

# TEXAS APPRAISER LICENSING & CERTIFICATION BOARD



## BOARD MEETING

FEBRUARY 19, 2016



*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, February 19, 2016, 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
3. Welcome new Board members and recognize outgoing Board members

### **ELECTIONS AND APPOINTMENTS**

4. Election of Officers
5. Discussion and possible action regarding committee appointments
6. Discussion and possible action regarding appointments to Peer Investigative Committees

### **PUBLIC COMMENTS**

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

### **EXECUTIVE SESSION**

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

### **CONSENT AGENDA**

9. Ratification of the official record of the November 20, 2015 Board meeting as approved for posting on the website by the Chair of the Board



10. Approval of agreed final orders and surrenders in the matter of:
  - a. Complaint #14-084, 14-091 & 14-124 (George Nicholas Paraskevas, TX-1322633-R)
  - b. Complaint #15-172 (Mee Ping Lee, TX-1338121-R)
  - c. Complaint #15-206 (Reed Bradley Farnsworth, TX-1333657-L)
  - d. Complaint #15-220 (William Ward Guffey, TX-1322262-R)
  - e. Complaint #15-261 (Billie F. Waits, TX-1337007-R)
  - f. Complaint #15-221 & 15-286 (Shanna Fuller Lane, TX-1336483-R)
  - g. Complaint #15-199 & 15-264 (Haskell Joe Walker, TX-1332765-R, Expired)
  - h. Complaint #15-169 (John Walter Kirchen, TX-1326155-R)
  - i. Complaint #15-269 (Freda Gail Maynard, TX-1334602-R)
  - j. Complaint #15-028 (Kenneth L. Becker, TX-1338662-R)
  - k. Complaint #15-171 (William Mark Beaty, TX-1324188-G)
  - l. Complaint #15-069 (Wayne Ballard Baer, TX-1320542-G)
  - m. Complaint #13-145 & 15-229 (Mark Oliver Sikes, TX-1326712-G)

### **STAFF REPORTS**

11. 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**

12. Discussion and possible action to adopt a new rule and amendments to 22 TAC, Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act:
  - a. §153.18, Appraiser Continuing Education (ACE)
  - b. §153.22, Voluntary Appraiser Trainee Experience Reviews
  - c. §153.27, License by Reciprocity

### **NEW BUSINESS**

13. Discussion and possible action regarding approval of Investment Policy
14. Report of the Appraisal Subcommittee

### **OTHER BUSINESS**

15. Request for potential future meeting agenda items



16. Discussion and possible action to schedule future meeting dates

17. 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.**

**Pursuant to section 46.035(c) of the Texas Penal Code handgun license holders are prohibited from carrying a handgun at this open meeting. This prohibition applies to both concealed and open carry handguns.**





**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 February 19, 2016 Board meeting is/are hereby excused.

**AGENDA ITEM 3**

Welcome new members and recognize outgoing Board members

**AGENDA ITEM 4**

Election of Officers

Slate of officers approved by the Board at the November 20, 2015 meeting:

Vice Chair – James Jeffries  
Secretary – Earl “Buster” Renfrow

**AGENDA ITEM 5**

Discussion and possible action regarding committee appointments





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APPRAISER LICENSING & CERTIFICATION BOARD

## AGENDA ITEM 6

Discussion and possible action regarding appointments to Peer Investigative Committees.

*\*applications to be provided as a supplement*



## PIC Summary Report of Completed Assignments

(declined assignments noted in red)

	2010	2011	2012	2013	2014	2015	TOTAL BY MEMBER
Bobby Crisp	1	2	4	2			9
Dane Sever	1	2	3	1	1	0 (1)	8
Deloris Kraft-Longoria		0	0	0	0 (2)	0 (1)	0
Gerald Teel	0	2	2				4
Glenn Garoon	1	0	0	1	1	2	5
Gregory Reynolds				1	0 (3)	1	2
Gregory Stephens	1	0	1	1 (1)		1	4
GT Patrick Murfee			1	0			1
James Pistilli						1	1
James Synatzske				0		1 (1)	1
James Vine		0	0	0			0
Jasmine Quinerly	1	0					1
Jim Jacobs	0	0					0
Jim Pearson	1	1	1	1	1 (1)	1 (1)	6
John Dorie						0 (1)	0
Joseph Portera	4	0					4
Larry Cole	1	1					2
Lewis Merrill	1	2					3
Mark Lewis	0	0	1		0		1
Mark Loftus				1	0 (1)		1
Pamela Teel						2	2
Paul Hornsby	1	0					1
Robert Hetrick			9	2	2	2	15
Robert Lawson Moorman		0					0
Robinson Wilson		0					0
<b>TOTAL BY YEAR</b>	<b>13</b>	<b>10</b>	<b>22</b>	<b>10</b>	<b>5</b>	<b>11</b>	<b>71</b>

\* Prior to 2013, all data is based on payment records for compensated assignments. Completed assignments for which compensation was not requested are not reflected.



**AGENDA ITEM 7**

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

**AGENDA ITEM 8**

Executive session to discuss pending litigation or 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 9**

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

**FOR REFERENCE:**

22 TAC §153.24. Complaint Processing.

**AGENDA ITEMS 10(a)-(m)**

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

- a. Complaint #14-084, 14-091 & 14-124 (George Nicholas Paraskevas, TX-1322633-R)
- b. Complaint #15-172 (Mee Ping Lee, TX-1338121-R)
- c. Complaint #15-206 (Reed Bradley Farnsworth, TX-1333657-L)
- d. Complaint #15-220 (William Ward Guffey, TX-1322262-R)
- e. Complaint #15-261 (Billie F. Waits, TX-1337007-R)
- f. Complaint #15-221 & 15-286 (Shanna Fuller Lane, TX-1336483-R)
- g. Complaint #15-199 & 15-264 (Haskell Joe Walker, TX-1332765-R, Expired)
- h. Complaint # 15-169 (John Walter Kirchen, TX-1326155-R)
- i. Complaint #15-269 (Freda Gail Maynard, TX-1334602-R)
- j. Complaint #15-028 (Kenneth L. Becker, TX-1338662-R)
- k. Complaint #15-171 (William Mark Beaty, TX-1324188-G)
- l. Complaint #15-069 (Wayne Ballard Baer, TX-1320542-G)
- m. Complaint #13-145 & 15-229 (Mark Oliver Sikes, TX-1326712-G)

**STAFF RECOMMENDATION**

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

**RECOMMENDED MOTION #1**

MOVED, that the Board ratify item 9 and approve items 10a-10k as presented.

**RECOMMENDED MOTION #2**

MOVED, that the Board approve items 10l and 10m as presented.



## **Minutes accompanying meeting video from November 20, 2015**

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

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

**AGENDA ITEM 1** - Call to order and pledges of allegiance

**AGENDA ITEM 2** - Roll call and discussion and possible action to excuse Board member absence(s), 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 Wickliffe, Mr. Mark McAnally, Mr. Walker Beard, Mr. Clayton Black, Mr. Brian Padden, and Mr. Jim Jeffries.

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

**AGENDA ITEM 3** - Comments from members of the public regarding non-agenda items

No public comments were offered.

**Mr. McAnally announced that this meeting would be his last meeting after 12 years of service on the Board.**

**AGENDA ITEM 4** - Executive session to discuss pending litigation or receive advice of counsel pursuant to Texas Government Code §551.071

**ACTION TAKEN:** The Chair called the Board into executive session at 10:06 am.

**The Chair reconvened the meeting at 10:42 am.**

**AGENDA ITEM 5** - Ratification of the official record of the August 14, 2015 Board meeting as approved for posting on the website by the Secretary of the Board

**ACTION TAKEN:** Mr. McAnally moved to ratify the minutes as approved for publication by the Board Secretary with no corrections. Mr. Beard seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 6** - Approval of agreed final orders and surrenders in the matter of:

1. Complaint #14-286 (Lateef A. Akanji, TX-1335567-R)

2. Complaint #13-324, 14-076 & 14-207 (Juvenal Herrera, TX-1333094-R)
3. Complaint #15-063, 15-228, 15-267, 15-297, 15-324, 15-328 & 15-345 (James P. Edwards, Jr., Unlicensed)
4. Complaint #15-133 (Barry Keith Duncan, TX-1322178-R)
5. Complaint #14-217 & 14-310 (Bruce E. Martin, TX-1321092-G)
6. Complaint #15-059 & 15-260 (Todd Eugene Davis, TX-1360206-R)
7. Complaint #15-124 & 15-173 (Rodger Thornton Williams, TX-1334530-R)
8. Complaint #15-065 & 15-157 (Joe Jeffrey Roberts, TX-1320506-G)
9. Complaint #14-149 & 15-222 (Larry S. Jones, TX-1322720-G)
10. Complaint #14-228 (Linda D. Webb, TX-1324809-G)
11. Complaint #15-111 (Peggy Diamond, TX-1326071-R)
12. Complaint #15-028 (Kenneth L. Becker, TX-1338662-R)

ACTION TAKEN: Mr. Black moved to approve items 6a - 6k. Mr. Padden seconded the motion, and the Board approved the motion unanimously. No action was taken on item 6l because it had not yet been received by staff.

**AGENDA ITEM 7A** - Discussion and possible action to approve request for modification of agreed order in the matter of Complaint #11-164 and Docketed Denial (John Hiram Goddard, TX-1338543-L)

**Comments were made by Mr. John Goddard, Respondent**

ACTION TAKEN: Mr. Beard moved to approve the request for modification as recommended by staff. Mr. Jeffries seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 7B** - Discussion and possible action to approve request for modification of agreed order in the matter of Complaint #14-023 (Billy James Williams, TX-1326207-G)

ACTION TAKEN: Mr. Jeffries moved to approve the request for modification as recommended by staff. Mr. Beard seconded the motion. After discussion, Mr. Jeffries amended his motion to further extend the compliance deadline. Mr. Beard seconded the amended motion, and the Board approved the amended 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 #329-15-4424.ALC (William Edward Mercer, Unlicensed)

ACTION TAKEN: Mr. McAnally moved to accept the proposal for decision. Mr. Beard seconded the motion, and the Board approved the motion unanimously.

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

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

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

**AGENDA ITEM 12** - Staff reports on processes, monthly activities, and statistical data

- Mr. Douglas Oldmixon, Commissioner
- Ms. Lorie Deanda, Director of Reception & Communication Services
- Ms. Gwen Jackson, Director of Education & Licensing Services
- Mr. Steve Spyropoulos, Director of Information & Technology Services
- Ms. Oretha Trice, Budget Analyst for Staff & Support Services
- Mr. Troy Beaulieu, Director of Standards & Enforcement Services

Mr. Barba arrived during the staff reports at 11:13 am.

**AGENDA ITEMS 13 & 14** - Renewal of effectiveness for rules previously adopted on an emergency basis

Discussion and possible action to renew emergency amendments to 22 TAC, Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act:

1. §153.9, Applications
2. §153.17, Renewal or Extension of License

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

**ACTION TAKEN:** Agenda items 13 and 14 were taken together as one item. Mr. Beard moved to renew the emergency amendments as presented. Mr. McAnally seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 15** - Discussion and possible action to adopt amendments to 22 TAC, Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act:

1. §153.1, Definitions
2. §153.5, Fees
3. §153.9, Applications
4. §153.16, License Reinstatement
5. §153.17, Renewal or Extension of License
6. §153.20, Guidelines for Revocation, Suspension, Denial of License; Probationary License
7. §153.21, Appraiser Trainees and Sponsors

**ACTION TAKEN:** Mr. Black moved for the adoption of the rules as presented with an effective date of January 1, 2016. Mr. Jeffries seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 16** - Discussion and possible action to adopt amendments to 22 TAC, Chapter 157, Rules Relating to Practice and Procedure:

1. Subchapter A. General Provisions
  1. §157.7, Denial of a License
  2. §157.8, Adverse Action Against a License Holder or Registrant
2. Subchapter B. Contested Case Hearings
  1. §157.9, Notice of Hearing
  2. §157.12, Failure to Attend Hearing; Default Judgment
3. Subchapter C. Post Hearing
  1. §157.17, Final Decisions and Orders
  2. §157.18, Motions for Rehearing; Finality of Decisions
  3. §157.20, Judicial Review
4. Subchapter D. Penalties and Other Enforcement Provisions
  1. §157.25, Temporary Suspension
  2. §157.26, Unlicensed Activity
5. Subchapter E. Alternative Dispute Resolution
  1. §157.31, Investigative Conference

**ACTION TAKEN:** Mr. Jeffries moved for the adoption of the rules as published with an effective date of January 1, 2016. Mr. Padden seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 17** - Discussion and possible action to adopt repeal of 22 TAC §157.19, Prerequisite to Judicial Review

**ACTION TAKEN:** Mr. Beard moved to adopt the repeal as published with an effective date of January 1, 2016. Mr. McAnally seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 18** - Discussion and possible action to propose new 22 TAC §153.22, Voluntary Appraiser Trainee Experience Review

**ACTION TAKEN:** Mr. McAnally moved that the new rule be proposed for publication in the *Texas Register* for public comment as recommended by the Education Committee. Mr. Beard seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 19A** - Discussion and possible action to propose amendments to 22 TAC §153.18, Appraiser Continuing Education (ACE)

**ACTION TAKEN:** Mr. Beard moved that the amendments be proposed for publication in the *Texas Register* for public comment as recommended by the Education Committee. Mr. Black seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 19B** - Discussion and possible action to propose amendments to 22 TAC §153.27, License by Reciprocity

ACTION TAKEN: Mr. Jeffries moved that the amendments be proposed for publication in the *Texas Register* for public comment as presented. Mr. Padden seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 20** - Discussion and possible action to propose amendments to 22 TAC §159.155, Periodic Review of Appraisals

ACTION TAKEN: Mr. McAnally moved that the amendments be proposed for publication in the *Texas Register* for public comment as recommended by the AMC Advisory Committee. Mr. Beard seconded the motion. A roll call vote was conducted, and the motion was passed by a vote of 6 to 1 with Mr. Barba voting Nay.

**AGENDA ITEM 21** - Discussion and possible action regarding floor nominations to create a slate of candidates for the offices of Vice Chair and Secretary of the Board

ACTION TAKEN: Ms. Wickliffe opened the floor for nominations. Mr. Beard nominated Mr. Jeffries for Vice Chair, and Mr. McAnally nominated Mr. Buster Renfrow for Secretary.

**AGENDA ITEM 22** - Discussion and possible action regarding continuing need for presence of OAG General Counsel at Board and Committee meetings

ACTION TAKEN: Mr. Barba moved to discontinue the practice of retaining OAG General Counsel at all Board and Committee meetings. Mr. Beard seconded the motion. After discussion, Mr. Barba amended his motion to refer the item to the Executive Committee for further consideration. Mr. Beard seconded the amended motion, and the Board approved the amended motion unanimously.

**AGENDA ITEM 23** - Discussion and possible action regarding appointments to the Working Group for AQB Background Checks

ACTION TAKEN: The Chair recommended Tony Pistilli, Randall Kopfer, Kris Kastner, William Trombly, Kathleen Muneio, and Jeff Dickstein as members of the working group with Mr. Barba serving as Chair. Mr. Black moved to accept the Chair's recommendations. Mr. McAnally seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 24** - Discussion and possible action regarding approval of Reserve Fund Balance Policy

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

**AGENDA ITEM 25** - Discussion and possible action on recommendations from Enforcement Committee regarding approval of application forms for:

1. License Reinstatement

## 2. Voluntary Appraiser Trainee Experience Reviews

**ACTION TAKEN:** Mr. Jeffries moved to approve the forms as presented. Mr. Black seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 26A** - Discussion and possible action on recommendations from Enforcement Committee regarding approval of Confidentiality Agreement

**ACTION TAKEN:** Mr. Beard moved to approve the form as presented with an effective date of January 1, 2016. Mr. Padden seconded the motion, and the Board approved the motion unanimously.

**AGENDA ITEM 26B** - Discussion and possible action on recommendations from Enforcement Committee regarding recommendation for Board members to participate in investigative conferences.

No action was taken.

**AGENDA ITEM 27** - Request for potential future meeting agenda items

Ms. Wickliffe reminded the Board of several requests to be carried over from the last Board meeting regarding the MOU between TREC and the Board as it relates to building construction and reviewing the consistency of USPAP interpretations in Board orders.

Ms. Wickliffe relayed a request from Ms. Fontana that the AMC fees be reviewed.

Mr. McAnally requested a briefing on statutory changes that require the presiding officer of the Board to be designated by the Governor.

**AGENDA ITEM 28** - Discussion and possible action to schedule future meeting dates

Future meeting dates were confirmed for February 19, 2016 and May 13, 2016.

**AGENDA ITEM 29** - The Chair adjourned the meeting at 1:08 pm.

## FOR REFERENCE

### §153.24. Complaint Processing

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

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

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

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

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

(1) may be investigated covertly; and

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

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

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

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

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

(2) a copy of the Respondent's work file associated with the appraisal(s) listed in the complaint, with the following signed statement attached to the work file(s): I

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

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

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

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

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

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

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

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

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

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

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

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

(1) For the purposes of these sanctions guidelines:

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

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

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

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

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

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

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

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

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

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

(B) Whether the Respondent has previously been disciplined;

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

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

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

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

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

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

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

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

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

(ii)The Board;

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

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

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

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

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

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

(i)The level of appraisal credential Respondent held;

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

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

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

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

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

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

(i)Dismissal;

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

(iii)Contingent dismissal with remedial measures.

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

(i)Contingent dismissal with remedial measures; or

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

(I)Remedial measures;

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

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

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

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

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specified time period or until specified conditions are satisfied; or

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

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

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

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

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

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

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

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

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

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures; or

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

(I) Remedial measures;

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

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

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

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

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

## FOR REFERENCE

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

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

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

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

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

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

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

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

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

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

- (i) A revocation; and

**FOR REFERENCE**

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

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

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

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

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

(C) requiring additional reporting requirements; and

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

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

**SURRENDER OF CERTIFICATION**

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
14-084, 14-091, and 14-124

GEORGE NICHOLAS PARASKEVAS  
TX-1322633-R

**AFFIDAVIT**

BEFORE ME, the undersigned authority, personally appeared GEORGE NICHOLAS PARASKEVAS, who being by me duly sworn, deposes as follows:

My name is GEORGE NICHOLAS PARASKEVAS I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

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

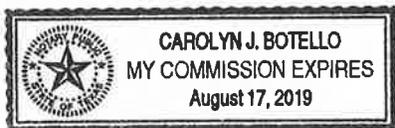
I understand that through this action the Texas Appraiser Licensing and Certification Board will permanently revoke my CERTIFICATION without formal charges, notice, or a hearing.

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

*George Nicholas Paraskevas*

George Nicholas Paraskevas

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 26<sup>th</sup> day of January, 2016, by George Nicholas Paraskevas, to certify which witness my hand and official seal.



*Carolyn J. Botello*  
Notary Public's Signature

**SURRENDER OF CERTIFICATION**

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
14-084, 14-091, and 14-124

GEORGE NICHOLAS PARASKEVAS  
TX-1322633-R

**ORDER OF THE BOARD**

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

NOW, THEREFORE, IT IS ORDERED that certification number TX-1322633-R hereto issued to GEORGE NICHOLAS PARASKEVAS, 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

MEE PING LEE  
TX-1338121-R

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DOCKETED COMPLAINT NO.  
15-172

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of MEE PING LEE (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 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-1338121-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 6017 Mendota Drive, Plano, TX 75024 (Property), on or about February 5, 2015.
3. Thereafter, the complaint, numbered 15-172, was filed with the Board by a consumer, on or about March 3, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about March 20, 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 responded with documentation, on or about April 23, 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 provide the documentation necessary to support the opinions and conclusions he made in the appraisal;
- b. USPAP Competency and Scope of Work Rules; 1-2(h) & 2-2(a)(vii) – Respondent failed to perform the assignment competently and perform the scope of work necessary to develop credible assignment results;
- c. USPAP Standards 1-4(b)(i) & 2-2(a)(viii); 1-4(b)(ii) & 2-2(a)(viii); 1-4(b)(iii) & 2-2(a)(viii); 1-1(a); 1-6((a), 1-6(b) & 2-2(a)(viii) – Respondent failed to use an appropriate method or technique to develop site value, cost new of improvements and depreciation, did not provide any supporting rational for conclusions reached in the cost approach and did not employ recognized methods and techniques correctly in the cost approach;
- d. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a); 1-6((a), 1-6(b) & 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;
- e. USPAP Standards 1-4(c) & 2-2(a)(viii); 1-1(a); 1-6((a), 1-6(b) & 2-2(a)(viii) – Respondent failed to conduct an income approach when necessary for credible assignment results, failed to collect, verify, analyze and reconcile comparable rental data and/or the earnings capacity of the property to estimate gross income potential and did not employ recognized methods and techniques in the income approach; and,
- f. USPAP Standards 1-1(a)-(c) and 2-1(a) – Respondent produced a misleading appraisal containing substantial errors of omission or commission as detailed above that affected the appraisal and made it not credible.

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

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

## **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 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 17, 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 August 17, 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. Four (4) hours of mentorship concerning the sales comparison approach (including selection of sales and analyzing and supporting adjustments);
  - b. Four (4) hours of mentorship concerning the cost approach (focusing on applying recognized methods and techniques and supporting site value determination, cost new of improvements and depreciation);
  - c. Three (3) hours of mentorship concerning the income approach (including when the approach is necessary for credible assignment results); and,
  - d. One (1) hour of mentorship concerning work file requirements under USPAP.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and

4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

## **ACKNOWLEDGMENT AND WAIVER**

**IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY 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 25 day of November, 2015.

*Mee Ping Lee*  
MEE PING LEE

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 25 day of November, 2015, by MEE PING LEE, to certify which witness my hand and official seal.



*[Signature]*  
Notary Public's Signature

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 30th day of November, 2015.

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

**COMMISSIONER**

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

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

**CHAIRPERSON**

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

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

REED BRADLEY FARNSWORTH  
TX-1333657-L

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DOCKETED COMPLAINT NO.  
15-206

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the license of Reed Bradley Farnsworth (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 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-1333657-L and was licensed by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 1715 Buffalo Gap Road, Austin, Texas 78734 (Property), on or about March 5, 2014.
3. Thereafter, the complaint, numbered 15-206, was filed with the Board by an appraisal management company, on or about April 20, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about May 11, 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 responded with documentation, on or about July 2, 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

Agreed Final Order  
Page 1 of 7

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

- a. USPAP Record Keeping Rule – Respondent failed to create and maintain a work file containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
  - b. USPAP Standards Rules 1-3(a) and 2-2(a)(viii) – Respondent failed to identify and analyze the effect on use and of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends; or Respondent failed to support the opinions and conclusions in the Neighborhood section of the appraisal report;
  - c. USPAP Standards Rules 1-4(b)(ii), 1-4(b)(iii) and 2-2(a)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements; Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
  - d. USPAP Standards Rules 1-4(a) and 2-2(b)(viii); 1-1(a) and 1-4(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments or made inappropriate adjustments to the sales used, and did not disclose the analysis and reasoning behind the adjustments made or not made;
  - e. USPAP Standards Rules 1-5(b) and 2-2(b)(viii) – Respondent failed to analyze a prior sale of the Property that occurred thirteen (13) months prior to the effective date of the appraisal; and
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).

Agreed Final Order  
Page 2 of 7

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3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and 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 20, 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 of fifteen (15) classroom hour course in USPAP.
  - b. A minimum seven (7) classroom course in the sales comparison approach.
2. **MENTORSHIP.** On or before May 20, 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. Four (4) hours of mentorship concerning the sales comparison approach.
  - b. Four (4) hours of mentorship concerning the cost approach.
  - c. Four (4) hours of mentorship concerning analysis of the prior sales and listing history of the subject property.

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

#### **ACKNOWLEDGMENT AND WAIVER**

**IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY 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).

Agreed Final Order  
Page 4 of 7

AFO.v4.6.24.2015

## **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.

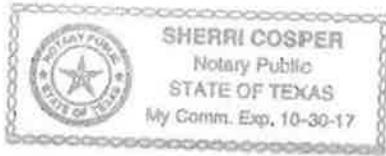
**RESPONDENT**

Signed this 4<sup>th</sup> day of January, 2016<sup>ff</sup>.

*[Handwritten signature]*

Reed Bradley Farnsworth

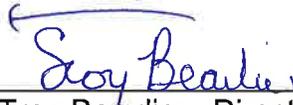
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4 day of January, 2016, by Reed Bradley Farnsworth, to certify which witness my hand and official seal.



*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public's Signature

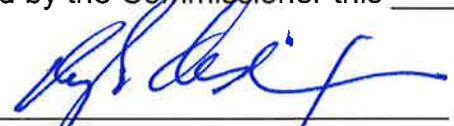
**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 5<sup>TH</sup> day of JANUARY, 2016.

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

**COMMISSIONER**

Signed by the Commissioner this 7 day of JAN, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

WILLIAM WARD GUFFEY  
TX-1322262-R

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DOCKETED COMPLAINT NO.  
15-220

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of William Ward Guffey (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 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-1322262-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 3252 Hillview Drive, Royse City, Texas 75189 (Property), on or about April 21, 2015.
3. Thereafter, the complaint, numbered 15-220, was filed with the Board by a consumer, on or about April 22, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about May 15, June 19, and July 17, 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, but did not timely and completely do so. Ultimately, after repeated efforts and the need to draft a notice of alleged violation for failure to respond, the Respondent did provide some documentation (but not all of it), on or about July 16, 2015. Respondent did not timely and completely respond to the complaint as requested.

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 the documentation necessary to support his opinions and conclusions in his appraisal of the Property;
- b. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a) -- Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in the sales comparison approach for his appraisal of 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. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(24) by failing to answer all inquiries concerning matters under the jurisdiction of the board within 20 days of notice.
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. **MENTORSHIP.** On or before May 20, 2016, Respondent shall complete three (3) 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 concerning the sales comparison approach and work file requirements under USPAP;
2. **ADMINISTRATIVE PENALTY.** On or before March 10, 2016, Respondent shall pay to the Board an administrative penalty of two hundred dollars (\$200), by cashier's check or money order.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

### **ACKNOWLEDGMENT AND WAIVER**

**IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY 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.

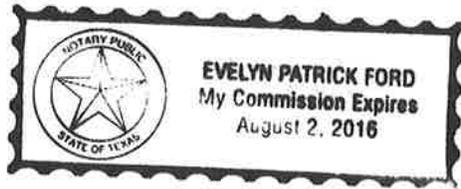
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

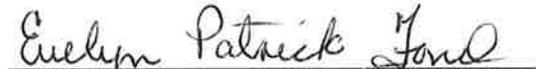
**RESPONDENT**

Signed this 4<sup>TH</sup> day of JANUARY, 2016.

  
WILLIAM WARD GUFFEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4 day of January, 2016, by WILLIAM WARD GUFFEY, to certify which witness my hand and official seal.



  
Notary Public's Signature

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 11 day of January, 2016.

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

**COMMISSIONER**

Signed by the Commissioner this 12 day of JAN, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_ day of \_\_\_\_\_, 2016.

Jamie Wickliffe  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-261

BILLIE F. WAITS  
TX-1337007-R

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Billie F. Waits (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 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-1337007-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 6061 Bluebird Lane, Kaufman, Texas 75142 (Property), on or about April 29, 2015.
3. Thereafter, the complaint, numbered 15-261, was filed with the Board by an appraisal management company, on or about May 29, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about June 23, 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 responded with documentation, on or about August 10, 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

Agreed Final Order  
Page 1 of 7

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

- a. USPAP Record Keeping Rule – Respondent failed to create and maintain a work file containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
  - b. USPAP Scope of Work Rule, USPAP Standards Rules 1-2(h) and 2-2(a)(viii) – Respondent failed to perform the scope of work necessary for credible assignment results;
  - c. USPAP Standards Rules 1-2(e)(i) and 2-2(a)(iii) – Respondent failed to adequately identify and report the site description and improvements;
  - d. USPAP Standards Rules 1-2(e)(iv) and 2-2(a)(viii) – Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature, including erroneously reporting the Property's zoning;
  - e. USPAP Standards Rules 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) and 2-2(a)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements; Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
  - f. USPAP Standards Rules 1-4(a) and 2-2(a)(viii); 1-1(a) and 1-4(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments to the sales used, and did not disclose the analysis and reasoning behind the adjustments made or not made; and,
  - g. USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), and 2-1(a) – For the reasons detailed above, Respondent produced an appraisal report for the Property that contained substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal that was not credible.
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 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. **MENTORSHIP.** On or before August 19, 2016, Respondent shall complete fourteen (14) 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 (adjustment support and analysis);
  - b. Four (4) hours of mentorship concerning the cost approach (site valuation, cost new, and depreciation);
  - c. Four (4) hours of mentorship concerning scope of work (elements of a credible scope of work); and,
  - d. Two (2) hours of mentorship concerning work file requirements under USPAP.
2. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and

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 & 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.

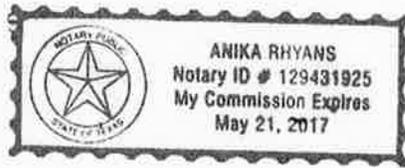
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 1 day of February, 2016.

Billie F. Waits  
Billie F. Waits

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 1 day of February, 2016, by Billie F. Waits, to certify which witness my hand and official seal.



Anika Rhyans  
Notary Public's Signature

**RESPONDENT'S ATTORNEY**

Signed this 2nd day of February, 2016.

Ted Whitmer  
Ted Whitmer, Respondent's Attorney

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 2nd day of February, 2016.

  
\_\_\_\_\_  
Troy Beaulieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 3rd day of Feb, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board





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 opinions and conclusions;
  - b. USPAP Scope of Work Rule; 1-2(h) & 2-2(a)(vii) – Respondent did not develop a scope of work sufficient to produce credible assignment results;
  - c. USPAP Standards 1-2(e)(i) & 2-2(a)(iii) – Respondent failed to identify and describe the site and improvements adequately for the Property;
  - d. USPAP Standards 1-3(a) & 2-2(a)(viii) and 1-3(b) & 2-2(b)(ix) – Respondent failed to 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. Respondent also failed to analyze the Property's highest and best use;
  - e. USPAP Standards 1-4(b)(i)–(iii) & 2-2(a)(viii); 1-1(a) – Respondent failed employ recognized methods and techniques in her cost approach and did not provide her supporting rationale for her opinions and conclusions made in the cost approach, including site value, cost of improvements and depreciation. She failed to consider covered patio, porch, balcony and entry features in her cost analysis;
  - f. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a); 1-6(a) and (b) 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;
  - g. USPAP Standards 1-1(a)-(c) – Respondent produced an appraisal containing substantial errors of omission or commission as detailed above that made the appraisal not credible.
6. Respondent made 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).

Agreed Final Order  
Page 2 of 7

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making 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 20, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.

a. A minimum 15 classroom hour course in USPAP;

2. **MENTORSHIP.** On or before August 20, 2016, Respondent shall complete fourteen (14) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

a. (3) three hours concerning the sales comparison approach;

b. (3) three hours concerning the identification, description and analysis of relevant property characteristics;

c. (3) three hours concerning development of a scope of work;

d. (2) two hours concerning the cost approach;

e. (2) two hours concerning report writing; and,

- f. (1) one hour concerning work file obligations under USPAP.
3. **TRAINEES.** Respondent shall not sponsor any trainees for twelve (12) months, from February 19, 2016 through February 19, 2017.
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.

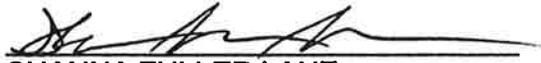
### **EXECUTION**

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.

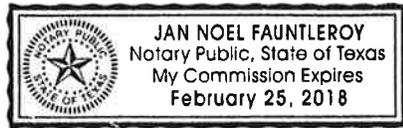
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 15<sup>th</sup> day of Jan., 2016.

  
SHANNA FULLER LANE

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 15<sup>th</sup> day of Jan, 2016, by SHANNA FULLER LANE, to certify which witness my hand and official seal.



  
Notary Public's Signature

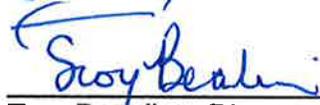
**RESPONDENT'S ATTORNEY**

Signed this 15 day of January, 2016.

  
Ted Whitmer, Respondent's Attorney

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 15 day of JANUARY, 2016.

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

**COMMISSIONER**

Signed by the Commissioner this 16 day of JAN, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

HASKELL JOE WALKER  
TX-1332765-R (EXPIRED)

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DOCKETED COMPLAINT NO.  
15-199 & 15-264

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the expired certification of Haskell Joe Walker (Respondent).

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

**FINDINGS OF FACT**

1. Respondent, Haskell Joe Walker, was a Texas state certified residential real estate appraiser who held certification number TX-1332765-R, and was licensed by the Board during all times material to the above-noted complaint cases.
2. Respondent appraised residential real property located at 78 Kirkwood Drive, Midlothian, Texas (the Kirkwood Property) on or about January 1, 2008, 3600 Mustang Grape Lane, Joshua, Texas (the 3600 Mustang Property) on or about November 30, 2009 and 3608 Must Grape Lane, Joshua, Texas (the 3608 Mustang Property) on or about May 19, 2009.
3. Thereafter complaints were filed with the Board by staff based upon information submitted by a federal government agency. The complaints alleged that the Respondent produced appraisal reports for the Properties that did not conform to 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 the Act and Tex. Gov't. Code Ch. 2001 (APA) notified Respondent of the nature of the accusations involved on or about May 8, 2015 and June 22, 2015. Respondent was afforded an opportunity to respond to the accusations in the complaints was also requested to provide certain documentation to the Board. Thereafter, Respondent responded with documentation on or about May 28, 2015 and July 15, 2015.

5. Since the time of both complaints, Respondent's state certification as a real estate appraiser has expired and Respondent no longer desires to hold a license from the Board. Respondent acknowledges that his state certification has lapsed and he is hereby agreeing not to seek renewal of the certification, nor to apply for any other license with the Board in the future.

6. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.

### **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. The parties are authorized to resolve their dispute by means of a consent order. TEX. OCC. CODE § 1103.458.

### **ORDER**

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent shall not seek renewal of his certification, nor apply to the Board for any license in the future.

### **ACKNOWLEDGMENT AND WAIVER**

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 18 day of January, 2016.

  
HASKELL JOE WALKER

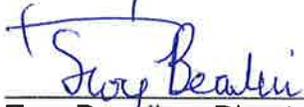
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 18 day of January, 2016, by HASKELL JOE WALKER, to certify which witness my hand and official seal.



  
Notary Public's Signature

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

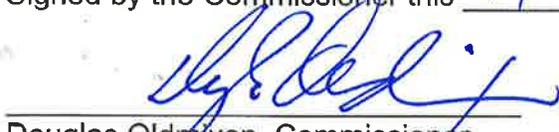
Signed by the Standards and Enforcement Services Division this 19<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_

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

**COMMISSIONER**

Signed by the Commissioner this 19 day of JAN, 2016.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-169

JOHN WALTER KIRCHEN  
TX-1326155-R

**AGREED FINAL ORDER**

On the 30 day of December, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of John Walter Kirchen (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 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-1326155-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 11231 McCree Road, Dallas, Texas 75209 (Property), on or about January 28, 2014.
3. Thereafter, the complaint, numbered 15-169, was filed with the Board by a consumer, on or about March 2, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about March 20, 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 responded with documentation, on or about May 11, 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:

Agreed Final Order  
Page 1 of 7

- a. USPAP Record Keeping Rule; USPAP Standards Rules 1-2(e) and 2-2(a)(viii) – Respondent failed to create and maintain a work file containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal. Respondent also failed to retain plans, specifications, or other documentation sufficient to identify the extent and character of the proposed improvements;
- b. USPAP Scope of Work Rule, USPAP Standards Rules 1-2(h) and 2-2(a)(viii) – Respondent failed to perform the scope of work necessary for credible assignment results;
- c. USPAP Standards Rules 1-2(e)(i), 1-2(e)(iv) and 2-2(a)(iii) – Respondent failed to adequately identify and report the site and improvements description. Respondent also failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature;
- d. USPAP Standards Rules 1-3(a) and 2-2(a)(viii); 1-1(b) – Respondent failed to identify and analyze the effect on use and of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends; or Respondent failed to support the opinions and conclusions in the Neighborhood section of the appraisal report/ Respondent also failed to develop properly the opinion of highest and best use;
- e. USPAP Standards Rules 1-4(b)(i) and 2-2(a)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination;
- f. USPAP Standards Rules 1-4(a) and 2-2(a)(viii); 1-1(a) and 1-4(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in the sales comparison approach; Respondent did not provide appropriate supporting documentation nor reasoning and a summary of analysis of the sales comparison approach; Respondent also failed to make appropriate adjustments to the sales used, and did not disclose the analysis and reasoning behind the adjustments made or not made;
- g. USPAP Standards Rules 1-5(a) and 2-2(a)(viii) – Respondent failed to disclose and analyze information regarding the property's current contract;
- h. USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), and 2-1(a) – For the reasons detailed above, Respondent produced an appraisal report for the Property that contained substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.

6. Respondent made material misrepresentations and 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 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 November 19, 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 fifteen (15) hour classroom course in USPAP;

2. **MENTORSHIP.** On or before August 19, 2016, Respondent shall complete fifteen (15) 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. Six (6) hours of mentorship concerning the sales comparison approach;
  - b. Six (6) hours of mentorship concerning the highest and best use analysis;
  - c. Three (3) hours of mentorship concerning residential report writing;
3. **ADMINISTRATIVE PENALTY.** On or before March 10, 2016, 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 twelve (12) months, from February 19, 2016 to February 19, 2017.
  5. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
  6. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

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

Agreed Final Order  
Page 4 of 7

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 December, 2015.

  
\_\_\_\_\_  
John Walter Kirchen

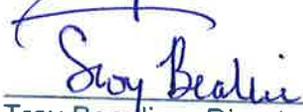
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 30<sup>th</sup> day of December, 2015, by John Walter Kirchen, to certify which witness my hand and official seal.



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

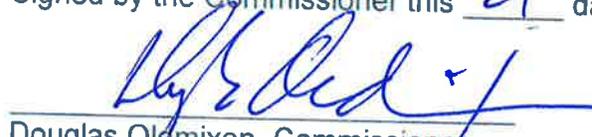
**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 21<sup>st</sup> day of January, 2016.

  
\_\_\_\_\_  
Troy Beaujieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 21 day of Jan, 2016.

  
\_\_\_\_\_  
Douglas Olamixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

FREDA GAIL MAYNARD  
TX-1334602-R

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DOCKETED COMPLAINT NO.  
15-269

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Freda Gail Maynard (Respondent).

Respondent strongly denies the allegations made by the Board in this proceeding, and enters into this Agreed Final Order, and accepts the disciplinary action contained in this Order, solely for the purpose of avoiding the expense and uncertainty of litigation. 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-1334602-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 712 County Road 322, Bertram, Texas (Property), on or about January 20, 2015.
3. Thereafter, the complaint, numbered 15-269, was filed with the Board by a homeowner, on or about May 26, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about June 19, 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 responded with documentation, on or about July 21, 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:

Agreed Final Order  
Page 1 of 7

AFOPR.v1.6.24.2015

- a. USPAP Scope of Work Rule, USPAP Standards 1-2(h) & 2-2(a)(vii) – Respondent failed to inspect the property adequately;
  - b. USPAP Record Keeping Rule – Respondent failed to include all information and documentation in necessary to support her analyses, opinions and conclusions, in her work file;
  - c. USPAP Standards 1-4(b)(i) & 2-2(a)(viii); 1-4(b)(ii) & 2-2(a)(viii); 1-1(a) – Respondent failed to employ recognized methods and techniques in the cost approach. Respondent failed to use an appropriate method or technique to develop an opinion of the site value. Respondent failed to collect, verify and analyze comparable cost data to estimate cost new of improvements and failed to provide supporting analyses for her conclusions in the cost approach;
  - d. USPAP Standards 1-4(a) & 2-2(a)(viii) – Respondent failed to analyze comparable sales data adequately;
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 Texas state license (TX-1334602-R) is hereby revoked for six (6) months, with this revocation being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before May 19, 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

Agreed Final Order  
Page 2 of 7

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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 seven (7) classroom hour course on the cost approach;
2. **MENTORSHIP.** On or before May 19, 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. Six (6) hours of mentorship addressing supporting and analyzing adjustments in the sales comparison approach; and
  - b. Two (2) hours of mentorship addressing USPAP obligations in connection with inspecting a property.
3. **EXPERIENCE LOG.** On or before June 27 and August 26, 2016, Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board covering the periods of May 19 through June 19, 2016 and July 19 through August 19, 2016, respectively. Each log shall detail *all* real estate appraisal activities Respondent has conducted during each of these (30) thirty day periods. These logs shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and accurate. Upon request from the Board, Respondent shall provide copies of appraisal reports and work files for any two (2) appraisal assignments Respondent performs during the course of each of the noted periods within twenty (20) days of receiving any such request so that staff may check to ensure Respondent is inspecting properties as indicated in her reports. Subject to the Board's reporting and assistance obligations under TEX. GOV'T CODE § 402.33 and Tex. Penal Code § 32.32; the Board agrees that the purposes for which it will use the experience log submitted by Respondent will at all times be limited to verifying that Respondent inspected the property that is the subject of each appraisal.
4. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of one thousand dollars (\$1,000.00) via five (5) monthly installment payments, by cashier's check or money order. Payments shall timely be delivered to the Board based on the following payment schedule:
- a. \$200.00 on or before 5:00 p.m. on Friday, March 18, 2016;

Agreed Final Order  
Page 3 of 7

- b. \$200.00 on or before 5:00 p.m. on Tuesday, April 19, 2016;
  - c. \$200.00 on or before 5:00 p.m. on Thursday, May 19, 2016;
  - d. \$200.00 on or before 5:00 p.m. on Monday, June 20, 2016; and
  - e. \$200.00 on or before 5:00 p.m. on Tuesday, July 19, 2016.
5. **TRAINEES.** Respondent shall not sponsor any trainees for six (6) months, from February 19, 2016 to August 19, 2016.
6. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
7. 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

Agreed Final Order  
Page 4 of 7

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.

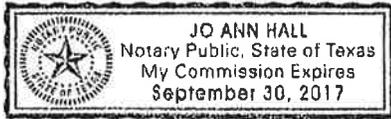
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

Signed this 26 day of January, 2016.

Freda Gail Maynard  
Freda Gail Maynard

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 26<sup>th</sup> day of JANUARY, 2016, by Freda Gail Maynard, to certify which witness my hand and official seal.



Jo Ann Hall  
Notary Public's Signature

**RESPONDENT'S ATTORNEY**

Signed this 26 day of January, 2016.

Don E. Walden  
Don E. Walden, Respondent's Attorney  
The Law Office of Don E. Walden

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 26<sup>th</sup> day of JANUARY, 2016.

Troy Beaulieu  
Troy Beaulieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 27 day of JAN, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-028

KENNETH L. BECKER  
TX-1338662-R

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of KENNETH L. BECKER (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 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-1338662-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised commercial real property located at 312 East Austin Street, Fredericksburg, Texas 78624 (Property), on or about January 23, 2014.
3. Thereafter, the complaint, numbered 15-028, was filed with the Board by an appraisal management company, on or about September 26, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about October 6, 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 December 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

Agreed Final Order  
Page 1 of 6

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 his analyses, opinions and conclusions;
  - b. USPAP Competency Rule and Scope of Work Rule; 1-2(h) and 2-2(b)(vii) – Respondent lacked appropriate licensure to appraise commercial property, did not perform the appraisal in a competent manner and failed to perform the scope of work necessary to develop credible assignment results;
  - c. USPAP Standards 1-3(a)-(b) and 2-2(a)(viii) – Respondent failed to analyze the effect on use and value of the existing land use regulations, economic supply and demand, and market area trends; Respondent failed to analyze and support his highest and best use determination given the presence of commercial properties and businesses located around the Property and instead simply concluded the Property's appropriate highest and best use was residential without conducting the necessary analyses, support and explication;
  - d. USPAP Standards 1-4(b)(i) and 2-2(a)(viii) – Respondent failed to provide his supporting explanation and reasoning for his site value determination;
  - e. USPAP Standards 1-4(c) and 2-2(a)(viii); 1-1(a) -- Respondent failed to conduct a completed income approach which was necessary to produce credible assignment results. Respondent provided some components of the income approach, but those portions were not supported by the analyses and relevant evidence and logic necessary for credible assignment results. Respondent did not employ recognized methods and techniques in the income approach;
  - f. USPAP Standards 1-5(b) and 2-2(a)(viii) – Respondent failed to analyze 2 prior transfers of the property within the 3 years prior to the effective date of his report for the Property; and,
  - g. USPAP Standards 1-1(b)-(c) and 2-1(a) – As detailed above, Respondent made substantial errors of omission or commission that were negligent and misleading, and affected the resulting appraisal.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.
7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

Agreed Final Order  
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## 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 19, 2017, 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, 7 hour classroom course in the income approach.
2. **ADMINISTRATIVE PENALTY.** On or before December 10, 2016, 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. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

## ACKNOWLEDGMENT AND WAIVER

**IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND**

Agreed Final Order  
Page 3 of 6

**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 28 day of JANUARY, 2016.

  
KENNETH L. BECKER



SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 28<sup>th</sup> day of JANUARY, 2016, by KENNETH L. BECKER, to certify which witness my hand and official seal.

  
Notary Public's Signature

**RESPONDENT'S ATTORNEY**

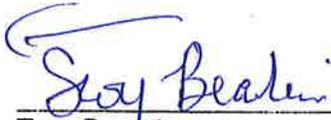
Signed this 28 day of January, 2016.

  
DON WALDEN, ATTORNEY FOR  
KENNETH L. BECKER

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 28<sup>th</sup> day of January, 2016.

Agreed Final Order  
Page 5 of 6



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

**COMMISSIONER**

Signed by the Commissioner this 29 day of JAN, 2016.

  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

WILLIAM MARK BEATY  
TX-1324188-G

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DOCKETED COMPLAINT NO.  
15-171

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of William Mark Beaty (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 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-1324188-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised commercial real property located at 1789 Country Road 338, McKinney, Texas 75071 (the Property), on or about March 14, 2014.
3. Thereafter, the complaint, numbered 15-171, was filed with the Board by a financial institution, on or about March 2, 2015. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about March 27, 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 responded with documentation, on or about April 27, 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 include all the required documentation in his work file;
- b. USPAP Scope of Work Rule, USPAP Standards 1-2(h) & 2-2(a)(vii); USPAP Standards 1-3(b) & 2-2(a)(ix) – Respondent failed to perform the scope of work necessary to develop credible assignment results. The Property’s improvements were designed for commercial enterprise as a wedding and reception venue, but the Respondent did not consider or identify these characteristics in his report and did not address the Property’s intended commercial use. By not considering and evaluating these significant items, his highest and best use analysis was deficient;
- c. USPAP Standards 1-2(e)(i) & 2-2(a)(iii) – Respondent failed to identify and describe the site and improvements adequately. The Property’s improvements were designed for commercial enterprise as a wedding and reception venue, but the Respondent did not consider or identify these characteristics in his report;
- d. USPAP Standards 1-4(f) & 2-2(a)(viii) – Respondent failed to identify, describe, analyze and document extensive, private site improvements;
- e. USPAP Standards 1-2(e)(iv) & 2-2(a)(viii); 1-3(a) & 2-2(a)(viii) – Respondent failed to identify and describe any known restrictions or special assessments; Respondent failed to document deed restrictions as part of his highest and best use analysis of a commercial enterprise in a predominately residential area;
- f. USPAP Standards 1-4(b)(i) & 2-2(a)(viii); 1-4(b)(ii) & 2-2(a)(viii); 1-4(b)(iii) & 2-2(a)(viii); 1-1(a) – Respondent did not employ recognized methods and techniques in the cost approach. Respondent failed to use an appropriate method or technique to develop an opinion of the site value, failed to collect, verify and analyze comparable cost data to estimate cost new of improvements and failed to identify or analyze the unique design characteristics of the subject property which may result in adverse market reaction (functional obsolescence);
- g. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a) – Respondent failed to collect, verify and analyze comparable sales data adequately and did not employ recognized methods and techniques;
- h. USPAP Standards 1-4(c) & 2-2(a)(viii); 1-1(a) – Respondent did not employ recognized methods and techniques. He failed to perform income approach analysis even though the Property was to be a wedding and reception site. Such analysis was necessary for credible assignment results;
- i. USPAP Standards 1-5(b) & 2-2(a)(viii) – Respondent failed to analyze a prior sale of Property;
- j. USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent committed several substantial errors resulting in an appraisal report that was not credible.

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

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

## CONCLUSIONS OF LAW

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

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

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

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

## ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas state certification (TX-1324188-G) is hereby revoked for twelve (12) months, with this revocation being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before November 19, 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 August 19, 2016, Respondent shall complete fourteen (14) 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 in record keeping;
  - b. Two (2) hours of mentorship concerning scope of work;
  - c. Two (2) hours of mentorship concerning highest and best use analysis;
  - d. Two (2) hours of mentorship addressing report writing; and,
  - e. Six (6) hours of mentorship concerning the approaches to value.
3. **TRAINEES.** Respondent shall not sponsor any trainees for twelve (12) months, from February 19, 2016 to February 19, 2017.
  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 21 day of January, 2016.

William M. Beaty  
William M. Beaty

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 21 day of January, 2016, by William M, Beaty, to certify which witness my hand and official seal.

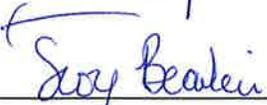


[Signature]  
Notary Public's Signature

Agreed Final Order  
Page 7 of 8 6/7 [Signature]

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 3<sup>RD</sup> day of February, 2016.

  
\_\_\_\_\_  
Troy Beaulieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 4 day of Feb, 2016.

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

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
15-069

WAYNE BALLARD BAER  
TX-1320542-G

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Wayne Ballard Baer (Respondent).

In order to conclude this matter, Respondent denies alleged deficiencies in Respondent's appraisal of the subject property as set forth within the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the following actions set out in this 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-1320542-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised 42.471 acres of vacant land located at south of State Highway 225, west of East Boulevard, North E. 13th Street, and East of E. 8th Street, in the city of Deer Park, Harris County, Texas (Property), on or about June 27, 2014.
3. Thereafter, a complaint, numbered 15-069, was filed with the Board by an individual, on or about November 10, 2014. The Complainant was an expert witness on behalf of a condemning authority in condemnation litigation. Respondent was on the opposite side of the condemnation litigation – being hired by the landowner – than Complainant. As of the date of the Agreed Final Order, Complainant has filed multiple complaints with the TALCB against appraisers hired by the Property Owner in the same condemnation litigation. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about November 21, 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 January 30, 2015.

5. As a result of the Board's investigation, the Board alleges deficiencies in Respondent's appraisal of the Property under USPAP which Respondent denies and disputes.

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

7. The findings of fact and conclusions of law contained in this Agreed Final Order are the sole, dispositive findings and conclusions reached by the Board in this matter.

### **CONCLUSIONS OF LAW**

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

2. The Board alleged deficiencies under TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6) which Respondent denies and disputes.

3. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458, and have chosen to do so to avoid the time, expense, and uncertainty of litigation.

4. Consent to the Agreed Final Order by Respondent is not an admission of any alleged deficiencies under USPAP, TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).

### **ORDER**

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

1. **EDUCATION.** On or before November 20, 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 fifteen (15) classroom hour course in USPAP;
  - b. A minimum fifteen (15) classroom hour course in commercial highest and best use and market analysis; and,
2. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
  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 deny alleged deficiencies in my appraisal of the subject property as set forth within the Findings of Fact and Conclusions of Law contained herein. 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 25<sup>th</sup> day of JANUARY, 2016

  
\_\_\_\_\_  
Wayne Ballard Baer

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 25<sup>th</sup> day of January, 2016, by Wayne Ballard Baer, to certify which witness my hand and official seal.



  
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Notary Public's Signature

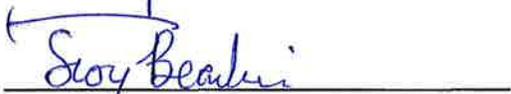
**RESPONDENT'S ATTORNEY**

Signed this 25<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Don C. Griffin, Respondent's Attorney

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

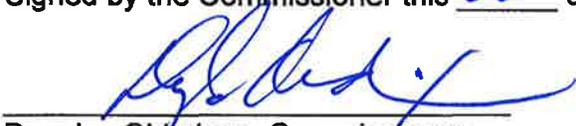
Signed by the Standards and Enforcement Services Division this 25<sup>th</sup> day of January, 2016.



Troy Beaulieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 25 day of Jan, 2016.



Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

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vs.

DOCKETED COMPLAINT NO.  
13-145 & 15-229

MARK OLIVER SIKES  
TX-1326712-G

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the certification of Mark Oliver Sikes (Respondent).

In order to conclude this matter, Respondent denies alleged deficiencies in Respondent's appraisal of the subject properties as set forth within the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the following actions set out in this 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-1326712-G and was certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised 42.741 acres of vacant land located on the south side of State Highway 225, west of East Boulevard, Deer Park, Texas (Property), on or about August 3, 2012. Respondent also appraised 100 Northwest Mall, Houston, Texas 77092 (the Macy's) and 9500 Hempstead Road, Houston, Texas 77092 (the Northwest Mall) on or about February 19, 2013.
3. Thereafter, complaints, numbered 13-145 and 15-229, were filed with the Board by the Complainant, on or about February 14, 2013 (13-145) and May 5, 2015 (15-229). The Complainant was an expert witness on behalf of a condemning authority in condemnation litigation. Respondent was on the opposite side of the condemnation litigation – being hired by the landowner – than Complainant. As of the date of the Agreed Final Order, Complainant has filed multiple complaints with the TALCB against appraisers hired by the Property Owner in the same condemnation litigation. The Board investigated the complaints to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act) and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).

Agreed Final Order  
Page 1 of 6

4. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved, on or about February 25, 2013 and May 15, 2015. Respondent was afforded an opportunity to respond to the accusations in the complaints and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about April 4, 2013 and July 6, 2015.

5. As a result of the Board's investigation, the Board alleges deficiencies in Respondent's appraisals of the Property and the Mall under USPAP which Respondent denies and disputes.

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

7. The findings of fact and conclusions of law contained in this Agreed Final Order are the sole, dispositive findings and conclusions reached by the Board in this matter.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over these matters pursuant to the Act.

2. The Board alleged deficiencies under TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6) which Respondent denies and disputes.

3. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458, and have chosen to do so to avoid the time, expense, and uncertainty of litigation.

4. Consent to the Agreed Final Order by Respondent is not an admission of any alleged deficiencies under USPAP, TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).

#### **ORDER**

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

1. **EDUCATION.** On or before November 20, 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 fifteen (15) classroom hour course in USPAP;
  - b. A minimum fifteen (15) classroom hour course in commercial highest and best use and market analysis; and,
  - c. A minimum fifteen (15) classroom hour course in commercial sales comparison approach.
2. **TRAINEES.** Respondent shall not supervise any new trainees for six (6) months, from February 19, 2016 to August 19, 2016.
  3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
  4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

**IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY 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 deny alleged deficiencies in my appraisal of the subject properties as set forth within the Findings of Fact and Conclusions of Law contained herein. 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 25 day of January, 2016



Mark Oliver Sikes

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 25 day of January, 2016, by Mark Oliver Sikes, to certify which witness my hand and official seal.



Notary Public's Signature

**RESPONDENT'S ATTORNEY**

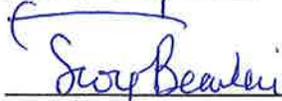
Signed this 25<sup>th</sup> day of January, 2016.



Don C. Griffin, Respondent's Attorney

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**

Signed by the Standards and Enforcement Services Division this 25<sup>th</sup> day of January, 2016.



Troy Beaulieu, Director  
Texas Appraiser Licensing and Certification Board

**COMMISSIONER**

Signed by the Commissioner this 25 day of Jan, 2016.



Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board



## AGENDA ITEM 11

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-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	FYTD Total 2016
Local Lines	16,624	15,445	15,557	16,835									64,461
<b>TALCB LL</b>	<b>947</b>	<b>916</b>	<b>1,033</b>	<b>1,079</b>									<b>3,975</b>
<b>Total Calls</b>	<b>17,571</b>	<b>16,361</b>	<b>16,590</b>	<b>17,914</b>									<b>68,436</b>

### Walk Ins

	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	FYTD Total 2016
Licensing	131	108	145	154									538
Education	26	22	24	25									97
Inspector	3	17	10	10									40
Enforcement	6	3	4	10									23
<b>TALCB Lic</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>1</b>									<b>11</b>
<b>TALCB Enf</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>									<b>9</b>
<b>Total</b>	<b>172</b>	<b>159</b>	<b>186</b>	<b>201</b>									<b>718</b>

### Emails

	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	FYTD Total 2016
Licensing	5,023	4,113	4,058	5,227									18,421
Education	1,066	938	785	1,065									3,854
Inspector	84	50	39	38									211
Enforcement	117	108	125	128									478
<b>TALCB Lic</b>	<b>289</b>	<b>286</b>	<b>280</b>	<b>341</b>									<b>1,196</b>
<b>TALCB Enf</b>	<b>16</b>	<b>15</b>	<b>49</b>	<b>17</b>									<b>97</b>
<b>Total</b>	<b>6,595</b>	<b>5,510</b>	<b>5,336</b>	<b>6,816</b>									<b>24,257</b>

C1 Report  
FY2016

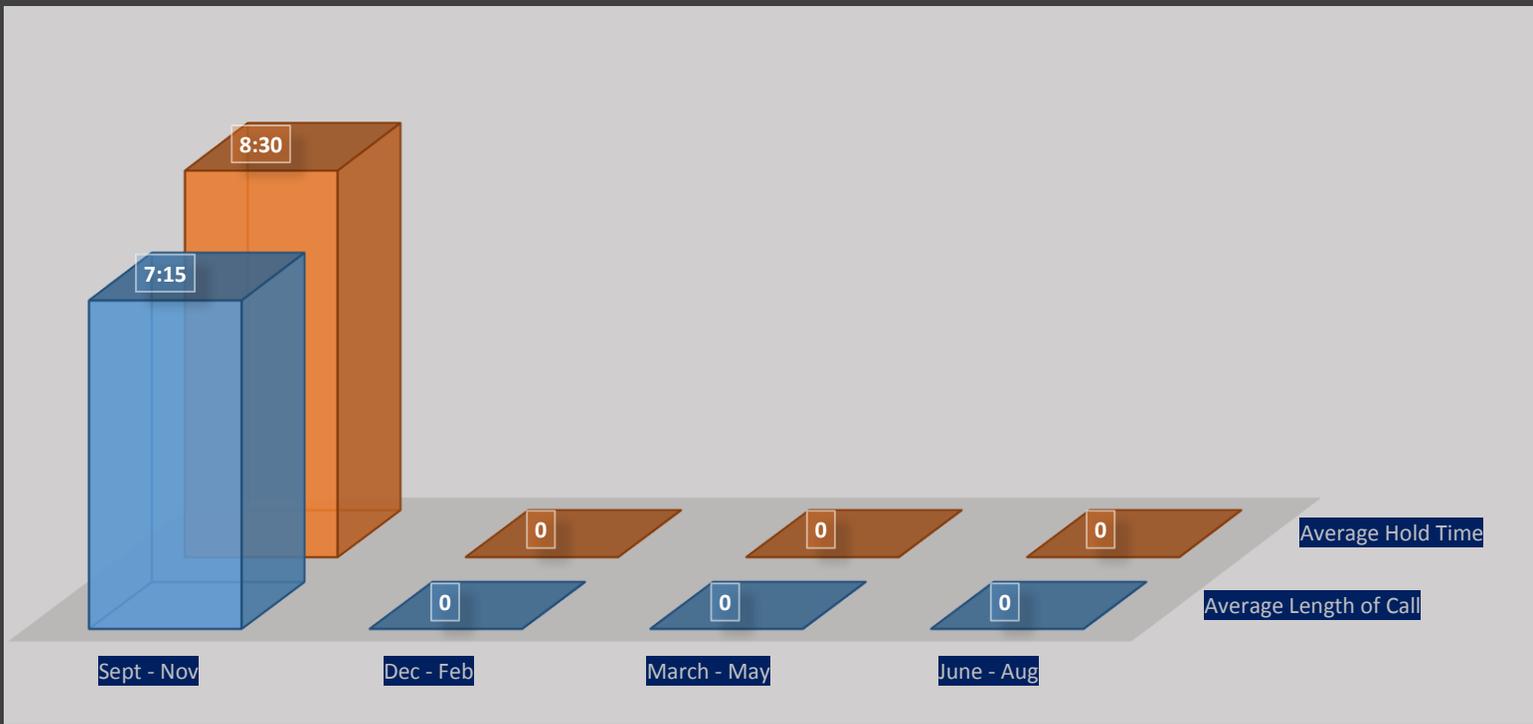
### Customer Service Surveys

FY2016	Surveys Received	Responded by Email	Responded by Phone	Anonymous (No Contact Info)
September	14	10	1	3
October	17	9	1	7
November	15	7	3	5
December	21	9	3	9
January				
February				
March				
April				
May				
June				
July				
August				
<b>Grand Total</b>	<b>67</b>	<b>35</b>	<b>8</b>	<b>24</b>

C2 Report

# FY2016 CALL AVERAGES (MIN:SEC)

■ Average Length of Call   ■ Average Hold Time



C3 Report

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

FISCAL YEAR	END OF MONTH					TOTAL	G.R.L. & P	TRAINEE		TOTAL	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	2,413	2,436	432	N/A	5,281	-3	773	12	6,054	9	
Jul15	2,409	2,424	432	N/A	5,265	-16	774	1	6,039	-15		
Aug15	2,408	2,415	434	N/A	5,257	-8	779	5	6,036	-3		
<b>FY-2016</b>	Sep15	2,406	2,417	428	N/A	5,251	-6	786	7	6,037	1	
	Oct15	2,414	2,418	431	N/A	5,263	12	791	5	6,054	17	
	Nov15	2,417	2,420	430	N/A	5,267	4	793	2	6,060	6	
	Dec15	2,419	2,425	430	N/A	5,274	7	795	2	6,069	9	

(December 2015: Temporary Out of State Appraisers = 1,034; Inactive Appraisers = 149)

**APPRAISAL MANAGEMENT COMPANY REGISTRATIONS**  
December 2015

	Month	Paper Apps. Received	Online Apps. Received	Total Apps. Received	Total AMC Registrations Issued	Total AMC Renewals Issued
<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	4
	Oct-14	0	0	0	1	2
	Nov-14	1	1	2	2	2
	Dec-14	3	1	4	1	0
	Jan-15	3	0	3	1	1
	Feb-15	0	0	0	5	1
	Mar-15	1	0	1	0	0
	Apr-15	0	1	1	0	1
	May-15	0	0	0	1	0
	Jun-15	0	0	0	1	0
Jul-15	1	0	1	1	6	
Aug-15	1	1	2	1	0	
<b>FY-2016</b>	Sep-15	1	0	1	0	1
	Oct-15	0	0	0	2	2
	Nov-15	2	0	2	1	0
	Dec-15	1	0	1	0	0
<b>TOTALS</b>		<b>154</b>	<b>71</b>	<b>225</b>	<b>223</b>	<b>158</b>

Registrations Surrendered as of December 2015 -13  
 Registrations Revoked as of December 2015 -3  
 Registrations Expired > 6 months as of December 2015 -26

**TOTAL AMC REGISTRATIONS**

**181**

# Education & Licensing Services Division - TALCB

## Fiscal Year Comparison

### Fiscal Year - 2016 DECEMBER

	This YTD 9/15 - 12/15	Last YTD 9/14 - 12/14	Change Count	Change Percent
<b><i>Original Applications Received</i></b>				
Certified General Applications	34	50	-16	-32.00%
Certified Residential Applications	29	75	-46	-61.33%
State Licensed Applications	25	33	-8	-24.24%
Appraiser Trainee Applications	96	89	7	7.87%
Non-Residential Temporary Applications	88	79	9	11.39%
<b>Total Original Applications</b>	<b>272</b>	<b>326</b>	<b>-54</b>	<b>-16.56%</b>
<b><i>Licenses Issued from Original Applications</i></b>				
Certified General Licenses	47	52	-5	-9.62%
Certified Residential Licenses	55	61	-6	-9.84%
State Licensed	20	24	-4	-16.67%
Appraiser Trainee Licenses	85	73	12	16.44%
Non-Residential Temporary Licenses	88	77	11	14.29%
<b>Total Licenses from Original Applications</b>	<b>295</b>	<b>287</b>	<b>8</b>	<b>2.79%</b>
<b><i>Licenses Issued from Renewal Applications</i></b>				
Certified General Renewals	367	399	-32	-8.02%
Certified Residential Renewals	436	363	73	20.11%
State Licensed Renewals	82	96	-14	-14.58%
Appraiser Trainee Renewals	94	167	-73	-43.71%
<b>Total Renewal Licenses Issued</b>	<b>979</b>	<b>1,025</b>	<b>-46</b>	<b>-4.49%</b>
<b><i>Licenses Issued from Reinstatement Applications</i></b>				
Certified General Reinstatements	1	9	-8	-88.89%
Certified Residential Reinstatements	2	4	-2	-50.00%
State Licensed Reinstatements	1	2	-1	-50.00%
Appraiser Trainee Reinstatements	6	5	1	20.00%
<b>Total Reinstatement Licenses Issued</b>	<b>10</b>	<b>20</b>	<b>-10</b>	<b>-50.00%</b>

## Examination Activity - Fiscal Year 2015-2016

<b>YEAR-TO-DATE RESULTS: SEPTEMBER 2015 thru December 2015</b>				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	15	17	15	47	
Examinations Failed	15	21	9		45
<b>Examinations Taken</b>	30	38	24	92	92
Examination Pass Rate (%)	50.00%	44.74%	62.50%	51.09%	48.91%

All examination types	
Total first time candidates:	49
Total repeat candidates:	43
Total pass:	47
Total fail:	45
Total examinations taken:	92

## Examination Activity - Fiscal Year 2015-2016

<b>MONTHLY RESULTS: December 2015</b>				Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	6	3	5	14	
Examinations Failed	5	2	5		12
<b>Examinations Taken</b>	11	5	10	26	26
Examination Pass Rate (%)	54.55%	60.00%	50.00%	53.85%	46.15%

All examination types	
Total first time candidates:	13
Total repeat candidates:	13
Total pass:	14
Total fail:	12
Total examinations taken:	26

## EXAMINATION ACTIVITY

### FISCAL YEAR-TO-DATE COMPARISON DECEMBER

	<u>December 2015</u> <u>Pass Rate</u>	<u>December 2014</u> <u>Pass Rate</u>
Certified General Appraiser	62.5%	60.7%
Certified Residential Appraiser	44.7%	61.1%
Licensed Appraiser	50.0%	41.8%
<b>Overall Appraiser Pass Rate</b>	<b>51.0%</b>	<b>55.9%</b>

## Information Technology Services Division

### Electronic Information Outlet Statistics

September 1, 2015 to December 31, 2015

FY 2016

Website	Current Month	FYTD Total	Prior FYTD Total
Total Pages Viewed	752,516	2,495,013	241,145
Total Monthly Unique Visitors	28,558	109,739	26,697

Online Transactions	Total	Online	FYTD Online Percent	Prior FYTD Online Percent
<b>Applications</b>	<b>166</b>	<b>73</b>	<b>44.0%</b>	<b>35.7%</b>
AMC	3	1	33.3%	40.0%
Certified General Appraiser	37	3	8.1%	14.5%
Certified Residential Appraiser	38	9	23.7%	24.5%
State Licensed Appraiser	11	4	36.4%	45.5%
Appraiser Trainee	77	56	72.7%	56.6%
<b>Renewals</b>	<b>831</b>	<b>762</b>	<b>91.7%</b>	<b>86.8%</b>
AMC	3	3	100.0%	75.0%
Certified General Appraiser	331	301	90.9%	89.3%
Certified Residential Appraiser	387	360	93.0%	92.8%
State Licensed Appraiser	65	57	87.7%	66.2%
Appraiser Trainee	45	41	91.1%	68.5%
<b>AMC Panel:</b>	<b>705</b>	<b>705</b>	<b>100.0%</b>	<b>100.0%</b>
Invitations	573	573	100.0%	100.0%
Removals	132	132	100.0%	100.0%

**Staff & Support Services Division**

**TALCB Budget Status Report**

**December 2015**

8/12 = 66.7%

Expenditure Category	Budget FY2016	Expenditures	Balance	Budget % Remaining	Comments
Salaries & Wages	\$875,842	\$260,389	\$615,453	70.3%	
Employee Benefits	277,440	84,773	192,667	69.4%	
Retiree Insurance	39,600	8,900	30,700	77.5%	
Other Personnel Costs	25,220	5,390	19,830	78.6%	
Professional Fees & Services	77,550	22,576	54,974	70.9%	
Consumables	7,500	1,798	5,702	76.0%	
Utilities	1,740	647	1,093	62.8%	
Travel	30,000	6,754	23,246	77.5%	
Office Rent	37,625	26,479	11,146	29.6%	Office rent paid for the year.
Equipment Rental	14,138	1,019	13,119	92.8%	
Registration & Membership	16,125	2,755	13,370	82.9%	
Maintenance & Repairs	12,267	11,960	307	2.5%	Versa annual maintenance
Reproduction & Printing	1,600	21	1,579	98.7%	
Contract Services	29,540	1,270	28,270	95.7%	
Postage	6,350	1,900	4,450	70.1%	
Supplies & Equipment	6,500	767	5,733	88.2%	
Communication Services	8,246	1,890	6,356	77.1%	
Other Operating Expenses	4,342	777	3,565	82.1%	
<b>Subtotal -Operations Expenditures</b>	<b>1,471,625</b>	<b>440,065</b>	<b>1,031,560</b>	<b>70.1%</b>	
DPS Criminal History Background Checks	3,000	760	2,240	74.7%	
Statewide Cost Allocation Plan (SWCAP)	45,000	10,258	34,742	77.2%	
Contribution to General Revenue	30,000	10,000	20,000	66.7%	% allocated monthly but pmt not due until 8/31/16
<b>Subtotal - Nonoperational Expenditures</b>	<b>78,000</b>	<b>21,018</b>	<b>56,982</b>	<b>73.1%</b>	
<b>Total Expenditures</b>	<b>\$1,549,625</b>	<b>\$461,083</b>	<b>\$1,088,542</b>	<b>70.2%</b>	

Revenue	FY2016 Projected	Revenue Collected	Revenue Remaining to be Collected	Revenue % Remaining to be Collected	Comments
License Fees	\$1,084,345	\$359,855	\$724,490	66.8%	
AMCs	749,580	49,950	\$699,630	93.3%	Majority of renewals occur in last quarter
Administrative Penalties	45,000	33,600	\$11,400	25.3%	
Other Miscellaneous Revenue	26,280	6,570	\$19,710	75.0%	Exam Admin Fees/NSF fees/Misc/Public Info fees
<b>Total Revenue</b>	<b>\$1,905,205</b>	<b>\$449,975</b>	<b>\$1,455,230</b>	<b>76.4%</b>	

	FY16 Carry Forward	Allocated Amount	Remaining to be Allocated	Carry Forward % Remaining	This is estimated AMC revenues collected in FY16 that will be set aside for FY17 budget.
<b>AMC Revenue Carry Forward from FY15</b>	<b>(\$290,054)</b>	<b>(\$96,684.67)</b>	<b>(\$193,369)</b>	<b>66.7%</b>	<b>Pro-rated thru December</b>

<b>Revenue Over/(Under) Expenditures &amp; Transfers</b>	<b>\$65,526</b>	<b>(\$107,793)</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**

**December 2015**

<b>Purchase Date</b>	<b>Par Value</b>	<b>Purchase Price</b>	<b>Beginning Market Value</b>	<b>Additions Changes</b>	<b>Ending Market Value</b>	<b>Accrued Interest</b>	<b>Description</b>	<b>Maturity Date</b>
12/04/2014	100,000.00	100,168.26	100,000.00	(100,000.00)	0.00		U.S. T-Notes, 0.25%	12/15/2015
12/24/2015	150,000.00	149,911.72	0.00	149,766.00	149,766.00	43.55	U.S. T-Notes, 0.63%	12/15/2016
12/04/2014	100,000.00	100,484.97	100,016.00	(24.00)	99,992.00	23.22	U.S. T-Notes, 0.50%	06/15/2016
07/16/2015	100,000.00	100,839.34	100,184.00	(59.00)	100,125.00	259.62	U.S. T-Notes, 0.88%	09/15/2016
<b>Totals</b>	<b>\$ 450,000.00</b>	<b>\$ 451,404.29</b>	<b>\$ 300,200.00</b>	<b>\$ 49,683.00</b>	<b>\$ 349,883.00</b>	<b>\$ 326.39</b>		

**Receipts:**

Treasury Note Earnings

**Current Month**

375.00

**FY2016**

**Cumulative Total**

812.50

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



Melissa Huerta, Investment Officer



Barbara Kolb, Alternate Investment Officer

## TALCB Standards & Enforcement Services

### CASE STATUS REPORT FY 2016 as of JANUARY 26, 2016

#### # of Cases Received

Case Classification	FY2014	FY2015	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	16-Jul	16-Aug	FYTD
<b>Complaint Category:</b>															
AMCs	12	8	0	0	0	0	2								2
Dodd Frank	16	22	0	0	0	4	0								4
Ethics	5	4	0	0	0	0	0								0
USPAP	114	143	22	12	10	6	7								57
Other	4	11	1	1	0	0	0								2
No Jurisdiction	0	3	2	2	0	0	0								4
	<b>151</b>	<b>191</b>	<b>25</b>	<b>15</b>	<b>10</b>	<b>10</b>	<b>9</b>	<b>0</b>	<b>SUB: 69</b>						
<b>Experience Audits</b>	155	161	19	14	11	6	10								60
<b>RFAs &amp; Covert Complaints</b>	3	13	0	0	2	0	0								2
<b>MCD Inquiries</b>	4	3	0	0	0	1	0								1
	<b>162</b>	<b>177</b>	<b>19</b>	<b>14</b>	<b>13</b>	<b>7</b>	<b>10</b>	<b>0</b>	<b>SUB: 63</b>						
<b>Opened During FY Year   Month</b>	<b>313</b>	<b>368</b>	<b>44</b>	<b>29</b>	<b>23</b>	<b>17</b>	<b>19</b>	<b>0</b>	<b>132</b>						

#### # of Cases Closed

Case Disposition	FY2014	FY2015	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	16-Jul	16-Aug	FYTD
Surrendered	4	5	0	0	4	0	0								4
Agreed Final Order / Final Order	44	43	0	0	20	0	1								21
Other Disciplinary Action	3	2	0	0	0	0	0								0
Insufficient Evidence	0	2	0	0	0	0	0								0
Dismissed	110	125	12	10	12	9	6								49
No Jurisdiction	0	7	1	3	2	0	0								6
	<b>161</b>	<b>184</b>	<b>13</b>	<b>13</b>	<b>38</b>	<b>9</b>	<b>7</b>								<b>SUB: 80</b>
<b>Experience Audits</b>	131	186	7	12	10	17	12								58
<b>RFAs</b>	14	10	0	0	0	1	0								1
<b>MCD Inquiries</b>	3	0	0	0	0	0	0								0
	<b>148</b>	<b>196</b>	<b>7</b>	<b>12</b>	<b>10</b>	<b>18</b>	<b>12</b>	<b>0</b>	<b>SUB: 59</b>						
<b>Closed During FY Year   Month</b>	<b>309</b>	<b>380</b>	<b>20</b>	<b>25</b>	<b>48</b>	<b>27</b>	<b>19</b>	<b>0</b>	<b>139</b>						

Total Cases Open as of 1/26/16:

194

## TALCB Standards & Enforcement Services

### AMC CASE STATUS REPORT FY 2016 as of JANUARY 26, 2015

#### # of Cases Received

Case Classification	FY2014	FY2015	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	16-Jul	16-Aug	FYTD
<b>Complaint Category:</b>															
AMC Compliance	0	0	0	0	0	0	0								0
Dodd Frank	0	0	0	0	0	0	0								0
Ethics	1	0	0	0	0	0	0								0
USPAP	9	7	0	0	0	0	2								2
Other	1	0	0	0	0	0	0								0
No Jurisdiction	0	1	0	1	0	0	0								1
	<b>11</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>SUB: 3</b>						
<b>RFAs &amp; Covert Complaints</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Opened During FY Year   Month</b>	<b>11</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>3</b>						

#### # of Cases Closed

Case Disposition	FY2014	FY2015	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	16-Jul	16-Aug	FYTD
Surrendered	0	0	0	0	0	0	0								0
Agreed Final Order	0	0	0	0	0	0	0								0
Other Disciplinary Action	2	0	0	0	0	0	0								0
Insufficient Evidence	0	0	0	0	0	0	0								0
Dismissed	7	8	0	1	1	0	1								3
No Jurisdiction	0	1	0	1	0	0	0								1
	<b>9</b>	<b>9</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>SUB: 4</b>						
<b>RFAs &amp; Covert Complaints</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Closed During FY Year   Month</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>						

**Total Cases Open as of 1/26/16: 3**

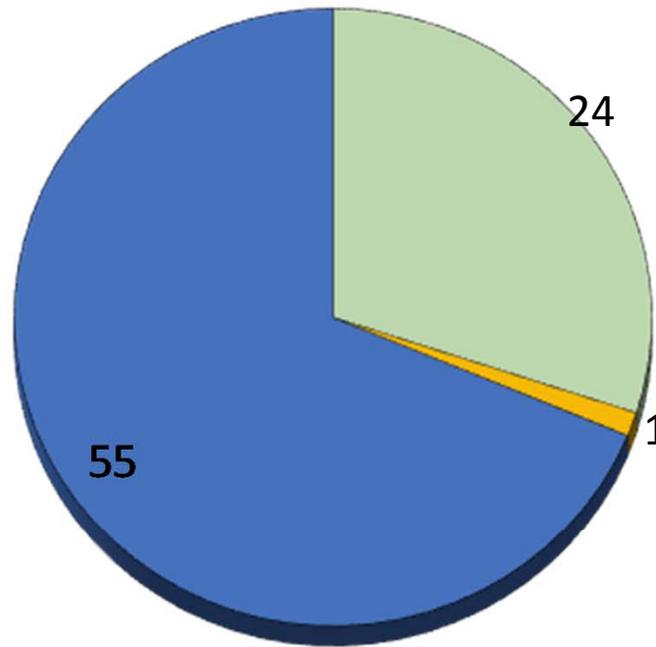
# TOTAL OPEN COMPLAINTS

<b>Fiscal Year</b>	<b>No. Pending (as of 10/30/2015)</b>	<b>No. Pending (as of 01/26/2016)</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>	0	0	—	—	—	—	—	—
<b>2013</b>	3	1	—	—	—	1	—	(66.67%)
<b>2014</b>	10	2	—	—	—	—	2	(80%)
<b>2015</b>	130	85	47 (2 @ PIC)	4	2	22	10	(34.62%)
<b>2016</b>	34	65	62	—	—	1	2	91.18%
<b>Total</b>	<b>178</b>	<b>154</b>	<b>109</b>	<b>4</b>	<b>2</b>	<b>24</b>	<b>15</b>	<b>(13.48%)</b>
<b>Total 1 YR OLD</b>	<b>12</b>	<b>7</b>	—	—	—	3	4	(41.67%)

# CASE RESOLUTIONS - FY 2016

SEPTEMBER 1, 2015 – JANUARY 26, 2016

## 80 Total Complaints Resolved



- 24 (30%) Agreed Final Orders & Voluntary Surrenders
- 0 (0%) Litigated
- 1 (1.25%) NOAV / Default Final Order
- 55 (68.75%) Dismissals
  - 16 (29.09%) Dismissals
  - 18 (32.73%) Dismissals with Warning Letter
  - 15 (27.27%) Contingent Dismissals
  - 6 (10.91%) Non-Jurisdictional Dismissals

### % of License Holders w/Disciplinary Actions

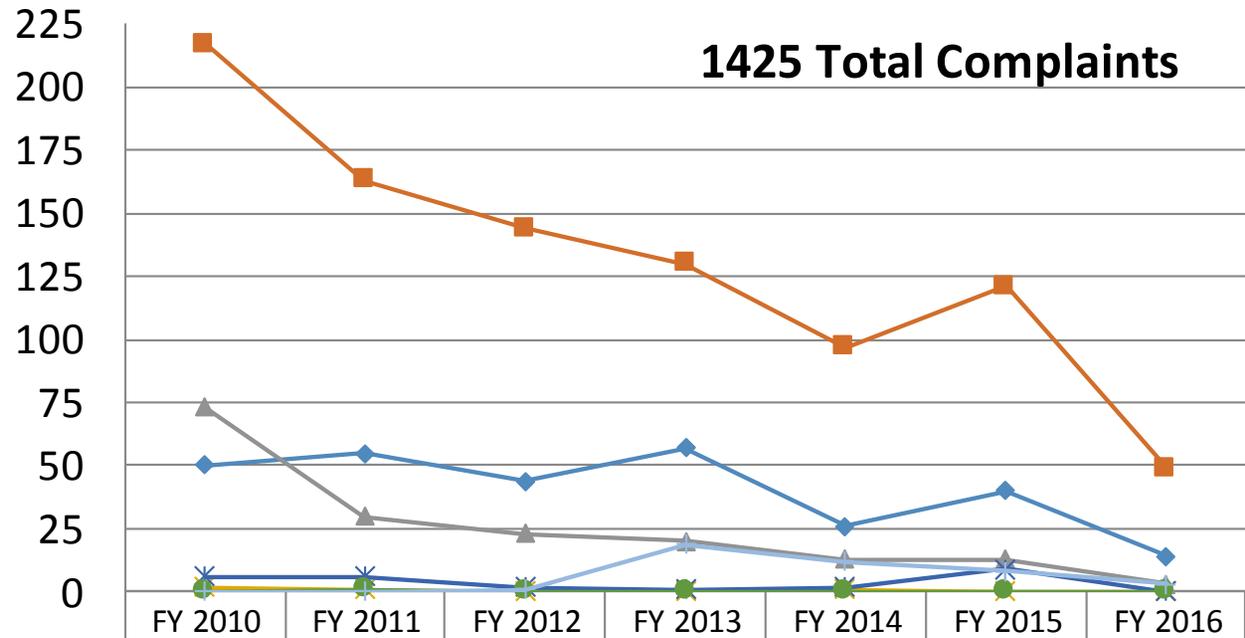
FY 2013	FY 2014	FY 2015	FY 2016
.8%	.6%	.7%	.2%

Total Number of Licensees (as of December 31, 2015):  
**7,252**

**FY 2016 Recidivism Rate:**

**24%**

# TOTAL # OF COMPLAINTS RECEIVED (PER LICENSE TYPE)

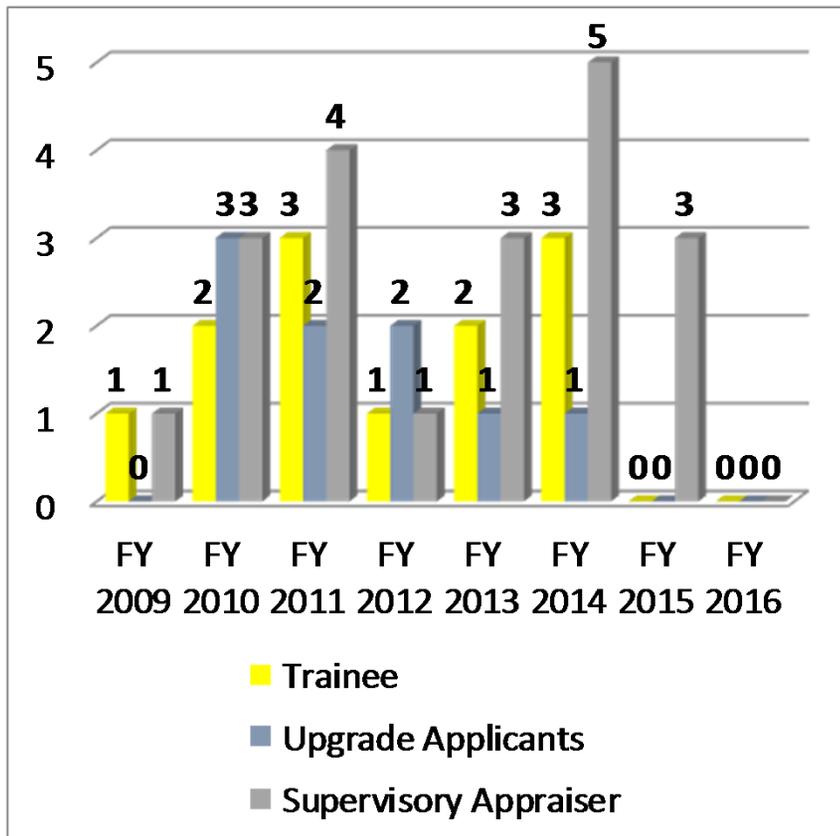


	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
◆ Certified General	50	55	44	57	26	40	14
■ Certified Residential	217	163	144	130	97	121	49
▲ State Licensed	73	30	23	20	13	13	3
✕ Provisional Licensed	2	1	0	0	1	0	0
* Appraiser Trainee	6	6	2	1	2	9	0
● Out-of-State Temporary Registrations	0	1	0	0	0	0	0
+ AMCs	0	0	1	19	12	8	3

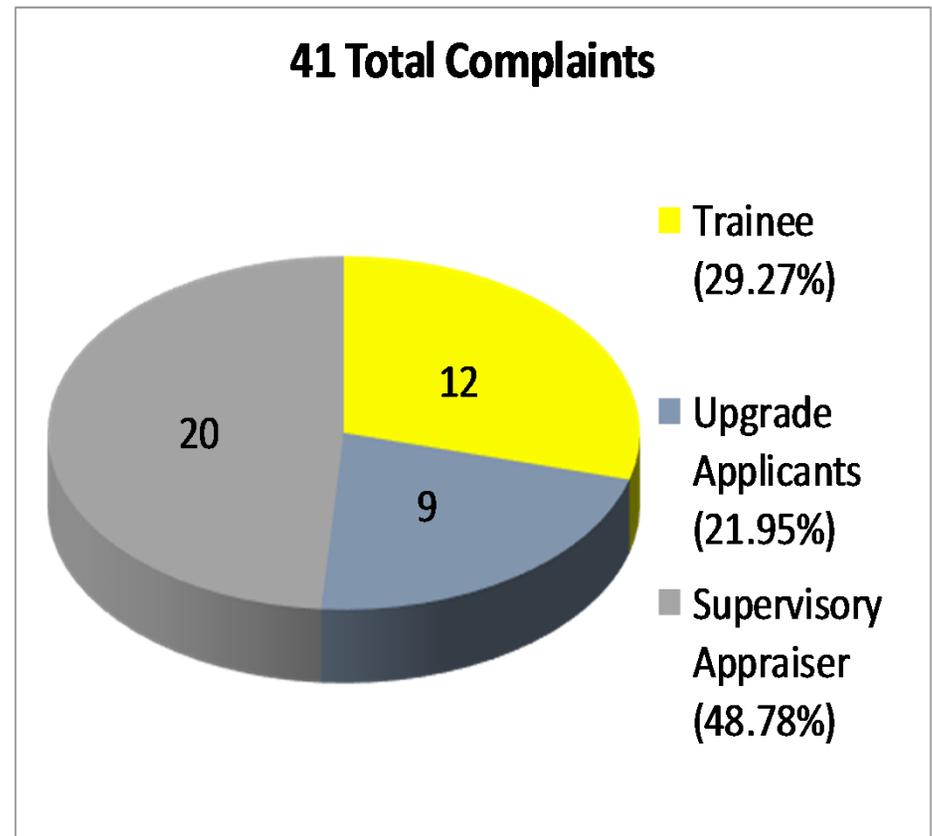
(as of 01/26/16)

# STAFF-INITIATED COMPLAINTS BASED ON EXPERIENCE AUDITS

# of Staff-Initiated Complaints from Audits per Fiscal Year



% of Staff-Initiated Complaints from Audits per Respondent Type



(as of 01/26/16)



**AGENDA ITEM 12(a)**

Discussion and possible action to adopt amendments to 22 TAC §153.18, Appraiser Continuing Education (ACE).

**SUMMARY**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.18, Appraiser Continuing Education (ACE), as published in the December 11, 2015 issue of the *Texas Register* (40 TexReg 8863). The amendments add additional opportunities for appraiser license holders to obtain continuing education credits consistent with criteria established by the Appraiser Qualifications Board and statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84<sup>th</sup> Legislature.

**COMMENTS**

No comments were received on the amendments as proposed.

**STAFF RECOMMENDATION**

Adopt the rule as published.

**RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.18, Appraiser Continuing Education (ACE), 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  
FEBRUARY 19, 2016 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 §153.18. Appraiser Continuing Education (ACE)**

**§153.18. Appraiser Continuing Education (ACE).**

(a) The purpose of ACE is to ensure that license holders participate in programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(b) To renew a license, a license holder must successfully complete the equivalent of at least 28 classroom hours of ACE courses approved by the Board, including the 7-hour National USPAP Update course during the two-year period before a license expires. The courses must comply with the requirements set out in subsection (d) of this section.

(c) The Board will base its review and approval of ACE courses upon the appraiser qualifications criteria of the AQB.

(d) The following types of courses may be accepted for ACE:

(1) A course that meets the requirements for licensing also may be accepted for ACE if:

(A) The course is devoted to one or more of the appraisal related topics of the appraiser qualifications criteria of the AQB for continuing education;

(B) the course was not repeated within a three year period; and

(C) the course is at least two hours in length.

(2) The Board will accept as ACE any continuing education course that has been approved by the AQB course approval process or by another state appraiser licensing and certification board.

(A) Course providers may obtain prior approval of ACE courses by filing forms approved by the Board and submitting a letter indicating that the course has been approved by the AQB under its course

approval process or by another state appraiser licensing and certification board.

(B) Approval of a course based on AQB approval expires on the date the AQB approval expires and is automatically revoked upon revocation of the AQB approval.

(C) Approval of a course based on another state licensing and certification board shall expire on the earlier of the expiration date in the other state, if applicable, or two years from Board approval and is automatically revoked upon revocation of the other state board's approval.

(3) Distance education courses may be accepted as ACE if:

(A) The course is:

(i) Approved by the Board;

(ii) Presented by an accredited college or university that offers distance education programs in other disciplines; or

(iii) Approved by the AQB under its course approval process; and

(B) The student successfully completes a written examination proctored by an official approved by the presenting college, university, or sponsoring organization consistent with the requirements of the course accreditation; and

(C) A minimum number of hours equal to the hours of course credit have elapsed between the time of course enrollment and completion.

(e) To satisfy the USPAP ACE requirement, a course must:

(1) be the 7-hour National USPAP Update Course or its equivalent, as determined by the AQB;

(2) use the current edition of the USPAP;

**TITLE 22. Examining Boards**

**Part VIII. Texas Appraiser Licensing and Certification Board**

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

(3) provide each student with his or her own permanent copy of the current USPAP; and

(4) be taught by at least one instructor who is an AQB-certified USPAP instructor and also licensed as a certified general or certified residential appraiser.

(f) Providers of USPAP ACE courses may include up to one additional hour of supplemental Texas specific information. This may include topics such as the Act, Board Rules, processes and procedures, enforcement issues, or other topics deemed appropriate by the Board.

(g) Up to one half of a license holder's ACE requirements may be satisfied through participation other than as a student, in real estate appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching an ACE course, educational program development, authorship of real estate appraisal textbooks, or similar activities that are determined by the Board to be equivalent to obtaining ACE.

(h) The following types of courses or activities may not be counted toward ACE requirements:

(1) Teaching the same ACE course more than once per license renewal cycle;

(2) "In house" education or training; or

(3) Appraisal experience.

(i) ACE credit for attending a Board meeting.

(1) The Board may award a minimum of two hours and up to a maximum of 4 hours of ACE credit to a current license holder for attending the Board meeting held in February of an even numbered year.

(2) The hours of ACE credit to be awarded will depend on the actual length of the Board meeting.

(3) ACE credit will only be awarded in whole hour increments. For example, if the Board meeting is 2 and one half hours long, only 2 hours of ACE credit will be awarded.

(4) To be eligible for ACE credit for attending a Board meeting, a license holder must:

(A) Attend the meeting in person;

(B) Attend the entire meeting, excluding breaks;

(C) Provide photo identification; and

(D) Sign in and out on the class attendance roster for the meeting.

(5) No ACE credit will be awarded to a license holder for partial attendance.

(j)[(†)] ACE credit for attending presentations by current Board members or staff. As [~~Unless~~] authorized by law, [~~neither~~] current members of the Board and [~~nor those~~] Board staff may [~~engaged in the approval of courses or educational qualifications of applicants, certificate holders or licensees will be eligible to~~] teach or guest lecture as part of an approved ACE course. To obtain ACE credit for attending a presentation by a current Board member or Board staff, the course provider must submit the applicable form and satisfy the requirements for ACE course approval in this section.

(k)[(†)] If the Board determines that an ACE course no longer complies with the requirements for approval, it may suspend or revoke the approval. Proceedings to suspend or revoke approval of a course shall be conducted in accordance with the Board's disciplinary provisions for licenses.



## AGENDA ITEM 12(b)

Discussion and possible action to adopt a new rule 22 TAC §153.22, Voluntary Appraiser Trainee Experience Reviews.

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts a new rule 22 TAC §153.22, Voluntary Appraiser Trainee Experience Reviews, as published in the December 11, 2015 issue of the *Texas Register* (40 TexReg 8864). The new rule establishes a voluntary program through which an appraiser trainee may receive feedback about their appraisal work product from the Board before submitting an application for licensure.

### COMMENTS

No comments were received on the new rule as proposed.

### STAFF RECOMMENDATION

Adopt the rule as published.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption a new rule 22 TAC §153.22, Voluntary Appraiser Trainee Experience Reviews, 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  
FEBRUARY 19, 2016 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 §153.22. Voluntary Appraiser Trainee Experience Reviews**

**§153.22. *Voluntary Appraiser Trainee Experience Reviews.***

(a) Before applying for a license, an appraiser trainee may request the Board to review the appraiser trainee's work product.

(b) An appraiser trainee may submit an application to the Board for review of the appraiser trainee's work product after:

(1) accumulating 500 hours of appraisal experience;

(2) accumulating 1,000 hours of appraisal experience; or

(3) both.

(c) Work product submitted for review must fall within one of the approved categories of experience credit described in §153.15(e) and meet the definition of real estate appraisal experience in §153.1.

(d) To begin the review process, an appraiser trainee must submit:

(1) a completed, Board-approved application requesting the Board to review the appraiser trainee's work product;

(2) payment of the \$75 fee; and

(3) a completed appraisal report and corresponding work file from a time period during which the appraiser trainee had legal authority to perform the work.

(e) The application for review of an appraiser trainee's work product is not complete until the appraiser trainee submits all required documentation and pays the applicable fee.

(f) If an appraiser trainee provides inadequate documentation, the Board will contact the appraiser trainee in writing, identify any deficiencies and

provide the appraiser trainee twenty days to cure the noted deficiencies. If the appraiser trainee fails to cure the deficiencies timely, the Board will terminate the appraiser trainee's application for work product review.

(g) The Board will provide the appraiser trainee with a written report identifying deficiencies in the appraiser trainee's work product after the application for review is complete.

(h) A review conducted under this provision:

(1) is for educational purposes only;

(2) does not constitute Board approval of the appraiser trainee's experience;

(3) does not preclude the Board from denying a license application submitted by the appraiser trainee in the future; and

(4) will not result in a complaint against the appraiser trainee unless review of the appraiser trainee's work product reveals:

(A) knowing or intentional misrepresentation, fraud or criminal conduct; or

(B) serious deficiencies that constitute grossly negligent acts or omissions.





### **AGENDA ITEM 12(c)**

Discussion and possible action to adopt amendments to 22 TAC §153.27, License by Reciprocity.

#### **SUMMARY**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.27, License by Reciprocity, as published in the December 11, 2015 issue of the *Texas Register* (40 TexReg 8865). The amendments streamline the Board's process for verifying an applicant's licensure in another state and will lower the cost and simplify the application process for applicants who apply for a license under this section.

#### **COMMENTS**

No comments were received on the amendments as proposed.

#### **STAFF RECOMMENDATION**

Adopt the rule as published.

#### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.27, License by Reciprocity, 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  
FEBRUARY 19, 2016 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 §153.27. License by Reciprocity**

***§153.27. License by Reciprocity.***

- (a) A person who is licensed as an appraiser under the laws of a state whose appraiser program has not been disapproved by the ASC may apply for a Texas license at that same level by completing and submitting to the Board the application for or license by reciprocity and paying the appropriate fee to the Board.
- (b) The Board shall verify [~~seek verification from an applicant's state of current licensure~~] that the applicant's license is valid and in good standing by checking the National Appraiser Registry. A reciprocal license may not be issued without the verification required by this subsection.
- (c) Renewal of a license granted through reciprocity shall be in the same manner, and with the same requirements, term, and fees, as for the same classification of license as provided in §153.17 of this title (relating to Renewal or Extension of License).





TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

### AGENDA ITEM 13

Discussion and possible action regarding approval of Investment Policy.



TEXAS APPRAISER LICENSING & CERTIFICATION BOARD  
RESERVE FUNDS INVESTMENT POLICY

OBJECTIVE

The investment objective of the TALCB Reserve Funds is to invest available cash in securities, which provide both safety and liquidity to meet the ongoing needs of the fund and to demonstrate compliance with appropriate governing laws.

INVESTMENT STRATEGIES

The investment strategy for the Reserve Funds is to maintain a 'laddered' approach to portfolio management. Having a relatively even distribution of securities maturing each year helps to eliminate extreme interest rate exposure. The maximum allowable stated maturity of investments is ten years.

Cash is held in the Texas Treasury Safekeeping Trust Company (Trust Company). It is fully invested at all times and reinvested by the Trust in authorized investments for state funds. Interest is compounded daily with earnings being credited daily.

PERMISSIBLE INVESTMENTS

Permissible investments include primarily, but are not limited to, Direct Obligations of the United States Treasury (i.e., Treasury Bills, Notes, and bonds). From time to time, Indirect Obligations of the Treasury or Agency Securities may be considered as an appropriate investment (for example, Federal National Mortgage Association - FNMA). This will be considered on a case by case basis.

All investment transactions must be settled on a delivery versus payment basis. The securities are held by the Texas Treasury Safekeeping Trust Company as trustee. The Trust Company monitors the market price of investments and updates them daily. The Trust Company invests cash as described in Texas Govt. Code, Sections 404.024 and 404.106 using prudent investment standards.

REPORTING AND ANNUAL REVIEW

The TALCB will receive quarterly investment reports and will annually review the investment policy making any changes necessary by adoption. The TALCB's Budget & Finance Committee will make periodic recommendations for specific Reserve Fund target balances and potential uses for funds in excess of such balances (for example – use for specific fee reductions).

(Approved February 15, 2013; Reapproved February 21, 2014; Reapproved February 20, 2015)





**AGENDA ITEM 14**

Report of the Appraisal Subcommittee.

**AGENDA ITEM 15**

Request for potential future meeting agenda items.

**AGENDA ITEM 16**

Discussion and possible action to schedule future meeting dates.

**AGENDA ITEM 17**

Adjourn.



# Texas Appraiser Licensing and Certification Board

## February 19, 2016

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					

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		

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				

**February**

15 Presidents' Day  
19 TALCB Meeting

**March**

25 Good Friday  
27 Easter

**April**

**May**

8 Mothers' Day  
13 TALCB Meeting  
20/21 UT Graduation  
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		

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						

August 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			

September 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	

**June**

19 Fathers' Day

**July**

4 Independence Day

**August**

**September**

5 Labor Day

October 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					

November 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			

December 2016						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**October**

10 Columbus Day

**November**

8 Election Day  
11 Veteran's Day  
24 Thanksgiving

**December**

25 Christmas Holiday  
31 New Year's Eve

**January**

1 New Year's Day  
16 MLK Day