

# TEXAS APPRAISER LICENSING & CERTIFICATION BOARD



## BOARD MEETING

FEBRUARY 21, 2014



*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 21, 2014, 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 absences, if any

### **ELECTIONS AND APPOINTMENTS**

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

### **PUBLIC COMMENTS**

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

### **EXECUTIVE SESSION**

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

### **CONSENT AGENDA**

8. Ratification of the official record of the November 21, 2013 and November 22, 2013 Board meetings as approved for posting on the website by the Secretary of the Board
9. Approval of agreed final orders and surrenders in the matter of:
  - a. Complaint# 13-196 (Ronald Owlen Davis, TX-1322256-R)
  - b. Complaint# 13-099 (Abbie Gail Hawkins, TX-1338340-R)



- c. Complaint# 14-037 (Christos Catechis, TX-1320570-R)
- d. Complaint# 13-197 & 13-277 (Robert Wyman Hawkins, Jr., TX-1335830-R)
- e. Complaint# 13-314 (Michael Lidney Molnari, TX-1336760-R)
- f. Complaint# 13-305 (Lateef A. Akanji, TX-1335567-R)
- g. Complaint# 13-200 (Lee Ragland, TX-1331036-R)
- h. Complaint# 11-015 (William Eugene Smith, TX-1320169-R)
- i. Complaint# 13-269 (George William Cornelius, TX-1323630-G)
- j. Complaint# 13-244 (Susie Jordan, TX-1329421-G)
- k. Complaint# 13-215 & 13-236 (Elbert Eugene Dagley, TX-1328317-R)
- l. Complaint# 13-124 & 14-052 (Israel R. Galindo, TX-1337554-R)
- m. Complaint# 13-240 (Burton Craig Clemmer, TX-1320486-G)

### **COMMITTEE REPORTS**

- 10. Report by AMC Advisory Committee
- 11. Report by Enforcement Committee
- 12. Report by Executive Committee

### **STAFF REPORTS**

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

### **RULES FOR POSSIBLE ADOPTION**

- 14. Discussion and possible action to adopt amendments to 22 TAC §153.11. Examinations
- 15. Discussion and possible action to adopt amendments to 22 TAC §153.20. Guidelines for Revocation, Suspension, Denial of Licensure; Probation License
- 16. Discussion and possible action to adopt amendments to 22 TAC §153.21. Appraiser Trainees and Sponsors

**RULES FOR POSSIBLE PROPOSAL**

17. Discussion and possible action to propose amendments to 22 TAC Chapter 153:
  - a. 22 TAC §153.1. Definitions
  - b. 22 TAC §153.9. Applications
  
18. Discussion and possible action to propose amendments to 22 TAC Chapter 157:
  - a. 22 TAC §157.3. Scope of Rules
  - b. 22 TAC §157.4. Computation of Time
  - c. 22 TAC §157.5. Conduct and Decorum
  - d. 22 TAC §157.6. Request for Advisory Opinions
  - e. 22 TAC §157.7. Denial of a License
  - f. 22 TAC §157.8. Adverse Action Against a Licensee or Registrant
  - g. 22 TAC §157.9. Notice of Hearing
  - h. 22 TAC §157.11. Contested Cases; Entry of Appearance; Continuance
  - i. 22 TAC §157.12. Failure to Attend Hearing; Default Judgment
  - j. 22 TAC §157.13. Ex Parte Consultations
  - k. 22 TAC §157.14. Informal Disposition
  - l. 22 TAC §157.15. Decision
  - m. 22 TAC §157.17. Final Decisions and Orders
  - n. 22 TAC §157.18. Motions for Rehearing; Finality of Decisions
  - o. 22 TAC §157.20. Judicial Review
  - p. 22 TAC §157.25. Temporary Suspension
  
19. Discussion and possible action to propose review of 22 TAC Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act

**PENDING BUSINESS**

20. Discussion and possible action on recommendations from the Executive Committee regarding
  - a. framework for orientation and mentorship of new Board members and annual Board workshop
  - b. framework for leadership transition
  - c. clarification of statutory per diem provision
  
21. Discussion and possible action regarding approaches to enable appraisers to earn ACE credit when Board staff makes presentations

**NEW BUSINESS**

22. Discussion and possible action to approve agency Investment Policies



23. Discussion of ASB program for a current version of USPAP to be drop-shipped to all appraisers in Texas
24. Discussion and possible action on current and 2015 AQB education criteria
25. Discussion and possible action regarding a timeline and process for review of existing Board policies
26. Discussion of Commissioner's directions to staff on responses to requests from Board members
27. Discussion and possible action to approve changes to TALCB forms
  - a. Appraisal Management Company (AMC) Request for Active Status
  - b. Appraisal Management Company (AMC) Change of AMC Place of Business
  - c. Appraisal Management Company (AMC) Change of Designated In-State Agent Information
  - d. Appraisal Management Company (AMC) Change of Appraiser Information
  - e. Notice of DBA for an AMC
  - f. Change of Name for License Holder
28. Report of the Appraisal Subcommittee

#### **OTHER BUSINESS**

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

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



**AGENDA ITEM 1**

Call to order and pledges of allegiance.

Texas Pledge

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

**AGENDA ITEM 2**

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

**RECOMMENDED MOTION**

MOVED, that the absence(s) of \_\_\_\_\_ for the February 21, 2014, Board meeting is/are hereby excused.

**AGENDA ITEM 3**

Election of Officers.





**TALCB Board Members**

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton P. Black

Patrick M. Carlson

Luis F. De La Garza, Jr.

Keith W. Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**EXECUTIVE COMMITTEE**

**OFFICER RECOMMENDATION**

**FEBRUARY 21, 2014**

The Executive Committee recommends the following slate of officers be elected for 2014:

- Chair – Jamie Wickliffe
- Vice Chair – Laurie Fontana
- Secretary – Mark McAnally





**AGENDA ITEM 4**

Committee appointments.

**AGENDA ITEM 5**

Discussion and possible action regarding appointments to Peer Investigative Committees.

<b>Peer Review Applications 2014</b>
Glenn Garoon
Robert F. Hetrick
Mark A. Lewis
Peter Mark Loftus
Deloris L. Kraft-Longoria
Jim D. Pearson
Dane Sever

**SUMMARY**

This agenda item allows for the presiding officer of the Board, with the advice and consent of the Board’s executive committee, to make appointments to peer investigative committees. Staff is requesting that appointments be made for two years instead of one year.

**STAFF RECOMMENDATION**

To be presented.

**RECOMMENDED MOTION**

MOVED, that the Board Chair, with the consent of the executive committee, appoints [insert names of those selected] to peer investigative committees for a period of two years.



## PIC Summary Report of Completed Assignments

	2010	2011	2012	2013	TOTAL BY MEMBER
Glenn Garoon	1	0	0	1	2
Jim Jacobs	0	0			0
Mark Lewis	0	0	1		1
Jim Pearson	1	1	1	1	4
Gregory Stephens	1	0	1	1	3
Larry Cole	1	1			2
Bobby Crisp	1	2	4	2	9
Paul Hornsby	1	0			1
Lewis Merrill	1	2			3
Joe Portera	4	0			4
Jasmine Quinerly	1	0			1
Dane Sever	1	2	3	1	7
Gerald Teel	0	2	2		4
Deloris Kraft-Longoria		0	0	0	0
Robert Lawson Moorman		0			0
James Vine		0	0	0	0
Robinson Wilson		0			0
Robert Hetrick			9	2	11
GT Patrick Murfee			1	0	1
Gregory Renynolds				1	1
Mark Loftus				1	1
James Synatzske				0	0
<b>TOTAL BY YEAR</b>	<b>13</b>	<b>10</b>	<b>22</b>	<b>10</b>	<b>55</b>

*\* With the exception of 2013, all data is based on payment records for compensated assignments  
Completed assignments for which compensation was not requested are not reflected.*





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

**Applicants must meet the following minimum requirements:**

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

1. Personal Information and Certification #:

Glenn Garoon

TX1320376-G

Name	Texas Appraiser Certification #	
3303 Hulen Street	Texas	76107
Street address or P.O. Box	City	State Zip Code
817-229-4224	Fort Worth	817-732-0300
Work Phone Number	Fax Number	Email
		ggaroon@sbcglobal.net

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

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

4. What market area(s) do you serve? Primarily north Texas (D/FW and surrounding area)

5. What property type(s) do you appraise? All but business interests

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

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

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

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

1/31/14  
Date Signed

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

This document is available on the TALCB website at [www.talcb.texas.gov](http://www.talcb.texas.gov)

**Agreement to Serve on a Peer Investigative Committee (“Service Agreement”)**

This Agreement for service on a Peer Investigative Committee (“PIC”) is between the Texas Appraiser Licensing and Certification Board (“Board”) and Glenn Garoon (“PIC Member”) for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice (“USPAP”) in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board’s purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

If these terms are acceptable, please sign and date below and return a signed copy to:

PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

For any questions, please contact Beverly Arnold, PIC Coordinator at (512) 936-3652, Sandy Jones, Purchaser at (512) 936-3589 or Mark Mrnak, TALCB SES Director at (512) 936-3624.

Thank you for volunteering to be of service in this important process.



Agreed: \_\_\_\_\_ Date: 1/31/2014  
[Glenn Garoon]  
[G. Garoon Real Estate]

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

Glenn Garoon  
Real Estate Appraiser and Consultant  
3303 Hulen Street  
Fort Worth, Texas 76107  
817-229-4224  
ggaroon@sbcglobal.net

January 31, 2014

Texas Appraiser Licensing and Certification Board  
P.O. Box 12188  
Austin, Texas 78711-2188

Re: PIC Application

Dear Board Members,

As requested on the attached "Application to Serve on TALCB Peer Investigative Committee", also attached is a copy of my Qualifications as a real property appraiser. Please note my qualification as a Certified Instructor of USPAP from The Appraisal Foundation.

You have also asked for my rationale for requesting appointment. As you are no doubt aware, I have served on the PIC since the inception of the program. This continues my interest in helping with fair peer review of Texas appraisers. As a regular attendee of the TALCB meetings and a Certified Instructor, I have continually made myself available for this work.

I am still willing to be of service to the Texas appraisal community and the Board to provide review and examination of appraisals that are part of the complaint process.

Sincerely,



Glenn Garoon, MAI, CCIM

GG/hs  
Attachments

## **QUALIFICATIONS**

**GLENN GAROON, MAI, CCIM, MBA**  
**3303 Hulen Street, Fort Worth, Texas 76107**  
817-229-4224/ggaroon@sbcglobal.net

### ***PROFESSIONAL EXPERIENCE:***

Glenn Garoon Real Estate – self-employed independent fee appraiser and market analyst performing appraisals, appraisal reviews, feasibility and market studies, and business problem solutions. Mr. Garoon has qualified as an expert witness in federal and district courts.

Western Rim Property Services – November 2006 to April 2008 – Vice President of Acquisitions responsible for researching and contracting for sites suitable for multi-family development and construction.

Tarrant Appraisal District – September 2003 to October 2006 – Senior Litigation Specialist designated as expert witness on multiple law suits against county appraisal district

Fort Worth National Bank/Texas American Bank (now part of JP Morgan Chase) – Assistant Vice President and Trust Officer – engaged in the management of a varied portfolio of real property assets; including urban real property, sales activities, cash flow analysis, financial analysis, and property acquisition, appraisal and inspection for employee benefit and personal trust accounts, etc.

J.R. Kimball, Inc. and Hagood & Associates – staff appraiser; various appraisal projects

### ***PROFESSIONAL AFFILIATIONS:***

The Appraisal Institute – Designated MAI (Admissions Committee Chair, Education Committee Chair, Secretary-Treasurer, Vice President, President (1991 and 2014), Regional Representative. National Government Relations Committee (2009-2014). Member and chair of several regional experience rating committees as well as a member of regional Ethics and Counseling Committee.)

The Appraisal Foundation – Board of Trustees – 2005-2007

Certified Commercial Investment Member of the CCIM Institute – recognizing achievement in the disciplines of commercial and investment real estate

State Certified General Real Estate Appraiser - Texas - Certificate Number TX-1320376-G

Property Tax Consultant – Registration Number 698; Texas Department of Licensing and Regulation

Licensed Real Estate Broker in the State of Texas – Texas Real Estate Commission

Realtor member of the Greater Fort Worth Association of REALTORS

Appraisal Review Board, Tarrant Appraisal District

Foundation Appraisers Coalition of Texas: Secretary, Vice President, President

Member of Peer Investigative Committee of Texas Appraiser Licensing and Certification Board (PIC)

***EDUCATION/TEACHING:***

Bachelor of Arts - History - University of Illinois, Chicago, Illinois

Master of Business Administration - University of Texas at Arlington, Arlington, Texas

Completed various courses and seminars presented by the Society of Real Estate Appraisers, the American Institute of Real Estate Appraisers, and the Appraisal Institute

Graduate of the Texas School of Trust Banking, Arlington, Texas

Graduate of the Southwestern Graduate School of Banking, Southern Methodist University, Dallas, Texas

Lecturer, University of Texas at Arlington, instructing real estate and finance courses – 12 years

Adjunct Professor, M.J. Neely School of Business, Texas Christian University – 5 years

Certified by the Appraisal Qualifications Board of The Appraisal Foundation as an instructor of the Uniform Standards of Professional Appraisal Practice

A partial list of clients Mr. Garoon has served as either appraiser or consultant include:

Bank of America	Provident Realty Advisors
Blackwell and Duncan PLLC	Realty Capital Corporation
Cain & Skarnulis	Ryan Law, LLP
Cantey Hanger L.L.P.	Shackelford Melton & McKinely
City of Fort Worth	Stewart Title Company
City of Richland Hills	Summit National Bank
Cullen/Frost Bankers, Inc.	Tarrant Appraisal District
Fee, Smith, Sharp & Vitullo	Tarrant County
Geary, Donovan, & Porter	Teague Nall and Perkins
Harris Methodist Health Services	Texas Bank
JP Morgan Chase Bank	Texas Department of Transportation
JPS Health Network	Theshold Development Company
Kelly Hart & Hallman, LLC	U.S. Postal Service
Legacy Bank	Van Kerrebrook & Associates P.C.
Moses, Palmer & Howell, L.L.P.	Wells Fargo Bank
Pennington & Associates	Winn-Dixie, Incorporated
Pennington Hill, L.L.P.	Youth Orchestra of Greater Fort Worth
Property Tax Advocates	



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

Applicants must meet the following minimum requirements:

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

1. Personal Information and Certification #:

Handwritten form fields for Name (ROBERT F. HETRICK), Texas Appraiser Certification # (TX-1324853-G), Street address (8546 BROADWAY #165), City (SAN ANTONIO), State (TX), Zip Code (78217), Work Phone Number (210-824-8822), Fax Number (210-804-0212), and Email (ROBERTHETRICK@SBCGLOBAL.NET).

- 2. Are you licensed/certified in any other state? If so, list: No
3. Are there any lawsuits, regulatory complaints, or criminal action pending against you in Texas or elsewhere? Yes [X] No [ ] (If yes, explain)

- 4. What market area(s) do you serve? SAN ANTONIO METRO
5. What property type(s) do you appraise? SFR, MULTIFAMILY, SMALL COMM & EMINENT DOMAIN
6. I wish to be appointed to [X] serve on the PIC [ ] act as a Mentor [ ] both

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

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

Signature of Applicant

Date Signed

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

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

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

If these terms are acceptable, please sign and date below and return a signed copy to:

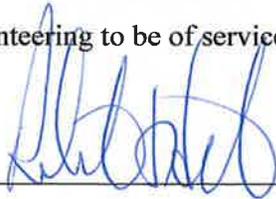
PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

Thank you for volunteering to be of service in this important process.

Agreed: \_\_\_\_\_  
PIC Member



Date: 2/3/14

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

**ROBERT F. HETRICK**  
REAL ESTATE APPRAISER

**RECEIVED**  
TEXAS REAL ESTATE COMMISSION

**FEB 05 2014**

**CASHIER'S SECTION**  
**OPERATOR 13**

February 3, 2014

Mr. Walker R. Beard, Chair  
Texas Appraiser Licensing & Certification Board  
P.O. Box 12188  
Austin, TX 78711-2188

Dear Mr. Beard:

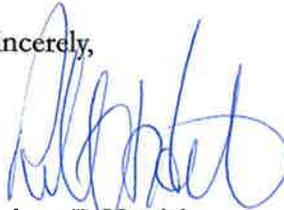
Thank you for this opportunity to apply to again serve the TALCB and our appraiser peers on the Peers Investigative Committees.

My qualifications and experience information is attached. Additionally, I have been an AQB Certified USPAP Instructor since February of 2003 and have taught more than 200 USPAP classes all over the USA. I have previously served as a PIC member with twelve complaints reviewed.

The rationale for my requesting reappointment to the PIC is that I have a desire to continue to have our Texas appraisers become more professional, ethical and competent in their work. Also, in reviewing the complaints, the mistakes made by the various appraisers gives me a better insight into what I need to communicate to my USPAP students to make them aware of the USPAP/TALCB issues they need to avoid in their daily work and to become more professional.

My application is also attached and I thank you for the opportunity to again serve as a PIC member.

Sincerely,



Robert F. Hetrick  
Certified General Real Estate Appraiser  
AQB Certified USPAP Instructor

## **QUALIFICATIONS OF ROBERT F. HETRICK**

STATE CERTIFIED GENERAL REAL ESTATE APPRAISER # TX-1324853-G.

Robert F. Hetrick is a real estate appraiser and a licensed real estate broker in the State of Texas. Prior to his becoming a real estate appraiser, Mr. Hetrick was a National Bank Examiner for the U.S. Treasury Department and a commercial bank officer. He is a 1964 graduate of Texas Tech University holding a BBA degree with concentration in real estate investment and finance. Mr. Hetrick has successfully completed numerous professional courses of the American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers, the International Right of Way Association, the Appraisal Institute, and the Texas Association of Assessing Officers including:

Introduction to Appraising Real Property, # 101, SREA  
Real Estate Appraisal Principles, # 1A-1, AIREA  
Basic Valuation Procedures, # 1A-2, AIREA  
Residential Valuation, # 8-2, AIREA  
Capitalization Theory & Technics, # 1B-A, AIREA  
Capitalization Theory & Technics, # 1B-B, AIREA  
Standards of Professional Practice, AIREA  
Appraisal of Partial Acquisitions, # 401, IR/WA  
Easement Valuation, # 403, IR/WA  
Skills of Expert Testimony, # 214, IR/WA  
Effective Written Communications, # 211, IR/WA  
Conference on Valuation of Assets in Bankruptcy, University of Texas School of Law  
Standards of Professional Practice, Part A, Appraisal Institute

Mr. Hetrick is a faculty member of the Columbia Institute, a non-profit educational foundation offering educational instruction for appraisers and real estate professionals throughout the nation. In February 2003, he was certified as an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of the Appraisal Foundation. In addition to his instructional duties, he has published the text and materials for a construction course, which he developed and teaches for the Institute. As an independent fee real estate appraiser he is also associated with the Columbia Group in San Antonio, Texas. Recent appraisal assignments have included eminent domain takings, residential properties, rural land appraisals, and small commercial buildings in the San Antonio area and surrounding counties. Prior to becoming associated with the Columbia Group, he was associated with The Maxwell Company, real estate appraisers, from December 1991 to July 1996. From November, 1990 to November, 1991 he was a review appraiser and environmental specialist for Travis Federal Savings and Loan Association joining the association after spending five years as an independent fee appraiser in San Antonio.

During the previous twenty years he has been active in the appraisal of real estate properties in south and central Texas including the San Antonio and Rio Grande Valley areas. His appraisal assignments have included single-family residences, multi-family residences, residential and commercial subdivisions, office buildings and a wide variety of commercial and industrial properties. The agricultural properties, which he has appraised, have included both irrigated and non-irrigated cropland, citrus orchards and ranches. Specialized appraisal assignments have included condemnation appraisals and ad valorem taxation valuation for political subdivisions and appraisal districts. He has been qualified as an expert witness in various Texas District Courts and was also registered as a Registered Texas Assessor by the Texas Board of Tax Assessor Examiners. Mr. Hetrick is a past president of South Texas Chapter #39, of the International Right of Way Association. In January, 1987 he was designated a Certified Real Estate Appraiser (#10806) by the National Association of Real Estate Appraisers. He is a STATE CERTIFIED GENERAL REAL ESTATE APPRAISER # TX-1324853-G.

## Representative Clients include:

Federal Deposit Insurance Corp.  
Resolution Trust Corp.  
Broadway National Bank, San Antonio  
Castroville State Bank  
Community National Bank, Hondo  
Frost National Bank, San Antonio  
International Bank of Commerce  
Jourdanton State Bank, San Antonio  
Medina Valley State Bank  
Schertz Bank & Trust, Schertz  
Security National Bank, San Antonio  
SouthTrust Bank, San Antonio  
Randolph/Brooks Federal Credit Union  
Firstmark Credit Union  
Bank of America  
Chase Manhattan Mortgage Corp.  
CUNA Mortgage Corporation  
Kaufman & Broad Mortgage Corp.  
Hansen Quality Loan Services  
Merced Housing of Texas  
Associates Relocation Co.  
PHH/Homeequity, Inc.  
Equitable Relocation Service  
Prudential Relocation Co.  
Relocation Realty Service

W.R. Grace and Company  
Central Power and Light Company  
Hunt-Wesson Foods, Inc.  
John Deere Company  
Southwestern Bell Telephone Co.  
Bexar County  
Comal County  
Frio County  
San Antonio Housing Authority  
San Antonio Development Agency  
San Antonio Water System  
San Antonio River Authority  
South Texas Independent School Dist.  
Texas Department of Transportation  
The City of San Antonio  
The City of Brownsville  
The City of Olmos Park  
The City of Port Isabel  
The City of Boerne  
Housing Authority of Harlingen  
Schertz, Cibolo, Universal City I.S.D.  
Travis Savings & Loan, San Antonio  
First Federal Savings Bank, San Antonio  
Numerous attorneys, firms and individuals



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

Applicants must meet the following minimum requirements:

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

1. Personal Information and Certification #:

MARK A. LEWIS, ARA TX-1321392-G
Name Texas Appraiser Certification #
308 E. LUFKIN AVE Lufkin TX 75901
Street address or P.O. Box City State Zip Code
936-632-4230 936-637-3964 MARK@LEWISSEELY.COM
Work Phone Number Fax Number Email

- 2. Are you licensed/certified in any other state? If so, list: LOUISIANA, MISSISSIPPI
3. Are there any lawsuits, regulatory complaints, or criminal action pending against you in Texas or elsewhere?
Yes [ ] No [x] (If yes, explain)

4. What market area(s) do you serve? EAST TEXAS

5. What property type(s) do you appraise? AGRICULTURAL, COMMERCIAL

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

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

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

Signature of Applicant Date Signed

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

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

**Agreement to Serve on a Peer Investigative Committee ("Service Agreement")**

This Agreement for service on a Peer Investigative Committee ("PIC") is between the Texas Appraiser Licensing and Certification Board ("Board") and MARK A. LEWIS ("PIC Member") for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP") in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board's purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

If these terms are acceptable, please sign and date below and return a signed copy to:

PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

Thank you for volunteering to be of service in this important process.

Agreed:  Date: 1/30/14  
PIC Member

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

# Lewis & Seely

Appraisals, Inc.

Charles S. Seely, MAI, ARA  
President

Mark A. Lewis, ARA  
Vice President

January 30, 2014

Walker R. Beard, Chairman  
Texas Appraiser Licensing and Certification Board  
P. O. Box 12188  
Austin, Texas 7871-2188

RE: Peer Investigative Committee

Dear Mr. Beard:

I am making myself available to serve the TALCB as a Peer Reviewer and Mentor. The following is a brief summary of my qualifications to serve.

- Certified USPAP instructor
- State certified general appraiser
- Previous experience as a peer reviewer for TALCB
- Contract reviewer for Texas Farm Credit Services, Heritage Land Bank, Louisiana Land Bank, and Huntington State Bank
- Past chair of Appraisal Education Committee for ASFMRA
- Appraisal course author/developer - both QE and CE
- AQB subject matter expert for the Certified General Exam from 2006-2013.
- Member of The Appraisal Foundation Appraiser Qualification Board
- 29 years appraisal experience in a wide variety of property types

Attached, please find the Application to Serve as well as a more formal statement of my qualifications.

Respectfully,



Mark A. Lewis, ARA

## **QUALIFICATIONS OF APPRAISER MARK A. LEWIS, ARA**

### **EDUCATION:**

Graduated 1983, Lufkin High School, Lufkin, Texas

Attended Angelina Junior College and Stephen F. Austin State University, Nacogdoches, Texas  
Major: Finance

### **APPRAISAL EDUCATION:**

#### **Basic Real Estate Courses**

- Principles of Real Estate, Stephen F. Austin State University
- Real Estate Finance, Angelina College
- Real Estate Appraisal I, Residential Property Valuation, Angelina College
- Real Estate Appraisal II, Income Property Valuation, Angelina College
- Real Estate Law, Angelina College
- Real Estate Brokerage, Angelina College

#### **Specialized Education**

##### **American Society of Farm Managers and Rural Appraisers**

- Course A-12 Part I "ASFMRA Code of Ethics"
- Course A-30 "Advanced Rural Appraisal"
- Course A-15 "Report Writing"
- Course A-25 "Eminent Domain"
- Course A-20 "Principles of Rural Appraisal", Credit by Examination Only
- Course A-29 "Highest and Best Use"
- Course A-360 "Introduction to Appraisal Review", Credit by Examination Only
- Course A-370 "Appraisal Review Under USPAP", Credit by Examination Only

##### **Appraisal Institute**

- Course 1A-1 "Real Estate Principles,"
- Course 1A-2 "Basic Valuation Procedures,"
- Course SPP-A "Standards of Professional Practice - Part A,"
- Course SPP-B "Standards of Professional Practice - Part B,"
- Course 310 "Basic Income Capitalization"
- Course 510 "Advanced Income Capitalization", credit by challenge exam
- Course 530 "Advanced Sales Comparison & Cost Approaches", credit by challenge exam

#### **Continuing Education**

- "Valuation of Conservation Easements Certificate Program", Appraisal Institute, American Society of Farm Managers and Rural Appraisers, American Society of Appraisers, and Land Trust Alliance, October 1-5, 2007, Denver, Colorado
- "Requirements of UASFLA - The 'Yellow Book'", American Society of Farm Managers and Rural Appraisers, September 23-25, 2009, Austin, Texas

- Various other seminars offered by the Appraisal Institute and the American Society of Farm Managers and Rural Appraisers. A complete list of seminars and courses attended is available upon request.

## **TEACHING OR INSTRUCTING**

Instructor for the following courses and seminars offered by the American Society of Farm Managers and Rural Appraisers:

- Cost Approach for General Appraisers (A301)
- Sales Comparison Approach for General Appraisers (A302)
- Income Approach for General Appraisers, Part 1 (A303)
- National USPAP Course
- Requirements of the UASFLA - The 'Yellow Book'
- Undivided Partial Interest Seminar - Seminar author and coordinator
- Appraising Rural Residential Property
- Appraising Broiler Farms Seminar - Seminar author and coordinator
- Income Applications Seminar - Seminar author and coordinator
- Timber Valuation Seminar - Instructor

## **DESIGNATIONS AND AFFILIATIONS:**

- Accredited Rural Appraiser (ARA), American Society of Farm Managers and Rural Appraisers
- Texas Certified General Real Estate Appraiser, Certificate No. TX-1321392-G
- Mississippi Certified General Real Estate Appraiser, Certificate No. GA-868
- Louisiana Certified General Real Estate Appraiser, Certificate No. G2634
- Arkansas Certified General Real Estate Appraiser, Certificate No. CG0524N
- AQB Certified USPAP Instructor No. 10210, Appraiser Qualifications Board of The Appraisal Foundation
- general Associate Member of the Appraisal Institute
- Licensed Texas Real Estate Broker No. 352690
- Member - Lufkin Association of Realtors and Lufkin Multiple Listing Service
- Member - National Association of Realtors
- Member - Texas Association of Realtors

## **COMMITTEES AND POSITIONS SERVED**

- Member Appraiser Qualifications Board (AQB), The Appraisal Foundation, 2014-current
- President, American Society of Farm Managers and Rural Appraisers, Texas Chapter, 2005-2006
- District V Experience Review Chairman, American Society of Farm Managers and Rural Appraisers, 2004-2008
- Chair of Appraisal Education Committee, American Society of Farm Managers and Rural Appraisers, 2005-2008
- Vice Chair of Appraisal Education/Accreditation Committee, American Society of Farm Managers and Rural Appraisers, 2009-2010
- Approved Instructor, American Society of Farm Managers and Rural Appraisers

- President, Lufkin Multiple Listing Service - 2005
- H. E. "Bulk" Stalcup Excellence in Education Award, 2007, American Society of Farm Managers and Rural Appraisers

**EXPERIENCE:**

Mr. Lewis began his appraisal career in June 1984 with Dickerson-Seely & Associates, Inc. (now Lewis & Seely Appraisals, Inc.) and worked as a contract appraiser performing a variety of appraisal assignments including residential, commercial, agricultural, and industrial properties.

In 1992, Mr. Lewis became a Principal of Dickerson-Seely & Associates, Inc. In 2011, the corporate name was changed to Lewis & Seely Appraisals, Inc., to better reflect the long-standing ownership of the corporation. Mr. Lewis presently serves the corporation as Vice President. Appraisal duties include primarily specialized agricultural and commercial assignments. Mr. Lewis also provides appraisal review services for various clients including individuals, lenders, and government agencies.



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

Applicants must meet the following minimum requirements:

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

1. Personal Information and Certification #:

Peter Mark Loftus 1329748-R

Table with 3 columns: Name, Texas Appraiser Certification #, and contact information (Street address or P.O. Box, City, State, Zip Code, Work Phone Number, Fax Number, Email).

2. Are you licensed/certified in any other state? If so, list:

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

4. What market area(s) do you serve? The Austin Market

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

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

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

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

Handwritten signature of Peter Mark Loftus

Signature of Applicant

02/03/14

Date Signed

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

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

**Agreement to Serve on a Peer Investigative Committee ("Service Agreement")**

This Agreement for service on a Peer Investigative Committee ("PIC") is between the Texas Appraiser Licensing and Certification Board ("Board") and Peter Mark Loftus ("PIC Member") for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP") in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board's purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

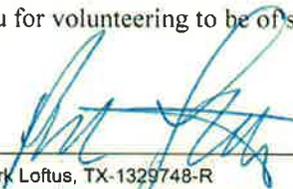
If these terms are acceptable, please sign and date below and return a signed copy to:  
Beverly Arnold, PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

For any questions, please contact Beverly Arnold, PIC Coordinator at (512) 936-3652, Sandy Jones, Purchaser at (512) 936-3589 or Mark Mrnak, TALCB SES Director at (512) 936-3624.

Thank you for volunteering to be of service in this important process.

Agreed:  Date: 02/03/14  
Peter Mark Loftus, TX-1329748-R  
Fairlane Properties, LLC d/b/a Appraisal Practice Consultation

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

P.O. Box 12188 Austin, Texas 78711-2188 • 1700 N. Congress Ave., Ste. 400 Austin, Texas 78701  
512-936-3001 • www.talcb.state.tx.us

**Mark Loftus**  
Appraisal Practice Consultation  
Appraisal Litigation Expert  
AQB Certified USPAP Instructor  
[www.apconsultation.biz](http://www.apconsultation.biz)

DATE: February 5, 2014

VIA: Email

TO: Enforcement Division  
Texas Appraiser Licensing and Certification Board  
Austin, TX

SUBJ: Service on Peer Investigative Committee

Please accept this letter with my application to serve on TALCB's Peer Investigative Committee for 2014. I was on the committee in 2013, and would like to continue in this position as I feel I can be of service to the board in facilitating the rapid disposition of cases which would otherwise slow the important work of TALCB's investigators. I possess the requisite credential as a Texas-licensed AQB Certified USPAP Instructor.

Additional qualifications for the position include:

- Service on the committee in 2013
- Five years' experience as an investigator in TALCB's Enforcement Division
- Thirteen years' experience as a state-certified residential real estate appraiser.

More specific details of my qualifications can be found in my résumé, which I've attached with this email. Please don't hesitate to contact me if there's any more information you require.

Thank you,

  
Mark Loftus

## Mark Loftus

*Appraisal Practice Consultation      Appraisal Litigation Expert      AQB Certified USPAP Instructor*

- Currently      Appraisal Practice Consultation: With appraisers facing regulatory complaints, demand letters from lenders, and pending litigation.
- Consulting and Testifying Expert: For attorneys whose clients have complaints before the Texas Appraiser Licensing and Certification Board ("TALCB"), as well as state and federal civil and criminal courts.
- Coordinator of AMC Compliance: Opening a new division for Accurity Qualified Analytics which oversees the state-mandated review of Texas appraisals ordered by Appraisal Management Companies throughout the U.S.
- Senior Analyst: Litigation support at Accurity Qualified Analytics for settlements and suits involving collateralized mortgage backed securities.
- Member of the Peer Review Committee of TALCB.
- Certified Distance Education Instructor* (#67864) by The International Distance Education Certification Center (IDECC).
- 2007-2012      Appraiser/Investigator for the TALCB: Responsible for the investigation of complaints made against licensees. These complaints ranged from regulatory matters regarding measurement of gross living area to federal mortgage fraud investigations; with seldom fewer than 80 open cases.
- Investigations required conducting interviews of complainants, respondents and witnesses; preparing oral and written reports for the Board and staff; participating in settlement conferences with respondents and, when necessary, testifying at Administrative Law hearings. I was also called upon to assist in criminal mortgage fraud cases with local, state, and federal law enforcement; acting as a testifying or consulting expert on numerous occasions. A sub-specialty was the investigation of appraisal reviews by field reviewers, and experts reviewing appraisal reports in litigation.
- In 2010, I completed The Appraisal Foundation's (TAF) 2010 State Investigator Training Levels I, and II; and, completed Level III in 2012 (As of this time, that's the extent of TAF's offerings).
- Effective April 12, 2012, I became an *AQB Certified USPAP Instructor* (one of forty in Texas).
- 2000-2007      State-Certified Residential Real Estate Appraiser:  
Working for another shop until 2002; then, on my own until coming to work for TALCB.  
Accustomed to high-volume residential appraisal assignments from both AMCs and individual lenders and mortgage brokers.  
During this period, I also was a consulting expert for the defense in a federal mortgage fraud prosecution.
- 1992-2009      State-Licensed Real Estate Salesperson and Broker:  
Prior to, and simultaneous with my appraisal practice, I was a real estate salesperson in Texas. I acquired my Broker license in 2005 and primarily worked with investors on the purchase and sale of distressed properties.

Experience prior to the real estate professions includes paint contracting, restaurant management and six years active duty in the U.S. Navy on a nuclear submarine, and an amphibious assault ship.

LIST OF PUBLICATIONS AUTHORED IN THE PREVIOUS 10 YEARS\*:

*Foreclosures and REOs* 04/14/09

TALCB website: <http://www.talcb.state.tx.us/pdf/special/ForeclosuresAndREOs.pdf>

LIST OF LAST FOUR YEARS' TESTIMONY<sup>1</sup>

2010/02/03 TALCB<sup>2</sup> v Robert A. Canales; SOAH<sup>3</sup> Docket No. 329-10-0835.ALC  
2010/09/13 TALCB v James Lee Adams; SOAH Docket No. 329-10-4435.ALC  
2011/02/11 TALCB v Randy R. Castillo; SOAH Docket No. 329-10-0834.ALC  
2011/02/03 TALCB v Alma R. Galindo; SOAH Docket No. 329-10-5351.ALC

<sup>1</sup>In accordance with FRCP RULE 26(a)(2)(B)

<sup>2</sup>Texas Appraiser Licensing and Certification Board

<sup>3</sup>Texas State Office of Administrative Hearings

EXPERIENCE AS CONSULTING EXPERT INCLUDES

For the Defense

2006/07/04 United States of America v. Mohammad H. Gharbi; Case Number A-04-CR-180(12)-LY  
2013/02/17 TALCB Complaint Case #13-124 (Israel Galindo)  
2013/05/17 TALCB Complaint Case #10-309 (Diane Frances Bratton); Dismissed/Statute of Limitations  
2013/05/31 TALCB v James Harold Parhms; SOAH Docket No. 329-13-1005.ALC (Settled Without Hearing)

For the Prosecution

2009/05/13 United States of America v. Clarence Lewis III  
2011/07/18 State of Texas v. Chekeelah Phelps; Case #s 11187214, 1187216, 1187217, and 1187218



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

Applicants must meet the following minimum requirements:

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

1. Personal Information and Certification #:

DEBORIS L. KRAFT-LONGORIA TX-1323246-G
Name Texas Appraiser Certification #
P.O. Box 310189 NEW BRAUNFELS TX 78131
Street address or P.O. Box City State Zip Code
210-573-8245 830-606-2834 lonestarvaluation@scitx.com
Work Phone Number Fax Number Email

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

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

4. What market area(s) do you serve? San Antonio / Austin MSA's

5. What property type(s) do you appraise? Commercial, Farm & Ranch

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

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

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

Signature of Applicant: Debora L. Kraft-Longoria Date Signed: Feb. 3, 2014

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

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

**Agreement to Serve on a Peer Investigative Committee ("Service Agreement")**

This Agreement for service on a Peer Investigative Committee ("PIC") is between the Texas Appraiser Licensing and Certification Board ("Board") and DELORIS L. KRAFT-LONGORIA ("PIC Member") for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP") in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board's purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

If these terms are acceptable, please sign and date below and return a signed copy to:

PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

Thank you for volunteering to be of service in this important process.

Agreed:  Date: Feb 3, 2014  
PIC Member

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board



# LONE STAR VALUATION, INC.

Deloris L. Kraft-Longoria, MAI  
P.O. Box 310189, New Braunfels, TX 78131-0189  
Fax 830.606.2834 Cell 210.573.8245  
Email: [lonestarvaluation@satx.rr.com](mailto:lonestarvaluation@satx.rr.com)

RECEIVED  
TEXAS REAL ESTATE COMMISSION  
FEB 06 2014  
CASHIER'S SECTION  
OPERATOR 13

February 3, 2014

Mr. Walker R. Beard, MAI  
Chair  
Texas Appraiser Licensing & Certification  
Standards & Enforcement Services  
P.O. Box 12188  
Austin, Texas 78711-2188

RE: Appointment as a TALCB Investigative Committee (PIC) Member & Mentor

Dear Mr. Beard:

Please find enclosed my completed and signed PIC/Act as Mentor application. As indicated in the application, the geographic area that I could review reports for and have access to market data is in the San Antonio and Austin MSA's. I am a certified general real estate appraiser by the Texas Appraiser Licensing and Certification Board (TALCB). I've been working as a commercial appraiser since 1987, and as you know I was employed as an investigator/director with TALCB for 12½ years and am currently reviewing commercial appraisals for a financial institution. Prior to that I worked for JP Morgan Chase Bank as a commercial appraiser for 6 years and I spent approximately 6 years working for large commercial appraisal firms in San Antonio and Houston, Texas. I have completed various commercial appraisal assignments on retail centers, office warehouses, single family residential subdivisions, vacant land, office buildings, etc. in the San Antonio and Austin MSA's. In addition, I have conducted numerous reviews of single family residences. I also hold the MAI designation from the Appraisal Institute and am an AQB Certified USPAP Instructor via The Appraisal Foundation.

My qualifications and numerous years of years in the real estate appraisal business support my application for a TALCB Peer Investigative Committee member/Mentor. I look forward to the appointment.

Sincerely,

Deloris L. Kraft-Longoria, MAI  
Texas Certified General Real Estate Appraiser  
TX-1323246-G



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

**Applicants must meet the following minimum requirements:**

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

1. Personal Information and Certification #:

Jim D. Pearson

1320421-G

Name	Texas Appraiser Certification #		
P.O. Box 3459	McKinney, TX	75070-8190	
Street address or P.O. Box	City	State	Zip Code
972-562-9787	CELL: 214-533-2787	Jim@PearsonAppraisal	
Work Phone Number	Fax Number	Email	

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

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

4. What market area(s) do you serve? Texas: Depends upon assignment

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

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

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

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

Jim Pearson  
Signature of Applicant

February 7, 2014  
Date Signed

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

This document is available on the TALCB website at [www.talcb.texas.gov](http://www.talcb.texas.gov)

**Agreement to Serve on a Peer Investigative Committee ("Service Agreement")**

This Agreement for service on a Peer Investigative Committee ("PIC") is between the Texas Appraiser Licensing and Certification Board ("Board") and Jim D. Pearson ("PIC Member") for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP") in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board's purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

If these terms are acceptable, please sign and date below and return a signed copy to:

PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

Thank you for volunteering to be of service in this important process.

Agreed:  Date: February 7, 2014  
PIC Member Jim D. Pearson

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

# Pearson Appraisal Company, Inc.

• P.O. Box 3459 ~ McKinney, TX 75070-8190

Phone 972 562-9787

• Web Page: [PearsonAppraisal.com](http://PearsonAppraisal.com)

Email: [Jim@PearsonAppraisal.com](mailto:Jim@PearsonAppraisal.com)

---

February 7, 2014

Walker Beard, Chair  
Texas Appraiser License and Certification Board  
P.O. Box 12188  
Austin, TX 78711-2188

VIA E-mail:

dione.frederick@talcb.texas.gov  
Dione Frederick

RE: Appointment Request  
PIC and Mentor

As requested I am including this appointment request letter along with the application and agreement.

The opportunity to serve on the PIC and as a mentor allows me to be available to help 1) the TALCB, as needed, manage any backlog of complaints to comply with the ASB but mainly reduce the time that appraisers might wait to get a hearing or have a complaint dropped and 2) the TALCB review process is a great tool for me as an appraiser to keep my skills sharp. I find the one to one mentoring sessions particularly rewarding and I am able to share my USPAP teaching experience. Mentoring allows the mentor to have one on one communication giving the student appraiser the specialized training to specifically fit their needs.

I started teaching real estate principles and appraisal in 1983 and taught for Massey Realty College, Dallas County Community College District, as well as USPAP for the Institute for Real Estate Professionals during 2000 through 2002. Certified as an AQB Certified USPAP Instructor in May 2003 and have taught USPAP several times each year for the National Association of Independent Fee Appraisers. I am also a course provider for TAF. My work assignments for the past few years have been predominately single family residential for litigation purposes. I also served on the Collin County Appraisal District's Appraisal Review Board (ARB) for the years 2007 through 2009 serving 2008 and 2009 as Chair of a commercial property panel. I have testified in State and Federal courts on appraiser standards of practice as well as my assignments regarding property valuation. Most of my appraisal assignments are in the Dallas – Fort Worth metropolitan area but have completed assignments across Texas including the Houston area, Texas panhandle, central Texas, and east Texas. If reappointed to the PIC I would expect to do field reviews in the Dallas – Fort Worth area.

Respectfully submitted,

  
Jim D. Pearson, IFAS, IFA

~ Real Estate Appraiser and Consultant ~

# Pearson Appraisal Company, Inc.

- P.O. Box 3459 ~ McKinney, TX 75070
- Web Page: [PearsonAppraisal.com](http://PearsonAppraisal.com)

Phone 972 562-9787

Email: [Jim@PearsonAppraisal.com](mailto:Jim@PearsonAppraisal.com)

---

November 2013

## Jim D. Pearson

I am Jim D. Pearson, President of Pearson Appraisal Company, Inc. and a real estate appraiser with over 40 years appraisal experience. My appraisal experience includes all types and price ranges of single family residential properties including large estates, condominiums, attached townhomes, and zero-lot patio homes. Commercial appraisals include shopping centers, industrial properties, office warehouses, high rise office buildings, churches, apartments, and subdivisions. Real estate brokerage experience includes single family sales and leasing plus commercial sales and leasing. I am an active real estate appraisal instructor and AQB Certified USPAP Instructor.

My appraisal and consulting clients have included the cities of Richardson and Dallas, Richardson Independent School District, the U.S. Marshals Service. The United States Department of Justice/FBI and the Texas Appraiser Licensing and Certification Board (TALCB) as a review appraiser and expert witness plus currently serving on the TALCB Peer Investigative Committee and the TALCB's mentor program. I served on the commercial and residential panels of the Appraisal Review Board (ARB) for the Collin Central Appraisal District during 2007, 2008, & 2009.

I work with attorneys for litigation purposes including property settlement, stigma, distressed properties, condemnation, plus other real estate valuation issues including appraisal fraud and appraisal licensing issues.

Mortgage lending assignments for originating loans and for REO properties, Fannie Mae for foreclosure properties and appraisal review as well as employee relocation companies (ERC) for purchase or assistance programs for employees being relocated.

I have a Banking and Finance degree from the University of North Texas and am currently certified by the Appraisal Qualifications Board of The Appraisal Foundation to teach Uniform Standards of Professional Appraisal Practice (USPAP). Also certified as a Senior Instructor teaching real estate appraisal for the National Association of Independent Fee Appraisers. I currently hold the IFAS and IFA designations from the National Association of Independent Fee Appraisers and previously held the SRA from the Appraisal Institute and the ASA – Urban from the American Society of Appraisers.

## STATE & FEDERAL LICENSING AND CERTIFICATION

AQB Certified USPAP Instructor: No. 10262, From 5/2003 and certified through March 31, 2016.  
State Certified General Real Estate Appraiser: No. TX-1320421-G, from April 16, 1991, expires April 30, 2015.

Texas Real Estate Broker: License No. 0152762, 1972 - present. Texas Real Estate Salesman License, 1971 - 1972.

Texas Property Tax Consultant, License No. 1292, Expired April 22, 1994.

Registered Texas Assessor #914, 1978.

## Pearson Appraisal Company, Inc.

P.O. Box 3459, McKinney, TX 75070 Office: 972 562-9787  
Web: [PearsonAppraisal.com](http://PearsonAppraisal.com); E-Mail: [Jim@PearsonAppraisal.com](mailto:Jim@PearsonAppraisal.com)

Jim D. Pearson - Qualifications, Page 1 of 4

## Jim D. Pearson

### PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS

Senior Member #1227 (IFAS): National Association of Independent Fee Appraisers (NAIFA), 1989 - Present. Member #3255 (IFA): 1981 - Present.

SRA Member: Appraisal Institute / Society of Real Estate Appraisers, 1981 - 1996.

Senior Member (ASA) - Real Property/Urban: American Society of Appraisers; 1985 - 1988.

Member: International Right of Way Association, 1982 - 1988. 1990 - 1993.

**DESIGNATED REALTOR:** Collin County Assn of REALTORS. **MLS MEMBER:** North Texas Real Estate Information Systems (NTRES).

GRI Designation: Realtors Institute of Texas, 1971.

Fannie Mae (FNMA) Appraiser No. 1062114, 1977.

### PROFESSIONAL EXPERIENCE

#### PEARSON COMPANIES:

**Pearson Appraisal Company, Inc.:** President 9/1996 - Present;

**Pearson-McDaniel Appraisal Company, Inc.:** C.E.O. 11/1989-9/1996;

**Pearson-McDaniel & Associates, Inc.:** President 10/1982-2/1990.

**Pearson Appraisal Company:** Owner, 10/1979 - 10/1982.

Real estate appraiser, real estate broker, review appraiser, appraisal supervisor, and real estate instructor. Managed appraisers and office staff, negotiated all leasing, purchase contracts and agreements. Appraised residential properties for mortgage lending, REO, employee relocation, property settlement, real estate tax purposes, and as a real estate Expert Witness for court testimony including stigma, market value issues, and appraisal standards of practice. Residential appraisals on all types of single family, individual condominium units, two to four family, and residential lots and acreage. Includes large estates, high value properties, historic, proposed construction, and home improvement. Commercial appraisals on office buildings, retail centers, industrial properties, churches, apartments, and sub-divisions. Condemnation appraisals. Real estate brokerage included sales and leasing.

**Appraisal Review Board (ARB)** for the Collin Central Appraisal District. Commercial and Residential Panels, 2007 & 2008; Chair Commercial Panel, 2009.

**VETERAN'S ADMINISTRATION:** Appraisal fee panel, 1980 - July 1990.

**FHA/HUD:** Lenders Select Appraiser through present. Direct Endorsement Appraiser, (Equitable Mortgage Resources) April 1987 - May 1988.

**CITY OF DALLAS,** Tax and Finance Department: Appraisal Supervisor: July 1975 - October 1979. Staff Appraiser, July 1973 - July 1975.

**Francis Powell, Realtors & Doc White, Realtors:** Real Estate Brokerage, Sales & Leasing (Residential & Commercial), July 1971 through July 1973. Real estate brokerage and appraisals.

**NATIONAL ASSOCIATION OF INDEPENDENT FEE APPRAISERS (NAIFA):** National Director, 2005 - 2007 & 2008 - 2010; Admissions Chair, 2005 & 2006; Regional Governor, Region 8, 2002, 2003, & 2004; State Director, 1985-86 & 1986-87. Certified Senior Instructor.

**GREATER DALLAS CHAPTER:** President, 2013, 2010, 2001 & 1984-1985. Education Chair, 2004 - present; Chair, Professional Practice, 1991-92. Vice President, 1999-2000 & 1983-84; Secretary/Treasurer, 1982-83; Secretary 1998-99. L.W. Mayo Award, 2002. Chapter Web Page Editor. 1999 - Present.

**Pearson Appraisal Company, Inc.**  
P.O. Box 3459, McKinney, TX 75070 Office: 972 562-9787  
Web: PearsonAppraisal.com; E-Mail: Jim@PearsonAppraisal.com  
Jim D. Pearson - Qualifications, Page 2 of 4

**APPRAISAL INSTITUTE: NORTH TEXAS CHAPTER:** President, 1991; Legislative Chair, 1992; Legislative Co-Chair, 1993. Nominating Committee, 1992, 1993, and 1995.  
**REGION VIII:** Chapter Representative, 1991, 1992, & 1993; Nominating Committee, 1991.  
**NATIONAL:** Vice Chair, State Legislation & Regulation Subcommittee, 1993 & 1994.

**SOCIETY OF REAL ESTATE APPRAISERS - DALLAS CHAPTER #46:** Vice President/President Elect, 1990; Secretary, 1989-90; Treasurer, 1988-89. Chair, Professional Practice, 1990; Board of Directors, 1985-88 (three year term). Legislative Chairman, 1986-87, 87-88, 88-89, 89-90, 1991. Admissions Chairman, 1986-87.

**Real Estate Appraisers of Texas:** President, 1989-91. Board of Directors, 1985-91.  
 Collin County Association of Realtors, MLS Committee, 2002, 2003, and 2004.  
 Greater Dallas Association of Realtors, State and National Government Affairs Committee, 1986 - 1989.  
 Dallas County Community College District (Richland College): Real Estate Advisory Committee, 1984 - 93. Instructor - Real Estate Appraisal, 1984-87.  
 Institute for Real Estate Professionals, Dallas, Texas. Instructor - Uniform Standards of Professional Appraisal Practice, 2000 - 2002.  
 Massey Realty College, Dallas, Texas, Instructor - Real Estate Appraisal, 1983 - 1984.  
 Advantage School of Real Estate, Dallas, Texas, Instructor - Real Estate Appraisal, 1983.  
 Richardson Chamber of Commerce: Transportation Committee: 82-87. Leadership Richardson, Class of 1987-88.  
 McKinney Sunrise Rotary Club: 2007 - 2012. Secretary, 2008 - 2009. Foundation Chair, 2010 - 2012.  
 Richardson Central Rotary Club: 1993 - 1996. 1998 - 2007. President 2005 - 2006, President Elect, 2004 - 2005; Vice President, 2003 - 2004; Secretary, 2002 - 2003 & 2003 - 2004; Paul Harris Fellow, 2002; Sergeant at Arms, 2000 - 2001; News Letter Editor, 1999 - 2000. Webmaster 2006 and 2007.  
 Richardson Noon Lions Club: 1971-92. President, 1989-90, Lion of the Year, 1981-82.

## EDUCATION

**UNIVERSITY OF NORTH TEXAS:** Bachelor of Business Administration - Banking and Finance, Courses included: Real Estate Appraisal, Real Estate Law, Real Estate Principles, and Management.

**THE APPRAISAL FOUNDATION:** Appraisers Qualifications Board (AQB), USPAP Instructor Recertification Course, 1/2006; USPAP Instructors Course and Exam, 4/2003; USPAP Update for Instructors 2002 & 2001; Standards Board, ASB Informational Meeting (USPAP Updates), 7/1994.

**NATIONAL ASSOCIATION OF INDEPENDENT FEE APPRAISERS:** I have taken for credit and/or taught the following courses:  
 Uniform Standards of Professional Appraisal Practice: v 2014-15, 2012-13, 2010-11, 2008-09, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999, 1998, 1995, & 1990; Residential Appraisal Review, 2013; Residential Site Valuation and Cost Approach: 2013; Foreclosures and Short Sales ~ Dilemmas and Solutions: 2012; Uniform Appraisal Dataset - UAD, 2011; Fannie Mae *Selling Guide*, 2011 & 2010; FHA - Current Appraisal Requirements, 2010; Calculating Gross Living Area Using ANSI Standards, 2010, 2000; Appraising in the Foreclosure Market, 2010; Institutional Fraud, 2010; Litigation and the Appraiser, 2009; Scope of Work, 2009; Understanding Highest and Best Use, 2009; Easements, Profits, & Licenses in Land, 2011, 2009; Residential Report Writing, 2007; Institutional Fraud, 2008 & 2007; Manufactured Housing, 2007; 2005 Fannie Mae Forms 9.8, 6/2005; Understanding Relevant Characteristics of Real Property 10.3, 5/2005; Defending Documenting & Supporting Appraisal Reports 1.2 C, 4/2005; Mobile/Manufactured Home Review 1.3b, 2005; An Appraisers Guide to Environmental Issues 19.1, 2010 & 2004; Manufactured Housing, 2004; Appraising for FHA, 2003; Litigation Analysis, 2003; Fannie Mae Guidelines, 2003;

**Pearson Appraisal Company, Inc.**  
 P.O. Box 3459, McKinney, TX 75070 Office: 972 562-9787  
 Web: PearsonAppraisal.com; E-Mail: Jim@PearsonAppraisal.com  
 Jim D. Pearson - Qualifications, Page 3 of 4

Updates/Appraising for FHA, 2003; Fair Lending, 2002; Fraud, Flips, and the FBI, 2002; Historical Housing, 2001; HUD Review Requirements (4.9), 1999; Basic Residential HUD Appraisal Requirements, 1999 & 1995; Dissection of a Residential Appraisal Report, 1997; Limited Scope Appraisal & USPAP (5.0B), 1994; Income Property Appraising, 1984; Appraising the Condominium, 1979; Depreciation; Condemnation Appraisal, 1982 & 1988; Relocation Report Writing; Mobile Home Appraising, 1981; Single Family Report Writing; Two to Four Family Report Writing; FHLBB R-41c, 1986.  
NAIFA Instructors Workshops.

**APPRAISAL INSTITUTE:** Scope of Work, 10/2004; Condemnation Appraising #710, 10/2003; Manufactured Housing, 1999; Appraising High Value & Historic Homes, 1997; Texas Property Tax Consulting Laws, 1995; Fair Lending & the Appraiser, 1994; New URAR Seminar, 1993; Appraisal Reporting of Complex Residential Properties, 1993. Report Writing & Valuation Analysis, 1992; Rates, Ratios and Reasonableness, 1992.

**SOCIETY OF REAL ESTATE APPRAISERS:** Principles of Real Estate Appraisal #101, 1975; Principles of Property Appraising #201, 1986; Applied Income Property Valuation #202, 1989. Narrative Report Writing; R-2 Exam; Marketability and Market Analysis, 1985; Real Estate Investment Analysis, 1985; An Introduction to Investment Feasibility, 1985; Real Estate Investments, Introduction to Cash-Flow and Risk Analysis, 1985; Creative Financing and Cash Equivalence; Application of Market Extraction; and Intercity Neighborhood Analysis, 1979; FHLBB R-41b, 1985; URAR Form, 1987; Real Estate Valuation Using Spreadsheets, 1988; Standards of Professional Appraisal Practice, 1989; Subdivision Analysis, 1990.

**AMERICAN INSTITUTE OF REAL ESTATE APPRAISERS:** Commercial Construction Overview, 1990; Feasibility Analysis & Highest & Best Use - Nonresidential Properties, 1990; Discounted Cash Flow Analysis, 1990; Subdivision Analysis, 1985; and Condominium Seminar, 1979.

**INTERNATIONAL RIGHT OF WAY ASSOCIATION:** Legal Aspects of Easements, Course 802, 1991; Easement Valuation, 1992.

**REAL ESTATE APPRAISERS OF TEXAS:** Eminent Domain/Partial Takings-Case Study, 1985.

**SOUTHERN METHODIST UNIVERSITY:** Appraising 1 & 2, 1973 - 74.

**REALTORS INSTITUTE OF TEXAS:** GRI Certificate No. 1887, 1972.

**TEXAS ASSOCIATION OF ASSESSING OFFICERS:** Courses: 3A, 320, 4, & 510; 1974-1978.

**EMPLOYEE RELOCATION COUNCIL:** Relocation Appraisal Seminars, 1986 & 1987.

**Fannie Mae:** REO and Appraisal Training Seminars, 2001, 1993, 1991, & 1987.  
FNMA Appraiser No. 1032114, 1977.

**RESOLUTION TRUST CORPORATION:** Affordable Housing Appraisal Seminar, 1990.

**CONTINUING EDUCATION INSTITUTE:** Mediation & Property Condition Issues, 1997; Property Taxes: Your Rights, 1997.

\\Qual of Appraiser - Pearson.docx  
© November 2013 Pearson Appraisal Company, Inc.

**Pearson Appraisal Company, Inc.**  
P.O. Box 3459, McKinney, TX 75070 Office: 972 562-9787  
Web: PearsonAppraisal.com; E-Mail: Jim@PearsonAppraisal.com  
Jim D. Pearson - Qualifications, Page 4 of 4



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

Applicants must meet the following minimum requirements:

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

1. Personal Information and Certification #:

DAVE SEVER 1322148-R
Name Texas Appraiser Certification #
4747 RESEARCH FOREST DR #180 THE WOODLANDS TX 77381
Street address or P.O. Box City State Zip Code
281-923-3263 281-298-7800 DAVE SEVER@ATT.NET
Work Phone Number Fax Number Email

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

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

4. What market area(s) do you serve? HARRIS, MONTGOMERY, LIBERTY COUNTIES

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

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

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

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

[Handwritten Signature]

Signature of Applicant

2/4/14

Date Signed

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

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

**Agreement to Serve on a Peer Investigative Committee ("Service Agreement")**

This Agreement for service on a Peer Investigative Committee ("PIC") is between the Texas Appraiser Licensing and Certification Board ("Board") and \_\_\_\_\_ ("PIC Member") for his/her service for a term beginning upon appointment and ending one year later.

Upon appointment, the PIC Member agrees to do the following:

1. Promptly review proposed assignments to identify any conflicts of interest and to determine whether he or she is competent to complete the assignment.
2. Immediately notify the PIC Coordinator in writing (e-mail is acceptable) if the PIC Member cannot accept any assignment for any reason.
3. Provide, within one week of assignment, certification to the Board regarding competence to complete the assignment and the absence of conflicts of interest.
4. Conduct investigative reviews in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP") in effect at the time of the review, utilizing the appropriate version of USPAP in effect at the time of the appraisal(s) that is/are the subject of the complaint. No significant assistance may be provided by any other appraiser or appraiser trainee.
5. Specifically address whether the subject appraisal report(s) comply(ies) with the version of USPAP in effect at the time of the appraisal report or appraisal services rendered.
6. Specifically state any identified non-compliance, the rationale, reasoning and explanation for any conclusion that there was non-compliance with a particular standard or provision, and all supporting data and research for these conclusions.
7. Attach all supporting data (including, but not limited to, MLS data sheet printouts, county appraisal district records, deed records, public records, or other information relied upon) to the report and provide the original version of your report and attached data.
8. Report findings on a typewritten, signed report form (to be provided by Board with each assignment) using the applicable version of USPAP, laws and rules for the date of the subject appraisal.
9. Complete each review within 30 days of assignment, or up to 90 days for more complex reports at the discretion of the Presiding Officer; with the member forwarding the required report to the Board member who serves as the Presiding Officer of the PIC. The Presiding Officer will review the report, and authorize the member to finalize the report and forward it to the Beverly Arnold, the PIC Coordinator.
10. Register and qualify as a vendor with the Board's purchasing department and establish an account to accept electronic funds transfers for payment to the member of earned stipends.

The Board agrees to do the following:

1. Provide instructions and training as needed to PIC Member before assigning the first review.
2. Provide prompt written notice of any proposed assignments and make available sufficient information about the assignment for PIC Member to determine whether he/she is competent to complete the assignment and to identify any immediately apparent conflicts of interest.
3. Provide guidance from the PIC Presiding Officer as needed throughout the review process.
4. Send PIC Member a stipend of \$75 upon completion of an assignment and submission of a proper invoice acceptable to the Texas Real Estate Commission's purchasing office (form to be provided).

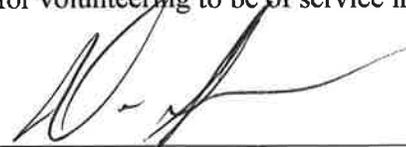
If these terms are acceptable, please sign and date below and return a signed copy to:

PIC Coordinator  
TALCB Standards and Enforcement Services  
P.O. Box 12188, Austin, Texas 78711-2188

Once your application for appointment has been reviewed and approved by the TALCB, an executed copy of this agreement will be returned to you with forms requesting banking data needed to establish an automated payment method via electronic funds transfer for paying your stipend invoices.

Notice of each proposed assignment will be sent to you via e-mail with an acceptance form attached. Once accepted by you, the documentation necessary for you to begin a review assignment will be made available via e-mail or the agency's FTP site. Once the Presiding Officer has notified you that the final review reports have been forwarded to TALCB, your services for that assignment are deemed completed and your stipend invoice(s) should be sent to the PIC Coordinator, who will forward each to the agency's Purchaser for payment.

Thank you for volunteering to be of service in this important process.

Agreed:   
PIC Member

Date: 2/4/14

Confirmation of Appointment (Chair's signature indicates appointment for 1 year from date)

Agreed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair of the Texas Appraiser Licensing & Certification Board

Dane Sever, IFA, CRP  
Certified Residential Appraiser  
(281) 923-3263 Voice  
(281) 298-7800 Facsimile  
[danesever@att.net](mailto:danesever@att.net)

Sever and Associates  
A Professional Residential Real  
Estate Appraisal Firm  
4747 Research Forest, Suite 180-252  
The Woodlands, Texas 77381

RECEIVED  
TEXAS REAL ESTATE COMMISSION

FEB 06 2014

CASHIER'S SECTION  
OPERATOR 15

February 4, 2014

Texas Appraisal Licensing and Certification Board  
PO Box 12188  
Austin, TX 78711-2188

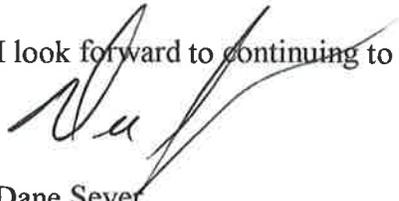
Re: PIC/Mentor Application

Board Members:

I appreciate the opportunity to be of service again in 2014 as both a member of the Peer Investigative Committee (PIC) and as a mentor for our fellow appraisers. I have served TALCB as a PIC member for about the last five years and joined as a mentor this past year. I, again, solicit your endorsement to continue serving the appraisal profession in these capacities.

I have been an independent fee appraiser since 1979, after graduation from Indiana University with a BS degree, majoring in Real Estate Administration. I was awarded the IFA designation by the National Association of Independent Fee Appraisers (NAIFA) in 1988 and received the CRP designation from Worldwide ERC in 1990. I began teaching appraisal courses for Houston Community College in 1991, and have taught for other institutions including: NAIFA, Kaplan, and Columbia Institute. I am currently certified to teach the Appraisal Foundation USPAP material through the end of 2015.

I look forward to continuing to serve the profession as a PIC member and mentor.



Dane Sever  
enclosures

# Dane F. Sever, IFA, CRP

4747 Research Forest Dr, Suite 180-252  
The Woodlands, Texas 77381  
Telephone: (281) 923-Dane (3263)  
Facsimile: (281) 298-7800  
Email: danesever@att.net

## Licenses and Affiliations

- Certified Residential Appraiser, State of Texas, TX-1322148-R, Expires 1/31/2016
- Independent Fee Appraiser (IFA) designation, NAIFA, 1988
- Certified Relocation Professional (CRP) designation, Employee Relocation Council (ERC), 1990
- Real Estate Broker Licenses
  - State of Texas - #0311141
  - State of Indiana - #IB51358220

## Qualifications

- Independent Fee Appraiser since 1979
- Past appraisal assignments include valuations of the following property types: single family residences, townhomes, condominiums, 2-4 family dwellings, vacant land, special use properties, multi-family dwellings and other income producing properties
- Awarded the Independent Fee Appraiser (IFA) designation by the National Association of Independent Fee Appraisers (NAIFA) in 1988
- Received the Certified Relocation Profession (CRP) designation from the Employee Relocation Council (ERC) in 1990
- Qualified as an expert witness on a number of occasions
- Adjunct faculty at Houston Community College – 1991 to 2002
- Certified appraisal instructor for NAIFA
- Appraisal instructor with Columbia Institute
- AQB Certified USPAP Instructor #10624

## Education

Bachelor of Science in Business Administration

Major – Real Estate Administration

Indiana University – Bloomington, Indiana





## AGENDA ITEM 6

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

## AGENDA ITEM 7

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

### **Announcement by Chair to enter Executive Session:**

The time is \_\_\_\_\_. The Board will now go into executive session to receive advice of counsel concerning pending or contemplated litigation, settlement offers, and enforcement actions before the Board as authorized by the Texas Open Meetings Act, Gov't 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 8

Ratification of the official record of the November 21, 2013, and November 22, 2013, Board meetings as approved for posting on the website by the Secretary of the Board.

#### FOR REFERENCE:

22 TAC §153.24. Complaint Processing.

### AGENDA ITEMS 9(a)-(m)

Approval of agreed final order regarding:

- a. Complaint# 13-196 (Ronald Owlen Davis, TX-1322256-R)
- b. Complaint# 13-099 (Abbie Gail Hawkins, TX-1338340-R)
- c. Complaint# 14-037 (Christos Catechis, TX-1320570-R)
- d. Complaint# 13-197 & 13-277 (Robert Wyman Hawkins, Jr., TX-1335830-R)
- e. Complaint# 13-314 (Michael Lidney Molnari, TX-1336760-R)
- f. Complaint# 13-305 (Lateef A. Akanji, TX-1335567-R)
- g. Complaint# 13-200 (Lee Ragland, TX-1331036-R)
- h. Complaint# 11-015 (William Eugene Smith, TX-1320169-R)
- i. Complaint# 13-269 (George William Cornelius, TX-1323630-G)
- j. Complaint# 13-244 (Susie Jordan, TX-1329421-G)
- k. Complaint# 13-215 & 13-236 (Elbert Eugene Dagley, TX-1328317-R)
- l. Complaint# 13-124 & 14-052 (Israel R. Galindo, TX-1337554-R)
- m. Complaint# 13-240 (Burton Craig Clemmer, TX-1320486-G)

#### STAFF RECOMMENDATION

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

#### RECOMMENDED MOTION

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



## Minutes accompanying meeting video from November 21, 2013

These minutes set out the agenda item 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. Note, while the written portion of the minutes below are published in agenda order, the Board may have taken items out of order.

The minutes are initially approved by the Board Secretary *for only publication on the website* and become the official record upon ratification by a majority of the Board at a future meeting.

[Agenda Item 1](#) - Call to Order

[Agenda Item 2](#) - Roll Call

A roll call was conducted and the following members of the Board, constituting a quorum, answered present: Chair, Mr. Walker R. Beard, Vice Chair, Ms. Jamie S. Wickliffe, Secretary, Ms. Laurie C. Fontana, Mr. Patrick Carlson, Mr. Luis F. De La Garza, Mr. Mark McAnally, Ms. Shannon McClendon, Mr. and Mr. Clayton Black.

[Agenda Item 3](#) - Discussion of History of TALCB

The chair called a break at 10:29 am.

[The chair reconvened the meeting at 10:37.](#)

[Agenda Item 4](#) - Discussion regarding Orientation Process and Board mentorship of new members

[Agenda Item 5](#) - Discussion regarding Open Meetings Review

The chair called a break for lunch at 11:46 am.

[The chair reconvened the meeting at 12:28.](#)

[Agenda Item 6](#) - Discussion regarding Conducting Efficient Meetings/Robert's Rules of Order  
[Texas Real Estate Commission Chair Avis Wukasch joined the meeting.](#)

[Agenda Item 7](#) - Discussion regarding placing items on Board Agendas and Staff Reports  
[Agenda Item 11 was opened as part of the discussion under Agenda Item 7](#)

The Chair called a 5 minute break at 2:30.

[The Chair reconvened the meeting at 2:42.](#)

[Agenda Item 8](#) - Discussion regarding Board requests to staff

[Agenda Item 9](#) - Discussion regarding Strategic Planning Process and Input

[Agenda Item 10](#) - Discussion regarding ACE Credits for attending Board meetings

[Agenda Item 11](#) - Discussion regarding Final Orders

This Item was opened as part of the discussion under Agenda Item 7.

[Agenda Item 12](#) - Discussion regarding Motions for Rehearing/Rehearings

[Agenda Item 13](#) - Discussion regarding action items from today to bring forward to future Board meetings

[Agenda Item 14](#) - The Chair adjourned the meeting.

## **Minutes accompanying meeting video from November 22, 2013**

These minutes set out the agenda item 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. Note, while the written portion of the minutes below are published in agenda order, the Board may have taken items out of order.

The minutes are initially approved by the Board Secretary *for only publication on the website* and become the official record upon ratification by a majority of the Board at a future meeting.

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

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

A roll call was conducted by the recording secretary and the following members of the Board, constituting a quorum, answered present: Chair, Mr. Walker R. Beard, Vice Chair, Ms. Jamie S. Wickliffe, Secretary, Ms. Laurie C. Fontana, Mr. Luis F. De La Garza, Mr. Mark McAnally, Ms. Shannon McClendon, and Mr. Clayton Black.

[AGENDA ITEM 3](#) - Ratification of the official record of the August 16, 2013, Board meeting as approved for posting on the website by the Secretary of the Board

ACTION TAKEN: Ms. McClendon moved to ratify the minutes as approved for publication by the Board Secretary with no corrections. Mr. De La Garza seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 4](#) - Comments from members of the public regarding non-agenda items  
[Comments were made by Mr. Kenneth Jones, representing himself, regarding display of discipline on TALCB website.](#)

[AGENDA ITEM 5](#) - Executive session to receive advice of counsel pursuant to Texas Government Code §551.071

ACTION TAKEN: The Chair called the Board into executive session at 10:08 am.  
[The Chair reconvened the meeting at 11:02 am.](#)

[AGENDA ITEM 6](#) - Discussion and possible action to approve agreed final orders and surrenders in the matter of:

- a. Complaint # 07-085, 09-278, 10-294, 11-104, 12-115, 13-188, & 13-302 (Lyle Francis Gallagher, TX-1326850-G)
- b. Complaint# 12-035 & 13-163 (Larry Milton Street, TX-1332076-R)
- c. Complaint# 10-086 & 13-142 (Burke Newel Rees, TX-1337933-L)
- d. Complaint# 11-123 & 14-007 (John Wallace Blunt, Jr., TX-1323086-G)

- e. Complaint# 13-126 (Muriel J. Pope, TX-1330517-R)
- f. Complaint# 13-165 (John Ross Fanning, TX-1324201-G)
- g. Complaint# 13-206 (Robert Smallwood, TX-1321833-R)
- h. Complaint# 13-164 (Mark Andrew Roberts, TX-1327021-G)
- i. Complaint# 13-100 (Steve McDermott, TX-1321032-G, Expired)
- j. Complaint# 12-064 (Floyd Edgar Sumrall, TX-1333035-L)
- k. Complaint# 13-047 (Richard Leo Dockery, TX-1322548-G)
- l. Complaint# 12-062 (John James Stahl, TX-1334105-R)

ACTION TAKEN: All items except 6a and 6i were taken together as one item. Ms. McClendon moved to accept staff's recommendation of approval of these enforcement matters. Mr. De La Garza seconded the motion, and the Board approved the motion unanimously.

Mr. De La Garza moved to approve item 6a subject to receipt of written verification from the respondent that he understands the exam for the 15-Hour National USPAP Course must be completed with a passing score. Mr. McAnally seconded the motion, and the Board approved the motion unanimously.

Ms. McClendon moved to accept staff's recommendation of approval of item 6i. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 7](#) - Discussion and possible action on Motion for Rehearing in the matter of SOAH Docket #329-13-3390ALC (Francis Kafor, TX-1340428-T)

The Chair named Ms. McClendon as the presiding member for hearing this matter.

[Oral arguments were made by Mr. Don Walden, Counsel for the Respondent](#)

[Oral arguments were made by Mr. Troy Beaulieu, TALCB Standards & Enforcement Managing Attorney](#)

ACTION TAKEN: Ms. McClendon called for a roll call vote, and the motion was denied by a vote of 5 to 3, with Mr. Black, Ms. Fontana and Mr. McAnally voting to grant the motion.

[AGENDA ITEM 8](#) - Report by AMC Advisory Committee

[AGENDA ITEM 9](#) - Report by Enforcement Committee

[AGENDA ITEM 10](#) - Report by Education Committee

[AGENDA ITEM 11](#) - Staff reports on processes, monthly activities, and statistical data

[Mr. Douglas Oldmixon, Commissioner](#)

[Ms. Lorie DeAnda, Director of Reception & Communications Services](#)

[Ms. Gwen Jackson, Director of Education & Licensing Services](#)

[Mr. Tom Watson, Director of Information & Technology Services](#)

[Ms. Melissa Huerta, Director of Staff & Support Services](#)

[Mr. Troy Beaulieu, Managing Attorney \(on behalf of Standards & Enforcement Services\)](#)

The Chair called for a break at 12:33 pm.

[The Chair reconvened the meeting at 12:45 pm.](#)

[AGENDA ITEM 12](#) - Discussion and possible action to adopt amendments to 22 TAC §153.15 concerning Experience Required for Certification or Licensing

[AGENDA ITEM 13](#) - Discussion and possible action to adopt amendments to 22 TAC §153.9 concerning Applications

[AGENDA ITEM 14](#) - Discussion and possible action to adopt amendments to 22 TAC §153.17 concerning Renewal or Extension of Certification and License or Renewal of Trainee Approval

[AGENDA ITEM 15](#) - Discussion and possible action to adopt amendments to 22 TAC §153.5 concerning Fees

[AGENDA ITEM 16](#) - Discussion and possible action to adopt amendments to 22 TAC §159.52 concerning Fees

[AGENDA ITEM 17](#) - Discussion and possible action to adopt amendments to 22 TAC §153.24 concerning Complaint Processing

[AGENDA ITEM 18](#) - Discussion and possible action to adopt amendments to 22 TAC §155.1 concerning Standards of Practice

[AGENDA ITEM 19](#) - Discussion and possible action to adopt amendments to 22 TAC §155.2 concerning Work Relating to Property Tax Protests

ACTION TAKEN: Items 12-19 were taken together. Mr. McAnally moved for the adoption of the rules as presented. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 20](#) - Discussion and possible action to propose amendments to 22 TAC §153.11 concerning Examinations

ACTION TAKEN: Mr. McAnally moved that the amendments be proposed for publication as recommended by staff. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 21](#) - Discussion and possible action to propose amendments to 22 TAC §153.20 concerning Guidelines for Revocation, Suspension, Denial of Licensure; Probation License

ACTION TAKEN: Mr. De La Garza moved that the amendments be proposed for publication as recommended by staff and the Enforcement Committee. Ms. McClendon seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 22](#) - Discussion and possible action to propose amendments to 22 TAC §153.21 concerning Appraiser Trainees and Sponsors

ACTION TAKEN: Mr. De La Garza moved that the amendments be proposed for publication as recommended by staff and the Education Committee. Ms. Wickliffe seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 23](#) - Discussion and possible action to approve the rule review plan for FY 2014

ACTION TAKEN: Ms. McClendon moved that the rule review plan be submitted for publication as recommended by staff. Ms. Fontana seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 24](#) - Discussion and possible action to propose review of:

- a. 22 TAC Chapter 155, Rules Relating to Standards of Practice
- b. 22 TAC Chapter 157, Rules Relating to Practice and Procedure

ACTION TAKEN: Mr. De La Garza moved that 22 TAC Chapter 155 and 22 TAC Chapter 157 be opened for rule review and submitted for publication as recommended by staff. Mr. Black seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 25](#) - Discussion and possible action to approve the following revised or new forms:

- a. Application for Certification or License by Reciprocity
- b. Application for Temporary Non-Resident Appraiser Registration
- c. Request for Extension of Temporary Non-Resident Appraiser Registration
- d. Request for Inactive Status (For Currently Certified or Licensed Appraisers)
- e. Appraiser Continuing Education (ACE) Extension Request
- f. Change of Contact Information
- g. Appraisal Experience Log Instructions
- h. Certificate of License History, Active Licensure, or Sponsorship
- i. Credit for Military Experience
- j. Supplemental Form for Military Spouse

ACTION TAKEN: Ms. Fontana moved to approve the forms as presented with staff's recommendation that the \$20 paper filing fee be added 30 days after the corresponding transactions are available online. Ms. McClendon seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 26](#) - Discussion and possible action to remove from use the Request for Inactive Status (For Expired Certification or License Within 6 months of Expiration Date) form

ACTION TAKEN: Ms. McClendon moved to remove the form from use. Ms. Wickliffe seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 27](#) - Discussion and possible action regarding clarification of Board policy regarding per diems and reimbursement of expenses

ACTION TAKEN: No action was taken. The item was referred to the Executive Committee for a recommendation.

[AGENDA ITEM 28](#) - Discussion and possible action regarding placing items on the Board agenda

ACTION TAKEN: Mr. DeLaGarza moved that any member of the Board be able to place an item on a Board meeting agenda without authorization by the Chair. Ms. McClendon seconded the motion, and the Board approved the motion unanimously.

[AGENDA ITEM 29](#) - Request for new business agenda items  
[The Chair officially recognized and welcomed new Board member Patrick Carlson.](#)

Ms. Wickliffe requested that the Executive Committee review the per diem policy and consider a Board mentorship program and an annual Board workshop. She also requested a future item to discuss the display of disciplinary action of licensees on the website.

Ms. McClendon requested future items for discussion to consider options for providing Uniform Standards of Professional Appraisal Practice (USPAP) manuals to licensed appraisers, to investigate approaches for providing appraiser education credit for seminars provided or taught by staff, and to review and act on TALCB policies.

[AGENDA ITEM 30](#) - Discussion and possible action to schedule future meeting dates

Future meeting dates were confirmed for February 21, 2014, and May 2, 2014.

[AGENDA ITEM 31](#) - The Chair adjourned the meeting at 1:51 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 necessary to determine how to proceed with the complaint from any person.
- (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 of receipt of the response from respondent to determine whether sufficient evidence of a potential violation of TALCB's statutes or rules, or the Uniform Standards of Professional Appraisal Practice (USPAP) exists to pursue investigation and possible formal disciplinary action. If the staff determines that there is no jurisdiction, no violation exists, or there is insufficient evidence to prove a violation, or the complaint warrants dismissal, including contingent dismissal, under subsection (j) of this section, the complaint shall be dismissed with no further processing.
- (h) If the complaint is not dismissed under subsection (g) of this section, a formal

## FOR REFERENCE

complaint will be opened and it will be investigated by a staff investigator or peer investigative committee, as appropriate. Staff may also open a formal complaint on its own motion. A written notice that a formal complaint has been opened will be sent to the complainant and respondent.

(i) 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 for that purpose. Reports prepared by a peer investigative committee shall be reviewed by the Standards and Enforcement Services Division, which shall determine the appropriate disposition of the complaint.

(j) 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 (7) 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 appraiser's honesty, trustworthiness or integrity to the board, the appraiser'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 appraiser's honesty, trustworthiness or integrity to the board, the appraiser'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 respondent completes all remedial measures required in the agreement within a certain prescribed period of time, the complaint will be dismissed with a non-disciplinary warning letter.

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

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

(B) Whether the Respondent has previously been disciplined;

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

## FOR REFERENCE

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

(ii) The nature of the disciplinary sanctions imposed;

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

(D) The difficulty or complexity of the 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;

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

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

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

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

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

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures.

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

(i) Contingent dismissal with remedial measures;

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

(I) Remedial measures;

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

## FOR REFERENCE

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

(IV) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

(VI) Up to \$250 in administrative penalties per act or omission which constitutes a violation(s) of USPAP, Board Rules or the Act, 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 appraiser's practice;

(vi) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

(viii) Up to \$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.

(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;

(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 appraiser's practice;

(IV) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

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

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

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

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

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

(vi) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

## FOR REFERENCE

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

(viii) Up to \$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.

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

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

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

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

(vi) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

(viii) Up to \$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.

(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 appraiser's practice;

(vi) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

(viii) \$1,000 to \$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.

(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 appraiser's practice;

(vi) Restrictions on a certified appraiser's ability to sponsor any appraiser trainees;

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

(viii) \$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.

(I) 3rd Time Discipline Level 3-- violations of the Act, Board Rules, or

**FOR REFERENCE**

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

(i) A revocation; and  
(ii) \$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.

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

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

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

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

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

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

(C) Requiring additional reporting requirements; and

(D) Such other recommendations, with documented support, as will achieve the purposes of the Act, the Rules, and/or USPAP.

(k) Agreed resolutions of complaint matters pursuant to Texas Occupations Code

§1103.458 or §1103.459 must be signed by the respondent, a representative of the Standards and Enforcement Services Division, and the commissioner.

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

RONALD OWLEN DAVIS  
TX-1322256-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-196

### AGREED FINAL ORDER

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Ronald Owlen Davis (the "Respondent").

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

#### **FINDINGS OF FACT**

1. Respondent is a Texas state certified residential real estate appraiser who holds certification TX-1322256-R and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 4700 Cheyenne Avenue, Pasadena, Texas 77505 (the "Property"), on or about September 3, 2012;
3. Thereafter, the complaint, numbered 13-196, was filed with the Board by Rachel Short. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the Property:

- a) USPAP Record Keeping Rule -- Respondent failed to maintain a work file containing all data, information and documentation necessary to support his opinions, analyses and conclusions as required by the record keeping provisions;
- b) USPAP Scope of Work – Respondent failed to properly identify the problem to be solved, determine and perform the Scope of Work necessary to develop credible assignment results, and disclose the Scope of Work in the report;
- c) USPAP Standards 1-2(f), 1-2(g), 2-1(c) and 2-2(b)(x) – Respondent failed to clearly and accurately disclose any extraordinary assumption, hypothetical condition, or limiting condition that directly affected the analysis, opinions and conclusions;
- d) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report the site description and improvements adequately;
- e) USPAP Standards 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to identify and report the specific zoning classification;
- f) USPAP Standards 1-3(a) and 2-2(b)(viii); 1-1(b) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations;
- g) USPAP Standards 1-3(b) and 2-2(b)(ix) – Respondent failed to properly develop the opinion of highest and best use;
- h) USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-1(a) & 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination;
- i) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 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;
- j) USPAP Standards 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b) – Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
- k) USPAP Standards 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;
- l) USPAP Standards 1-5(a) and 2-2(b)(viii); 1-1(b); 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to disclose, analyze and reconcile significant and material information regarding the Property's listing history, failed to disclose and analyze the contracts of sale and reconcile that information and data and failed to provide a

summary of supporting reasoning and analysis of all of this information and reconciliation;

- m) USPAP Standards 1-5(b) and 2-2(b)(viii); 1-1(b); 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to report a prior sale of the Property and failed to disclose, analyze and reconcile this significant and material information within the 3 years prior to the effective date of each appraisal;
- n) USPAP Standards 1-6(a) & (b) & 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used;
- o) USPAP Standards 1-4(e) & 2-2(b)(viii) – Respondent report or analyze any potential effect on value of the assemblage or its component parts;
- p) USPAP Standards 1-2(e) & 2-2(b)(viii) – Respondent failed to examine plans or specification or other documentation sufficient to identify the extent and character of the proposed improvements and failed to consider probable time of completion or appropriate support for costs; and
- q) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced appraisal reports for the properties that contained several substantial errors of omission or commission by not employing correct methods and techniques.

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

7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.

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

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

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

### **ORDER**

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas state certification, TX-1322256-R, is hereby suspended for twelve

(12) months, beginning on February 21, 2014, with this suspension being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before February 21, 2015. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**

- a. A classroom course in USPAP, a minimum of fifteen (15) class hours, on or before February 21, 2015.

2. **MENTORSHIP.** On or before February 21, 2015. Respondent shall complete eight (8) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.**

- a. Eight (8) hours of mentorship concerning the above-noted violations in the findings of fact, on or before February 21, 2015.

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**

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

**FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, THE RESPONDENT SHALL BE IMMEDIATELY ASSESSED A \$1,000 ADMINISTRATIVE PENALTY.**

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the board of all the necessary documents.

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.

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).

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.

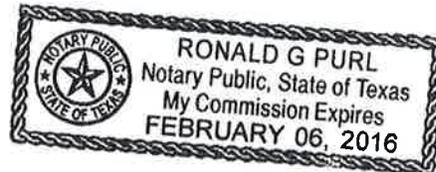
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 29 day of NOVEMBER, 2013.

RONALD OWLEN DAVIS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 29 day of November, 2013, by RONALD OWLEN DAVIS, to certify which, witness my hand and official seal.

Notary Public Signature



Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 4th day of December, 2013.

Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

ABBIE GAIL HAWKINS  
TX-1338340-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO. 13-099

**AGREED FINAL ORDER**

On the 2<sup>nd</sup> day of December, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Abbie Gail Hawkins (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

**FINDINGS OF FACT**

1. Respondent Abbie Gail Hawkins is a Texas state certified residential real estate appraiser who holds certification number TX-1338340-R and was certified or licensed by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at 3930 Feagan Street, Houston, Texas (the "property") on or about February 2<sup>nd</sup>, 2008.
3. A staff-initiated complaint was filed with the Board based upon a referral from The Fraud Unit of the Texas Department of Insurance. The complaint alleged that the Respondent produced an appraisal report for the property that contained violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.
6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to the USPAP:

- a) USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(v)(ii) – Respondent failed to perform the scope of work necessary to develop credible assignment results and disclose that scope of work in the report;
- b) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site and improvement(s) description for the property;
- c) USPAP Standards 1-3(a) & -2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- d) USPAP Standards 1-3(b) & 2-2(b)(viii) – Respondent failed to provide a summary of her rationale for her termination of the property's highest and best use;
- e) USPAP Standards 1-4(b)(i) & 2-2(b)(viii) – Respondent failed to employ appropriate method or technique to determine the property's site value and did not provide her supporting rationale for this determination;
- f) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii) – Respondent failed to collect, verify, analyze and reconcile the cost new of improvements;
- g) USPAP Standards 1-4(b)(iii) & 2-2(b)(viii) – Respondent failed to collect, verify, analyze and reconcile accrued depreciations;
- h) USPAP Standards 1-1(a) & 1-4(b) – Respondent did not employ recognized methods and techniques in his cost approach;
- i) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- j) USPAP Standards 1-5(a) & 2-2(b)(viii) – Respondent failed to analyze all agreements of sale, options or listings of the subject current as of the effective date of the appraisal; and,
- k) USPAP Standards 1-1(a), 1-1(b), and 1-1(c) – For the reasons detailed above, Respondent produced an appraisal for the property that contained substantial errors of omission or commission by not employing correct methods and techniques as detailed above. This resulted in an appraisal that was not credible or reliable.

7. Respondent's report contained material misrepresentations and omissions of material fact as detailed above.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent made material misrepresentations or omissions of material facts as prohibited by 22 TEX. ADMIN. CODE § 153.20(a)(12).
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

## ORDER

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas appraiser certification be suspended for a period of 6 months, effective 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014.

IT IS FURTHER ORDERED that beginning at 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014, the suspension is to be fully probated for 6 months ending 5:00 p.m. (CST) on August 20<sup>th</sup>, 2014, subject to the following terms and conditions:

1. **EDUCATION.** On or before July 21<sup>st</sup>, 2014, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for certification. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
  - A. A minimum 15 classroom hour course in USPAP; and,
  - B. A minimum 7 classroom hour course in the sales comparison approach;
    - i. No examination shall be required for this course;
2. **MENTORSHIP.** On or before May 21<sup>st</sup>, 2014, Respondent shall complete 20 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall

submit a certification of completion signed by the approved certified USPAP instructor on or before the due date listed for the mentorship requirement. Respondent shall also submit a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees form on or before the due date listed for the mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 20 hours of mentorship shall include:

- A. 7 hours on the sales comparison approach;
  - B. 7 hours on the cost approach;
  - C. 3 hours on listing and sales history analysis; and,
  - D. 3 hours on report writing.
4. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
  5. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

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, INCULDING 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).

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.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2013.

Abbie Gail Hawkins  
ABBIE GAIL HAWKINS

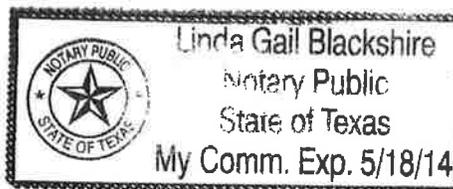
Ted Whitmer

TED WHITMER, ATTORNEY FOR  
ABBIE GAIL HAWKINS

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 2<sup>nd</sup> day of December, 2013, by ABBIE GAIL HAWKINS, to certify which, witness my hand and official seal.

Linda Gail Blackshire  
Notary Public Signature

Linda Gail Blackshire  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 3<sup>RD</sup> day of DECEMBER, 2013.

Troy Beaulieu  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

SURRENDER OF CERTIFICATION

TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

§  
§  
§  
§  
§  
§  
§

vs.

DOCKETED COMPLAINT NO. 14-037

CHRISTOS CATECHIS TX-1320570-R

AFFIDAVIT

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

My name is CHRISTOS CATECHIS. 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.

CHRIS CATECHIS  
NAME (PRINT)

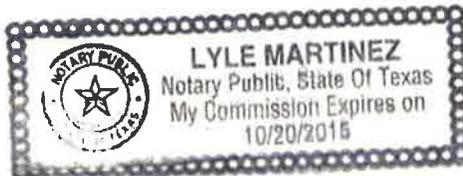
[Signature]  
SIGNATURE

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 5TH day of DECEMBER, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]  
Notary Public's Signature

LYLE MARTINEZ  
Notary Public's Printed Name



**SURRENDER OF CERTIFICATION**

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

§  
§  
§  
§  
§  
§  
§  
§

vs.

DOCKETED COMPLAINT NO.  
14-037

CHRISTOS CATECHIS  
TX-1320570-R

**ORDER OF THE BOARD**

WHEREAS, CHRISTOS CATECHIS has submitted to the Board his affidavit that he no longer desires to be approved as a 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-1320570-R hereto issued to CHRISTOS CATECHIS, 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 \_\_\_\_\_, 2014.

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

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

ROBERT WYMAN HAWKINS, JR.  
TX-1335830-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-197 & 13-277

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Robert Wyman Hawkins, Jr. (the "Respondent").

In order to resolve the dispute between the Board and the Respondent the parties collectively agreed to enter into this Agreed Final Order (the "Agreed Final Order"). The parties acknowledge that by agreeing to the terms of this Order, Robert Wyman Hawkins, Jr. does not admit that the Findings of Fact and Conclusions of Law are true and the parties acknowledge that Respondent agrees to enter into this Order solely to resolve the dispute between the parties and to avoid the expense of an administrative hearing to adjudicate the claims presented by the Statement of Charges ("Statement").

The Board acknowledges that it filed a Statement which alleged that the Board is entitled to the entry of the following findings of fact and conclusions of law, which Respondent does not admit but rather disputes and expressly denies. Moreover, the Board's Findings of Fact and Conclusions of Law are not the findings or conclusions of an Administrative Judge, but rather are solely the Board's findings and conclusions as evidenced by the allegations contained in the Statement. Respondent has appropriately notified the Board that he disputes the Board's findings and conclusions, however, to resolve and settle the dispute and to avoid the cost and expense of an administrative hearing the Board and Respondent agree to enter into this Order, which recites the Board's findings and conclusions in accordance with TEX. OCC. CODE § 1103.458.:

**FINDINGS OF FACT**

1. Respondent Robert Wyman Hawkins, Jr. is a Texas state certified residential real estate appraiser who holds certification number TX-1335830-R, and was certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised real property (collectively, the "Properties") located at:
  - a. 1331 Twin Knoll Drive, Murphy, Texas 76058 (the "Twin Knoll property"), on or about April 9, 2013; and
  - b. 3300 Lanarc Drive, Plano, Texas 75023 (the "Lanarc property"), on or about March 7, 2013;

3. Thereafter, the complaint, numbered 13-197, was filed with the Board by Valerie Fischer (borrower). Thereafter, the complaint, numbered 13-277, was filed with the Board by Dustin Chase/LenderVend, LLC. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").

4. The Board, in accordance with the mandate of TEX.GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Respondent voluntarily provided documentation to the Board and categorically denied that he in any way violated the Act or USPAP.

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

- a) USPAP Ethics Rule -- Respondent violated the Ethics Rule by communicating assignment results in a grossly negligent manner;
- b) USPAP Record Keeping Rule -- Respondent failed to maintain a work file containing all data, information and documentation necessary to support his opinions, analyses and conclusions as required by the record keeping provisions;
- c) USPAP Scope of Work Rule -- Respondent failed to properly identify the problem to be solved, determine and perform the Scope of Work necessary to develop credible assignment results;
- d) USPAP Standards 1-2(e)(i) & 2-2(b)(iii); 1-1(b) -- Respondent failed to identify and report significant and material information concerning the site description and improvements description adequately;
- e) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) -- Respondent misrepresented the zoning for the Lanarc property and failed to disclose, analyze and report the proper zoning classification;
- f) USPAP Standards 1-3(a) & 2-2(b)(viii); 1-1(b) -- Respondent failed to properly identify and analyze market area trends;
- g) USPAP Standards 1-4(b)(i) & 2-2(b)(viii) ; 1-1(a) & 1-4(b) -- Respondent failed to use an appropriate method or technique to develop a site value determination and did not provide supporting documentation, analysis or data for his determination;

- h) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in his sales comparison approach;
- i) USPAP Standards 1-6(a) & (b) & 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used; and,
- 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 was careless, negligent and produced a misleading appraisal report for the Properties that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible or reliable.

6. Respondent made material omissions of material fact with respect to the appraisals of the Properties as detailed above.

7. The parties agree to enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

8. The Findings of Fact recited in paragraph's 1-9 above are not the findings of Administrative Judge but rather solely the findings of the Board as alleged in the Statement which Respondent disputes.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.

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

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

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

The Conclusions of Law recited in paragraphs 2 & 3 above are the legal conclusions sought by the Board and shall not be construed as the legal conclusions of an Administrative Judge. Moreover, Respondent specifically denies and does not admit to the conclusions in paragraphs 2 & 3 by agreeing into this Order.

### **ORDER**

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas state certification (TX-1335830-R) is hereby suspended for twenty-

four (24) months, beginning on February 21, 2014, with this suspension being fully probated under the following terms and conditions:

1. **REPRIMAND.** Respondent is hereby reprimanded for the above-noted acts and omissions alleged by the Board.
2. **ADMINISTRATIVE PENALTY.** On or before March 13, 2014. Respondent shall pay to the Board an administrative penalty of one thousand five hundred dollars (\$1,500.00) by certified funds, within twenty (20) days of the effective date of this Agreed Final Order (i.e. on or before March 13, 2014).
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**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the board of all the necessary documents.

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.

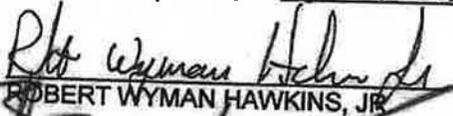
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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).

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.

Signed this 11 day of December, 2013.

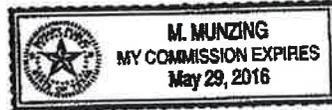
  
ROBERT WYMAN HAWKINS, JR.

  
BOONE ALMANZA, ATTORNEY FOR  
ROBERT WYMAN HAWKINS, JR.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 11<sup>th</sup> day of December, 2013, by ROBERT WYMAN HAWKINS, JR., to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature

M. Munzing  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17<sup>th</sup> day of December, 2013.

[Signature]  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

§  
§  
§  
§  
§  
§  
§

vs.

DOCKETED COMPLAINT NO.  
13-314

MICHAEL LIDNEY MOLNARI  
TX-1336760-R

**AGREED FINAL ORDER**

On the 20<sup>th</sup> day of December, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Michael Lidney Molnari (the "Respondent").

In order to conclude this matter, Michael Lidney Molnari 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 "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 is a Texas state certified residential real estate appraiser who holds certification number, TX-1336760-R, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at 2206 Colby Drive, Baytown, Texas 77520 ("the property") on or about October 3<sup>rd</sup>, 2012.
3. Thereafter, a complaint was filed with the Board by Jessica Nayden, an employee of LSI, claiming the appraisal report contained various deficiencies under the Uniform Standards of Professional Appraisal Practice. The Board reviewed the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board, in accordance with the mandate of the Administrative Procedure Act (the "APA"), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103 (the "Act"), notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of his appraisal report for the property:

- a) USPAP Record Keeping Rule – Respondent’s work file does not contain the documentation necessary to support his analyses, opinions and conclusions;
- b) USPAP Competency Rule – Respondent failed to completely perform the assignment;
- c) USPAP Standards 1-2(e)(i) and 1-2(e)(iv) and 2-2(b)(iii) – Respondent failed to identify and report the improvement(s) adequately and did not analyze and report on the property’s zoning ordinance;
- d) USPAP Standards 1-3(a) and 2-2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends adequately and did not provide supporting documentation for his rationale;
- e) USPAP Standards 1-4(b)(i) and 2-2(b)(viii) – Respondent failed to use an appropriate method or technique to develop an opinion of site value and provide supporting documentation and supporting reasoning for his site value determination;
- f) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b); and 1-1(a) & 1-4(b) – Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements and accrued depreciations and did not employ recognized methods and techniques in his cost approach;
- g) USPAP Standards 1-4(a) and 2-2(b)(viii); 1-1(a) and 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in his sales comparison approach;
- h) USPAP Standards 1-6(a) & (b) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
- i) USPAP Standards 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 several substantial errors of omission or commission by not employing correct methods and techniques.

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

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

## ORDER

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

1. **EDUCATION.** On or before August 21, 2014. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. 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 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. Attend and complete a minimum (7) classroom course in the use of adjustments in the sales comparison approach;
    - i. No examination shall be required for this course;
  - b. Attend and complete a minimum (7) classroom course in the cost approach and site valuation;
    - i. No examination shall be required for this course;
2. **MENTORSHIP.** On or before May 21, 2014. 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 Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 8 hours of mentorship shall include:

- a. 3 hours on analyzing and supporting adjustments made in the sales comparison approach;
  - b. 3 hours on recognized methods and techniques for determining site value; and,
  - c. 2 hours on how zoning impacts highest and best use.
4. **ADMINISTRATIVE PENALTY.** On or before March 13<sup>th</sup>, 2014, Respondent shall pay to the Board by certified funds an administrative penalty of five hundred dollars (\$500.00), which shall be fully probated, subject to timely compliance with the following conditions:
- A. **WRITTEN REPORTS.** On or before June 21<sup>st</sup>, 2014, Respondent shall submit to the Board a 1 page report for each of the three mentorship topic areas itemized above in which:
    - (i) he explains the deficiencies in his appraisal of the property relative to the specific mentorship topic;
    - (ii) he describes what he learned from the specific mentorship session; and,
    - (iii) explains how he intends to apply what he learned during the specific mentorship session to his appraisal practice going forward in order to avoid future problems with his work product; and,
  - B. Respondent shall timely comply with all other terms and conditions of this agreed final order.
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 TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, SHALL RESULT IN THE AUTOMATIC REVOCATION OF PROBATION AND RESPONDENT SHALL**

**IMMEDIATELY PAY THE \$500.00 ADMINISTRATIVE PENALTY NOTED ABOVE. IN ADDITION, 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 TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.**

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

**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).

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.

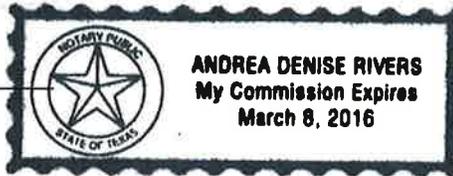
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 20<sup>th</sup> day of December, 2013.

[Signature]  
MICHAEL LIDNEY MOLNARI

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 20<sup>th</sup> day of December, 2013, by MICHAEL LIDNEY MOLNARI, to certify which, witness my hand and official seal.

[Signature]  
Notary Public Signature  
Andrea Rivers  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 3<sup>rd</sup> day of JANUARY, 2014.

[Signature]  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

LATEEF A. AKANJI  
TX-1335567-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-305

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of LATEEF A. AKANJI (the "Respondent").

In order to conclude this matter, LATEEF A. AKANJI 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 "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 is a Texas state certified residential real estate appraiser who holds certification number, TX-1335567-R, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at 12133 Cross Creek Drive, Dallas, Texas ("the property") on or about July 10<sup>th</sup>, 2013.
3. Thereafter, a complaint was filed with the Board by Patty Drescher with Supreme Lending claiming the appraisal report contained various deficiencies. The Board reviewed the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board, in accordance with the mandate of the Administrative Procedure Act (the "APA"), TEX.GOV'T CODE ANN. CHPT. 2001, and TEX.OCC.CODE CHPT. 1103 (the "Act"), notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of his appraisal report for the property:

- a) USPAP Scope of Work Rule; USPAP Standards 1-2(h) and 2-2(b)(vii) -- Respondent failed to identify and perform the work necessary to produce a credible report for the subject property;
  - b) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report the site description adequately;
  - c) USPAP Standards 1-3(a) and 2-2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends adequately and did not provide supporting documentation for his rationale;
  - d) USPAP Standards 1-3(b) and 2-2(b)(ix) – Respondent failed to provide a summary of his rationale for his determination of the highest and best use;
  - e) USPAP Standards 1-4(b)(i) and 2-2(b)(viii) – Respondent failed to use an appropriate method or technique to develop an opinion of site value;
  - f) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b); and 1-1(a) & 1-4(b) – Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements and accrued depreciations and did not employ recognized methods and techniques in his cost approach;
  - g) USPAP Standards 1-4(a) and 2-2(b)(viii); 1-1(a) and 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in his sales comparison approach;
  - h) USPAP Standards 1-6(a) & (b) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
  - i) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced an appraisal report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques.
6. Respondent made material misrepresentations and material omissions of material fact with respect to his appraisal of the property as detailed above.
7. The parties enter into this consent 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. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE §1103.458.

## ORDER

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas appraiser certification be suspended for a period of 12 months, effective 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014 and ending on February 20<sup>th</sup>, 2015.

IT IS FURTHER ORDERED that beginning at 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014, the suspension is to be fully probated for the entire 12 months, ending on 5:00 p.m. (CST) on February 20<sup>th</sup>, 2015, subject to the following terms and conditions:

1. **EDUCATION.** On or before November 21, 2014. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. 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 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. Attend and complete a minimum (15) classroom course in USPAP.
  - b. Attend and complete a minimum (7) classroom course in the sales comparison approach;
    - i. No examination shall be required for this course;
  - c. Attend and complete a minimum (14) classroom course in residential case studies;
2. **MENTORSHIP.** On or before May 21, 2014. 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 Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 8 hours of mentorship shall include:

- a. 4 hours in the selection and analysis of comparable sales; and,
  - b. 4 hours in analyzing and supporting adjustments made in the sales comparison approach.
3. **NO TRAINEES.** Respondent shall not sponsor or supervise any appraiser trainees for the duration of the above-referenced 12 month probation period;
  4. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
  5. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's website.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the board of all the necessary documents.

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.

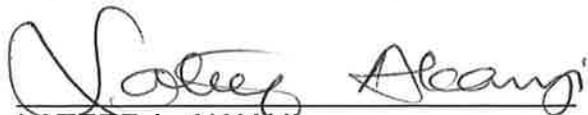
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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, INCULDING 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).

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.

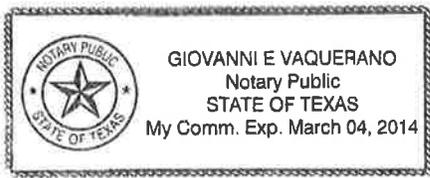
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 31<sup>st</sup> day of December, 2013.

  
LATEEF A. AKANJI

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 31<sup>st</sup> day of December, 2013, by LATEEF A. AKANJI, to certify which, witness my hand and official seal.

*Giovanni E. Vaquerano*  
Notary Public Signature



Giovanni E. Vaquerano  
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 7<sup>th</sup> day of JANUARY, 2014.

*Troy Beaulieu*  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

LEE RAGLAND  
TX-1331036-R

§  
§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-200

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Lee Ragland (the "Respondent").

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified residential real estate appraiser who held certification number, TX-1331036-R, and was certified by the Board during all times material to the above-noted complaint case.

2. Respondent appraised real property located at 27047 Stonewood Drive, Whitney, Texas 76692 (the "Property") on or about March 3, 2013.

3. Thereafter, the complaint, numbered 13-200, was filed with the Board by Deb Nikodym (Rels). The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").

4. The Board, in accordance with the mandate of TEX.GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. 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.

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

- a) USPAP Ethics Rule (Conduct) – Respondent communicated a misleading appraisal report;

- b) USPAP Record Keeping Rule – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
  - c) USPAP Scope of Work Rule – Respondent's failed to perform the scope of work necessary to develop credible assignment results;
  - d) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
  - e) USPAP Standards – 1-3(b) and 2-2(b)(viii) – Respondent failed to develop the opinion of highest and best use in the appraisal report;
  - f) USPAP Standards 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements;
  - g) USPAP Standards 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;
  - h) USPAP Standards 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach;
  - i) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced a misleading appraisal report for the Property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible; and
6. Respondent made omissions of material fact with respect to the appraisal of the Property as detailed above.
7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(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 February 21, 2015. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
  - a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before February 21, 2015.
  - b. A classroom course on the Sales Comparison Approach, a minimum of seven (7) class hours, on or before February 21, 2015.
2. **EXPERIENCE LOG.** On or before August 21, 2015. Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board for the period of six (6) months starting after the due dates for the education (from February 21, 2015 to August 21, 2015). The log shall detail **all** real estate appraisal activities Respondent has conducted during that six (6) month period. This log 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 his appraisal reports and work files for any appraisal assignments Respondent performs during the course of this six (6) month period within twenty (20) days of receiving any such request.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and

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

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

**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).

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.

Signed this 4<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
LEE RAGLAND

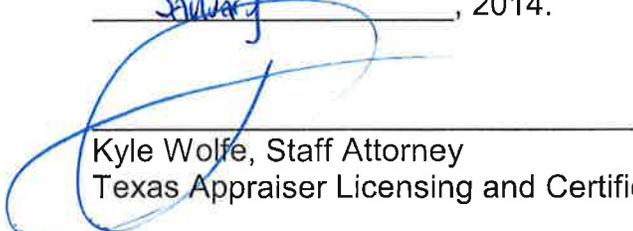
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 4 day of JAN, 2014, by LEE RAGLAND, to certify which, witness my hand and official seal.

  
\_\_\_\_\_  
Notary Public Signature

MICHAEL E THOMPSON  
\_\_\_\_\_  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 8th day of January, 2014.

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

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

WILLIAM EUGENE SMITH  
TX-1320169-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
11-015

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of William Eugene Smith (the "Respondent").

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified residential real estate appraiser who held certification number, TX-1320169-R, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at 1602 Chowan Place, Round Rock, TX 78681 (the "Property") on or about April 19, 2010.
3. Thereafter, the complaint, numbered 11-015, was filed with the Board by staff after an experience audit. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the Property:
  - a) USPAP Ethics Rule (Conduct) – Respondent communicated a misleading appraisal report;

- b) USPAP Ethics Rule (Record Keeping) – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
  - c) USPAP Scope of Work Rule – Respondent's failed to perform the scope of work necessary to develop credible assignment results;
  - d) USPAP Standards 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to properly report the property's zoning;
  - e) USPAP Standards 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 his sales comparison approach;
  - f) USPAP Standards 2-2(b)(v)(iii) – Respondent failed to explain and support the exclusion of the income approach;
  - g) USPAP Standards 1-5(a) and 2-2(b)(viii); 1-1(b); 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to disclose, analyze and reconcile significant and material information regarding the property's current listing;
  - h) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced a misleading appraisal report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.
6. Respondent made omissions of material fact with respect to his appraisal of the property as detailed above.
7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(9) 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. **MENTORSHIP.** On or before August 21, 2014. Respondent shall complete four (4) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this 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 above-noted violations, on or before August 21, 2014.
2. **WRITTEN REPORT.** On or before August 21, 2014. Respondent shall submit to the Board a one (1) page report detailing the topics addressed in the mentorship session.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order, and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

**ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.**

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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

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).

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.

Signed this 3<sup>rd</sup> day of January, 2014.

  
WILLIAM EUGENE SMITH

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 3rd day of January, 2014, by WILLIAM EUGENE SMITH, to certify which, witness my hand and official seal.

Angelica Mendez  
Notary Public Signature



ANGELICA MENDEZ  
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 5th day of January, 2014.

[Signature]  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board  
Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

GEORGE WILLIAM CORNELIUS  
TX-1323630-G

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-269

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of George William Cornelius (the "Respondent").

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified general real estate appraiser who held certification number, TX-1323630-G, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at 816 Eastview, Crystal Beach, Texas 77650 (the "Property") on or about May 11, 2013.
3. Thereafter, the complaint, numbered 13-269, was filed with the Board by Nancy Harris, the Property owner. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the Property:

- a) USPAP Ethics Rule (Conduct) – Respondent communicated a misleading appraisal report;

- b) USPAP Record Keeping Rule – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
- c) USPAP Scope of Work Rule – Respondent's failed to perform the scope of work necessary to develop credible assignment results;
- d) USPAP Standards 1-2(a) and 2-2(b)(i) – Respondent failed to identify the intended users of the appraisal;
- e) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
- f) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report improvements on the Property;
- g) USPAP Standards 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to consider and report the Property's zoning classification;
- h) USPAP Standards – 1-3(a) and 2-2(b)(viii) – Respondent failed to support the opinions and conclusions in the *Neighborhood* section of the appraisal report;
- i) USPAP Standards 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements;
- j) USPAP Standards 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;
- k) USPAP Standards 2-2(b)(v)(iii) – Respondent failed to explain and support the exclusion of the income approach;
- l) USPAP Standards 1-4(c)(i), 1-4(c)(ii), 1-4(c)(iii), 1-4(c)(iv) and 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to determine the gross income potential of the subject and failed to collect, verify, analyze and reconcile comparable rental data for subject rent and/or the potential earnings capacity of the property to estimate the gross income potential of the subject; Respondent failed to use an appropriate method or technique to determine the comparable operating expenses and failed to collect, verify, analyze and reconcile the comparable operating expenses; Respondent failed to use an appropriate method or technique to estimate capitalization and/or discount rates and failed to collect, verify, analyze and reconcile the estimate capitalization and/or

discount rates; Respondent failed to base projections of future rent or income potential and expenses on reasonable clear and appropriate evidence;

m) USPAP Standards 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used and the applicability or suitability of the approaches;

n) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced a misleading appraisal report for the Property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible; and

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

7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.

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

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(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 February 21, 2015. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**

- a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before February 21, 2015.
  - b. A classroom course on Residential Case Studies, a minimum of fifteen (15) class hours, on or before February 21, 2015.
  - c. A classroom course on Market Analysis, a minimum of fifteen (15) class hours, on or before February 21, 2015.
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 TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.**

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

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).

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.

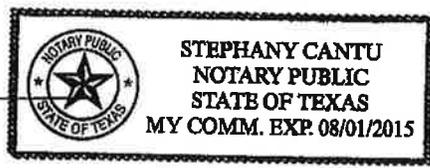
Signed this 9 day of Jan., 2014.

  
\_\_\_\_\_  
GEORGE WILLIAM CORNELIUS

  
\_\_\_\_\_  
TED WHITMER, ATTORNEY FOR  
GEORGE WILLIAM CORNELIUS

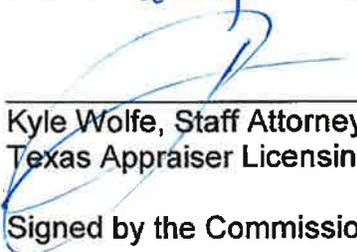
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 9<sup>th</sup> day of January, 2014, by GEORGE WILLIAM CORNELIUS, to certify which, witness my hand and official seal.

  
\_\_\_\_\_  
Notary Public Signature



Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 10th day of January, 2014.

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

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

SUSIE JORDAN  
TX-1329421-G

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-244

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Susie Jordan (the "Respondent").

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified general real estate appraiser who held certification number, TX-1329421-G, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at 253 County Road 126, Nacogdoches, Texas 75965 (the "Property") on or about September 27, 2011.
3. Thereafter, the complaint, numbered 13-244, was filed with the Board by staff, based on a referral from the U.S. Department of Housing and Urban Development. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX.GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the Property:

- a) USPAP Ethics Rule (Conduct) – Respondent communicated a misleading appraisal report;
- b) USPAP Ethics Rule (Record Keeping) – Respondent failed to create and maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisal;
- c) USPAP Scope of Work Rule – Respondent's failed to perform the scope of work necessary to develop credible assignment results;
- d) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
- e) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report the improvements;
- f) USPAP Standards 1-2(e)(iii), 1-4(g) and 2-2(b)(viii) – Respondent failed to analyze any effect on value of personal property;
- g) USPAP Standards – 1-3(a) and 2-2(b)(viii) – Respondent failed to support the opinions and conclusions in the *Neighborhood* section of the appraisal report;
- h) USPAP Standards 1-3(b) and 2-2(b)(ix) – Respondent failed to develop the opinion of highest and best use in the appraisal report;
- i) USPAP Standards 2-2(b)(viii) – Respondent failed to explain and support the exclusion of the cost approach;
- j) USPAP Standards 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;
- k) USPAP Standards 1-6(a), 1-6(b) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach;
- l) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced a misleading appraisal report for the Property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible; and
- m) USPAP Standards 2-3 and 2-2(b)(xi) – Respondent failed to include a signed certification.

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

7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.

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

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(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. **MENTORSHIP.** On or before August 21, 2014. Respondent shall complete four (4) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this 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 above-noted violations, on or before August 21, 2014.

2. **EDUCATION.** On or before August 21, 2014. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. 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 Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**

- a. A classroom course in USPAP, a minimum of fifteen (15) class hours, on or before August 21, 2014.
3. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
4. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

**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, INCULDING 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).

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.

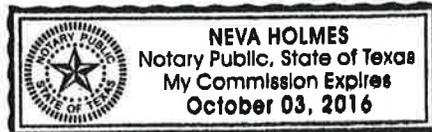
Signed this 10<sup>th</sup> day of January, 2014.

Susie Jordan  
SUSIE JORDAN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 10<sup>th</sup> day of January, 2014, by SUSIE JORDAN, to certify which, witness my hand and official seal.

Neva Holmes  
Notary Public Signature

NEVA HOLMES  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 13<sup>th</sup> day of January, 2014.

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

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

ELBERT EUGENE DAGLEY  
TX-1328317-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-215 & 13-236

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Elbert Eugene Dagley (the Respondent).

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified residential real estate appraiser who held certification number, TX-1328317-R, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property (collectively, the properties) located at:
  - a. 4211 Landon Lane, Baytown, Texas 77523 on or about January 29, 2013; and
  - b. 5511 Carriage Trails Drive, Baytown, Texas 77523 on or about August 10, 2012.
3. Thereafter, the complaint, numbered 13-215, was filed with the Board by staff. Thereafter, the complaint, numbered 13-236, was filed with the Board by ACT Appraisal. The Board investigated the complaints to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the Act) and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the Rules).
4. The Board, in accordance with the mandate of TEX. GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the APA), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22, TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a)

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

- a) USPAP Record Keeping Rule – Respondent failed to maintain a workfile containing all data, information, and documentation necessary to support the opinions and conclusions in the appraisals;
- b) USPAP Scope of Work Rule – Respondent reporting and analysis was not adequate to produce credible assignment results;
- c) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description and improvements;
- d) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to identify and report the improvements;
- e) USPAP Standards 1-2(e)(iv) and 2-2(b)(viii) – Respondent failed to adequately report zoning;
- f) USPAP Standards – 1-3(a) and 2-2(b)(viii) – Respondent failed to support the opinions and conclusions in the *Neighborhood* section of the appraisal report;
- g) USPAP Standards 1-3(b) and 2-2(b)(ix) – Respondent failed to adequately develop an opinion of highest and best use;
- h) USPAP Standards 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) and 2-2(b)(viii); 1-1(a) and 1-4(b) – Respondent failed to use an appropriate method or technique to develop a site value determination; Respondent failed to use an appropriate method or technique to determine the cost new of improvements and failed to collect, verify, analyze and reconcile the cost new of improvements; Respondent failed to use an appropriate method or technique to determine accrued depreciations and failed to collect, verify, analyze and reconcile the accrued depreciations;
- i) USPAP Standards 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;
- j) USPAP Standards 1-5(a) and 2-2(b)(viii) – Respondent failed to disclose, analyze information regarding all agreements of sale, options or listings of the property current as of the effective date of the appraisal;
- k) USPAP Standards 1-5(a) and 2-2(b)(viii) – Respondent failed to analyze all sales of the subject within three (3) years prior to the effective date of the appraisal; and
- l) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced misleading appraisal reports for the properties that contained several substantial errors of omission or commission by

not employing correct methods and techniques. This resulted in appraisal reports that were not credible.

6. Respondent made omissions of material fact with respect to the appraisals of the properties as detailed above.

7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.

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

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(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** that Respondent's Texas state certification (TX-1328317-R) is hereby suspended for twelve (12) months, beginning on February 21, 2014, with this suspension being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before February 21, 2015, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**

a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before February 21, 2015.

b. A classroom course on Market Analysis, a minimum of fifteen (15) class hours, on or before February 21, 2015.

- c. A classroom course on Report Writing, a minimum of fifteen (15) class hours, on or before February 21, 2015.
2. **ADMINISTRATIVE PENALTY.** On or before March 13, 2014, Respondent shall pay to the Board an administrative penalty of one thousand dollars (\$1,000.00), by certified funds, within twenty (20) days of the effective date of this Agreed Final Order (i.e. on or before March 13, 2014).
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**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

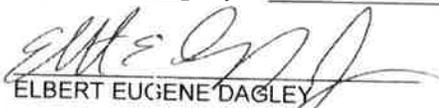
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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).

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.

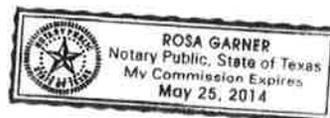
Signed this \_\_\_\_ day of \_\_\_\_\_, 2014.

  
ELBERT EUGENE DAGLEY

  
TED WHITMER, ATTORNEY FOR  
ELBERT EUGENE DAGLEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 17<sup>th</sup> day of January, 2014, by ELBERT EUGENE DAGLEY, to certify which, witness my hand and official seal.

  
Notary Public Signature  
ROSA GARNER  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17th day of January 2014.

Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

ISRAEL R. GALINDO  
TX-1337554-R

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO. 13-124  
& 14-052

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Israel R. Galindo (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

**FINDINGS OF FACT**

1. Respondent Israel R. Galindo is a Texas state certified residential real estate appraiser who holds certification number TX-1337554-R and was certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised real property located at 21363 Dogwood, Flint, Texas ("the Dogwood property"), 528 West 5<sup>th</sup> Street, Tyler, Texas ("the 5<sup>th</sup> Street property") and 12208 Cross Fence Trail, Tyler, Texas ("the Cross Fence property") and 14901 Amber Leaf Court in Tyler, Texas ("the Amber Leaf property") (collectively, the "properties") on or about July 1<sup>st</sup>, 2013, July 31<sup>st</sup>, 2013, May 10<sup>th</sup>, 2013 and December 5<sup>th</sup>, 2012, respectively.
3. Thereafter, a complaint with respect to the Amber Leaf property was filed with the Board by Dwaine Daugherty, a real estate appraiser. The complaint alleged that the Respondent produced an appraisal report for the property that contained various deficiencies and the application of improper appraisal methods and techniques. In addition, staff-initiated complaint with respect to the Dogwood, 5<sup>th</sup> Street and Cross Fence properties was filed. This complaint was the result of a probationary audit conducted by staff stemming from Respondent's agreed final order in complaint #11-212.
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in both complaints. Respondent was also requested to provide certain documentation to the Board, which was received.

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

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to the USPAP:

- a) USPAP Record Keeping Rule – For each of the properties, Respondent failed to maintain a work file which contains the documentation necessary to support his analyses, opinions and conclusions;
- b) USPAP Competency Rule – For each of the properties, Respondent was not competent to perform the assignment and did not take those steps necessary to acquire competency;
- c) USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(v)(ii) – With regard to the Amber Leaf property, Respondent failed to perform the scope of work necessary to develop credible assignment results;
- d) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site description for all of the properties;
- e) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) – Respondent failed to consider and report all of the properties zoning ordinances / restrictions and/or deed restrictions for all of the properties
- f) USPAP Standards 1-3(a) & 2-2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends for all of the properties;
- g) USPAP Standards 1-3(b) & 2-2(b)(viii) – Respondent failed to provide a summary of his rationale for his termination of the property's highest and best use for the Dogwood, 5<sup>th</sup> Street and Cross Fence properties;
- h) USPAP Standards 1-4(b)(i) & 2-2(b)(viii) – For each of the properties, Respondent failed to employ appropriate method or technique to determine the property's site value and did not provide her supporting rationale for this determination;
- i) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii) – For each of the properties Respondent failed to collect, verify, analyze and reconcile the cost new of improvements;
- j) USPAP Standards 1-4(b)(iii) & 2-2(b)(viii) – Respondent failed to collect, verify, analyze and reconcile accrued depreciations for the Amber Leaf property;

- k) USPAP Standards 1-1(a) & 1-4(b) – Respondent did not employ recognized methods and techniques in his cost approach for each of the properties;
- l) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – For all of the properties, Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- m) USPAP Standards 1-5(b) & 2-2(b)(viii) – Respondent failed to analyze a prior sale of the Amber Leaf property which occurred within the 3 years prior to the effective date of Respondent's appraisal report for each of the properties;
- n) USPAP Standards 1-6(a) & (b) & 2-2(b)(viii) – In each of the properties Respondent failed to reconcile the quality and quantity of the data within the approaches to value used and the applicability or suitability of the approaches; and,
- o) USPAP Standards 1-1(a), 1-1(b), and 1-1(c) – For the reasons detailed above, Respondent produced appraisals for the properties that contained substantial errors of omission or commission by not employing correct methods and techniques as detailed above. This resulted in appraisals that were not credible or reliable.

7. Respondent's reports for each of the properties contained material misrepresentations and omissions of material fact was detailed above.

## **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent made material misrepresentations or omissions of material facts as prohibited by 22 TEX. ADMIN. CODE § 153.20(a)(12).
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

## **ORDER**

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas appraiser certification be suspended, effective 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014 and ending at 5:00 p.m. (CST) on February 21<sup>st</sup>, 2017.

IT IS FURTHER ORDERED that beginning at 5:00 p.m. (CST) on February 21<sup>st</sup>, 2014, the suspension is to be fully probated for 36 months ending 5:00 p.m. (CST) on February 21<sup>st</sup>, 2017, subject to the following terms and conditions:

1. **EDUCATION.** On or before August 21<sup>st</sup>, 2014, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for certification. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
  - A. A minimum 15 classroom hour course in USPAP;
  - B. A minimum 7 classroom hour course in report writing;
  - C. A minimum 7 classroom hour course in the sales comparison approach;
    - i. No examination shall be required for this course;
  
2. **MENTORSHIP.** On or before May 21<sup>st</sup>, 2014, Respondent shall complete 10 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. In addition, on or before August 21<sup>st</sup>, 2014, Respondent shall complete an additional 5 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor on or before each of the due dates listed for the mentorship requirement. Respondent shall also submit a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees form on or before each of the due dates listed for the mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The aggregate total of 15 hours of mentorship shall include:
  - A. 4 hours on the site analysis and valuation; and,
  - B. 3 hours on the recognized methods and techniques for developing a site value;

- C. 3 hours in how to select and analyze comparable sales;
- D. 4 hours in how to analyze, make and support adjustments to comparable sales;
- E. 1 hours in how to research a property's sales history and document and analyze any such sales history;

3. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board by certified funds an administrative penalty of four thousand dollars (\$4,000.00), of which two thousand dollars (\$2,00.00) shall be fully probated, subject to timely compliance with the following conditions:

A. **INSTALLMENT PAYMENTS OF ADMINISTRATIVE PENALTY.** Respondent shall pay the non-probated portion of the administrative penalty in 10, equal, monthly \$200.00 installments due on the first day of each month as follows:

- (i) \$200 due by March 1<sup>st</sup>, 2014
- (ii) \$200 due by April 1<sup>st</sup>, 2014
- (iii) \$200 due by May 1<sup>st</sup>, 2014
- (iv) \$200 due by June 1<sup>st</sup>, 2014
- (v) \$200 due by July 1<sup>st</sup>, 2014
- (vi) \$200 due by August 1<sup>st</sup>, 2014
- (vii) \$200 due by September 1<sup>st</sup>, 2014
- (viii) \$200 due by October 1<sup>st</sup>, 2014
- (ix) \$200 due by November 1<sup>st</sup>, 2014
- (x) \$200 due by December 1<sup>st</sup>, 2014

B. **WRITTEN REPORTS.** On or before September 1<sup>st</sup>, 2014, Respondent shall submit to the Board a 1 page report for each of the five mentorship topic areas itemized above in which:

- (i) he explains the deficiencies in each of his appraisals relative to the specific mentorship topic;
- (ii) he describes what he learned from the specific mentorship session; and,
- (iii) explains how he intends to apply what he learned during the specific mentorship session to his appraisal practice going forward in order to avoid future problems with his work product; and,

C. Respondent shall timely comply with all other terms and conditions of this agreed final order.

4. **LOGS.** On or before March 21<sup>st</sup>, 2015, Respondent shall submit a signed and notarized experience log and affidavit listing all real estate appraisal activities completed during the time period November 21<sup>st</sup>, 2014 through February 21<sup>st</sup>, 2015.
5. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
6. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

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

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

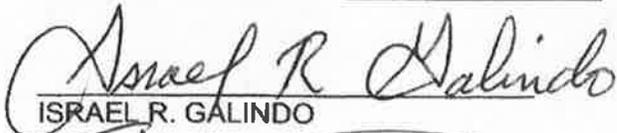
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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, INCULDING 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).

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.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

  
ISRAEL R. GALINDO

  
TED WHITMER, ATTORNEY FOR  
ISRAEL R. GALINDO

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 9<sup>th</sup> day of JANUARY, 2014, by ISRAEL R. GALINDO, to certify which, witness my hand and official seal.

  
Notary Public Signature

JEFFREY GOFF

Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 30<sup>th</sup> day of January, 2014.

Troy Beaulieu  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

BURTON CRAIG CLEMMER  
TX-1320486-G

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
13-240

**AGREED FINAL ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Burton Craig Clemmer (the Respondent).

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

**FINDINGS OF FACT**

1. Respondent is a Texas state certified general real estate appraiser who held certification number, TX-130486-G, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at 2011 Cedar Springs Road #403, Dallas, Texas 75201 (the Property) on or about April 10, 2013.
3. Thereafter, the complaint, numbered 13-240, was filed with the Board by Rels Valuation. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the Act) and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the Rules).
4. The Board, in accordance with the mandate of TEX.GOV'T CODE CHPT. 2001, the Administrative Procedure Act (the APA), and the Act, notified Respondent of the nature of the accusations involved. 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.
5. As a result of the Board's investigation, the Board contends that Respondent violated TEX. OCC. CODE § 1103.405, 22, TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Property:
  - a) USPAP Scope of Work Rule – Respondent's failed to perform the scope of work necessary to develop credible assignment results;

- b) USPAP Standards 1-2(a) and 2-2(b)(i) – Respondent failed to properly identify the client of the appraisal;
  - c) USPAP Standards 1-2(e)(i) and 2-2(b)(iii) – Respondent failed to adequately identify and report the site description;
  - d) USPAP Standards 1-3(b) and 2-2(ix) – Respondent failed to adequately develop an opinion of highest and best use;
  - e) USPAP Standard 2-2(b)(viii) – Respondent failed to explain and support the exclusion of the cost approach;
  - f) USPAP Standards 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;
  - g) USPAP Standards 1-5(a) and 2-2(b)(viii); 1-1(b) – Respondent failed to disclose and analyze significant and material information regarding the Property’s listing history;
  - h) USPAP Standards 1-6(a) and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the sales comparison approach;
  - i) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – For the reasons detailed above, Respondent produced a misleading appraisal report for the Property that contained several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in an appraisal report that was not credible.
6. Respondent made omissions of material fact with respect to the appraisal of the Property as detailed above.
7. 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 Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE CHPT. 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(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** that Respondent's Texas state certification (TX-1320486-G) is hereby suspended for twelve (12) months, beginning on February 21, 2014, with this suspension being fully probated under the following terms and conditions:

1. **EDUCATION.** On or before February 21, 2015. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
  - a. A classroom course on USPAP, a minimum of fifteen (15) class hours, on or before February 21, 2015.
  - b. A classroom course on the Sales Comparison Approach, a minimum of fifteen (15) class hours, on or before February 21, 2015.
  - c. A classroom course on Report Writing, a minimum of fifteen (15) class hours, on or before February 21, 2015.
2. **ADMINISTRATIVE PENALTY.** On or before March 13, 2014. Respondent shall pay to the Board an administrative penalty of five hundred dollars (\$500.00), by certified funds, within twenty (20) days of the effective date of this Agreed Final Order (i.e. on or before March 13, 2014).
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

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

**COMMENCING ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION. IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, THE RESPONDENT SHALL BE IMMEDIATELY ASSESSED A \$1,000 ADMINISTRATIVE PENALTY.**

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

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** 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.

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. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

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.

**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).**

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.

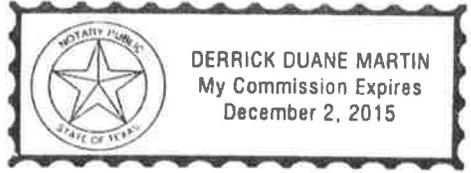
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

  
BURTON CRAIG CLEMMER

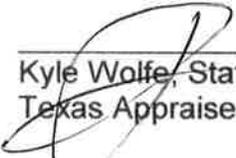
  
TED WHITMER, ATTORNEY FOR  
BURTON CRAIG CLEMMER

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this 2<sup>nd</sup> day of February, 2014, by BURTON CRAIG CLEMMER, to certify which, witness my hand and official seal.

  
Notary Public Signature  
Derrick D. Martin  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 4<sup>th</sup> day of February, 2014.

  
Kyle Wolfe, Staff Attorney  
Texas Appraiser Licensing and Certification Board

Signed by the Commissioner this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Walker Beard, Chairperson  
Texas Appraiser Licensing and Certification Board



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

## AGENDA ITEM 10

Report by AMC Advisory Committee.



TALCB Board Members

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton Black

Patrick M. Carlson

Luis F. De La Garza, Jr

Keith Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**AMC Advisory Committee Report February 21, 2014**

**Members: Jamie Wickliffe, Chair, Sara Oates and Lawrence McNamara**

The AMC Advisory Committee held a committee meeting on January 9, 2014.

**Committee Members in attendance:** Jamie Wickliffe, Sara Oates and Lawrence McNamara.

**Other Board Members in attendance:** none

**Staff in attendance:** Kerri Lewis, Acting General Counsel, Tony Slagle, Government Affairs Specialist, Troy Beaulieu, Managing Attorney, Kyle Wolfe, Staff Attorney.

**Public in attendance:** Kristen Worman, future General Counsel of the Board,

The Committee had discussions regarding potential policies with regard to regulation of AMC on issues that have arisen in the industry including prompt payment definitions, a compliance audit program, a possible recovery fund, Federal Regulation regarding consumer finance-appraisal ordering restructuring, alternate methods available to place an appraiser on an AMC panel, and increasing education of AMCs through expanded FAQs on the Board's website. No specific action was taken at the meeting. However, the Committee is watching developments of and will be discussing the following issues at future meetings:

- Audits of AMCs regarding compliance with certain statutory and rule requirements;
- New Federal Regulations issued by the CFPB;
- Alternate methods available to place an appraiser on an AMC panel; and
- Development of more FAQs to provide guidance for AMCs.

The Committee intends to meet again April 17, 2014 meeting.





**AGENDA ITEM 11**

Report by Enforcement Committee.



TALCB Board Members

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton Black

Patrick M. Carlson

Luis F. De La Garza, Jr

Keith Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**Enforcement Committee Report February 21, 2014**

**Members: Jamie Wickliffe, Chair, Laurie Fontana and Shannon McClendon**

Since the November Board meeting, the Enforcement Committee held a committee meeting on January 22, 2014.

**Committee Members in attendance:** Jamie Wickliffe, Laurie Fontana and Shannon McClendon.

**Staff in attendance:** Doug Oldmixon, Commissioner; Kristen Worman, General Counsel; Kerri Lewis, Acting General Counsel; Tony Slagle, Government Affairs Specialist; Mark Mrnak, SES Director; Troy Beaulieu, Managing Attorney; Kyle Wolfe, Staff Attorney.

**Public in attendance:** Bobby Crisp on behalf of ATA.

The Acting General Counsel announced that clarification was received from the Office of the Attorney General, and Committee meetings are not subject to the Texas Open Meetings Act. Accordingly, Committee Members may attend Committee meetings via telephone if they wish. In addition, notice of the Committee meetings and materials will still be posted on the TALCB website, but will no longer be posted with the Secretary of State. Thus, members of the public will remain informed and aware of issues to be discussed by the Committee.

The Committee continues to work on the preparation of a flow chart of the complaint process for the website and expects it to be ready for the website soon.

The Committee recommended including a notation that a respondent did not admit to the alleged violations where applicable. The Committee asked Staff to draft language for recommendation to the full Board at its next meeting.

The Committee also discussed developing a policy to limit the posting of disciplinary action on the Board's website to five years, with a notation that the Board retains disciplinary orders for ten years and that these can be obtained through a public information request. The Committee requested additional research from staff regarding AQB requirements for the National Registry and requirements in the APA to cross-index decisions of the Board before bringing a draft policy to the Board.

The Committee discussed whether an opportunity existed in the litigation negotiation process for Board members to participate in an informal conference prior to a complaint being referred to SOAH. Any such participation by a member would require recusal from the final decision reached by the Board on that case. The Committee also discussed breaking out categories of staff initiated complaints to better identify the true complainant.



Future items for Committee work include:

- Preparation of a flow chart of the complaint process for inclusion on the Board's website;
- Posting of disciplinary action on the Board's website;
- Issues regarding origin of staff initiated complaints, informal conferences and the litigation negotiation process; and
- Application log reviews and enforcement compliance process.

The Committee recommended that the following items be referred to the Education Committee for consideration and possible action:

- Possible action regarding appraiser violation of confidentiality (See USPAP FAQ 58 on page F-25); and
- Possible action regarding appraiser duty to disclose past listings.

The Enforcement Committee Chair will contact the Chair of the Education Committee to discuss these items.

The Committee appreciates the hours spent by staff and the members of the public who came to the committee meeting and participated in the discussions. The Committee did not discuss future meeting dates.



**AGENDA ITEM 12**

Report by Executive Committee.





**TALCB Board Members**

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton P. Black

Patrick M. Carlson

Luis F. De La Garza, Jr.

Keith W. Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**EXECUTIVE COMMITTEE REPORT, FEBRUARY 21, 2014**

Since the November Board meeting, the Executive Committee met via teleconference on January 29, 2014.

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

**Staff in attendance:** Doug Oldmixon, Commissioner; Kristen Worman, General Counsel; and Kerri Lewis Agency General Counsel.

**Public in attendance:** None.

The Committee discussed adopting the following policies:

- a policy regarding payment of per diems and reimbursement of travel expenses to Board members for attendance at full Board meetings, Committee meetings and engaging in other duties as Board members;
- a policy for scheduling a one-half day training workshop at the November Board meeting, or the meeting closest thereto, on annual basis;
- a policy for the Chair to assign mentors for new Board members at the February meeting; and
- a policy to formalize the process of leadership transition.

The Committee requested staff to memorialize these policies as discussed in writing and circulate them for consideration by the Committee and possible recommendation to the full Board at the next Board meeting.

The Committee discussed proposing a slate of officers to allow time for Board members to consider candidates prior to the February Board meeting. The Committee proposed a slate of candidates and instructed General Counsel to circulate the recommendation to the Board prior to the next Board meeting.

Other items discussed by the Committee discussed include:

- Display of disciplinary history on the TALCB website; and
- Adopting a rule to allow attendees to receive ACE credit for attending a meeting designated annually by the Board.

Since the Enforcement Committee is already working on the issue regarding display of disciplinary history, the Committee will defer to the Enforcement Committee's recommendation. The Committee will continue to investigate the possibility of

designating a Board meeting to receive ACE credit and will request input from the Education Committee on how this practice might work.



### AGENDA ITEM 13

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



## Reception and Communication Services Division

### Incoming Calls

	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	FYTD Total
Local Lines	15,926	16,098	11,660	11,684	17,463								72,831
<b>TALCB LL</b>	<b>1,029</b>	<b>1,056</b>	<b>918</b>	<b>947</b>	<b>1,311</b>								<b>5,261</b>
<b>Total Calls</b>	<b>16,955</b>	<b>17,154</b>	<b>12,578</b>	<b>12,631</b>	<b>18,774</b>								<b>78,092</b>

### Walk Ins

	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	FYTD Total
Licensing	297	281	161	206	261								1,206
Education	191	201	116	120	150								778
Inspector	8	9	9	12	14								52
Enforcement	15	18	14	12	21								80
<b>TALCB Lic</b>	<b>14</b>	<b>8</b>	<b>11</b>	<b>8</b>	<b>11</b>								<b>52</b>
<b>TALCB Enf</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>								<b>9</b>
<b>Total</b>	<b>529</b>	<b>517</b>	<b>311</b>	<b>361</b>	<b>459</b>								<b>2,177</b>

### Emails

	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	FYTD Total
Licensing	4,113	3,798	2,733	2,730	4,893								18,267
Education	824	1,088	631	562	999								4,104
Inspector	58	63	38	24	44								227
Enforcement	94	99	81	86	59								419
<b>TALCB Lic</b>	<b>103</b>	<b>117</b>	<b>105</b>	<b>126</b>	<b>99</b>								<b>550</b>
<b>TALCB Enf</b>	<b>7</b>	<b>17</b>	<b>15</b>	<b>12</b>	<b>6</b>								<b>57</b>
<b>Total</b>	<b>5,199</b>	<b>5,182</b>	<b>3,603</b>	<b>3,540</b>	<b>6,100</b>								<b>23,624</b>

C1 Report  
FY 2014

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

FISCAL YEAR	END OF MONTH					TOTAL	G.R.L. & P	TRAINEE		TOTAL	
		GENERAL	RESIDENTIAL	LICENSE	PROVISIONAL	G.R.L. & P	CHANGE	TRAINEE	CHANGE	CHANGE	
<b>FY-2010</b>	Sep09	2,345	2,496	779	44	5,664	3	635	-9	6,299	-6
	Oct09	2,347	2,499	773	44	5,663	-1	628	-7	6,291	-8
	Nov09	2,352	2,505	758	44	5,659	-4	614	-14	6,273	-18
	Dec09	2,354	2,508	750	41	5,653	-6	609	-5	6,262	-11
	Jan10	2,352	2,507	747	34	5,640	-13	608	-1	6,248	-14
	Feb10	2,351	2,508	733	28	5,620	-20	613	5	6,233	-15
	Mar10	2,353	2,503	722	28	5,606	-14	623	10	6,229	-4
	Apr10	2,358	2,500	712	28	5,598	-8	599	-24	6,197	-32
	May10	2,361	2,498	707	27	5,593	-5	592	-7	6,185	-12
	Jun10	2,360	2,500	694	28	5,582	-11	576	-16	6,158	-27
Jul10	2,355	2,490	683	28	5,556	-26	564	-12	6,120	-38	
Aug10	2,358	2,488	671	27	5,544	-12	547	-17	6,091	-29	
<b>FY-2011</b>	Sep10	2,366	2,486	651	23	5,526	-18	614	67	6,140	49
	Oct-Dec10*										
	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
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
<b>Jan14</b>		<b>2,363</b>	<b>2,382</b>	<b>461</b>	<b>1</b>	<b>5,207</b>	<b>-14</b>	<b>786</b>	<b>-6</b>	<b>5,993</b>	<b>-20</b>

\*Totals for October thru December 2010 are not available due to system conversion.

**APPRAISAL MANAGEMENT COMPANY REGISTRATIONS**  
**January 2014**

	<b>Month</b>	<b>Paper Apps. Received</b>	<b>Online Apps. Received</b>	<b>Total Apps. Received</b>	<b>Total AMC Registrations Issued</b>
<b>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
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
	Jan-14	0	0	0	1
<b>TOTALS</b>		<b>136</b>	<b>62</b>	<b>198</b>	<b>197</b>

Registrations Surrendered in February '13	-3
Registrations Revoked in March '13	-1
Registrations Surrendered in July '13	-1
Registrations Revoked in July '13	-1
Registrations Surrendered in September '13	-1
Registrations Surrendered in January '14	-1

**TOTAL AMC REGISTRATIONS**

**189**

# Education & Licensing Services Division - TALCB

## Fiscal Year Comparison

### Fiscal Year - 2014

#### JANUARY

	This YTD	Last YTD	Change	
	9/13 - 01/14	9/12 - 01/13	Count	Percent
<b><i>Original Applications Received</i></b>				
Certified General Applications	57	36	21	58.33%
Certified Residential Applications	63	43	20	46.51%
State Licensed Applications	33	14	19	135.71%
Appraiser Trainee Applications	113	84	29	34.52%
Non-Residential Temporary Applications	133	132	1	0.76%
<b>Total Original Applications</b>	<b>399</b>	<b>309</b>	<b>90</b>	<b>29.13%</b>
<b><i>Licenses Issued from Original Applications</i></b>				
Certified General Licenses	46	39	7	17.95%
Certified Residential Licenses	68	54	14	25.93%
State Licensed	20	23	-3	-13.04%
Appraiser Trainee Licenses	111	85	26	30.59%
Non-Residential Temporary Licenses	136	128	8	6.25%
<b>Total Licenses from Original Applications</b>	<b>381</b>	<b>329</b>	<b>52</b>	<b>15.81%</b>
<b><i>Licenses Issued from Renewal Applications</i></b>				
Certified General Renewals	466	478	-12	-2.51%
Certified Residential Renewals	535	443	92	20.77%
State Licensed Renewals	112	126	-14	-11.11%
Appraiser Trainee Renewals	25	161	-136	-84.47%
<b>Total Renewal Licenses Issued</b>	<b>1,138</b>	<b>1,208</b>	<b>-70</b>	<b>-5.79%</b>
<b><i>Licenses Issued from Reinstatement Applications</i></b>				
Certified General Reinstatements	5	8	-3	-37.50%
Certified Residential Reinstatements	0	3	-3	-100.00%
State Licensed Reinstatements	2	3	-1	-33.33%
Appraiser Trainee Reinstatements	15	24	-9	-37.50%
<b>Total Reinstatement Licenses Issued</b>	<b>22</b>	<b>38</b>	<b>-16</b>	<b>-42.11%</b>

## Examination Activity - Fiscal Year 2013-2014

YEAR-TO-DATE RESULTS:	SEPTEMBER 2013 thru JANUARY 2014			Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	13	25	16	54	
Examinations Failed	20	10	5		35
<b>Examinations Taken</b>	33	35	21	89	89
Examination Pass Rate (%)	39.39%	71.43%	76.19%	60.67%	39.33%

All examination types	
Total first time candidates:	63
Total repeat candidates:	26
Total pass:	54
Total fail:	35
Total examinations taken:	89

## Examination Activity - Fiscal Year 2013-2014

MONTHLY RESULTS:	JANUARY 2014			Overall Pass Rate	Overall Failure Rate
	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>		
Examinations Passed	2	5	6	13	
Examinations Failed	4	4	1		9
<b>Examinations Taken</b>	6	9	7	22	22
Examination Pass Rate (%)	33.33%	55.56%	85.71%	59.09%	40.91%

All examination types	
Total first time candidates:	21
Total repeat candidates:	1
Total pass:	13
Total fail:	9
Total examinations taken:	22

## EXAMINATION ACTIVITY

### FISCAL YEAR-TO-DATE COMPARISON JANUARY

	<u>Sept. 2013 – January 2014</u> <u>Pass Rate</u>	<u>Sept. 2012 – January 2013</u> <u>Pass Rate</u>	<u>Difference</u>
Certified General Appraiser	76.1%	80.0%	-3.9%
Certified Residential Appraiser	71.4%	89.4%	-18.0%
Licensed Appraiser	39.3%	73.6%	-34.3%
<b>Overall Appraiser Pass Rate</b>	<b>60.6%</b>	<b>81.1%</b>	<b>-20.5%</b>

## Information Technology Services Division

### Electronic Information Outlet Statistics

TALCB As of January 2014

<b>World Wide Web</b>	<b>Latest 3 Months</b>	<b>Prior Yr 3 Mo</b>	<b>Total Fiscal YTD</b>	<b>Total Prior Fiscal YTD</b>
Total Pages Viewed	291,272	434,397	513,401	627,645
Total Monthly Unique Visitors	19,896	22,900	34,291	36,335

<b>Online Transactions</b>	<b>Total Latest 3 Mo</b>	<b>Online Latest 3 Mo</b>	<b>Online Percent</b>	<b>Fiscal YTD Online Percent</b>	<b>Prior Fiscal YTD Online Percent</b>
----------------------------	----------------------------------	-----------------------------------	---------------------------	--	--

<b>Applications</b>	<b>85</b>	<b>7</b>	<b>8.2%</b>	<b>15.0%</b>	<b>63.6%</b>
AMC	2	1	50.0%	66.7%	63.6%
Certified General Appraiser	12	0	0.0%	0.0%	
Certified Residential Appraiser	19	0	0.0%	0.0%	
State Licensed Appraiser	7	0	0.0%	0.0%	
Appraiser Trainee	45	6	13.3%	13.3%	

<b>Renewals</b>	<b>678</b>	<b>610</b>	<b>90.0%</b>	<b>94.5%</b>	<b>90.4%</b>
Certified General Appraiser	294	264	89.8%	89.7%	87.6%
Certified Residential Appraiser	307	294	95.8%	95.4%	94.5%
State Licensed Appraiser	55	36	65.5%	67.9%	0.0%
Appraiser Trainee	22	16	72.7%	75.0%	0.0%

<b>AMC Panel:</b>	<b>Last 3 Months</b>	<b>FY YTD</b>
Invitations	1477	2748
Removals	99	180

**Staff & Support Services Division**

**TALCB Budget Status Report**

**December 2013**

8/12 = 66.7%

Expenditure Category	Budget FY2014	Expenditures	Balance	Budget % Remaining	Comments
Salaries & Wages	\$953,259	\$299,655	\$653,604	68.6%	
Employee Benefits	266,185	90,969	175,216	65.8%	
Other Personnel Costs	38,500	4,515	33,985	88.3%	
Professional Fees & Services	100,200	25,180	75,020	74.9%	
Consumables	8,400	589	7,811	93.0%	
Utilities	650	278	372	57.2%	Telecom parts and supplies up
Travel	27,000	9,473	17,527	64.9%	
Office Rent	75,252	37,575	37,677	50.1%	1st pmt made, 2nd due in March
Equipment Rental	8,900	1,557	7,343	82.5%	
Registration & Membership	11,750	5,006	6,744	57.4%	
Maintenance & Repairs	9,340	9,136	204	2.2%	Versa maintenance paid for the year
Reproduction & Printing	1,500	110	1,390	92.7%	
Contract Services	43,902	3,533	40,369	92.0%	
Postage	6,125	2,800	3,325	54.3%	
Supplies & Equipment	10,405	424	9,981	95.9%	
Communication Services	7,916	2,320	5,596	70.7%	
Other Operating Expenses	3,600	663	2,937	81.6%	
<b>Subtotal - Operations Expenditures</b>	<b>1,572,884</b>	<b>493,782</b>	<b>1,079,102</b>	<b>68.6%</b>	
DPS Criminal History Background Checks	3,000	648	2,352	78.4%	
Statewide Cost Allocation Plan (SWCAP)	10,000	11,036	(1,036)	-10.4%	SWCAP expense higher than anticipated.
Contribution to General Revenue	30,000	10,000	20,000	66.7%	% allocated monthly but pmt not due until 8/31/2014
<b>Subtotal - Nonoperational Expenditures</b>	<b>43,000</b>	<b>21,684</b>	<b>21,317</b>	<b>49.6%</b>	
<b>Total Expenditures</b>	<b>\$1,615,884</b>	<b>\$515,465</b>	<b>\$1,100,419</b>	<b>68.1%</b>	

Revenue	FY2014 Projected	Revenue Collected	Revenue Remaining to be Collected	Revenue % Remaining to be Collected	Comments
License Fees	\$1,121,711	\$396,330	\$725,381	64.7%	
AMCs	748,430	48,680	\$699,750	93.5%	Renewals occur in 3rd & 4th qtrs
Other Miscellaneous Revenue	2,812	481	\$2,331	82.9%	PSI Admin Fees/NSF fees
<b>Total FY14 Revenue</b>	<b>\$1,872,953</b>	<b>\$445,491</b>	<b>\$1,427,462</b>	<b>76.2%</b>	

	FY13 Carry Forward	Allocated Amount	Remaining to be Allocated	Carry Forward % Remaining	
<b>AMC Revenue Carry Forward from FY13</b>	<b>\$265,285</b>	<b>\$88,428.33</b>	<b>\$176,857</b>	<b>66.7%</b>	<b>Pro-rated thru December</b>
<b>Revenue Over/(Under) Expenditures &amp; Transfers</b>	<b>\$522,354</b>	<b>\$18,454</b>			<b>Includes AMC Carry Forward</b>

## TALCB Standards & Enforcement Services

### CASE STATUS REPORT FY 2014 as of JANUARY 28, 2014

#### # of Cases Received

Case Classification	FY2013	13-Sep	13-Oct	13-Nov	13-Dec	14-Jan	14-Feb	14-Mar	14-Apr	14-May	14-Jun	14-Jul	14-Aug	FYTD
<b>Experience Audits</b>	93	7	14	10	8	10								49
<b>RFAs &amp; Covert Complaints</b>	1	0	0	0	0	1								1
<b>Regulatory Complaints:</b>														
AMCs	20	0	1	2	0	1								4
Dodd Frank	28	4	0	1	1	0								6
Ethics	8	0	0	0	0	0								0
Staff	2	0	0	0	0	0								0
USPAP	158	11	14	5	7	4								41
Other	12	0	2	3	0	0								5
No Jurisdiction	3	0	0	0	0	0								0
<b>MCD Inquiries</b>	7	2	0	0	0	0								2
<b>Opened During Month</b>	<b>332</b>	<b>24</b>	<b>31</b>	<b>21</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>108</b>						

**Total Cases Open as of 12/31/2013** **168**

#### # of Cases Closed

Case Disposition	FY2013	13-Sep	13-Oct	13-Nov	13-Dec	14-Jan	14-Feb	14-Mar	14-Apr	14-May	14-Jun	14-Jul	14-Aug	FYTD
<b>Experience Audits</b>	93	2	8	11	14	8								43
<b>RFAs</b>	20	1	0	0	0	0								1
<b>Regulatory Complaints:</b>														
Surrendered	8	0	0	3	0	0								3
Agreed Final Order	68	0	0	18	0	0								18
Other Disciplinary Action	12	0	0	0	0	0								0
Insufficient Evidence	0	0	0	0	0	0								0
Dismissed	271	9	11	10	13	5								48
No Jurisdiction	8	0	0	0	0	0								0
<b>MCD Inquiries</b>	7	2	0	0	0	0								2
<b>Closed During Month</b>	<b>487</b>	<b>14</b>	<b>19</b>	<b>42</b>	<b>27</b>	<b>13</b>	<b>0</b>	<b>115</b>						

**Total Cases Open as of 1/28/2014** **171**

# TOTAL CASES OPEN AS OF 1/28/2014:

Fiscal Year	No. Pending (as of 4/30/13)		No. Pending (as of 7/24/13)		No. Pending (as of 11/4/13)		No. Pending (as of 1/28/14)		Percentage Change from Previous Reporting Period
<b>2008</b>	5	1 Reg	5	1 Reg	5	1 Reg	5	1 Covert	-----
		4 RFA		4 RFA		4 RFA		4 RFA	
<b>2009</b>	12	8 Reg	7	3 Reg	6	2 Reg	5	1 Covert	(16.7%)
		4 RFA		4 RFA		4 RFA		4 RFA	
<b>2010</b>	21	15 Reg	15	9 Reg	8	3 Reg	5	0 Reg	(37.5%)
		6 RFA		6 RFA		5 RFA		5 RFA	
<b>2011</b>	19	14 Reg	12	7 Reg	9	4 Reg	6	1 Reg	(33.3%)
		5 RFA		5 RFA		5 RFA		5 RFA	
<b>2012</b>	45	44 Reg	26	24 Reg	14	12 Reg	3	1 Reg	(78.6%)
		1 RFA		2 RFA		2 RFA		2 RFA	
<b>2013</b>	92	92 Reg	95	94 Reg	89	88 Reg	64	63 Reg	(28.1%)
		0 RFA		1 RFA		1 RFA		1 RFA	
<b>2014</b>	-----	-----	-----	-----	32	32 Reg	51	50 Reg	59.4%
						0 RFA		1 RFA	
<b>Total</b>	<b>195</b>	<b>161</b>	<b>164</b>	<b>139</b>	<b>(15.2%)</b>				

## CASES AT LEAST 1 YR OLD:

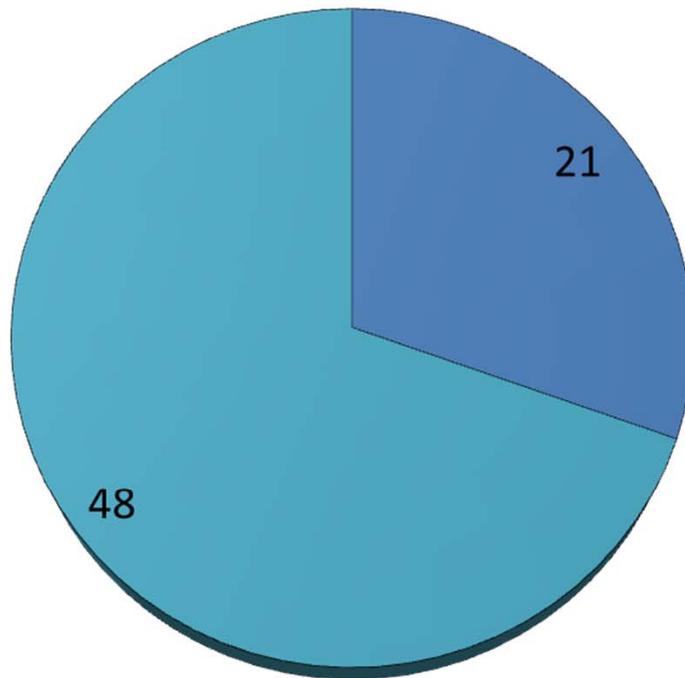
	As of 1/28/13	As of 4/30/13	As of 7/24/13	As of 11/4/13	As of 1/28/14	Percentage Change from Reporting Period
<b>Agreed Orders/PFD Received</b>	7	16	7	12	3	(75%)
<b>Awaiting Receipt of PFD</b>	4	0	0	0	0	——
<b>Set for Hearing</b>	6	7	2	1	1	——
<b>Hearing Required/Being Processed for SOAH</b>	15	10	11	0	1	100%
<b>In Negotiations/Pending Contingent Dismissals</b>	7	10	19	12	0	(100%)
<b>RFA/Covert Reviews</b>	21	20	21	22	22	——
<b>Regulatory Reviews in Investigation</b>	43	16	3	0	0	——
<b>Sent to Peer Review Committee</b>	7	3	0	0	0	——
<b>Total Cases</b>	110	82	63	47	27	(42.6%)

28 January 2014

# CASE RESOLUTIONS FY 2014

September 1, 2013 – January 28, 2014

## 69 Total Complaints Resolved

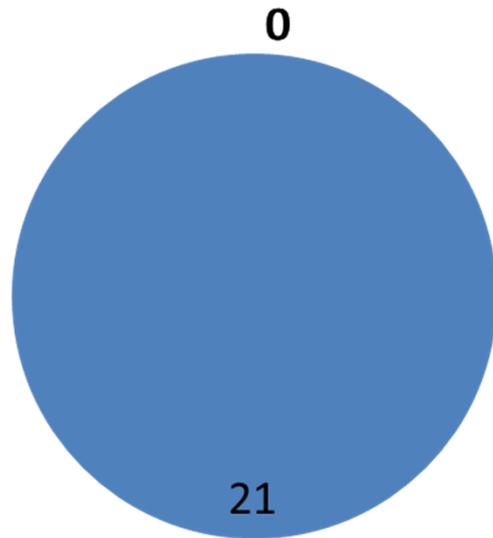


- 21 (30.4%) Agreed Orders Without Auto. Revo. Clauses
- 0 (0%) Litigated
- 0 (0%) Agreed Orders with Auto. Revo. Clauses
- 0 (0%) NOAV / Revocation
- 48 (69.6%) Dismissals
  - 28 (58.3%) Dismissals
  - 12 (25%) Dismissals with Warning Letter
  - 8 (16.7%) Contingent Dismissals
  - 0 (0%) Non-Jurisdictional Dismissals

# DISCIPLINARY ACTIONS FY 2014

September 1, 2013 – January 28, 2014

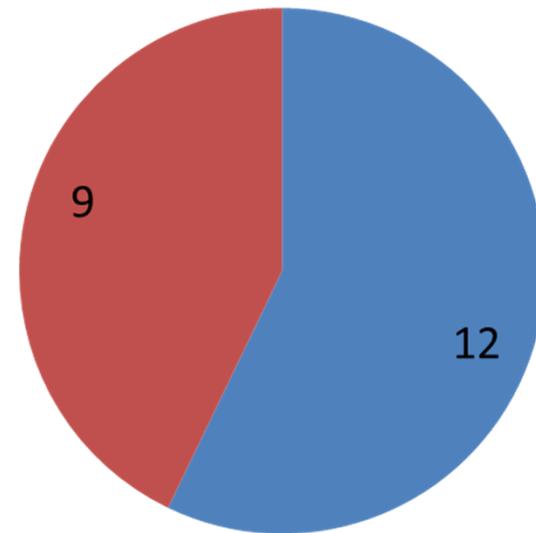
## 21 Disciplinary Actions



- 21 (100%) Agreed Orders w/o Auto-Revocation Clause & Voluntary Surrenders
- 0 (0%) Litigated / SOAH Proposal for Decision
- 0 (0%) Agreed Orders with Auto-Revocation Clause
- 0 (0%) NOAV / Revocation

## Disciplinary Recidivism

- 12 (57.1%) Distinct Respondents
- 9 (42.9%) Repeat Offenders



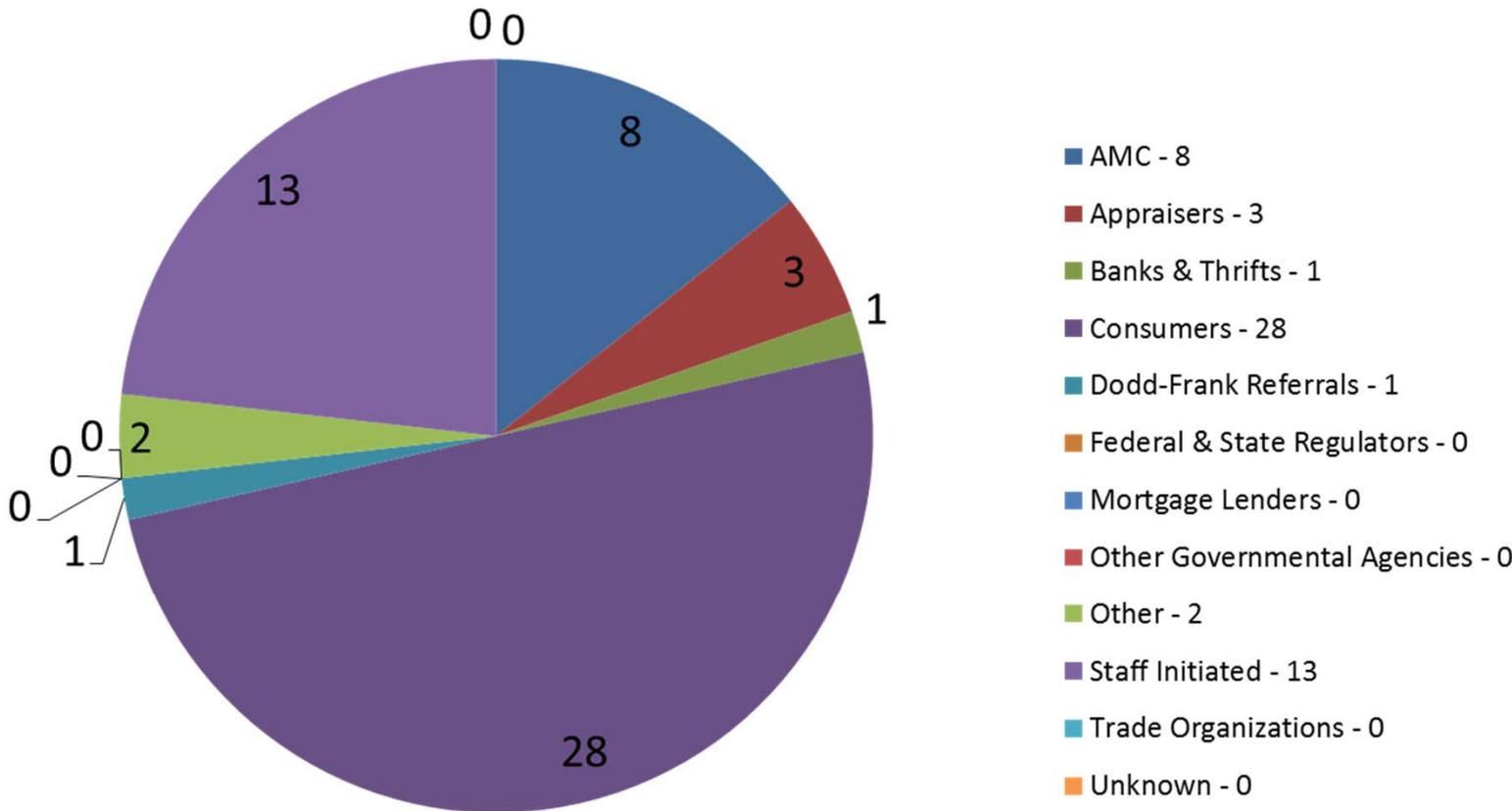
Average Number of Licensees  
(as of January 29, 2014)

**6916**

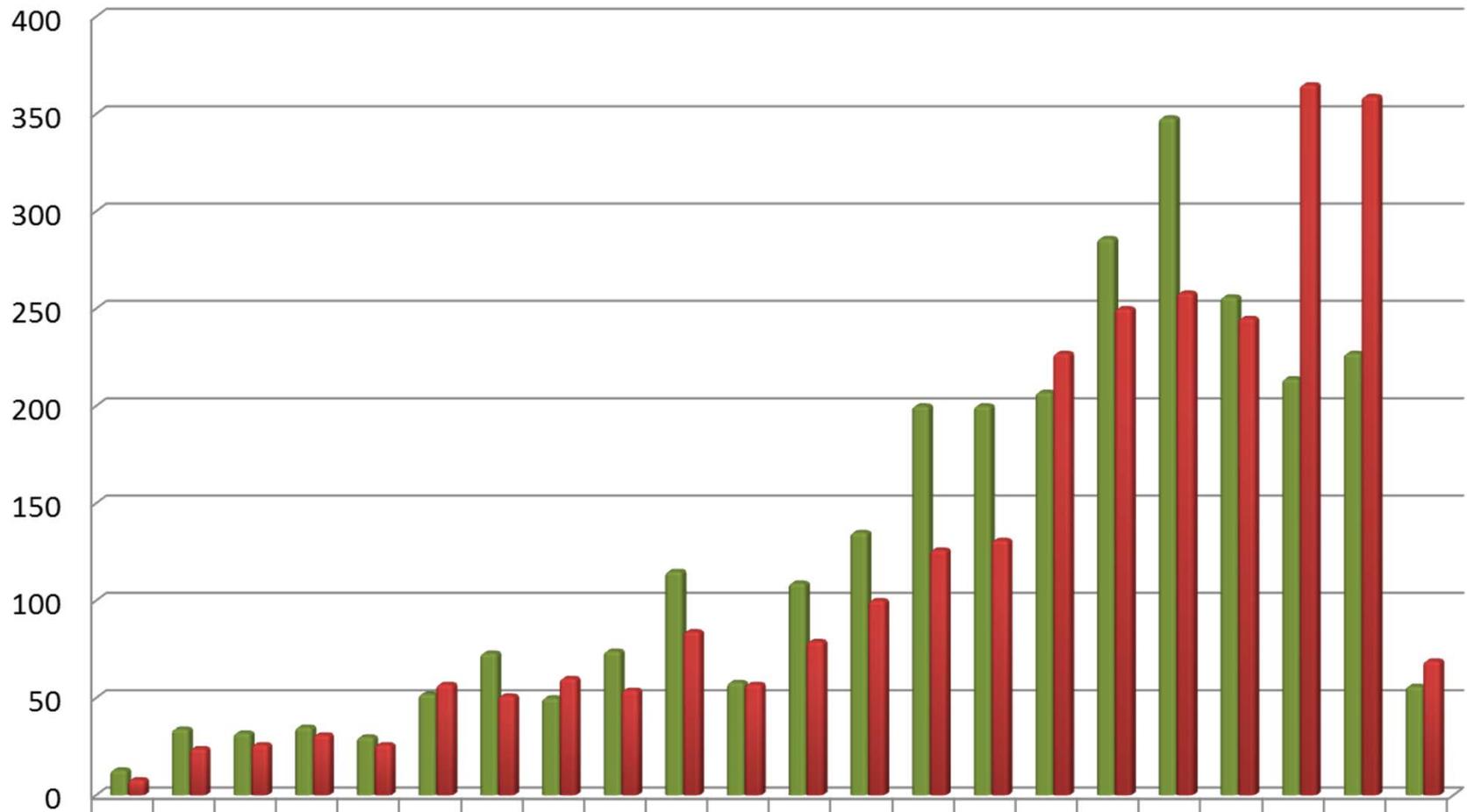
**.1% Recidivism Rate**

# COMPLAINT SOURCES FY 2014

September 1, 2013 – January 28, 2014



## Enforcement Case Trends FY 1993 to FY 2014



	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14
Received	13	34	32	35	30	52	73	50	74	115	58	109	135	200	200	207	286	348	256	214	227	56
Resolved	8	24	26	31	26	57	51	60	54	84	57	79	100	126	131	227	250	258	245	365	359	69





## AGENDA ITEM 14

Discussion and possible action to adopt amendments to 22 TAC §153.11. Examinations.

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.11, Examinations, as published in the December 13, 2013, issue of the Texas Register (38 *TexReg* 8995). The amendments simplify the requirements for additional education following three consecutive examination failures.

### COMMENTS

No comments were received on the amendments as proposed.

### STAFF RECOMMENDATION

Adopt rule as published.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.11, Examinations, without changes to text as previously published to the *Texas Register*, except for any technical or non-substantive changes required for adoption.





**ADOPTION RULE ACTION FROM  
FEBRUARY 21, 2014 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 §153.11. Examinations.**

**§153.11. Examinations.**

(a) - (i)(No change.)

(j)An applicant who fails the examination three consecutive times may not apply for reexamination or submit a new license application unless the applicant submits evidence satisfactory to the board that the applicant has completed 30 additional hours of core education after the date ~~[as follows, based on the last time]~~ the applicant ~~failed~~ ~~[took]~~ the examination for the third time.<sup>[:]</sup>

~~[(1)15 hours for a scaled score of 70 to 74;]~~

~~[(2)30 hours for a scaled score of 65 to 69;]~~

~~[(3)45 hours for a scaled score of 60 to 64; and]~~

~~[(4)60 hours for a scaled score of 59 or lower.]~~

(k)(No change.)





## AGENDA ITEM 15

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

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.20, Guidelines for Revocation, Suspension, Denial of Licensure or Certification; Probationary Licensure as published in the December 13, 2013, issue of the Texas Register (*38 TexReg 8995*). The amendments clarify that a sponsor who refuses to sign an appraiser trainee's experience log and affidavit for experience actually and lawfully acquired is subject to sanctions by TALCB.

### COMMENTS

No comments were received on the amendments as proposed.

### STAFF RECOMMENDATION

Adopt rule as published.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.20, Guidelines for Revocation, Suspension, Denial of Licensure; Probation License, without changes to text as previously published to the *Texas Register*, except for any technical or non-substantive changes required for adoption.





**ADOPTION RULE ACTION FROM  
FEBRUARY 21, 2014 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

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

**22 TAC §153.20. Guidelines for Revocation, Suspension, Denial of Licensure or Certification;  
Probationary Licensure.**

**§153.20. Guidelines for Revocation, Suspension, Denial of Licensure or Certification;  
Probationary Licensure.**

(a)The board may suspend or revoke a license, certification, authorization or registration issued under provisions of this Act or deny issuing a license, certification, authorization or registration to an applicant at any time when it has been determined that the person applying for or holding the license, certification, authorization, or registration:

(1) - (23)(No change.)

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

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

(A)has not registered with the board; or

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

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

(b) - (m)(No change.)





## AGENDA ITEM 16

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

### SUMMARY

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.21, Appraiser Trainees and Sponsors as published in the December 13, 2013, issue of the Texas Register (*38 TexReg 8996*). The amendments implement a new Appraiser Trainee & Supervisor Course to meet the Appraisal Qualifications Board's 2015 criteria and remove a sponsor's ability to designate another certified appraiser, who is not already approved as a sponsor, as an authorized supervisor a trainee.

### COMMENTS

No comments were received on the amendments as proposed.

### STAFF RECOMMENDATION

Adopt rule as published.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit for adoption amendments to 22 TAC §153.21, Appraiser Trainees and Sponsors, without changes to text as previously published to the *Texas Register*, except for any technical or non-substantive changes required for adoption.





**ADOPTION RULE ACTION FROM  
FEBRUARY 21, 2014 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

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

**22 TAC §153.21. Appraiser Trainees and Sponsors.**

**§153.21. Appraiser Trainees and Sponsors.**

(a) A person desiring to be an appraiser trainee under the sponsorship of one or more state certified appraisers may apply to the board on the approved application for trainee authorization. In addition to the requirements set forth in §1103.353 of the Act, a prospective appraiser trainee must:

(1) complete 75 creditable classroom hours as set forth in the Trainee Core Curriculum of the Appraiser Qualifications Board; ~~and~~

(2) pass the 15 hours National USPAP course and examination; ~~and~~

(3) beginning January 1, 2015, complete a Board approved Appraiser Trainee/Sponsor course.

(b) - (e) (No change.)

(f) A certified appraiser may be added as a sponsor during the term of an appraiser trainee's authorization, by completing a form approved by the board, ~~and~~ paying a fee set by the board, ~~and~~ beginning January 1, 2015, completing a Board approved Appraiser Trainee/Sponsor course and shall assume all the duties, responsibilities, and obligations of an appraiser trainee sponsor as specified in these rules.

(g) - (h) (No change.)

(i) Certified appraisers may sponsor no more than three trainees at one time. Notification of sponsorship of an appraiser trainee must be provided in writing to the board on a form approved by the board with the appropriate fee prior to the assumption of sponsorship. Termination of sponsorship of an appraiser trainee must be provided in writing to the board on a form approved by the board with the appropriate fee prior to the release from sponsorship. ~~[A sponsor may designate another~~

~~certified appraiser to serve as an authorized supervisor on specific appraisal projects for which state authorization is required. An authorized supervisor assumes the same responsibilities as a sponsor when supervising the work of an appraiser trainee.]~~

(j) Certified appraisers who sponsor appraiser trainees must approve and sign the appraiser trainee's appraisal log and experience affidavit at least quarterly and provide the trainee with access to any appraisals and work files completed under the sponsor or any authorized supervisor designated by the sponsor.

(k) Certified appraisers who sponsor appraiser trainees ~~[or serve as an authorized supervisor]~~ must be in good standing and not subject to any disciplinary action within the last three years that affected the sponsor's ~~[or supervisor's]~~ legal eligibility to engage in appraisal practice. Disciplinary action taken against the sponsor ~~[or supervisor]~~ within the last three years that did not affect the sponsor's ~~[or supervisor's]~~ legal eligibility to engage in appraisal practice must be disclosed to the trainee prior to sponsorship.

(l) To obtain Board approval of an Appraiser Trainee/Sponsor course, a course provider must submit form ATS-0, Appraiser Trainee/Sponsor Course Approval, adopted herein by reference, and which is published and available from the Board at P.O. Box 12188, Austin, Texas 78711-2188, [www.talcb.texas.gov](http://www.talcb.texas.gov), and satisfy the Board that all required content set out in form ATS-0 is adequately covered. Approval of an Appraiser Trainee/Sponsor course shall expire two years from the date of Board approval. An approved Board Appraiser Trainee/Sponsor course may be delivered through

**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**

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

(m)Sponsors who complete the Appraiser Trainee/Sponsor course may receive continuing education credit for the course.



## AGENDA ITEM 17(a)

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

### SUMMARY

The amendments are proposed to correct grammatical errors, clarify or remove outdated and redundant definitions, and better reflect the current qualification criteria of the Appraiser Qualification Board. These amendments are being brought forward now since they are cross-referenced in Chapter 157.

### STAFF RECOMMENDATION

Propose amendments as presented.

### RECOMMENDED MOTION

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





**PROPOSED RULE ACTION FROM  
FEBRUARY 21, 2014 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

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

**22 TAC §153.1. Definitions.**

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to 22 TAC §153.1, Definitions. The amendments are proposed to correct grammatical errors, clarify or remove outdated and redundant definitions, and to better reflect the current qualification criteria of the Appraiser Qualification Board.

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

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

Comments on the proposal may be submitted to Kristen Worman, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188 or to [general.counsel@talcb.texas.gov](mailto:general.counsel@talcb.texas.gov). The deadline for

comments is 30 days after publication in the Texas Register.

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

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

**§153.1. Definitions.**

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

- (1) ACE--Appraiser Continuing Education.
- (2) Act--The Texas Appraiser Licensing and Certification Act.
- (3) Administrative Law Judge--A judge employed by the State Office of Administrative Hearings (SOAH).
- (4) Analysis--The act or process of providing information, recommendations or conclusions on diversified problems in real estate other than estimating value.

**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**

(5) Applicant--A person seeking a certification, license, approval as an appraiser trainee, or registration as a temporary out-of-state appraiser from the Board [~~board~~].

(6) Appraisal process--The appraisal process consists of an analysis of factors that bear upon value; definition of the problem; gathering and analyzing data; applying the appropriate value approaches and methodology; arriving at an opinion of value and reporting the opinion of value.

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

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

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

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

(11) Authorized supervisor--A certified appraiser who is designated by the trainee's sponsor to supervise specific appraisal work performed by that trainee [~~and~~] which meets the requirements for experience for licensing and certification. An authorized supervisor assumes the same responsibilities regarding the work product of a trainee as a sponsor.

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

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

(14) Client--Any party for whom an appraiser performs an assignment [~~a service~~].

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

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

(17) Complaining witness--Any person who has made a written complaint to the Board [~~board~~] against any person subject to the jurisdiction of the board.

~~[(18) Complete appraisal--An appraisal performed without invoking the departure rule.]~~

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

(19) [~~(20)~~] Contested case--A proceeding in which the legal rights, duties or privileges of a party are to be determined by the Board [~~board~~] after an opportunity for adjudicative hearing. A matter that is completed without being referred to SOAH is not a contested case.

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

(21) [~~(22)~~] Day--A calendar day unless clearly indicated otherwise.

~~[(23) Departure rule--A limited departure from a requirement of the Uniform Standards of Professional Appraisal Practice, as defined by the USPAP.]~~

(22) [~~(24)~~] Distance education-- Any educational process based on the geographical separation of student [~~learner~~] and instructor [~~(e.g., CD-ROM, online learning, correspondence courses, video~~

**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**

~~conferencing, etc.);~~] that provides a reciprocal environment where the student has verbal or written communication with ~~[interaction between the learner]~~ and instructor ~~[and includes testing]~~.

(23) ~~(25)~~ Evaluation--An estimate of value that is not more than a limited appraisal, may be presented in a format that is less than a self-contained report, is prepared by a certified or licensed real estate appraiser or other lawfully authorized real estate professional, and includes an estimate of a property's market value, a certification and limiting conditions, and an analysis or the supporting information used in forming the estimate of value.

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

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

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

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

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

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

(30) ~~(32)~~ License--The whole or a part of any Board ~~[board]~~ permit, certificate, approval,

registration or similar form of permission required by law.

(31) ~~(33)~~ License holder ~~[Licensee]~~--A person certified, licensed, approved, authorized or registered by the Board ~~[board]~~ under the Texas Appraiser Licensing and Certification Act.

(32) ~~(34)~~ Licensing--Includes the Board ~~[board]~~ processes respecting the granting, disapproval, denial, renewal, certification, revocation, suspension, annulment, withdrawal or amendment of a license.

~~(35) Limited appraisal--An appraisal in which the departure rule is invoked.]~~

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

(34) ~~(37)~~ Non-residential real estate appraisal course--A course with emphasis on the appraisal of non-residential real estate properties which include, but are not limited to, income capitalization, income property, commercial appraisal, rural appraisal, agricultural property appraisal, discounted cash flow analysis, subdivision analysis and valuation, or other courses specifically determined by the board.

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

(36) ~~(39)~~ Party--The Board ~~[board]~~ and each person or other entity named or admitted as a party.

(37) ~~(40)~~ Person--Any individual, partnership, corporation, or other legal entity.

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

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

**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**

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

**(41)** ~~[(44)]~~ Provisional License--A license issued to individuals who have met the educational and examination requirements for licensing but who have not met the experience requirements.

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

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

**(44)** ~~[(47)]~~ Real property--The interests, benefits, and rights inherent in the ownership of real estate.

**(45)** ~~[(48)]~~ Record--All notices, pleadings, motions and intermediate orders; questions and offers of proof; objections and rulings on them; any decision, opinion or report by the board; and all staff memoranda submitted to or considered by the board.

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

**(47)** ~~[(50)]~~ Residential property--Property that consists of at least one but not more than four residential units.

**48)** ~~[(51)]~~ Respondent--Any person subject to the jurisdiction of the board, licensed or unlicensed, against whom any complaint has been made.

**(49)** ~~[(52)]~~ Restricted use appraisal report--A written report as defined by and prepared under the USPAP.

**(50)** ~~[(53)]~~ Review--The act or process of critically studying a report prepared by another.

~~[(54) Rule--Any board statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the Board and is filed with the Texas Register]~~

**(51)** ~~[(55)]~~ Self-contained appraisal report--A written report as defined by and prepared under the USPAP.

**(52)** ~~[(56)]~~ Sponsor--A certified appraiser who is designated as the supervising appraiser for an appraiser trainee. The sponsor is responsible for providing active, personal and diligent supervision and direction of the appraiser trainee.

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

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

**(55)** ~~[(59)]~~ Summary appraisal report--A written report as defined by and prepared under the USPAP.

**(56)** ~~[(60)]~~ USPAP--Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

**(57)** ~~[(61)]~~ Workfile--Documentation necessary to support an appraiser's analysis, opinions, and conclusions, and in compliance with the record keeping provisions ~~[Records Keeping section of the Ethics Rule]~~ of USPAP.

This agency hereby certifies that the amendments have been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**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**

Filed with the Office of the Secretary of State on  
February, 2014.

---

Kristen Worman  
General Counsel  
Texas Appraiser Licensing and Certification Board





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

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

#### **SUMMARY**

The amendments are proposed to clarify the date on which an applicant may reapply for a license after the denial of a previous application.

#### **STAFF RECOMMENDATION**

Propose amendments as presented.

#### **RECOMMENDED MOTION**

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §153.9, Applications, as presented for publication and public comment to the *Texas Register*, along with any technical or non-substantive changes required for proposal.





**PROPOSED RULE ACTION FROM  
FEBRUARY 21, 2014 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

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

**22 TAC §153.9. Applications.**

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to 22 TAC §153.9, Applications. The amendments are proposed to clarify the date on which an applicant may reapply for a license after the denial of a previous application.

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

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

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

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

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

**§153.9. Applications.**

(a) –(f)(No change.)

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

(g) –(j)(No change.)

This agency hereby certifies that the amendments have been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February, 2014.

\_\_\_\_\_  
Kristen Worman  
General Counsel

**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**

Texas Appraiser Licensing and Certification Board



## AGENDA ITEM 18

Discussion and possible action to propose amendments to 22 TAC Chapter 157:

- a. 22 TAC §157.3. Scope of Rules
- b. 22 TAC §157.4. Computation of Time
- c. 22 TAC §157.5. Conduct and Decorum
- d. 22 TAC §157.6. Request for Advisory Opinions
- e. 22 TAC §157.7. Denial of a License
- f. 22 TAC §157.8. Adverse Action Against a Licensee or Registrant
- g. 22 TAC §157.9. Notice of Hearing
- h. 22 TAC §157.11. Contested Cases; Entry of Appearance; Continuance
- i. 22 TAC §157.12. Failure to Attend Hearing; Default Judgment
- j. 22 TAC §157.13. Ex Parte Consultations
- k. 22 TAC §157.14. Informal Disposition
- l. 22 TAC §157.15. Decision
- m. 22 TAC §157.17. Final Decisions and Orders
- n. 22 TAC §157.18. Motions for Rehearing; Finality of Decisions
- o. 22 TAC §157.20. Judicial Review
- p. 22 TAC §157.25. Temporary Suspension

### SUMMARY

The amendments are proposed following a comprehensive rule review for this chapter to better reflect current TALCB procedures and to simplify and clarify where needed. The proposed amendments capitalize the term “Board” and replace the term “licensee” with “license holder” throughout the Chapter. Other specific amendments include: The proposed amendments to §157.5 clarify the actions a presiding officer may take if the standards of conduct and decorum are violated; and the proposed amendments to §157.7 clarify the action the Board takes when it determines an application should be denied. This clarification is important as it affects rule 153.9 regarding the date an applicant may reapply after denial of a previous license application.

### STAFF RECOMMENDATION

Propose amendments as presented.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit amendments to 22 TAC §157.3. Scope of Rules, 22 TAC §157.4. Computation of Time, 22 TAC §157.5. Conduct and Decorum, 22 TAC §157.6. Request for Advisory Opinions, 22 TAC §157.7. Denial of a License, 22 TAC §157.8. Adverse Action Against a Licensee or Registrant, 22 TAC §157.9. Notice of Hearing, 22 TAC §157.11. Contested Cases; Entry of Appearance; Continuance, 22 TAC §157.12. Failure to Attend Hearing; Default Judgment, 22 TAC §157.13. Ex Parte Consultations, 22 TAC §157.14. Informal Disposition, 22 TAC §157.15. Decision, 22 TAC §157.17. Final Decisions and Orders, 22 TAC §157.18. Motions for Rehearing; Finality of



Decisions, 22 TAC §157.20. Judicial Review, 22 TAC §157.25. Temporary Suspension., as presented for publication and public comment to the *Texas Register*, along with any technical or non-substantive changes required for proposal.



**PROPOSED RULE ACTION FROM  
FEBRUARY 21, 2014 MEETING OF  
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Practice and Procedure**

**22 TAC §157.3. Scope of Rules, 22 TAC §157.4. Computation of Time, 22 TAC §157.5. Conduct and Decorum, 22 TAC §157.6. Request for Advisory Opinions, 22 TAC §157.7. Denial of a License, 22 TAC §157.8. Adverse Action Against a Licensee or Registrant, 22 TAC §157.9. Notice of Hearing, 22 TAC §157.11. Contested Cases; Entry of Appearance; Continuance, 22 TAC §157.12. Failure to Attend Hearing; Default Judgment, 22 TAC §157.13. Ex Parte Consultations, 22 TAC §157.14. Informal Disposition, 22 TAC §157.15. Decision, 22 TAC §157.17. Final Decisions and Orders, 22 TAC §157.18. Motions for Rehearing; Finality of Decisions, 22 TAC §157.20. Judicial Review, 22 TAC §157.25. Temporary Suspension**

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to 22 TAC §157.3. Scope of Rules, 22 TAC §157.4. Computation of Time, 22 TAC §157.5. Conduct and Decorum, 22 TAC §157.6. Request for Advisory Opinions, 22 TAC §157.7. Denial of a License, 22 TAC §157.8. Adverse Action Against a Licensee or Registrant, 22 TAC §157.9. Notice of Hearing, 22 TAC §157.11. Contested Cases; Entry of Appearance; Continuance, 22 TAC §157.12. Failure to Attend Hearing; Default Judgment, 22 TAC §157.13. Ex Parte Consultations, 22 TAC §157.14. Informal Disposition, 22 TAC §157.15. Decision, 22 TAC §157.17. Final Decisions and Orders, 22 TAC §157.18. Motions for Rehearing; Finality of Decisions, 22 TAC §157.20. Judicial Review, 22 TAC §157.25. Temporary Suspension.

The proposed amendments are made following a comprehensive rule review for this Chapter to better reflect current TALCB procedures and to simplify and clarify where needed.

The proposed amendments capitalize the term “Board” and replace the term “licensee” with

“license holder” throughout the Chapter. Other specific amendments are as follows:

The proposed amendments to §157.5 clarify the actions a presiding officer may take if the standards of conduct and decorum are violated.

The proposed amendments to §157.7 clarify the action the Board takes when the Board determines that an application should be denied. This clarification is important as it affects rule 153.9 regarding the date on which an applicant may reapply for a license after the denial of a previous application.

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

**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**

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

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

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

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

**§157.3. Scope of Rules.**

These rules shall govern the procedure for the institution, conduct and determination of all causes and proceedings before the **Board** [board]. They shall not be construed so as to enlarge, diminish, modify or alter the jurisdiction, powers or authority of the **Board** [board] or the substantive rights of any person.

**RULE §157.4. Computation of Time**

(a) In computing any period of time described or allowed by these sections, by order of the **Board**

[board], or by any applicable statute, the period shall begin on the day after the act, event or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday nor a legal holiday.

(b) For the purpose of computing time, it is presumed that mail sent to any party is received three days after it is sent.

**§157.5. Conduct and Decorum.**

Every party, witness, attorney or other representative shall comport himself or herself in all proceedings with proper dignity, courtesy and respect for the **Board** [board] and all other parties. Disorderly conduct will not be tolerated. The presiding officer of any proceeding may order an individual who violates these standards of conduct and decorum to leave or be removed from the proceeding, if after warning, the individual continues to engage in such conduct. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys-at-law by the State Bar of Texas.

**§157.6. Request for Advisory Opinions.**

Upon written request and in accordance with the Texas Open Meetings Act, the **Board** [board] may issue advisory opinions. Such opinions are not binding on the **Board** [board] or on the person making the request, and may not be relied upon as an official **Board** [board] ruling. The **Board** [board] shall maintain a record of each advisory opinion, identifying the person to whom it was issued.

**§157.7. Denial of a License.**

(a) If the **Board denies** [board proposed to deny] a certification, license, trainee approval, or registration, the **Board** [board] shall promptly give

**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**

written notice to the applicant. If the applicant is ~~[or intends to be]~~ sponsored by another license holder ~~[licensee]~~, the Board ~~[board]~~ shall send a copy of the notice of denial to the sponsor ~~[or intended sponsor]~~.

(b) The notice shall include:

- (1) a statement of the Board's ~~[proposed]~~ action;
- (2) a summary of the facts and laws on which the ~~[proposed]~~ action is based;
- (3) a statement of the right of the person to request a hearing; and
- (4) the following language in capital letters in boldface type: IF YOU FAIL TO REQUEST A HEARING IN WRITING WITHIN 30 DAYS, THIS ~~[PROPOSED]~~ DETERMINATION WILL BECOME FINAL.

(c) If a person fails to request a hearing in writing within 30 days of receiving the notice, the Board's ~~[board's]~~ determination will become final.

**§157.8. Adverse Action Against a License Holder ~~[Licensee]~~ or Registrant.**

(a) If the Board ~~[board]~~ proposes to take adverse action against a license holder ~~[licensee]~~, former license holder ~~[licensee]~~, or registrant, the Board ~~[board]~~ shall promptly give written notice to the person against whom the action is proposed to be taken. If an appraiser trainee is the respondent, the Board ~~[board]~~ shall send a copy of the notice to the sponsor.

(b) The notice shall include:

- (1) a summary of the facts and laws on which the proposed action is based;
- (2) a statement of the action proposed by the Board ~~[board]~~, including the proposed sanction and/or the amount of any administrative penalties; and
- (3) a statement of the right of the person to a hearing.

(c) A license holder ~~[licensee]~~ or registrant who has agreed in writing to suspension or revocation for

failure to comply with the terms of a consent order, consent agreement, or agreed order in connection with an application or a previous disciplinary matter is deemed to have had notice and an opportunity for a hearing in a subsequent action resulting from failure to comply with an administrative requirement of probation, such as payment of a fee or completion of coursework.

(d) The Board ~~[board]~~ will consider a modification of an existing agreed or consent order at its next scheduled Board ~~[board]~~ meeting if the license holder ~~[licensee]~~ or registrant:

- (1) is currently in compliance with the existing order; and
- (2) submits a written request that sets out the specific modification requested and the reason for the modification to the Board's ~~[board's]~~ general counsel on or before the 14th day prior to a scheduled Board ~~[board]~~ meeting. Submission of a request for modification of an agreed or consent order to the Board ~~[board]~~ does not relieve the license holder ~~[licensee]~~ or registrant of compliance obligations under the existing order.

**§157.9. Notice of Hearing.**

(a) The notice of hearing shall be served not later than the 30th day before the hearing date.

(b) Service of notice of hearing must be made in the manner prescribed by Chapter 2001, Texas Government Code, and the Rules of the State Office of Administrative Hearings. Notice to a person who is a current license holder ~~[licensee]~~ or applicant of the Board ~~[board]~~ shall be complete and effective if sent by certified mail, return receipt requested, to the respondent or applicant at his or her most recent address as shown by the records of the Board ~~[board]~~. Service by mail shall be complete upon deposit of the document in question in a post paid properly addressed envelope in a post office of official depository under the care and custody of the United States Postal Service.

**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**

(c) The notice shall include the following language in capital letters in boldface type: FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE ALLEGATIONS AGAINST YOU SET OUT IN THE COMPLAINT BEING ADMITTED AS TRUE AND A DEFAULT JUDGMENT BEING TAKEN AGAINST YOU.

**§157.11. Contested Cases; Entry of Appearance; Continuance.**

(a) When a contested case has been instituted, the respondent or the representative of the respondent shall enter an appearance not later than 20 days after the date of receipt of notice of hearing.

(b) For the purposes of this section, a contested case shall mean any action that is referred by the **Board** [board] to the State Office of Administrative Hearings.

(c) For purposes of this section, an entry of appearance shall mean the filing of a written answer or other responsive pleading with the State Office of Administrative Hearings.

(d) The filing of an untimely appearance by a party, or entering an appearance at the contested case hearing entitles the **Board** [board] to a continuance of the hearing in the contested case at the **Board's** [board's] discretion for such a reasonable period of time as determined by the administrative law judge, but not for a period of less than 20 days. For purposes of this section, an untimely appearance is an appearance not entered within 20 days of the date the respondent has received notice.

**§157.12. Failure to Attend Hearing; Default Judgment.**

(a) 1 TAC §155.501 and §155.503 (relating to Default Proceedings and Dismissal Proceedings) (SOAH rules) apply where a respondent fails to appear in person or through his legal representative on the day and at the time set for hearing in a

contested case, regardless of whether an appearance has been entered and the **Board's** [board's] staff moves either for dismissal of the case from SOAH's docket or for the issuance of a default proposal for decision by the judge. In either case, the **Board** [board] shall enter a default judgment in the matter adverse to the respondent who has failed to attend the hearing, upon proper proof of notice to the defaulting party.

(b) For purposes of this section, a default judgment shall mean the issuance of a final order against the respondent in which the factual allegations against the respondent contained in the notice sent to respondent pursuant to §157.9 of this chapter (relating to Notice of Hearing) or the petition filed at SOAH shall be admitted as prima facie evidence and deemed admitted as true, without any requirement for additional proof to be submitted to the **Board** [board] prior to the **Board** [board] entering the final order.

**§157.13. Ex Parte Consultations.**

A member of the **Board** [board] may not communicate, directly or indirectly, in connection with any issue of fact or law with any person, party, or their representative except on notice and opportunity for all parties to participate. A member of the **Board** [board] may communicate ex parte with employees of the board who have not participated in any hearing in the case for the purpose of utilizing the special skills or knowledge of the **Board** [board] and its staff in evaluating the evidence.

**§157.14. Informal Disposition.**

Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. No stipulation or agreed settlement between the parties or their attorneys or representatives, with regard to any matter involved in any proceeding before the **Board** [board], shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives and made a part of the record, or

**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**

unless it shall have been dictated into the record by them during the course of a hearing or incorporated in an order bearing their written approval.

**§157.15. Decision.**

(a) The administrative law judge shall serve on the parties a proposal for decision which shall contain:

(1) a statement of the administrative law judge's proposed reasons for the decision;

(2) findings of fact and conclusions of law, separately stated, that are necessary to the proposed decision.

(b) Service. When a decision is prepared, a copy of the decision shall be served by the administrative law judge on each party, the respondent's attorney of record or representative, and the **Board [board]**. Service of the decision shall be in accordance with §157.9(b) of this title (relating to Notice of Hearing).

**§157.17. Final Decisions and Orders.**

(a) After a proposal for decision has been issued by an administrative law judge, the **Board [board]** will render the final decision in the contested case or remand the proceeding for further consideration by the administrative law judge.

(b) The **Board [board]** is responsible for imposing disciplinary action and/or assessing administrative penalties, if any, against a respondent who is found to have violated any of the **Board's [board's]** statutes or rules. The **Board [board]** welcomes recommendations from an administrative law judge as to the sanctions to be imposed, but the **Board [board]** is not required to give presumptively binding effect to the judge's recommendations and is not bound by such recommendations.

(c) If the **Board [board]** remands the case to the administrative law judge, the **Board [board]** may direct that further consideration be accomplished with or without reopening the hearing and may limit the issues to be considered. If, on remand, additional

evidence is admitted that results in a substantial revision of the proposal for decision, or the underlying facts, an amended or supplemental proposal for decision shall be prepared by the administrative law judge and the provisions of this subchapter shall apply. Exceptions and replies shall be limited to items contained in the supplemental proposal for decision.

(d) The proposal for decision may be acted upon by the **Board [board]** after the expiration of the applicable time periods for filing exceptions and replies to exceptions, and after the administrative law judge has ruled on any exceptions and replies.

(e) Any party may request oral arguments before the **Board [board]** prior to the final disposition of the contested case. Oral arguments will be conducted in accordance with paragraphs (1) - (5) of this subsection.

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

(2) The hearing on the proposal for decision shall be limited to the record. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

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

**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**

(4) After being recognized by the presiding member, the members of the **Board** [board] may ask questions of the parties. If a party is represented by counsel, the questions must be directed to the party's attorney. Questions must be limited to the record and to the arguments made by the parties.

(5) Upon the conclusion of oral arguments, questions by the members of the **Board** [board], and any discussion by the member of the **Board** [board], the presiding member shall call for a motion regarding disposition of the contested case. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(f) Final orders on contested cases shall be in writing and signed by the presiding officer of the **Board** [board]. Final orders shall include findings of fact and conclusions of law separately stated from disciplinary actions imposed and administrative penalties assessed. Parties shall be notified either personally or by mail of any decision or order. On written request, a copy of the decision or order shall be delivered or mailed to any party and to the respondent's attorney of record.

(g) The **Board** [board] may change a finding of fact or conclusion of law in a proposal for decision when the **Board** [board] determines:

- (1) that the judge did not properly apply or interpret applicable law, agency rules, written policies provided by staff or prior administrative decisions;
- (2) that a prior administrative decision on which the judge relied is incorrect or should be changed; or
- (3) that a technical error in a finding of fact should be changed.

(h) If the **Board** [board] modifies, amends, or changes a finding of fact or conclusion of law in a proposal for decision, the order shall reflect the **Board's** [board's] changes as stated in the record of

the meeting and state the specific reason and legal basis for the changes.

(i) If the **Board** [board] does not follow the recommended disciplinary action and/or administrative penalty in a proposal for decision, the order shall explain why the **Board** [board] chose not to follow the recommendation as stated in the record of the meeting.

(j) Imminent Peril. If the **Board** [board] finds that an imminent peril to the public health, safety, or welfare requires immediate effect on a final decision or order in a contested case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered, and no motion for rehearing is required as a prerequisite for appeal.

(k) Conflict of Interest. A **Board** [board] member shall recuse himself or herself from all deliberations and votes regarding any matter:

- (1) the **Board** [board] member reviewed as a member of a Peer Investigative Committee;
- (2) involving persons or transactions about which the **Board** [board] member has a conflict of interest;
- (3) involving persons or transactions related to the **Board** [board] member sufficiently closely as to create the appearance of a conflict of interest.

(l) A **Board** [board] member's participation in the negotiation of a consent order under Texas Occupations Code, §1103.458, does not require recusal under subsection (k) of this section.

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

(a) Filing times. A motion for rehearing must be filed within 20 days after a party has been notified, either in person or by certified mail, return receipt requested, of the final decision or order made by the **Board** [board].

**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**

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

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

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

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

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

(2) The hearing on the motion shall be limited to a consideration of the grounds set forth in the motion. Testimony by affidavit or documentary evidence such as excerpts of the record before the

presiding officer may be offered in support of, or in opposition to, the motion; provided, however, a party offering affidavit testimony or documentary evidence must provide the other party with copies of the affidavits or documents at the time the motion is filed. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

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

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

(5) Upon the conclusion of oral arguments, questions by the members of the **Board [board]**, and any discussion by the member of the **Board [board]**, the presiding member shall call for a vote on the motion. A member of the **Board [board]** need not make a separate motion or second a motion filed by a party. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(f) A decision is final and appealable on the date rendered if the **Board [board]** finds that an imminent peril to the public health, safety or welfare requires immediate effect, in which event the decision or order shall recite the finding and the fact

**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**

that the decision is final and effective on the date rendered.

**§157.20. Judicial Review.**

(a) A person who has exhausted all administrative remedies, and who is aggrieved by a final decision in a contested case is entitled to judicial review.

(b) The petition shall be filed in a district court of Travis County, Texas, within 30 days after the decision or order of the **Board** [board] is final and appealable.

(c) Pursuant to Texas Government Code Section 2001.177, a party seeking judicial review of a final decision of the Texas Appraiser Licensing and Certification Board in a contested case shall pay all costs of preparing the original or certified copy of a record of the contested case proceedings.

**§157.25. Temporary Suspension.**

(a) The purpose of a temporary suspension proceeding is to determine whether the continued practice by a person licensed, certified or registered by the **Board** [board] would constitute a continuing threat to the public welfare. It is ancillary to a disciplinary proceeding regarding alleged violations of the Act or **Board** [board] rules and is not dispositive concerning any such violations.

(b) The three **Board** [board] members of the Enforcement Committee appointed by the chair of the **Board** [board] shall serve as the disciplinary panel ("Panel") under Texas Occupations Code, §1103.5511 and §1104.211. The chair of the **Board** [board] shall also appoint a **Board** [board] member to act as an alternate member of the Panel in the event a member of the Panel is recused or unable to attend a temporary suspension proceeding.

(c) Board staff must request a temporary suspension proceeding in writing by filing a motion for temporary suspension with the **Board's** [board's] general counsel.

(d) The Panel may make a determination regarding a temporary suspension without notice or hearing pursuant to Texas Occupations Code, §1103.5511(c)(1) or §1104.211(c)(1), or may, if appropriate in the judgment of the chair of the Panel, provide the **license holder** [licensee] or registrant with three days' notice of a temporary suspension hearing.

(e) The requirement under Texas Occupations Code, §1103.5511(c)(1) or §1104.211(c)(1) that "institution of proceedings for a contested case hearing is initiated simultaneously with the temporary suspension" shall be satisfied if, on the same day the motion for temporary suspension is filed with the **Board's** [board's] general counsel, the licensed, certified or registered person that is the subject of the temporary suspension motion, and the State Office of Administrative Hearings, as applicable, is sent one of the following documents that alleges facts that precipitated the need for a temporary suspension:

- (1) Notice of Alleged Violation;
- (2) Original Statement of Charges; or
- (3) Amended Statement of Charges.

(f) The Panel shall post notice of the temporary suspension proceeding pursuant to §551.045 of the Texas Government Code and Texas Occupations Code, §1103.5511(e) or §1104.211(e) and hold the temporary suspension proceeding as soon as possible.

(g) The determination whether the continued practice by a person licensed, certified or registered by the **Board** [board] would constitute a continuing threat to the public welfare shall be determined from information presented to the Panel. The Panel may receive information and testimony in oral or written form. Documentary evidence must be submitted to the **Board's** [board's] general counsel in electronic format at least 24 hours in advance of the time posted for the temporary suspension hearing in all cases where the Panel will be meeting via

**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**

teleconference. If a hearing is held following notice to a license holder [licensee] or registrant, Board [board] staff will have the burden of proof and shall open and close. The party responding to the motion for temporary suspension may offer rebuttal arguments. Parties may request an opportunity for additional rebuttal subject to the discretion of the chair of the Panel. The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties. The Panel may question witnesses and attorneys at the members' discretion. Information and testimony that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered.

(h) The determination of the Panel may be based not only on evidence admissible under the Texas Rules of Evidence, but may be based on information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs.

(i) If the Panel suspends a license or certificate, it shall do so by order and the suspension shall remain in effect for the period of time stated in the order, not to exceed the date a final order is issued by the Board [board] in the underlying contested case proceeding.

(j) A temporary suspension under Texas Occupations Code, §1103.5511 or §1104.211 shall not automatically expire after 45 days if the Board [board] has scheduled a hearing on the contested case to take place within that time and the hearing is continued beyond the 45th day for any reason other than at the request of the Board [board].

(k) If credible and verifiable information that was not presented to the Panel at a temporary suspension hearing, which contradicts information that influenced the decision of the Panel to order a temporary suspension, is subsequently presented to the Panel with a motion for rehearing on the suspension, the chair of the Panel will schedule a rehearing on the matter. The chair of the Panel will

determine, in the chair's sole discretion, whether the new information meets the standard set out in this subsection. A rehearing on a temporary suspension will be limited to presentation and rebuttal of the new information. The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties. Panel members may question witnesses and attorneys. Information and testimony that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered. Any temporary suspension previously ordered will remain in effect, unless the Panel holds a rehearing on the matter and issues a new order rescinding the temporary suspension.

This agency hereby certifies that the amendments have been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on March , 2014.

---

Kristen Worman  
General Counsel  
Texas Appraiser Licensing and Certification Board





## AGENDA ITEM 19

Discussion and possible action to propose review of 22 TAC Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act.

### SUMMARY

TALCB is continuing the comprehensive rule review process that it is required by law to complete every four years. This chapter is the next chapter that will be open for review in accordance with the review plan.

### STAFF RECOMMENDATION

Approve as submitted.

### RECOMMENDED MOTION

MOVED, that staff is authorized, on behalf of this Board, to submit the review of 22 TAC Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act, to the *Texas Register* for publication and comment.





## 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

The Texas Appraiser Licensing and Certification Board (TALCB) files this notice of intention to review Texas Administrative Code, Title 22, Part 8, Chapter 153, Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act. This review is undertaken pursuant to Government Code, §2001.039.

TALCB will accept comments for 30 days following the publication of this notice in the *Texas Register* as to whether the reasons for adopting the sections under review continue to exist. Final consideration of this rules review is expected at the TALCB meeting in August 2014.

Any questions or comments pertaining to this notice of intention to review should be directed to Kristen Worman, General Counsel, Texas Appraiser Licensing and Certification Board. P.O. Box 12188, Austin, Texas 78711-2188 or e-mailed to [general.counsel@talcb.texas.gov](mailto:general.counsel@talcb.texas.gov) within 30 days of publication.

During the review process, TALCB may determine that a specific rule may need to be amended to further refine TALCB's legal and policy considerations; whether the rules reflect current TALCB procedures; that no changes to a rule as currently in effect are necessary; or

that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Readopted rules will be noted in the Texas Register's Rules Review section without publication of the text. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal.

Issued in Austin, Texas on February 21, 2014.

---

Kristen Worman  
General Counsel





**AGENDA ITEM 20(a)**

Discussion and possible action on recommendations from the Executive Committee regarding framework for orientation and mentorship of new Board members and annual Board workshop.



**TALCB Board Members**

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton P. Black

Patrick M. Carlson

Luis F. De La Garza, Jr.

Keith W. Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**POLICY MEMORANDUM****Date:** February 21, 2014**RE:** Annual Training and Mentor Assignments

This memorandum is to confirm that the Texas Appraiser Licensing and Certification Board (Board) approved the following policy regarding annual training and mentor assignments for new Board members:

**Training**

The Board will schedule a 1/2-day training workshop on an annual basis to be held in conjunction with the November Board meeting, or the closest meeting thereto.

**Mentor Assignments**

The Chair of the Board will assign mentors to each new Board member at the February Board meeting, or at the first called meeting attended by the new member.

Approved by the Board and signed this \_\_\_\_\_ day of February, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Chair  
Texas Appraiser Licensing and Certification Board





**AGENDA ITEM 20(b)**

Discussion and possible action on recommendations from the Executive Committee regarding framework for leadership transition.





**TALCB Board Members**

Walker Beard  
Chair

Jamie S. Wickliffe  
Vice Chair

Laurie C. Fontana  
Secretary

Clayton P. Black

Patrick M. Carlson

Luis F. De La Garza, Jr.

Keith W. Kidd

Mark A. McAnally

Shannon K. McClendon

Douglas E. Oldmixon  
Commissioner

**POLICY MEMORANDUM**

**Date:** February 21, 2014

**RE:** Leadership Transition

This memorandum is to confirm that the Texas Appraiser Licensing and Certification Board (Board) approved the following policy regarding leadership transition:

At the last Board meeting of the calendar year, the Board will include these items on the agenda:

- 1) Executive Committee Recommended Slate of Officers; and
- 2) Floor Nominations.

The Board will elect officers at the first Board meeting held in the next calendar year.

Approved by the Board and signed this \_\_\_\_\_ day of February, 2014.

\_\_\_\_\_  
 \_\_\_\_\_, Chair  
 Texas Appraiser Licensing and Certification Board





**AGENDA ITEM 20(c)**

Discussion and possible action on recommendations from the Executive Committee regarding clarification of statutory per diem provision.



TEXAS



## REAL ESTATE COMMISSION

### APPRAISER LICENSING & CERTIFICATION BOARD

## MEMORANDUM

**TO:** TREC/TALCB Policy Makers and Staff

**FROM:** Douglas E. Oldmixon

**RE:** Commissioner/Board Member Per Diem & Travel Expenses

**DATE:** November 1, 2009, updated 5/17/10 & 12/1/11

#### (A) Compensatory Per Diem Payment

Commissioners/Board Members may request compensatory per diem for any day during which they represent the Commission/Board in an official capacity. Any day other than one for a regularly scheduled or specially called Commission/Board meeting requires the preapproval of the Chair.

#### (B) Commissioner/Board Member Travel

In addition to regularly scheduled Commission/Board meetings, travel reimbursement shall be paid to Commissioners/Board Members when on official business. Official business means representing the Commission/Board at a meeting wherein participation has been approved by the Chair and scheduled through the Administration & Management Services Division.

#### (C) Expense Reimbursement

As provided for in the State and Agency Travel Guidelines, Commissioners/Board members will be reimbursed for certain travel expenses incurred in connection with official duties on behalf of TREC/TALCB. For purposes of reimbursement, participation in any TREC/TALCB committee or subcommittee meeting should be held on the same day as a scheduled Commission or Board meeting, unless otherwise approved by the Chair. The agency has not historically had funds budgeted to pay per diem or to reimburse expenses for such meetings. Historically, lodging and meal expenses are not reimbursable for travel of less than 75 miles one way.

#### (D) Representation at ARELLO/AARO Meetings

The Chair shall officially represent the Commission/Board at Annual and/or Mid-Year ARELLO/AARO meetings as necessary and shall vote for the Commission/Board. If the Chair is not able to attend, the Chair may designate an alternate to attend. If the Administrator/Commissioner certifies that sufficient travel funds are available, the Commission/Board Chair may designate an additional Commissioner/Board Member to attend and represent the agency at such meetings.

#### (E) Administrator/Commissioner Attendance

The Administrator/Commissioner or their designee may attend all ARELLO/AARO meetings as necessary to represent the agency. In the absence of the Chair or the Chair's designated alternate, the Administrator/Commissioner shall vote on behalf of the agency.

(F) General Counsel Attendance

If the Administrator/Commissioner certifies that sufficient travel funds are available, the General Counsel may attend ARELLO/AARO meetings as appropriate to represent the agency.

(G) Out of State Travel

The appropriations act for FY 2010-11 has placed a limit on out of state travel for all state agencies. In addition, all travel reimbursement reports for Commissioners/Board Members which involve out of state travel must be filed with the Ethics Commission prior to payment. Commissioners/Board Members representing TREC/TALCB at meetings and other functions held outside Texas should obtain advance approval of the Commission/Board Chair prior to attending such meetings when they will be submitting a request for reimbursement of travel and related expenses.



### AGENDA ITEM 21

Discussion and possible action regarding approaches to enable appraisers to earn ACE credit when Board staff makes presentations.



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

(a) Certified and licensed appraisers. In order to renew a license or certification, an appraiser must successfully complete, during the two-year period preceding the expiration of the certification or license, the equivalent of at least 28 classroom hours of ACE courses approved by the board, including the 7-hour National USPAP Update course. The courses must comply with the requirements set out in subsection (c) of this section.

(b) Appraiser trainees. In order to renew an approval, a trainee must successfully complete, during the one-year period preceding the expiration of the approval, 14 classroom hours of ACE courses. Every two years, the required hours must include the 7-hour National USPAP Update course.

(c) Approval of ACE courses. In approving ACE courses, the board shall base its review and approval of ACE courses upon the then current appraiser qualifications criteria of the Appraiser Qualifications Board (AQB).

(1) The purpose of ACE is to ensure that certified and licensed appraisers participate in programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(2) The following types of educational offerings that may be accepted for meeting the ACE requirements are listed in subparagraphs (A) - (H) of this paragraph:

(A) A course that meets the requirements for certification or licensing also may be accepted for meeting ACE provided:

(i) The course is devoted to one or more of the appraisal related topics of the then current appraiser qualifications criteria of the Appraiser Qualifications Board (AQB) for continuing education;

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

(iii) the educational offering is at least two hours in length.

(B) The board shall accept as continuing education any continuing education offering that has been approved by the AQB course approval process or by another state appraiser licensing and certification board. Course providers may obtain prior approval of continuing education offerings by filing forms prescribed 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. Approval of a course based on AQB approval shall expire on the date of expiration of the AQB approval and shall be automatically revoked upon the revocation of AQB approval. Approval of a course based on any other authority shall expire on the earlier of the date of expiration in another state, if applicable, or two years from board approval and shall be automatically revoked upon the revocation of the other state's approval.

(C) Distance education courses, provided that the course is approved by the board and the course either has been presented by an accredited college or university that offers distance education programs in other disciplines, or has been approved by the Appraiser Qualifications Board under its course approval process and the student successfully completed a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation. A minimum number of hours equal to the number of hours of credit must elapse from course enrollment until completion.

(D) "In-house" education and training may not be counted toward ACE requirements.

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

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

(ii) use the current edition of the USPAP promulgated by the Appraisal Standards Board of the Appraisal Foundation;

(iii) provide each student with his or her own permanent copy of the current USPAP promulgated by the Appraisal Standards Board of the Appraisal Foundation; and

(iv) be taught by at least one instructor who is an AQB-certified USPAP instructor and also a certified appraiser.

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

(G) Up to one half of an individual's continuing education requirement 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, educational program development, authorship of real estate appraisal textbooks, or similar activities that are determined by the board to be equivalent to obtaining ACE. Appraisal experience may not be substituted for ACE.

(H) Neither current members of the Texas Appraiser Licensing and Certification Board nor those board staff engaged in the approval of courses or educational qualifications of applicants, certificate holders or licensees shall be eligible to teach or guest lecture as part of an approved appraiser qualifying or continuing education course.

(d) If the board determines that a 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 certifications, licenses, authorizations, or registrations.



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 257

*April 13, 1995*

*Whether a member of the Board of Vocational Nurse Examiners may provide continuing education workshops for licensed vocational nurses seeking license renewal. (AOR-285)*

The Texas Ethics Commission has been asked to consider whether a member of the Board of Vocational Nurse Examiners may provide continuing education workshops for profit for licensed vocational nurses seeking license renewal. In order to renew a license, a vocational nurse must fulfill a continuing education requirement:

- (a) To renew a license, a licensee must demonstrate to the satisfaction of the Board completion of the requirement for continuing professional education.
- (b) The Board shall adopt rules relating to the operation of the mandatory continuing education programs. In establishing the requirement for continuing education, the Board shall consider:
  - (1) factors that lead to the competent performance of professional duties; and
  - (2) the continuing education needs of licensees.
- (c) The Board shall adopt rules relating to the adoption or approval of mandatory continuing education programs and providers and shall adopt rules to evaluate the effectiveness of the programs and a licensee's participation and performance in the programs.

V.T.C.S. art. 4528c, § 8A; see also 22 T.A.C. §§ 237.15 - 237.17.

Chapter 572 of the Government Code sets out standards of conduct for state officers. One of those standards states that a state officer should not "accept other employment or compensation that could reasonably be expected to impair the officer's . . . independence of judgment in the performance of the officer's . . . official duties." Gov't Code § 572.051(3). In our view, accepting compensation for providing continuing education courses to licensed vocational nurses could reasonably be expected to impair a board member's independence of judgment in setting standards for continuing education courses and in evaluating the effectiveness of programs.<sup>1</sup> See [Ethics Advisory Opinion No. 192](#) (1994) (regarding standards of conduct).

The Penal Code provisions concerning the acceptance of benefits by public servants are also relevant in this situation. Penal Code section 36.08(a) prohibits a public servant in an agency performing regulatory functions from soliciting, accepting, or agreeing to accept a benefit from a person he knows to be subject to regulation by the public servant or his agency. There is an exception to the prohibition for fees for services, but the exception is applicable only if the fee is for services rendered *in a capacity other than as a public servant*. See generally Gov't Code § 572.058 (requiring recusal of board member if board member has an interest in matter before board).

### SUMMARY

A member of the Board of Vocational Nurse Examiners should not offer continuing education courses for

profit for vocational nurses seeking license renewal.

---

<sup>1</sup> We note that section 5 of article 4528c specifically requires one board member to be a Registered Nurse who is actively involved in an educational program in a teaching, administrative, or supervisory capacity. Section 5 also prohibits certain business and professional activities of board members. This opinion is not intended to address a situation involving the board member holding that position.



TEXAS

APPRAISER LICENSING & CERTIFICATION BOARD

## AGENDA ITEM 22

Discussion and possible action to approve agency Investment Policies.



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 at the February 15, 2013 TALCB Meeting)





**AGENDA ITEM 23**

Discussion of ASB program for a current version of USPAP to be drop-shipped to all appraisers in Texas.

**AGENDA ITEM 24**

Discussion and possible action on current and 2015 AQB education criteria.





## UPCOMING CHANGES TO REAL PROPERTY APPRAISER QUALIFICATIONS

On December 9, 2011, the Appraiser Qualifications Board of The Appraisal Foundation adopted changes to the *Real Property Appraiser Qualification Criteria* that will become effective January 1, 2015. These changes represent minimum national requirements that each state must implement no later than January 1, 2015.

### OVERVIEW OF CHANGES

<p><b>National Uniform Licensing and Certification Examinations</b></p>	<p>Education <u>and</u> experience must be completed prior to taking the AQB-approved <i>National Uniform Licensing and Certification Examination</i>.</p>
<p><b>Background Checks</b></p>	<p>All candidates for a real property appraiser credential must undergo background screening. State appraiser regulatory agencies are <i>strongly</i> encouraged to perform background checks on <i>existing</i> credential holders as well.</p>
<p><b>College Degree Acceptance and Core Curriculum Requirements</b></p>	<p>Credit towards qualifying education requirements may be obtained via the completion of a degree program in Real Estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the AQB.</p>
<p><b>Deletion of the Segmented Approach to Criteria Implementation</b></p>	<p>States had the option to implement the 2008 <i>Real Property Appraiser Qualification Criteria</i> via the “segmented approach.” This implementation option will no longer be valid effective January 1, 2015.</p>
<p><b>Restriction on Continuing Education Course Offerings</b></p>	<p>Aside from complying with the requirements to complete the <i>7-Hour National USPAP Update Course</i> (or its AQB-approved equivalent), appraisers may not receive credit for completion of the same continuing education course offering within an appraiser’s continuing education cycle.</p>
<p><b>Distance Education Requirements</b></p>	<p>A <i>written, proctored</i> examination is required for all qualifying education distance course offerings. The term <i>written</i> refers to an examination that might be written on paper or administered electronically on a computer workstation or other device.</p>
<p><b>Revisions to Subtopics in Guide Note 1 (GN-1) and Continuing Education Topics</b></p>	<p>Added topics on green building (qualifying and continuing education), seller concessions (qualifying and continuing education) and developing opinions of real property value in appraisals that also include personal property and/or business value (continuing education only).</p>

**COLLEGE LEVEL EDUCATION REQUIREMENT CHANGES\***

<b>CLASSIFICATION</b>	<b>CURRENT REQUIREMENTS</b>	<b>1/1/15 REQUIREMENTS</b>
<b>Trainee Appraiser</b>	None	None
<b>Licensed Residential Appraiser</b>	None	30 semester credit hours of college-level education from an accredited college, junior college, community college, or university OR an Associate's degree or higher (in any field).
<b>Certified Residential Appraiser</b>	21 semester credit hours in specified collegiate subject matter courses from an accredited college or university OR an Associate's degree or higher.	Bachelor's degree or higher (in any field) from an accredited college or university.
<b>Certified General Appraiser</b>	30 semester credit hours in specific collegiate subject matter courses from an accredited college or university OR a Bachelor's degree or higher.	Bachelor's degree or higher (in any field) from an accredited college or university.

\*These requirements are effective for individuals seeking a real property appraiser credential *after* January 1, 2015. However, in some cases, the requirements may also apply to *existing* real property appraisers (for example, a state may require a credentialed appraiser to meet the new Criteria if he or she moves from a state that does not have reciprocity with that state. Or some states may require appraisers seeking to change their credential level to meet all of the 2015 Criteria prior to obtaining the new credential). **Credentialed appraisers are urged to contact the applicable state appraiser regulatory agencies if they are contemplating relocation or changing credential levels.**

**SUPERVISORY APPRAISER AND TRAINEE APPRAISER REQUIREMENT CHANGES**

<b>SUPERVISORY APPRAISER</b>	<b>TRAINEE APPRAISER</b>
State-certified Supervisory Appraiser shall be in good standing with the training jurisdiction and not subject to any disciplinary action within the last three (3) years that affects the Supervisory Appraiser's legal ability to engage in appraisal practice. Shall have been state certified for a minimum of three (3) years prior to being eligible to become a Supervisory Appraiser.	All qualifying education must be completed within the five (5) year period prior to the date of submission of an application for a Trainee Appraiser credential.
A Supervisory Appraiser may not supervise more than three Trainee Appraisers at one time, unless a state program in the licensing jurisdiction provides to progress monitoring, supervising certified appraiser qualifications, and supervision oversight requirements for Supervisory Appraisers.	A Trainee Appraiser is permitted to have more than one Supervisory Appraiser.
Shared responsibility to ensure the appraisal experience log for the Trainee Appraiser is accurate, current, and complies with the requirements of the Trainee Appraiser's credentialing jurisdiction.	
Both the Trainee Appraiser and Supervisory Appraiser shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB. The course will be oriented toward the requirements and responsibilities of Supervisory Appraisers and expectations for Trainee Appraisers. The course must be completed by the Trainee Appraiser prior to obtaining a Trainee Appraiser credential, and completed by the Supervisory Appraiser prior to supervising a Trainee Appraiser.	



**AGENDA ITEM 25**

Discussion and possible action regarding a timeline and process for review of existing Board policies.

**AGENDA ITEM 26**

Discussion of Commissioner's directions to staff on responses to requests from Board members.



## **Dione Frederick**

---

**From:** Douglas Oldmixon <douglas.oldmixon@trec.texas.gov>  
**Sent:** Wednesday, February 05, 2014 2:39 PM  
**To:** \_all\_trec & talcb  
**Subject:** Process for Responding to Requests from Board & Commission Members

Team,

Please note the following clarified instructions for dealing with any contacts with or requests from Commission or Board members. Thank you. Doug

### **Process for Responding to Requests from Commission and Board members**

Since this issue has come up for discussion recently at the Board level, I thought I would clarify the internal process we are operating under for responding to a request from any Board or Commission member (Member).

All requests from a Member should come through the ELS or SES Division Director, General Counsel (GC) or Administrator/Commissioner. If a contact or request comes directly to another member of staff, please forward it to your Division Director for assignment to the appropriate staff member for a response.

If the request is made orally, the request should be clearly stated in an email confirming the request and sent to the Division Director with a copy to the Member, including a request for a correcting reply from the Member if any clarification is required. This is simply to ensure we have correctly restated the Member's request and have a tracking mechanism in place to ensure a timely and accurate response.

If the Member's request is purely administrative in nature and asks for readily available information, or the production of a copy of an operational document or report that we routinely produce or maintain, the request should be responded to as soon as reasonably possible - without the need for a clarifying reply email from the Member. A copy of the response transmittal email should be provided to the Division Director. The Division Director should copy the GC or Commissioner when deemed appropriate.

Note that no document related to an open complaint matter should be requested by or provided to a Member of the Board, since the Board or Commission may have to consider and make a final determination on the matter.

If the request is for: 1) clarification of a policy or procedure; 2) a custom report that is not currently maintained by the agency; or 3) any request that requires a meaningful amount of time or effort to craft a response, the request should be forwarded to the Division Director, and the GC and Administrator/Commissioner should be copied. These three persons will consult and determine the appropriate response and direct staff as needed. If deemed appropriate by the Administrator/Commissioner, the Chair of the corresponding body will be consulted as well.

Thanks for carefully adhering to these processes. It is important that staff be responsive to Member's requests, but also that we ensure accountability for defensible stewardship of agency resources. The only way to accomplish this is to ensure that demands upon those resources are managed by the senior team members responsible for carrying out the agency's mission. If management is not aware of all requests, this responsibility is impaired. Thanks for your cooperation.

Douglas E. Oldmixon

Administrator, Texas Real Estate Commission  
Commissioner, Texas Appraiser Licensing & Certification Board

Phone: 512-936-3088

E-Mail: [douglas.oldmixon@trec.texas.gov](mailto:douglas.oldmixon@trec.texas.gov)



## AGENDA ITEM 27

Discussion and possible action to approve changes to TALCB forms.

- a. Appraisal Management Company (AMC) Request for Active Status
- b. Appraisal Management Company (AMC) Change of AMC Place of Business
- c. Appraisal Management Company (AMC) Change of Designated In-State Agent Information
- d. Appraisal Management Company (AMC) Change of Appraiser Information
- e. Notice of DBA for an AMC
- f. Change of Name for License Holder

*Note: The draft forms will be forwarded to the Board as a materials supplement.*

### SUMMARY

In preparation for increased online capabilities and transactions, staff conducted a comprehensive review of the instructions for and information required for all processes. These revised forms are the result of that review, and the forms were given an updated look.

### STAFF RECOMMENDATION

Approve the forms as presented.

### RECOMMENDED MOTION

MOVED, that the Board approve the use of the revised Appraisal Management Company (AMC) Request for Active Status, Appraisal Management Company (AMC) Change of AMC Place of Business, Appraisal Management Company (AMC) Change of Designated In-State Agent Information, Appraisal Management Company (AMC) Change of Appraiser Information, Notice of DBA for an AMC, and Change of Name for License Holder as presented.





**AGENDA ITEM 28**

Report of the Appraisal Subcommittee.

**AGENDA ITEM 29**

Request for potential future meeting agenda items.

**AGENDA ITEM 30**

Discussion and possible action to schedule future meeting dates.

**AGENDA ITEM 31**

Adjourn.



# Texas Appraiser Licensing and Certification Board

## February 21, 2014

March 2014						
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 2014						
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 2014						
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

June 2014						
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					

### March

### April

**6** Daylight Savings

### May

**2** TALCB Meeting

### June

**15** Father's Day

**18** Good Friday

**11** Mother's Day

**20** Easter

**26** Memorial Day

July 2014						
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 2014						
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 2014						
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				

October 2014						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### July

**4** Independence Day

### August

### September

**1** Labor Day

### October

**26** Daylight Savings

November 2014						
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 2014						
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 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

### November

**4** Election Day

**11** Veteran's Day

**27** Thanksgiving

### December

**25** Christmas Holiday

**31** New Year's Eve

### January

**1** New Year's Day

**19** Martin Luther King Day

### February

**16** Presidents' Day