the chart below with the ACE you have completed to meet the minimum renewal education requirement. You must submit copies of ACE course completion documents for all education listed. If additional information is necessary, you will be notified.

Course/Seminar Title	Course Provider or Sponsor	Date Completed	Hours
<b>Total ACE Hours Completed</b>			

**CERTIFICATION STATEMENT**

- I have personally completed all coursework listed on this renewal form and am submitting copies of course completion documents with this form.
- I understand that my certification or license is not renewed until the TALCB reissues my certification or license.

\_\_\_\_\_

**Printed Name**

\_\_\_\_\_

**License No.**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date Signed**



**APPRAISER CONTINUING EDUCATION (ACE) EXTENSION REQUEST**

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
GENERAL CERTIFICATION		\$645.00		
RESIDENTIAL CERTIFICATION		\$595.00		
LICENSE		\$575.00		

DO NOT WRITE ABOVE THIS LINE

**ALL INFORMATION MUST BE TYPED OR PRINTED IN INK.  
MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. FEES ARE NON-REFUNDABLE**

I hereby request a 60 day extension for the completion of required ACE hours.

*Note: Supervisory appraisers are NOT able to receive an ACE extension when the Appraiser Trainee/Supervisory Appraiser Course is required.*

Name (as it appears on license)

License No.

E-mail Address

**A COMPLETED RENEWAL FORM MUST ACCOMPANY THIS REQUEST FORM ALONG WITH THE TOTAL FEE NOTED ABOVE WHICH INCLUDES THE RENEWAL FEE AND THE EXTENSION FEE. THIS REQUEST FORM, RENEWAL FORM, AND THE TOTAL FEE MUST BE POSTMARKED ON OR BEFORE YOUR EXPIRATION DATE IN ORDER TO BE ACCEPTED FOR PROCESSING.**

**CERTIFICATION STATEMENT**

• I understand that if I am a supervisory appraiser I may complete the Appraiser Trainee/Supervisory Appraiser Course as part of my ACE requirements. However, I cannot request an extension of ACE when the Appraiser Trainee/Supervisory Appraiser Course is required.

• I further understand that my certification or license is not renewed until TALCB reissues my certification or license and that extensions cannot be granted after expiration.

• I acknowledge that this extension does not extend federal requirements and I shall not perform appraisals in federally-related transactions (FRTs) until ACE verification is received by TALCB and ACE requirements have been met.

• I also acknowledge that if I do not provide TALCB verification of completion of the required ACE hours no later than the 60th day after the date the certification or license is renewed, my certification or license will automatically be placed on inactive status, and my supervision of any appraiser trainees will be terminated. I understand that an inactive appraiser cannot appraise real property.

Applicant's Signature

Date Signed

**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.



**APPRAISER TRAINEE/SUPERVISORY APPRAISER SPONSOR COURSE APPROVAL  
MINIMUM REQUIRED COURSE TIME - 4 HOURS**

Provider Name \_\_\_\_\_

Title of Course \_\_\_\_\_

Name of Text or Workbook and Author \_\_\_\_\_

**Part 1 - AQB Requirements**

**Qualifications and Credentialing Entities**

The Creation and Role of The Appraisal Foundation \_\_\_\_\_

Role of AQB in Establishing Criteria for Real Property Appraisers \_\_\_\_\_

Role of Professional Appraiser Organizations \_\_\_\_\_

Required Regulatory State Appraiser "Credentials" vs "Voluntary" Appraiser Organization Designations \_\_\_\_\_

**Qualifications for Appraiser Credentials**

AQB Minimum Qualifications for the Trainee Appraiser \_\_\_\_\_

AQB Minimum Qualifications for the Licensed Residential Appraiser \_\_\_\_\_

AQB Minimum Qualifications for the Certified Residential Appraiser \_\_\_\_\_

AQB Minimum Qualifications for the Certified General Appraiser \_\_\_\_\_

Summary Matrix Outlining Minimum Education, Experience and Exam for Each Credential \_\_\_\_\_

AQB Minimum Qualifications for **Supervisory Sponsor** Appraisers \_\_\_\_\_

**Individual Jurisdictional Qualifications**

Explanation of AQB Minimum Qualifications, with the State or Jurisdictional Ability to Require Qualifications that Exceed the AQB Minimum \_\_\_\_\_

**Overview of USPAP**

Sections of USPAP Relevant to Trainee Appraisers Including Ethics Rule, Competency Rule, Scope of Work Rule, Record Keeping Rule, Standard 1 and Standard 2 \_\_\_\_\_

FOR TALCB USE ONLY

Location

Included

Not Included

**Requirements, Expectations and Responsibilities of the Supervisory Sponsor Appraiser**

	Location	Included	Not Included
Supervisory Sponsor Appraiser is to Provide the Trainee Appraiser with a Basic Understanding of USPAP Requirements	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Understand the AQB Minimum Requirements of Both the Supervisory Sponsor Appraiser and the Appraiser Trainee as well as the Requirements of the Credentialing Jurisdiction that may Exceed Those of the Criteria	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Provide Proper Guidance to the Trainee Appraiser When He or She Selects a Specific Credentialing Path	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Monitor the Trainee Appraiser's Progress in Satisfying Both the Education and Experience Requirements Necessary to Achieve His or Her Selected Credentialing Path	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Verify that the Supervisory Sponsor Appraiser and Trainee Appraiser are Properly Documenting All Appropriate Experience Logs	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Accompany the Trainee Appraiser on All Inspections Until the Trainee Appraiser is Competent to Conduct Inspections Independently, and Has Met All Specific Requirements Pertaining to Property Inspection Established by the Credentialing Jurisdiction	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Monitor and Provide Assignments and Duties to Ensure that the Trainee Appraiser is Developing an Understanding and Progression of Knowledge and Experience of All Applicable Valuation Methodologies and Approaches to Value	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Verify that the Trainee Appraiser is Properly Identified and Acknowledged in the Appraisal Report and in Compliance with USPAP	_____	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Sponsor Appraiser is to Immediately Notify the Trainee Appraiser if the Supervisory Sponsor Appraiser is No Longer Qualified to Supervise and/or Sign the Trainee Appraiser's experience log	_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Trainee Appraiser Expectations and Responsibilities</b>			
Trainee Appraiser is to Have a Basic Understanding of the AQB Minimum Requirements to Become a Trainee Appraiser as well as the Requirements of the Credentialing Jurisdiction that may Exceed Those of the Criteria	_____	<input type="checkbox"/>	<input type="checkbox"/>
Trainee Appraiser is to Have an Understanding that the Supervisory Sponsor Appraiser - Appraiser Trainee Relationship is a Long-Term Commitment by Both Parties	_____	<input type="checkbox"/>	<input type="checkbox"/>
Trainee Appraiser is Inherently Connected to the "Good Standing" of the Supervisory Sponsor Appraiser	_____	<input type="checkbox"/>	<input type="checkbox"/>
The Selection of a Supervisory Sponsor Appraiser Should Reflect the Experience and Competency that Best Reflects the Trainee Appraiser's Credentialing Path	_____	<input type="checkbox"/>	<input type="checkbox"/>
Options for the Trainee Appraiser if a Supervisory Sponsor Appraiser is No Longer Qualified to Serve as a Supervisory Sponsor Appraiser	_____	<input type="checkbox"/>	<input type="checkbox"/>
Trainee Appraiser is to Have an Understanding of How to Determine if an Appraiser is Qualified and in Good Standing to be a Supervisory Sponsor Appraiser by Searching the ASC National Registry and/or Jurisdictional Websites	_____	<input type="checkbox"/>	<input type="checkbox"/>
Trainee Appraiser is to Understand that it is the Supervisory Sponsor Appraiser's Responsibility to Monitor the Progression of the Trainee Appraiser's Education and Experience Necessary to Achieve the Trainee Appraiser's Selected Credentialing Path	_____	<input type="checkbox"/>	<input type="checkbox"/>

Trainee Appraiser is to Understand that it is the **Supervisory Sponsor** Appraiser's Responsibility to Provide Assignments and Duties that Ensure that the Trainee Appraiser is Developing an Understanding and Progression of Knowledge and Experience of All Applicable Valuation Methodologies and Approaches to Value

Location \_\_\_\_\_

Included Not Included

Trainee Appraiser is to Understand the Responsibility of Both the Trainee Appraiser and the **Supervisory Sponsor** Appraiser in Properly Documenting All Appropriate Trainee Appraiser Experience Logs

\_\_\_\_\_

Trainee Appraiser is to Understand that the **Supervisory Sponsor** Appraiser Must Accompany the Trainee Appraiser on All Inspections Until He or She is Competent to Conduct Inspections Independently and has Met All Requirements Pertaining to Property Inspection Established by the Credentialing Jurisdiction

\_\_\_\_\_

**Part 2 - Texas Component**

**Regulatory Structure of Texas Appraiser Licensing and Certification Board**

Review of TALCB Organizational Chart

\_\_\_\_\_

Role of the Board and Introduction to Board Members

\_\_\_\_\_

Role of the TALCB in Issuing Appraiser Credentials and Disciplining Appraisers

\_\_\_\_\_

**Qualifications to Become Licensed or Certified by TALCB**

TALCB Credentialing Requirements Do Not Exceed those Set Forth by the AQB

\_\_\_\_\_

Texas Application and Approval Process

\_\_\_\_\_

**Overview of Texas Statute and Rules**

Chapter 1103 of the Texas Occupations Code

\_\_\_\_\_

Overview of Sections 153, 155 and 157 of the Rules of the Texas Appraiser Licensing and Certification Board

\_\_\_\_\_

Board Rules that Exceed USPAP Requirements (Identify Sections Where Board Rules Differ from USPAP)

\_\_\_\_\_

Review Rule §153.24 Complaint Processing

\_\_\_\_\_

**Expectations and Responsibilities of the **Supervisory Sponsor** Appraiser and Trainee Appraiser**

§153.21, Rule Relating to Trainee Appraisers and **Supervisory Sponsor** Appraiser; §153.15, Rule Relating to Experience Requirement, Experience Log and Affidavit

\_\_\_\_\_

§153.17(c), Rule Relating to Trainee Appraiser Renewal

\_\_\_\_\_

§153.20(a)(26), Rule Relating to the Obligation of the **Supervisory Sponsor** Appraiser to Approve, Sign and Deliver the Appraisal Experience Log and Affidavit to the Trainee Appraiser

\_\_\_\_\_

Scope of Practice for the **Supervisory Sponsor** Appraiser and the Trainee Appraiser

\_\_\_\_\_

**Practicum on Filling Out Experience Logs**

Location

Included

Not  
Included

\_\_\_\_\_



**Other Relevant Topics**

Upcoming, Proposed or Recent Legislative Changes

\_\_\_\_\_



Upcoming, Proposed or Recent Rule Changes

\_\_\_\_\_



Recent or Recurring Enforcement Issues

\_\_\_\_\_



**FAQ's**

What Qualifies as Experience?

\_\_\_\_\_



What Needs to be in the Work File?

\_\_\_\_\_



When Should a **Supervisory Sponsor** Appraiser Sign the Trainee Appraiser Experience Log?

\_\_\_\_\_



How Important is an Audit Deadline?

\_\_\_\_\_



What is the Affidavit?

\_\_\_\_\_



What is an Investigator for TALCB?

\_\_\_\_\_



What is an AMC?

\_\_\_\_\_



**Part 3 - Required Elements**

Attached

**Table of Contents**

\_\_\_\_\_



**Course Introduction & Overview**

\_\_\_\_\_



**Course Materials**

\_\_\_\_\_



**Quiz (10-15 Questions)**

\_\_\_\_\_



**Glossary of Definitions**

\_\_\_\_\_



### AGENDA ITEM 20(a)

Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Subchapter A, General Provisions:

- i. §157.7, Denial of a License
- ii. §157.8, Adverse Action Against a License Holder or Registrant

### SUMMARY

The proposed amendments reorganize these sections for better understanding and clarity. The Executive Committee considered and recommends proposing these amendments.

### 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 §157.7, Denial of a License, and §157.8, Adverse Action Against a License Holder or Registrant, 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  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD  
Chapter 157. Rules Relating to Practice and Procedure  
Subchapter A. General Provisions**

**22 TAC §157.7. Denial of a License,  
22 TAC §157.8. Adverse Action Against a License Holder or Registrant**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §§157.7, Denial of a License, and 157.8, Adverse Action Against a License Holder or Registrant. The proposed amendments reorganize these sections for better understanding and clarity.

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 requirements that are consistent with the statutes and 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](mailto: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 §1104.051, which authorizes TALCB to adopt rules necessary to administer Chapter 1104.

The statutes affected by these amendments are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code or article is affected by the proposed amendments.

**§157.7. Denial of a License; Adverse Action Against a License Holder.**

(a) **Denial of a License.**

(1) If the Board denies a certification, license, trainee approval, or registration, the Board shall promptly give written notice **of denial** to the applicant. If the applicant is **supervised**~~[sponsored]~~ by another license holder, the Board shall send a copy of the notice of denial to the **supervisory appraiser**~~[sponsor]~~.

(2) **The notice of denial shall include:**

(A) **a statement of the Board's action;**

(B) **a summary of the facts and laws on which the action is based;**

(C) **a statement of the right of the person to request a hearing; and**

(D) **the following language in capital letters in boldface type: IF YOU FAIL TO REQUEST A**

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Part VIII. Texas Appraiser Licensing and Certification Board  
Chapter 157. Rules Relating to Practice and Procedure

HEARING IN WRITING WITHIN 30 DAYS,  
THIS DETERMINATION WILL BECOME  
FINAL.

(3) If a person fails to request a hearing in writing within 30 days of receiving the notice, the Board's determination will become final.

(b) Adverse Action Against a License Holder.

(1) If the Board proposes to take adverse action against a license holder, former license holder, or registrant, the Board shall promptly give written notice to the person against whom the action is proposed to be taken. If an appraiser trainee is the respondent, the Board shall send a copy of the notice to the supervisory appraiser.

(2) The notice of adverse action shall include:

(A) a summary of the facts and laws on which the proposed action is based;

(B) a statement of the action proposed by the Board, including the proposed sanction and/or the amount of any administrative penalties; and

(C) a statement of the right of the person to a hearing. [~~The notice shall include:~~

~~-(1) a statement of the Board's action;~~  
~~-(2) a summary of the facts and laws on which the action is based;~~  
~~-(3) a statement of the right of the person to request a hearing; and~~

~~-(4) the following language in capital letters in boldface type: IF YOU FAIL TO REQUEST A HEARING IN WRITING WITHIN 30 DAYS, THIS DETERMINATION WILL BECOME FINAL.]~~

(c) A license holder who has agreed in writing to suspension or revocation for failure to comply with the terms of a consent order, consent agreement, or agreed order in connection with an application or a previous disciplinary matter is deemed to have had notice and an opportunity for a hearing in a subsequent action resulting from failure to comply with an administrative requirement of probation, such as payment of a fee or completion of coursework. [~~If a person fails to request a hearing in writing within 30 days of receiving the notice, the Board's determination will become final.]~~

§157.8. Order Modifications~~[Adverse Action Against a License Holder or Registrant].~~

~~[(a) If the Board proposes to take adverse action against a license holder, former license holder, or registrant, the Board shall promptly give written notice to the person against whom the action is proposed to be taken. If an appraiser trainee is the respondent, the Board shall send a copy of the notice to the sponsor:~~

~~(b) The notice shall include:~~

~~-(1) a summary of the facts and laws on which the proposed action is based;~~

~~-(2) a statement of the action proposed by the Board, including the proposed sanction and/or the amount of any administrative penalties; and~~

~~-(3) a statement of the right of the person to a hearing.~~

~~(c) A license holder or registrant who has agreed in writing to suspension or revocation for failure to comply with the terms of a consent order, consent agreement, or agreed order in connection with an application or a previous disciplinary matter is deemed to have had notice and an opportunity for a hearing in a subsequent action resulting from failure to comply with an administrative requirement of probation, such as payment of a fee or completion of coursework.~~

~~(d) The Board will consider a modification of an existing agreed or consent order at its next scheduled Board meeting if the license holder or registrant:~~

~~(a) [(1)] is currently in compliance with the existing order; and~~

~~(b) [(2)] submits a written request that sets out the specific modification requested and the reason for the modification to the Board's general counsel on or before the 14th day prior to a scheduled Board meeting. Submission of a request for modification of an agreed or consent order to the Board does not relieve the license holder or registrant of compliance obligations under the existing order.~~



## AGENDA ITEM 20(b)

Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Subchapter B, Contested Case Hearings:

- i. §157.9, Notice of Hearing
- ii. §157.12, Failure to Attend Hearing; Default Judgment

### SUMMARY

The proposed amendments align these sections with statutory changes adopted by the 84th Legislature. The Executive Committee considered and recommends proposing these amendments.

### 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 §157.9, Notice of Hearing, and §157.12, Failure to Attend Hearing; Default Judgment, 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  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure  
Subchapter B. Contested Case Hearings**

**22 TAC §157.9. Notice of Hearing, 22 TAC §157.12. Failure to Attend Hearing; Default Judgment**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §§157.9, Notice of Hearing, and 157.12, Failure to Attend Hearing; Default Judgment. The proposed amendments align these sections with statutory changes adopted by the 84<sup>th</sup> Legislature.

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 requirements that are consistent with the statutes and 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](mailto: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 §1104.051, which authorizes TALCB to adopt rules necessary to administer Chapter 1104.

The statutes affected by these amendments are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code or article is affected by the proposed amendments.

***§157.9. Notice of Hearing.***

(a) [The notice of hearing must comply with Chapter 2001, Texas Government Code.](#)

(b) The notice of hearing shall be served not later than the 30th day before the hearing date.

(c) ~~(b)~~ Service of notice of hearing must be made in the manner prescribed by Chapter 2001, Texas Government Code, and the rules of the State Office of Administrative Hearings. Notice to a person who is a current license holder or applicant of the Board shall be complete and effective if sent by certified mail, return receipt requested, to the respondent or applicant at his or her most recent address as shown by the records of the Board. Service by mail shall be complete upon deposit of the document in question in a post paid properly addressed envelope in a post office of official depository under the care and custody of the United States Postal Service.

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**Chapter 157. Rules Relating to Practice and Procedure**

~~(d)~~~~(e)~~ The notice shall include the following language in capital letters in boldface type: FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE ALLEGATIONS AGAINST YOU SET OUT IN THE COMPLAINT BEING ADMITTED AS TRUE AND A DEFAULT JUDGMENT BEING TAKEN AGAINST YOU.

~~to attend the hearing, upon proper proof of notice to the defaulting party].~~

(c) No additional proof is required to be submitted to the Board before the Board enters the final default order.

***§157.12. Failure to Attend Hearing; Default [Judgment]; Cost Recovery.***

(a) ~~[1 TAC §155.501 and §155.503 (relating to Default Proceedings and Dismissal Proceedings) (SOAH rules)]~~ SOAH rules regarding Default Proceedings and Dismissal Proceedings, apply ~~when~~~~[where]~~ a respondent or applicant~~[respondent]~~ fails to appear ~~[in person or through his legal representative]~~ on the day and ~~[at the]~~ time set for hearing in a contested case. If a respondent or applicant fails to appear at a contested case hearing, ~~[regardless of whether an appearance has been entered and~~ the Board's staff may move~~[moves]~~ either for dismissal of the case from SOAH's docket or for the issuance of a default proposal for decision by the administrative law judge.

(b) ~~[For purposes of this section, a default judgment shall mean the issuance of a final order against the respondent in which the factual allegations against the respondent contained in the notice sent to respondent pursuant to §157.9 of this chapter (relating to Notice of Hearing) or the petition filed at SOAH shall be admitted as prima facie evidence and deemed admitted as true, without any requirement for additional proof to be submitted to the Board prior to the Board entering the final order]~~ If the administrative law judge issues a default proposal for decision or an order dismissing the case from the SOAH docket, the factual allegations included in the notice sent to respondent or applicant are deemed admitted as true and~~[In either case],~~ upon return of the case from SOAH, the Board shall enter a default order against~~[judgment in the matter adverse to]~~ the respondent or applicant~~[respondent who has failed~~



### AGENDA ITEM 20(c)

Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Subchapter C, Post Hearing:

- i. §157.17, Final Decisions and Orders
- ii. §157.18, Motions for Rehearing; Finality of Decisions
- iii. §157.20, Judicial Review

### SUMMARY

The proposed amendments align these sections with statutory changes to Chapter 1103, Texas Occupations Code, and Chapter 2001, Texas Government Code, adopted by the 84th Legislature. The proposed amendments also clarify the action to be taken by the Board when a motion for rehearing does not include specific grounds for rehearing. The Executive Committee considered and recommends proposing these amendments.

### 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 §157.17, Final Decisions and Orders, §157.18, Motions for Rehearing; Finality of Decisions, and §157.20, Judicial Review, 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  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure  
Subchapter C. Post Hearing**

**22 TAC §157.17. Final Decisions and Orders,  
22 TAC §157.18. Motions for Rehearing; Finality of Decisions, §157.20. Judicial Review**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §§157.17, Final Decisions and Orders, 157.18, Motions for Rehearing; Finality of Decisions, and 157.20, Judicial Review. The proposed amendments align these sections with statutory changes to Chapter 1103, Texas Occupations Code, and Chapter 2001, Texas Government Code, adopted by the 84<sup>th</sup> Legislature. The proposed amendments also clarify the action to be taken by the Board when a motion for rehearing does not include specific grounds for rehearing.

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 requirements that are consistent with the statutes and 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](mailto: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 TALCB to adopt rules relating to certificates and licenses, and §1104.051, which authorizes TALCB to adopt rules necessary to administer Chapter 1104.

The statutes affected by these amendments are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code or article is affected by the proposed amendments.

***§157.17. Final Decisions and Orders.***

- (a) After a proposal for decision has been issued by an administrative law judge, the Board will render the final decision in the contested case or remand the proceeding for further consideration by the administrative law judge.
- (b) The Board is responsible for imposing disciplinary action and/or assessing administrative penalties, if any, against a respondent who is found to have violated any of the Board's statutes or rules. The Board welcomes recommendations from an administrative law judge as to the sanctions to be imposed, but the Board is not required to give

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presumptively binding effect to the judge's recommendations and is not bound by such recommendations.

(c) If the Board remands the case to the administrative law judge, the Board may direct that further consideration be accomplished with or without reopening the hearing and may limit the issues to be considered. If, on remand, additional evidence is admitted that results in a substantial revision of the proposal for decision, or the underlying facts, an amended or supplemental proposal for decision shall be prepared by the administrative law judge and the provisions of this subchapter shall apply. Exceptions and replies shall be limited to items contained in the supplemental proposal for decision.

(d) The proposal for decision may be acted upon by the Board after the expiration of the applicable time periods for filing exceptions and replies to exceptions, and after the administrative law judge has ruled on any exceptions and replies.

(e) Any party may request oral arguments before the Board prior to the final disposition of the contested case. Oral arguments will be conducted in accordance with paragraphs (1) (5) of this subsection.

(1) The chairperson or the Board member designated by the chairperson to preside (the presiding member) shall announce the case. Upon the request of any party, the presiding member may conduct a prehearing conference with the parties and their attorneys of record. The presiding member may announce reasonable time limits for any oral arguments to be presented by the parties.

(2) The hearing on the proposal for decision shall be limited to the record. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

(3) In presenting oral arguments, the party bearing the burden of proof shall open and close. The party responding may offer rebuttal arguments. Parties

may request an opportunity for additional rebuttal subject to the discretion of the presiding member.

(4) After being recognized by the presiding member, the members of the Board may ask questions of the parties. If a party is represented by counsel, the questions must be directed to the party's attorney. Questions must be limited to the record and to the arguments made by the parties.

(5) Upon the conclusion of oral arguments, questions by the members of the Board, and any discussion by the member of the Board, the presiding member shall call for a motion regarding disposition of the contested case. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(f) Final orders on contested cases shall be in writing and signed by the presiding officer of the Board. Final orders shall include findings of fact and conclusions of law separately stated from disciplinary actions imposed and administrative penalties assessed. Parties shall be notified [as provided in Chapter 2001, Texas Government Code](#), ~~[either personally or by mail of any decision or order]~~. On written request, a copy of the decision or order shall be delivered or mailed to any party and to the respondent's attorney of record.

(g) The Board may change a finding of fact or conclusion of law in a proposal for decision when the Board determines:

(1) that the judge did not properly apply or interpret applicable law, agency rules, written policies provided by staff or prior administrative decisions;

(2) that a prior administrative decision on which the judge relied is incorrect or should be changed;

(3) that a technical error in a finding of fact should be changed.

(h) If the Board modifies, amends, or changes a finding of fact or conclusion of law in a proposal for decision, the order shall reflect the Board's changes as stated in the record of the meeting and state the specific reason and legal basis for the changes.

(i) If the Board does not follow the recommended disciplinary action and/or administrative penalty in a

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proposal for decision, the order shall explain why the Board chose not to follow the recommendation as stated in the record of the meeting.

(j) Imminent Peril. If the Board finds that an imminent peril to the public health, safety, or welfare requires immediate effect on a final decision or order in a contested case, it shall recite the **factual and legal basis for its** finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered, and no motion for rehearing is required as a prerequisite for appeal.

(k) Conflict of Interest. A Board member shall recuse himself or herself from all deliberations and votes regarding any matter:

(1) the Board member reviewed as a member of a Peer Investigative Committee;

(2) involving persons or transactions about which the Board member has a conflict of interest; ~~[or]~~

(3) involving persons or transactions related to the Board member sufficiently closely as to create the appearance of a conflict of interest; or

**(4) in which the Board member participated in the negotiation of a consent order.**

~~[(1) A Board member's participation in the negotiation of a consent order under Texas Occupations Code, §1103.458, does not require recusal under subsection (k) of this section.]~~

***§157.18. Motions for Rehearing***~~**[; Finality of Decisions]**~~.

(a) **Motions for rehearing in proceedings under Chapter 1103, Texas Occupations Code, are governed by §§2001.144-.147, Texas Government Code, and this section**~~**[Filing times. A motion for rehearing must be filed within 20 days after a party has been notified, either in person or by certified mail, return receipt requested, of the final decision or order made by the Board].**~~

(b) **Motions for rehearing in proceedings under Chapter 1104, Texas Occupations Code, are governed by §1104.216, Texas Occupations Code, §§2001.144-.147, Texas Government Code, and this section.**

**(c) A timely-filed motion for rehearing is a prerequisite to appeal, except as provided in section 157.17 of this subchapter.**

**(d) Replies to a motion for rehearing may be filed as provided in Chapter 2001, Texas Government Code.**

**(e) A motion for rehearing shall set forth the particular finding of fact, conclusion of law, ruling, or other action which the complaining party asserts caused substantial injustice to the party and was in error such as violation of a constitutional or statutory provision, lack of authority, unlawful procedure, lack of substantial evidence, abuse of discretion, other error of law, or other good cause specifically described in the motion. In the absence of specific grounds in the motion, the Board will take no action, and**~~**[shall presume that]**~~ **the motion will**~~**[should]**~~ **be overruled by operation of law.**

~~**[(c) Board action. Board action on a motion must be taken no later than the 20th day after the date the commissioner is served with the motion for rehearing. If Board action is not taken within the 20 day period, the motion for rehearing is overruled by operation of law.**~~

~~**[(d) A decision is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing. A decision is final and appealable on the date of rendition of the order overruling a motion for rehearing, or on the date the motion for rehearing is overruled by operation of law.]**~~

**(f)**~~**[(e)]**~~ Any party may request oral arguments before the Board prior to the final disposition of the motion for rehearing. **If the Board grants a request for oral argument, oral**~~**[Oral]**~~ arguments will be conducted in accordance with paragraphs (1) **through** (5) of this subsection.

(1) The chairperson or the Board member designated by the chairperson to preside (the presiding member) shall announce the case. Upon the request of any party, the presiding member may conduct a prehearing conference with the parties and their attorneys of record. The presiding member may announce reasonable time limits for any oral arguments to be presented by the parties.

(2) The hearing on the motion shall be limited to a consideration of the grounds set forth in the motion.

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Testimony by affidavit or documentary evidence such as excerpts of the record before the presiding officer may be offered in support of, or in opposition to, the motion; provided, however, a party offering affidavit testimony or documentary evidence must provide the other party with copies of the affidavits or documents at the time the motion is filed. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

(3) In presenting oral arguments, the party filing the motion will have the burden of proof and shall open and close. The party responding to the motion may offer rebuttal arguments. Parties may request an opportunity for additional rebuttal subject to the discretion of the presiding member.

(4) After being recognized by the presiding member, the members of the Board may ask questions of the parties. If a party is represented by counsel, the questions must be directed to the party's attorney. Questions must be limited to the grounds asserted for the motion to be granted and to the arguments made by the parties.

(5) Upon the conclusion of oral arguments, questions by the members of the Board, and any discussion by the member of the Board, the presiding member shall call for a vote on the motion. A member of the Board need not make a separate motion or second a motion filed by a party. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(g)~~(f)~~ A decision is final and appealable on the date rendered if:

(1) the Board finds that an imminent peril to the public health, safety or welfare requires immediate effect~~;~~; and

(2) the Board's~~[in which event the]~~ decision or order recites this~~[shall recite the]~~ finding and the fact that the decision is final and effective on the date rendered.

***§157.20. Judicial Review.***

(a) A person who has exhausted all administrative remedies~~;~~ and who is aggrieved by a final decision in a contested case is entitled to judicial review.

(b) The petition for judicial review must~~[shall]~~ be filed in a district court of Travis County, Texas, as provided in Chapter 2001, Texas Government Code~~[within 30 days after the decision or order of the Board is final and appealable].~~

(c) Pursuant to Texas Government Code, §2001.177, a party seeking judicial review of a final decision of the Texas Appraiser Licensing and Certification Board in a contested case shall pay all costs of preparing the original or certified copy of a record of the contested case proceedings.



### AGENDA ITEM 20(d)

Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Subchapter D, Penalties and Other Enforcement Provisions:

- i. §157.25, Temporary Suspension
- ii. §157.26, Unlicensed Activity

### SUMMARY

The proposed amendments and new rule implement statutory changes to Chapter 2001, Texas Government Code, and Chapter 1103, Texas Occupations Code, adopted by the 84th Legislature. The Executive Committee considered and recommends proposing the amendments to 22 TAC §157.25. The Enforcement Committee considered and recommends proposing the new 22 TAC §157.26.

### STAFF RECOMMENDATION

Propose the amendments and new rule as presented.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §157.25, Temporary Suspension, and new rule §157.26, Unlicensed Activity, 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  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure  
Subchapter D. Penalties and Other Enforcement Provisions**

**22 TAC §157.25. Temporary Suspension, 22 TAC §157.26. Unlicensed Activity.**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §§157.25, Temporary Suspension, and a new §157.26, Unlicensed Activity. The proposed amendments and new rule implement statutory changes to Chapter 2001, Texas Government Code, and Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 requirements that are consistent with the statutes and 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](mailto: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 §1104.051, which authorizes TALCB to adopt rules necessary to administer Chapter 1104.

The statutes affected by these amendments are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code or article is affected by the proposed amendments.

***§157.25. Temporary Suspension.***

(a) The purpose of a temporary suspension proceeding is to determine whether the continued practice by a person licensed, certified or registered by the Board would constitute a continuing threat to the public welfare. It is ancillary to a disciplinary proceeding regarding alleged violations of the Act or Board rules and is not dispositive concerning any such violations.

(b) The three Board members of the Enforcement Committee appointed by the chair of the Board shall serve as the disciplinary panel ("Panel") under Texas Occupations Code, §1103.5511 and §1104.211. The chair of the Board shall also appoint a Board member to act as an alternate member of the Panel in the event a member of the Panel is recused or unable to attend a temporary suspension proceeding.

(c) Board staff must request a temporary suspension proceeding in writing by filing a motion for

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temporary suspension with the Board's general counsel.

(d) The Panel may make a determination regarding a temporary suspension without notice or hearing pursuant to Texas Occupations Code, §1103.5511(c)(1) or §1104.211(c)(1), or may, if appropriate in the judgment of the chair of the Panel, provide the license holder or registrant with three days' notice of a temporary suspension hearing.

(e) The requirement under Texas Occupations Code, §1103.5511(c)(1) or §1104.211(c)(1) that "institution of proceedings for a contested case hearing is initiated simultaneously with the temporary suspension" shall be satisfied if, on the same day the motion for temporary suspension is filed with the Board's general counsel, the licensed, certified or registered person that is the subject of the temporary suspension motion, and the State Office of Administrative Hearings, as applicable, is sent one of the following documents that alleges facts that precipitated the need for a temporary suspension:

- (1) Notice of Alleged Violation;
- (2) Original Statement of Charges; or
- (3) Amended Statement of Charges.

(f) The Panel shall post notice of the temporary suspension proceeding pursuant to §551.045 of the Texas Government Code and Texas Occupations Code, §1103.5511(e) or §1104.211(e) and hold the temporary suspension proceeding as soon as possible.

(g) The determination whether the continued practice by a person licensed, certified or registered by the Board would constitute a continuing threat to the public welfare shall be determined from information presented to the Panel. The Panel may receive information and testimony in oral or written form. Documentary evidence must be submitted to the Board's general counsel in electronic format at least 24 hours in advance of the time posted for the temporary suspension hearing in all cases where the Panel will be meeting via teleconference. If a hearing is held following notice to a license holder or registrant, Board staff will have the burden of proof and shall open and close. The party responding to the motion for temporary suspension may offer rebuttal arguments. Parties may request an

opportunity for additional rebuttal subject to the discretion of the chair of the Panel. The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties. The Panel may question witnesses and attorneys at the members' discretion. Information and testimony that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered.

(h) The determination of the Panel may be based not only on evidence admissible under the Texas Rules of Evidence, but may be based on information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs.

(i) If the Panel suspends a license or certificate, it shall do so by order and the suspension shall remain in effect for the period of time stated in the order, not to exceed the date a final order is issued by the Board in the underlying contested case proceeding.

**The Panel order must recite the factual and legal basis for imminent peril warranting temporary suspension.**

(j) A temporary suspension under Texas Occupations Code, §1103.5511 or §1104.211 shall not automatically expire after 45 days if the Board has scheduled a hearing on the contested case to take place within that time and the hearing is continued beyond the 45th day for any reason other than at the request of the Board.

(k) If credible and verifiable information that was not presented to the Panel at a temporary suspension hearing, which contradicts information that influenced the decision of the Panel to order a temporary suspension, is subsequently presented to the Panel with a motion for rehearing on the suspension, the chair of the Panel will schedule a rehearing on the matter. The chair of the Panel will determine, in the chair's sole discretion, whether the new information meets the standard set out in this subsection. A rehearing on a temporary suspension will be limited to presentation and rebuttal of the new information. The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties. Panel members may question witnesses and attorneys. Information and testimony that is clearly irrelevant, unreliable, or unduly inflammatory will not be

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considered. Any temporary suspension previously ordered will remain in effect, unless the Panel holds a rehearing on the matter and issues a new order rescinding the temporary suspension.

§157.26 . Unlicensed Activity.

(a) If the Board receives information indicating that a person has violated Chapter 1103 or 1104, Texas Occupations Code, or Board rules, the Board shall conduct an investigation to determine if such information is accurate. If the investigation produces evidence to indicate a probable violation of Chapter 1103 or Chapter 1104, Texas Occupations Code, or Board rules, the Board may, after notice and an opportunity for a hearing:

- (1) impose an administrative penalty;
- (2) issue an order to cease and desist; or
- (3) take such other action as may be necessary and proper.





### AGENDA ITEM 20(e)

Discussion and possible action to propose amendments to 22 TAC, Chapter 157, Subchapter E, Alternative Dispute Resolution:

- i. §157.31, Investigative Conference

#### **SUMMARY**

The proposed amendments align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84th Legislature. The Enforcement Committee considered and recommends proposal of these amendments.

#### **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 §157.31, Investigative Conference, 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  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure  
Subchapter E. Alternative Dispute Resolution**

**22 TAC §157.31. Investigative Conference**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §157.31. Investigative Conference. The amendments propose changes to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

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 consistent with the statute and 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](mailto: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 §1104.051, which authorizes TALCB to adopt rules to administer Chapter 1104.

The statutes affected by these amendments are Chapters 1103 and 1104, Texas Occupations Code. No other statute, code or article is affected by the proposed amendments.

***§157.31. Investigative Conference.***

- (a) A respondent may meet with the Board for an investigative discussion of the facts and circumstances of the alleged violations.
- (b) A respondent may, but is not required to, have an attorney or other advocate present at an investigative conference.
- (c) A respondent will be provided with ~~[a list of topics that may be discussed and]~~ a Statement of Investigative Conference Procedures and Rights (IC Form) not later than three ~~[(3)]~~ days before~~[prior to]~~ the date of the investigative conference. The respondent and respondent's attorney, if any, must acknowledge receipt of the IC Form by signing it and delivering it to the Board at the beginning of the investigative conference.
- (d) The Board will provide a copy of the investigative report to the respondent and respondent's representative(s), if any, not later than three days before the date of the investigative conference if respondent and respondent's representative(s), if any:

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(1) Submit a written request for a copy of the investigative report not later than five days before the date of the investigative conference; and

(2) Sign the Board's confidentiality agreement prohibiting the re-release of the investigative report without written permission of the Board or a court order ~~[At its sole discretion, the Board may provide a copy of the investigative report to the respondent or respondent's attorney for the purpose of advancing case settlement or resolution].~~

(e) Participation in an investigative conference is not mandatory and may be terminated at any time by either party.

(f) At the conclusion of the investigative conference, the Board staff may propose a settlement offer that can include administrative penalties and any other disciplinary action authorized by the Act or recommend that the complaint be dismissed.

(g) The respondent may accept, reject, or make a counter offer to the proposed settlement not later than ten (10) days following the date of the investigative conference.

(h) If the parties cannot reach a settlement not later than ten (10) days following the date of the investigative conference, the matter will be referred to the Director of Standards and Enforcement Services to pursue appropriate action.



## AGENDA ITEM 21

Discussion and possible action to repeal 22 TAC §157.19, Prerequisite to Judicial Review.

### **SUMMARY**

The proposed repeal results from statutory changes to Chapter 1103, Texas Occupations Code, and Chapter 2001, Texas Government Code, adopted by the 84th Legislature. The Board proposes repealing this section and moving the language to section 157.18, Motions for Rehearing, in this chapter. The Executive Committee considered and recommends repeal of this rule.

### **STAFF RECOMMENDATION**

Propose the repeal as presented.

### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit for repeal 22 TAC §157.19, Prerequisite to Judicial Review, as presented for publication and public comment to the *Texas Register*.





**REPEAL RULE ACTION FROM  
AUGUST 14, 2015 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD  
Chapter 157. Rules Relating to Practice and Procedure  
Subchapter C. Post Hearing**

**22 TAC §157.19. Prerequisite to Judicial Review**

The Texas Appraiser Licensing and Certification Board (TALCB) proposes the repeal of 22 TAC §157.19, Prerequisite to Judicial Review. The proposed repeal results from statutory changes to Chapter 1103, Texas Occupations Code, and Chapter 2001, Texas Government Code, adopted by the 84<sup>th</sup> Legislature.

The Board proposes repealing this section and moving the language to section 157.18, Motions for Rehearing, in this chapter.

Kristen Worman, General Counsel, has determined that for the first five-year period the proposed repeal is in effect, there will be no fiscal implications for the state or for units of local government as a result of implementing the repeal. There is no anticipated impact on local or state employment as a result of implementing the repeal. There will be no impact to small businesses or micro-businesses as a result of implementing the repeal.

Ms. Worman has also determined that for the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is greater clarity and consistency in TALCB's processes.

Comments on the proposed repeal may be submitted to Kristen Worman, General Counsel, P.O. Box 12188, Austin, Texas 78711-2188 or emailed to [general.counsel@talcb.texas.gov](mailto:general.counsel@talcb.texas.gov). The deadline for comments is 30 days after publication in the Texas Register.

The repeal is proposed under the Texas Occupations Code, §1103.151, Rules Relating to Certificates and Licenses, and §1104.051, Rules.

The statutes affected by this proposed repeal are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code, or article is affected by the proposed repeal.

**~~§157.19. Prerequisite to Judicial Review.~~**

**~~Except in the case of an emergency decision or order, a motion for rehearing is a prerequisite to judicial review.~~**





### **AGENDA ITEM 22**

Discussion and possible action regarding FY 2016 TALCB budget.

### **AGENDA ITEM 23**

Update on new building plans.

### **AGENDA ITEM 24**

Discussion and possible action on recommendations from AMC Committee regarding proposed changes to AMC forms.

#### **SUMMARY**

The AMC Advisory Committee has reviewed these forms and recommends that the Board adopt the proposed revisions.

#### **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, Renewal of Registration as an AMC, and AMC Owner/Primary Contact Background History 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)**

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

Individual

- Submit a separate Owner/Primary Contact Background History form.

Business Entity

- Submit a separate Owner/Primary Contact Background History form.
- Attach a copy of the business formation documents showing the ownership structure of the business entity.
- If the Business Entity has multiple owners, calculate % ownership for each Business Entity Owner:

A is the Business Entity's % ownership of the AMC and B is the Business Entity Owner's % ownership of the Business Entity; If C is  $\geq 10\%$ , then the Business Entity Owner must also submit a separate Owner/Primary Contact Background History form.

Business Entity Owner #1 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #2 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #3 \_\_\_\_\_ A:  X B:  = C:

\_\_\_\_\_ % Ownership of AMC

\_\_\_\_\_  
Name

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Phone Number

Individual

- Submit a separate Owner/Primary Contact Background History form.

Business Entity

- Submit a separate Owner/Primary Contact Background History form.
- Attach a copy of the business formation documents showing the ownership structure of the business entity.
- If the Business Entity has multiple owners, calculate % ownership for each Business Entity Owner:

A is the Business Entity's % ownership of the AMC and B is the Business Entity Owner's % ownership of the Business Entity; If C is  $\geq 10\%$ , then the Business Entity Owner must also submit a separate Owner/Primary Contact Background History form.

Business Entity Owner #1 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #2 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #3 \_\_\_\_\_ A:  X B:  = C:

\_\_\_\_\_ % Ownership of AMC

\_\_\_\_\_  
Name

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
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 submitted a separate Owner/Primary Contact Background History form for each person who owns more than 10% of the AMC.

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 agree that the Board may send all notices and communications concerning this registration to the e-mail address of the Primary Contact on file with the Board.

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.



**RENEWAL OF REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY (AMC)**

FEES	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)**

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

Individual

- Submit a separate Owner/Primary Contact Background History form.

Business Entity

- Submit a separate Owner/Primary Contact Background History form.
- Attach a copy of the business formation documents showing the ownership structure of the business entity.
- If the Business Entity has multiple owners, calculate % ownership for each Business Entity Owner:

A is the Business Entity's % ownership of the AMC and B is the Business Entity Owner's % ownership of the Business Entity; If C is  $\geq 10\%$ , then the Business Entity Owner must also submit a separate Owner/Primary Contact Background History form.

Business Entity Owner #1 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #2 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #3 \_\_\_\_\_ A:  X B:  = C:

\_\_\_\_\_ % Ownership of AMC

\_\_\_\_\_  
Name

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Phone Number

Individual

- Submit a separate Owner/Primary Contact Background History form.

Business Entity

- Submit a separate Owner/Primary Contact Background History form.
- Attach a copy of the business formation documents showing the ownership structure of the business entity.
- If the Business Entity has multiple owners, calculate % ownership for each Business Entity Owner:

A is the Business Entity's % ownership of the AMC and B is the Business Entity Owner's % ownership of the Business Entity; If C is  $\geq 10\%$ , then the Business Entity Owner must also submit a separate Owner/Primary Contact Background History form.

Business Entity Owner #1 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #2 \_\_\_\_\_ A:  X B:  = C:

Business Entity Owner #3 \_\_\_\_\_ A:  X B:  = C:

\_\_\_\_\_ % Ownership of AMC

\_\_\_\_\_  
Name

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
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 submitted a separate Owner/Primary Contact Background History form for each person who owns more than 10% of the AMC.

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 agree that the Board may send all notices and communications concerning this registration to the e-mail address of the Primary Contact on file with the Board.

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"><li>* Is complete - incomplete renewals cannot be processed and will be returned</li><li>* Is signed and dated</li><li>* Is postmarked no later than the expiration date</li><li>* Includes original, signed Owner/Primary Contact Background History forms for all required individuals and entities</li></ul> | <ul style="list-style-type: none"><li>* Includes copies of course completion document(s) for this renewal</li><li>* Includes copies of required documents for any "YES" answers</li></ul> |
|---|---|

**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.



**APPRAISAL MANAGEMENT COMPANY (AMC) OWNER/PRIMARY CONTACT BACKGROUND HISTORY**

FEES	RECEIPT NUMBER	AMOUNT	MONEY TYPE	DATE RECEIVED
<b>BACKGROUND HISTORY</b> <i>*No fee required if submitted with original application or renewal of AMC</i>		\$50		

DO NOT WRITE ABOVE THIS LINE

**ALL INFORMATION MUST BE TYPED OR PRINTED IN INK.  
 MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. FEES ARE NON-REFUNDABLE.**

Note: Complete the following information for an individual or business entity as applicable.

**1. Full Legal Name:** \_\_\_\_\_

---

**2. SSN/TIN/EIN:** \_\_\_\_\_

---

**3. Appraiser Certification/License:** \_\_\_\_\_  
Number State Expiration Date

---

**4. Date of Birth:** \_\_\_\_\_ **5. Gender:**  Male  Female

---

**6. Ethnic Group:**  Black/African American  White  Hispanic  Asian  
 Other (specify): \_\_\_\_\_  
 Decline to respond

---

**7. Mailing Address and Contact Information: (Post Office Box may be used)**

\_\_\_\_\_  
Number, Street and Suite/Apt No.

\_\_\_\_\_  
City State Zip Code Phone Number

\_\_\_\_\_  
E-mail Address

---

**8.  I am an Owner of: OR  I agree to serve as Primary Contact for:**

\_\_\_\_\_  
AMC Name

\_\_\_\_\_  
TALCB Registration Number (if previously issued)

Note: In the following questions, "you" refers to the individual or entity as applicable.

<p><b>9.</b> Have you ever (1) had any professional or occupational license or certification suspended, canceled or revoked; (2) received a reprimand or disciplinary action; (3) surrendered a license or certification pending disciplinary action; or (4) had an application for such denied in Texas or any other state? <b>If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.</b></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>10.</b> Are there any complaints, disciplinary hearings, or investigations pending against any professional or occupational licenses or certifications you hold? <b>If YES, submit a complete written explanation and appropriate documentation such as final orders, etc.</b></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>11.</b> (a) Have you ever been convicted of a criminal offense (Include <b>ALL</b> felonies and misdemeanors) (b) Have you ever been placed on probation, community supervision, or deferred adjudication? (c) Are there any criminal charges pending against you? <b>If the answer to (a), (b), or (c) is YES, submit copies of all indictments, orders and charges, and a written explanation.</b></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>12.</b> In the past four (4) years, have you ever had a civil judgment rendered against you, or are there any civil suits pending against you 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? <b>If YES, submit copies of all petitions and judgments and a complete written explanation, including whether or not the judgment has been paid.</b></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### CERTIFICATION STATEMENT

I certify that I have personally prepared this background history form 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 and investigation of me and the matters addressed herein as it deems necessary. I understand that information revealed in an investigation may be cause for disapproval of the AMC's original application or renewal application even though other requirements for registration have been met.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title (if signing on behalf of an entity)

### 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.



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

OLD VERSION

P.O. Box 12188 • AUSTIN, TEXAS 78711-2188 • WWW.TALCB.TEXAS.GOV

APPRAISAL MANAGEMENT COMPANY (AMC) OWNER/PRIMARY CONTACT BACKGROUND HISTORY

REQUIRED FEE \$50

RECEIPT NUMBER

DATE RECEIVED

\*No fee required if submitted with original application or renewal

For use by: (1) any individual or business entity owning more than 10% of AMC (2) the AMC's primary contact

Primary contact must be one or more of the following:

- an owner, officer, or director of the AMC
- an individual employed, appointed, or authorized by the AMC to enter into a contractual relationship with other persons for the performance of appraisal management services and to enter into agreements with appraisers for the performance of appraisals
- an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of the AMC

Name (Individual/Entity)

Certification/License Number (if applicable)

State

Expiration Date

Business Street Address or P.O. Box No.

Apt. or Suite

City

State

Zip Code

Telephone No.

Email address

SSN or TIN No. (for person or entity named)

Note: Section 231.302 of the Texas Family Code REQUIRES all applicants to disclose their Social Security Numbers (SSN) when filing an application. The SSN that is provided will be confidential and is required to enforce Child Support orders. Failure to provide the SSN will prevent a license from being issued and could ultimately lead to termination of the application.

Date of Birth: (if applicable) (mm/dd/yyyy)

Gender: Male Female NA

Ethnic Group: Black/African American White Hispanic Asian

Other (specify):

Decline to respond NA

I am an owner of agree to serve as the primary contact for: (AMC Name)

TALCB Registration No. (if applicable)

Note: In the following questions "you" refers to the individual or entity as applicable. If this form is being completed in conjunction with an Application for Renewal of Registration and you have previously submitted this Background History Form, the information provided for the questions below may be limited to the time period since the date of your last application for registration or renewal.

1. Have you 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 and appropriate documentation such as final orders, etc.

2. Are any complaints, disciplinary hearings, or investigations pending against any professional or occupational licenses you hold? Yes  No   
**If "YES" please attach a complete written explanation with copies of all orders, notices, disapprovals, investigative reports, and other documentation.**
3. (a) Have you ever been convicted of a criminal offense? (Include **ALL** felonies and misdemeanors, including DWI and DUI. You do not have to include traffic tickets.) Yes  No   
 (b) Have you ever been placed on probation, community supervision, or deferred adjudication? Yes  No   
 (c) Are there any criminal charges pending against you? 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.**
4. In the past four (4) years, have you ever had a civil judgment rendered against you, or are there any civil suits pending against you 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.**

## CERTIFICATION

I certify that I have personally prepared this background history form 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 an investigation of me and the matters addressed herein as it deems necessary. I understand that information revealed in an investigation may be cause for disapproval of the AMC's original or renewal application even though other requirements for registration have been met.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Position (if signing on behalf of an entity)

### PRIVACY NOTICE

**The following notice about certain information, laws, and practices is given in accordance with Chapter 559, Texas Government Code.**

- (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 Government Code, the individual is entitled to receive and review the information.**
- (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.**



## AGENDA ITEM 25

Discussion and possible action on recommendations from Enforcement Committee regarding changes to Mentor Criteria.

### SUMMARY

After due consideration and a 2-1 vote (Fontana & Barba—in favor; McAnally—opposed), the Enforcement Committee recommends the Board adopt the following criteria for Mentors:

- 10+ years as a certified residential or certified general appraiser;
- Certified USPAP Instructor; or hold a recognized appraiser designation and are approved to teach courses to obtain that designation; and
- In good standing, with no formal discipline.

### RECOMMENDED MOTION (if adopted by the Board)

MOVED, that the Board adopt the Mentor criteria as recommended by the Enforcement Committee to be effective with the next cycle of Mentor applications.

## AGENDA ITEM 26

Discussion and possible action regarding appointment of a Working Group to develop recommendations regarding criminal background checks.





### **AGENDA ITEM 27**

Discussion and possible action regarding approval of Memorandum of Understanding between the Texas Real Estate Commission and TALCB.

#### **SUMMARY**

As presented.

#### **RECOMMENDED MOTION**

MOVED, that the Board approve the Memorandum of Understanding with the Texas Real Estate Commission as presented.



## **Memorandum of Understanding Texas Real Estate Commission and Texas Appraiser Licensing & Certification Board**

**I. Introduction and Background.** The Texas Real Estate Commission (TREC) is an executive branch agency of the State of Texas, and the Texas Appraiser Licensing & Certification Board (TALCB) is an independent regulatory subdivision of TREC. As part of the continuation of TREC for an additional 12-year period, the 80<sup>th</sup> Texas Legislature in 2007 required that TALCB be integrated with TREC to the fullest extent possible while retaining TALCB's identity as an independent regulatory body. To implement that requirement, TREC and TALCB entered into a Memorandum of Understanding in 2007 that was amended in 2010 to more fully describe the roles and responsibilities of each party. As of September 1, 2011, the parties have achieved self-directed, semi-independent status, which removes the agency from the legislative appropriations process and modifies the manner in which the agency collects and spends funds. This Memorandum of Understanding (Agreement) replaces all prior Agreements.

**II. Parties.** The Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing & Certification Board (TALCB) are the parties to this Agreement.

**III. Purpose.** The purpose of this Agreement is to delineate:

- a. The roles and responsibilities of each party;
- b. The administrative and support services that TREC will provide to TALCB at no cost;
- c. The allocation of resources between TREC and TALCB; and
- d. The costs and expenses for which TALCB is directly responsible for payment.

**IV. General Agreements.** Under Texas Occupations Code Section 1103.101, the TREC **Executive Director** serves as the TALCB Commissioner. The Commissioner is responsible for supervision of all TALCB staff and oversight of all TALCB expenditures within the parameters of a TALCB-approved budget and any legislative appropriations. The Commissioner reports to and performs these duties under the policy direction of the TALCB and is ultimately responsible to TALCB for the board's operations. A portion of the **Executive Director/Commissioner's** salary is allocated from TALCB resources. **TALCB members will have the opportunity to provide individual input each time TREC reviews the performance of the Executive Director/Commissioner.**

The Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing & Certification Board (TALCB) agree to the following.

A. TREC will provide, at no cost to TALCB, administrative services and support to TALCB, including but not limited to the following.

1. Staff Services in accordance with TREC operating procedures as follows:

- a) Human Resources;
- b) Budgeting, accounting and reporting;
- c) Purchasing and contracting;
- d) Cashier and mail room;
- e) Payroll; and

f) Facilities management

2. Technology **support** services, except as described in section C below;
3. Personnel training programs involving no charges to TREC;
4. Use of meeting rooms on a space available basis;
5. Texas Register Liaison services; and
6. Governmental and public relations services.

B. TALCB FTEs working in Licensing, Education, and Communications are subject to the day-to-day supervision of the TREC Director(s) and Managers who oversee those areas of activity. TALCB Enforcement staff report to the TALCB Enforcement Director who is supervised by the Commissioner or his designee.

C. TALCB bears the lawfully payable or reimbursable amounts of all costs incurred by the Board other than those TREC-provided support services enumerated in Part IV.A of this Agreement, including, but not limited to:

1. All direct and indirect costs salary and benefits for TALCB allocated FTEs;
2. Rent and overhead expenses for space occupied by TALCB and a pro-rata percentage of common area expenses
3. Services provided by the State Office of Administrative Hearings;
4. Services provided by the Office of the Attorney General;
5. Services provided by the State Auditor's Office;
6. Equipment, supplies, services, or other goods;
7. **Telephone and data system equipment and services;**
8. Travel, meals, and lodging;
9. Dues and subscriptions;
10. Personnel training and continuing professional education;
11. Database service modifications primarily benefiting TALCB; and
12. **Per capita cost for acquisition, lease or maintenance of computer hardware and software.**

D. Portions of staff salaries are allocable and payable as further described in Exhibit A to this Agreement and may be temporarily reallocated as necessary by the **Executive Director**/Commissioner to ensure the efficient provision of administrative and support services to TALCB, with notice to the Chairs of both governing bodies as soon as reasonably practicable.

E. TALCB is allocated its *pro rata* portion of the contribution to General Revenue required by Texas **Occupations Code Chapter 1105**.

F. The **Executive Director**/Commissioner, at his discretion, may determine that TREC will provide additional administrative support services as necessary to ensure the smooth operation of the agency.

Texas Appraiser Licensing and Certification Board/Texas Real Estate Commission Memorandum of Understanding

G. The **Executive Director**/Commissioner may direct the transfer of funds between the parties as necessary to maintain the financial soundness of each, informing the Chairs of both governing bodies as soon as reasonably practicable and proposing a plan for repayment.

**V. Term of Agreement.** This Agreement becomes effective as of **September 1, 2015** and remains in effect for fiscal years **2016 and 2017** unless amended by mutual written agreement of the parties. This Agreement terminates and supersedes any other memorandum of understanding or agreement entered into between the parties before the effective date of this Agreement. Either party may withdraw from this Agreement by written notice to the Chair of the other governing body of the other party with 365 days prior notice.

The execution and performance of this Agreement has been authorized by each respective governing body.

This Agreement shall not be construed to create any additional liability or obligation for either party.

\_\_\_\_\_  
Avis Wukasch, Chair  
Texas Real Estate Commission

\_\_\_\_\_  
Jamie Wickliffe, Chair  
Texas Appraiser Licensing & Certification Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Exhibit A

1. Effective September 1, 2015, portions of the following TREC salaries are allocable to and payable by TALCB:

TREC Executive Director/TALCB Commissioner – 25%

2. Effective September 1, 2015, portions of the following TALCB salaries are allocable to and payable by TREC:

A. TALCB General Counsel/TREC Deputy General Counsel – 40%

B. TALCB/TREC Education & Licensing Supervisor – 25%



**AGENDA ITEM 28**

Request for potential future meeting agenda items.

**AGENDA ITEM 29**

Discussion and possible action to schedule future meeting dates.

**AGENDA ITEM 30**

Adjourn.



# Texas Appraiser Licensing and Certification Board

## August 14, 2015

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					

**14 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	31		

**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

**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					

**3 Election Day**  
**11 Veterans' Day**  
**20 TALCB Meeting**  
**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		

**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						

**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					

**15 Presidents' Day**  
**19 TALCB Meeting**

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		

**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

May 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				

**8 Mothers' Day**  
**21 UT Commencement**  
**30 Memorial Day**

June 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		

**19 Fathers' Day**

July 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						

**4 Independence Day**