



MEETING AGENDA

TALCB Enforcement Committee

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

Friday, October 30, 2015, 1:30 p.m.
Via Teleconference

1. Call to order
2. Status update on Mentor applications under new criteria
3. Discussion and possible action regarding Mentor conflicts of interest
4. Discussion and possible action regarding Board member participation in investigative conferences
5. Discussion and possible action regarding format of Board orders
6. Discussion and possible action regarding Confidentiality Agreement
7. Review of Action Items
8. Discussion regarding future agenda items
9. Discussion regarding future meeting dates
10. Adjourn

Effective 8/14/2015

Individuals interested in becoming a Mentor must meet the following qualifications:

- 10+ years as a Texas certified residential or certified general appraiser
- In good standing in Texas and any other state(s) of licensure/certification, with no disciplinary history
- Certified as a USPAP instructor; OR hold a recognizable appraiser designation and are approved to teach courses to obtain that designation

TEXAS



APPRAISER LICENSING & CERTIFICATION BOARD

P.O. Box 12188 • AUSTIN, TEXAS 78711-2188 • WWW.TALCB.TX.GOV

RECEIVED
TEXAS REAL ESTATE COMMISSION

APPLICATION TO ACT AS A MENTOR

SEP 11 2015

CASHIER'S SECTION
OPERATOR 13

Applicants must meet the following minimum requirements:

- * 10+ years as a Texas certified residential or certified general appraiser
- * In good standing in Texas and any other state(s) of licensure/certification, with no disciplinary history
- * Certified as a USPAP instructor; OR hold a recognized appraiser designation and are approved to teach courses to obtain that designation

Please return this signed application with a letter on your professional letterhead stating your qualifications, experience, an rationale for requesting appointment to act as a Mentor. If applicable, be sure to also include any supporting documentation regarding appraiser designations.

1. Full Name: ROBINSON ROBERT ANTHONY
Last First Middle

2. Mailing Address and Contact Information: (Post Office Box may be used)
POST OFFICE BOX 300851
Number, Street and Apt No.
HOUSTON TX. 77230 0851 713 7901312
City State Zip Code Phone Number
— JOYCE.ROBINSON9512@SBCGLOBAL.NET
Fax Number E-mail Address

3. TX Appraiser Certification Number: 1324007 G 4. Expiration Date: 1130 2016

5. Are you a Certified USPAP Instructor? Yes No

6. Do you hold a recognized appraiser designation? Yes No
If yes, submit documentation demonstrating the claimed designation AND approval to teach courses to obtain that designation.

7. What market area(s) do you serve? HARRIS AND SURROUNDING GULF COAST AND ADJACENT COUNTIES.

8. What property type(s) do you appraise? SINGLE FAMILY, COMPLEX RESIDENTIAL, PROPERTY TAX APPEALS, COMMERCIAL / INCOME PROPERTIES, (OFFICE BLDGS.), RETAIL, RESTAURANTS, MULTI FAMILY, LAND AND RIGHT-OF-WAY.

9. Are there any lawsuits, regulatory complaints, or criminal action pending against you in Texas or elsewhere? Yes No
If yes, explain:

CERTIFICATION

I certify that the information I have provided is true and correct. If I am appointed to act as a Mentor, I will discuss the Uniform Standards of Professional Practice, real estate appraisal practices, skills, and methods with the Mentee in an effort to improve the individual's skills as a real estate appraiser.

Robert Anthony Robinson
Signature of Applicant

0908 2015
Date Signed

PRIVACY NOTICE

In accordance with Chapter 559, Government Code, the following notice about certain information laws and practices is given.

- (1) With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual.
- (2) Under Sections 552.021 and 552.023 of the Governmental Code, the individual is entitled to receive and review the information.
- (3) Under Section 559.004 of the Governmental Code, the individual is entitled to have the governmental body correct information about the individual that is incorrect.

Realm Land Services
Appraisals and Assessments
Post Office Box 300851
Houston, Texas 77230
e-mail address: joyce.robinson9512@sbcglobal.net

August 26, 2015

To: Chair, PIC and Mentor Committee

From: Robert Anthony Robinson
Certified General Appraiser
Certified Real Estate Instructor (CREI)
ACE Instructor

Since my initial real estate appraisal consulting assignments with Houston Community College, The Week-End College at Texas Southern University in the 1970's and consulting and appraisal assignments with Stewart Appraisal Service and School, I have been demonstrating using and complying with the appraisal processes for FNMA and FHA assignments. Later, USPAP.

Later, in 1988, when state certification began I developed a 100 question exam for the 15 hour USPAP course for Champions School of Real Estate and taught their initial course. Taught seven (7) and 15 hour courses with Stewart Real Estate School.

Today, I use FNMA's promulgated form 1004 and the appraisal process from Appraising Residential Properties, published by The Appraisal Institute. Form 1004 is magnified at Kinko's and provided each student in class. Both are used to demonstrate compliance with Standards Rules 1 and 2, from USPAP, current edition as well as procedures from the Preamble, Statements and FAQ's.

Students are provided my e-mail address and voice number for additional questions. In past years, licensees and those interested in appraising also have come by my office and school for explanations about compliance with Occupation Code 1103, FNMA, FHA and USPAP issues.

I have also worked with numerous appraisers in past years that receive letters from TALCB Enforcement Division.

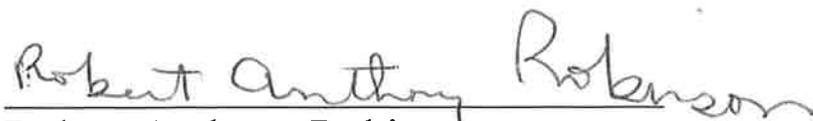
In some situations, I have advised Dr. George Harrison, Columbia Institute concerning Appraiser infractions/compliance and appraisal courses have been developed, approved and offered involving steps of the "Appraisal Process" to include identification of relevant characteristics, scope of work, highest and best use, three approaches to value, land value methodology and more specifically the Sales Comparison Approach and adjustments via "Paired Sales Analysis."

A copy of the Valuation Process is included. Each appraisal course that I teach includes insertion on this sheet each step of development (SR 1) and reporting (SR 2) of Uniform Standards of Professional Appraisal Practice, current edition.

I am available for assignments in the southeastern sector of Texas, more specifically, Houston and surrounding counties.

I am available at your request to meet with this selection committee.

Respectively,



Robert Anthony Robinson

e-mail: joyce.robinson9512@sbcglobal.net

**Robert Anthony Robinson
Certified General Appraiser
Post Office Box 300851
Houston, Texas 77230 0851**

voice: 713-790 1312 email: joyce.robinson9512@sbcglobal.net

September 9, 2015

Re: TALCB Mentor Program

To: Dione Frederick
Standards & Enforcement Services

From: Robert Anthony Robinson
Applicant

Re-submission of Form TALCB MEN-O (08/14/2015) and additional support information related to real property appraisal activities from mid 1970's and appraisal teaching activities from 1985 through September 2015 including FNMA and FHA updates in Little Rock, Arkansas this month.

Re: Question 5 on application. I am not a Certified USPAP instructor. However, beginning year 1988, I developed 100 question examination for the 15 Hour USPAP course using "item writing technique" learned at REEA also presenting the course for Champions Real Estate School. Later taught Seven and 15 hour USPAP courses for Stewart Real Estate School. Later also taught Seven and 15 Hour USPAP courses for Columbia Institute until 2003.

Re: Question 6 on application. In 2005 began downsizing practice and memberships in numerous organizations. Formerly held memberships, no designations with National Society of Real Estate Appraisers, National Association of Appraisers, Texas Association of Property Tax Professionals, Environmental Assessment Association, Affiliate Member, Appraisal Institute, Real Estate Educators Association, National Association of Realtors, Appraisal

Section (GAA) and Texas Real Estate Teachers Association (TRETA), Life Member and designation.

I am currently a Certified Real Estate Instructor (CREI) with TRETA. I have attended meetings with Appraisal Standards Board, Appraisal Foundation since it's inception, 1990. ASB publishes, amends and interprets USPAP.

Beginning with first appraisal teaching assignments, Residential and Income Property Appraising, prior to state certification, I have provided additional instruction over the years through 2015. Some needed additional to past state appraisal examinations and others needed mentoring regarding infractions concerning appraisal procedures including the appraisal process, USPAP and occupations code 1103 for Texas appraisers.

Two basic appraisal books that I have consistently used in past years and for those trainees requiring Qualifying Education for state certification are Appraising Residential Properties published by the Appraisal Institute and Income Property Appraising published by Dearborn (authors, Fisher & Martin, Publishers) Feedback over the years has been positive for those trainees preparing for state exams, Certified Residential or Certified General.

Historically, I have taught Sales Annual Education including (30 hour appraisal courses), Qualified Education (QE), USPAP and Appraisal Continuing Education (ACE) since state certification began in 1989. Many appraisers throughout Texas have continually attended the ACE courses that I presented from 1989 to 2015.

Additionally, for Stewart Real Estate School, I developed the manual for 21 Hour ACE Update offering beginning with "ACE Update 1, 1990. Since most appraisal publications present specific appraisal subjects with no reference to Standards Rules 1 and 2, (developing and reporting), USPAP, Texas Appraiser Occupation Code and compliance. I have consistently provided demonstrated links to relevant information from the current edition of USPAP and typical eight steps in real property appraising and other parts of the eight step appraisal process.

RESUME AND APPRAISER QUALIFICATIONS

e mail: joyce.robinson9512@sbcglobal.net

Robert Anthony Robinson

Certified General Appraiser
Real Estate Broker
Certified Real Estate Instructor
Texas Southern University
University of Houston

BBA, 1968

Sales Annual Education (SAE),1971

Prior Appraiser Employment

Travis Cooper and Associates
Property Types Appraised

1974-1980
Residential, Small Commercial
Right-of-Way (City, State, Federal)
Land Valuation: County R.O.W.
RTC, FDIC, HISD, Sears
Alumni Director - 1980-1984

Major Clients
Texas Southern University
Stewart's Appraisal Service (MAI)
Property Types Appraised

1984-2001
Retail, Convenience Stores, Fast Food
Stores, Apartments/Multi-family,
Shopping Centers, Malls, Industrial,
Manufacturing Facilities, Land,
Subdivision Analysis, Property Tax
Right-of-Way, Waste Water Lift
Stations, Freestanding Retail
(Walgreens), Consulting, Residential
2001 to-Present
Similar assignments as stated above.

REALM LAND SERVICES
(Self) Property Types Appraised

Appraisal Teaching Assignments
Courses Taught

Champions School of Real Estate
USPAP, Residential Appraisal
Income Property Appraisal,(SAE,QE)

Courses Taught

Houston Community College
Residential Appraising (SAE,QE)
Income Property Appraising(SAE,QE)

PAGE 2, continued

Stewart Real Estate School

Residential Appraising
Income Property Appraisal
Property Tax Continuing Education
Sales Annual Education (SAE, QE)
Sales/Broker Exam Preparation
USPAP (7 & 15 Hours), 1989-2003
MCE & PTCE, ACE, QE
Also school consultant

Robinson Real Estate School

Appraiser Continuing Education
Property Tax CE
7 & 15 Hours USPAP
Exam Prep for Appraiser Trainees
Land Valuation (QE)
Residential Appraising (QE & ACE)
Income Prop. Appraising (QE & ACE)
Eminent Domain/Condemnation (QE)
Environmental Site Assessment (QE)

Courses Taught
(Compliance &
Valuation Process)

Also prepared applications for courses and Manuals for ACE, PTCE, MCE, QE

Columbia Institute, San Antonio, Tx.

Appraiser Continuing Education (ACE)
all phases of appraisal process, 7&15
Hours, USPAP, in numerous states.

******In addition while teaching real property appraisal courses featuring "th Appraisal Process" specifically the Sales Comparison Approach featuring Paire Sales Analysis, Work File, FNMA, FHA and compliance with Standards Rules fo Development and Reporting, USPAP, I have reviewed and helped numerou trainees and licensee enhance and upgrade their reports prior to submitting t clients. Also, worked with property tax consultants preparing for ARB and cou hearings for their clients. Teaching **FHA and FNMA Updates** in Arkansas an Texas September, 2015.

Previous and current Memberships

Texas Association of Property Tax Professionals, General Accredited Appraiser (NAR), Affiliate Member, Appraisal Institute, National Association of Review Appraisers, Texas Real Estate Teachers Association, Real Estate Educators

Fellow, Columbia Institute

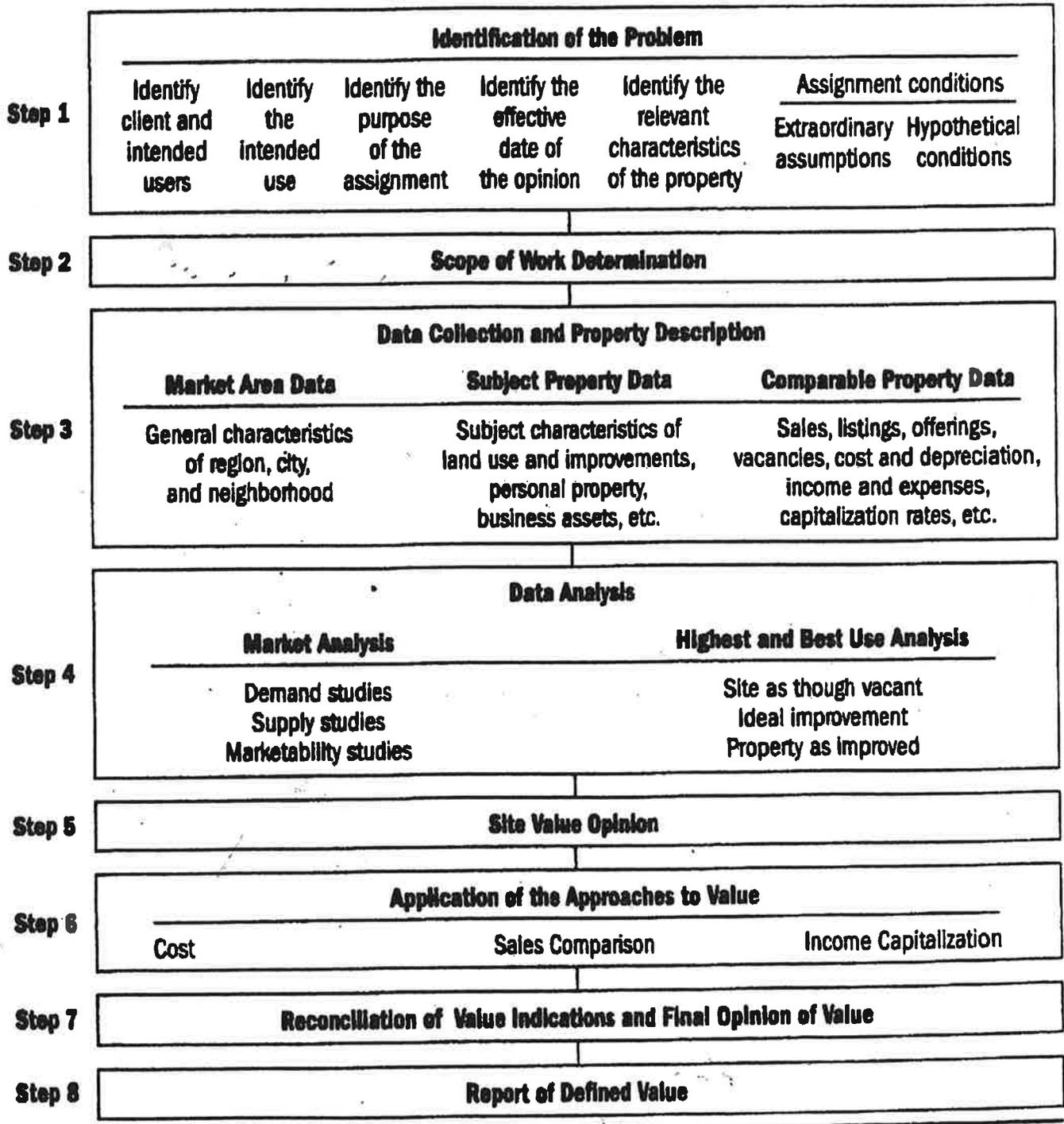
Hearings (Harris County Civil Courts, Appraisal Review Board)

Appraiser Certification (TALCB)

word,sblvd 2015

Figure 5 1

The Valuation Process



ACE

COMPLIANCE ISSUES

Standard 1 (Development; Real Property)

Standards Rule 1

SR1 - 1	Recognized Methods
SR1 - 2	Identifications (9)
SR1 - 3	Highest & Best Use
SR1 - 4	Approaches to Value or Analysis (9)
SR1 - 5	Subject Property History
SR1 - 6	Reconciliation (2)

Standard 2 (Communications & Reporting), 12 Content Items

SR2 - 1	Written Report
SR2 - 2	Appraisal Report (a) or Restricted Report (b)
SR2 - 3	Certification (14)
SR2 - 4	Oral Report (Workfile; signed certification)

Source: 2014-2015 USPAP

**Also review JER, TAC, Occupation Code 1103.

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From: michael morris [<mailto:michael.ntaa@sbcglobal.net>]
Sent: Monday, October 12, 2015 5:10 PM
To: Troy Beaulieu <Troy.Beaulieu@trec.texas.gov>
Subject: Mentorship

Mr, Beaulieu,

I just received notice from Mr Loftus he cannot complete my required mentorship due to language within the TALCB guidelines/directives. I am not clear about the reasoning but it appears to be directed toward a possible conflict of interest. I do know I have learned more from Mr Loftus in the past months than from other instructors/teachers, classes, and appraisal books in the last few years. The reason for this is the straight forward presentation of materials Mr Loftus provides. As we both know the appraisal industry, USPAP, and other guidelines are filled with grey areas which are difficult translate and properly complete. This is why over the last 2-3 years I have witnessed instructors and text books contradict each other from class to class or even in the same class. I have not witnessed this type contradiction from Mr Loftus. His straight forward approach does not remove the grey areas, however it provides a much clearer picture than I have received from any other instructor/text book.

Returning to Austin due to a complaint is not something I ever wish to do again, however if I do I want to know I have completed and presented the report as best possible per USPAP guidelines. I firmly believe I will receive this knowledge from Mr Loftus. I am not sure about a conflict of interest since he was an adviser with my complaint, but I do know I will receive the best possible instruction/mentorship from him.

I respectfully request a waiver for mentorship with Mr Loftus. I state again I believe he is the best possible instructor/mentor for me and my understanding of USPAP.

Thank for you time.

Michael K Morris
North Texas Appraisal Associates, Inc
700 NE Loop 820, Ste 313
Hurst, TX 76053
817-590-9791

From: Lynette Fornertte [<mailto:ltf1@sbcglobal.net>]
Sent: Tuesday, October 06, 2015 3:45 PM
To: Troy Beaulieu <Troy.Beaulieu@trec.texas.gov>
Cc: Laurie Fontana <Laurie.Fontana@trec.texas.gov>
Subject: FW:Settlement of contingent dismissal - Case #15-170

On Tuesday, October 6, 2015 8:51 AM, Lynette Fornertte <ltf1@sbcglobal.net> wrote:

Good morning,

I guess we missed that detailed conflict of interest statement. I read through my inbox last night again and I did not find any notices to the appraisers advising of this important issue with regard to conflict of interest in the Mentorship Agreement. I suggest that clause be included in the initial letter of settlement offer so this does not happen to another mentee. **It would be an unfortunate disservice to me at this late hour if you could not mentor me.** I am sure it will be difficult to find a mentor by my deadline date of October 26, 2015. In the other cases the Board allowed you to mentor your other clients and move forward with mentorship. The consultation you provided to me in responding to the Board was objective, independent and impartial and we established a good, professional rapport and it seemed only natural that I would continue with you as my mentor.

Based on our conversation last evening, I am looking forward to hearing from you as to how I should proceed. I am hoping that the Enforcement Division will allow me to continue with you as my mentor.

Regards,

Lynette Fornertte

Fornertte & Associates

GUIDELINES FOR TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD MENTORS AND MENTEES

The Texas Appraiser Licensing and Certification Board (the “TALCB” or “Board”) has instituted the approval of Mentors to provide tutorial/education sessions to appraisers credentialed or seeking a credential in the State of Texas. The Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees (the “Guidelines”) provide the requirements within which the mentorship program shall be conducted.

Purpose of the Mentorship Program:

The purpose of the mentorship program is to assist appraisers in improving their appraisal practices through:

- Heightened awareness of, understanding, and correct use of those recognized methods and techniques that are necessary to produce a credible appraisal report; and
- Increased familiarity and understanding of the relationship between the application of the appraisal process and the Uniform Standards of Professional Appraisal Practice, including applicable laws and regulations of the State of Texas.

Responsibilities of Mentor:

The Mentor represents a key remedial measure component of the TALCB’s process to ensure appraiser competency.

The Mentor must be able to work one-on-one with appraisers needing remedial training/education. The Mentor is expected to:

- Review the relevant Final Order, Agreed Order, or contingent dismissal agreement, investigator’s report or samples of the Mentee’s work product and work files and develop a plan to address the identified deficiencies, prior to the first mentoring session;
- Communicate effectively with the appraiser; and
- Control the mentoring process to assure educational goals are met.
- It is not the role of the Mentor to question the investigative results.

Responsibilities of Mentee:

The Mentee’s role is to work to improve appraiser competency in identified areas. The mentoring session(s) require the active participation of the Mentee.

The Mentee must be willing to work one-on-one with the Mentor providing remedial training/education. The Mentee is expected to:

- Communicate effectively with the Mentor, engage in open and frank discussion of the Mentee’s work product;
- Actively participate in each session;
- Review the Mentee’s appraisal report(s) and/or work file(s);
- Demonstrate recognized appraisal methodology and/or techniques as required to improve Mentee’s appraisal practice; and
- Refer to additional resources beyond the mentoring session(s).

GUIDELINES FOR TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD MENTORS AND MENTEES

Administration of the Mentorship Process:

Neither the Mentors nor Mentees are employees, agents or contractors of the TALCB. The Board makes no representations, warranties or guaranties regarding the mentorship or tutorial/educational sessions and expressly disclaims any liability arising from the mentorship process. It is the sole responsibility of the Mentor and Mentee to determine the appropriateness of the mentoring session(s) to correct appraisal practice deficiencies.

The Mentor and Mentee are responsible for completing and submitting their respective documentation within required timeframes.

The Mentoring Process:

Mentoring is a required remedial measure as a result of a complaint resolution from a Final Order, an Agreed Order or contingent dismissal agreement.

The Mentee is provided a list of Mentors approved by the Board.

The Mentee contacts the Mentor and they reach a mutual agreement as to the terms of the mentorship process, including dates, location and fees.

The location of the mentorship session(s) must be in a public and safe location, offer an environment conducive to the educational process and provide sufficient privacy to allow frank and candid discussion of relevant issues.

Either participant may terminate the mentoring session at any time and for any reason. Termination does not relieve the Mentee of the mentorship obligation and it is the Mentee's sole responsibility to find a replacement Mentor.

At the inception of the mentoring session, the Mentor and Mentee will review the terms of the mentoring session and sign any agreement(s) required by these guidelines.

It is the Mentee's sole responsibility to ensure delivery of the signed certification documenting the successful completion of the mentoring process to the Board. The certification, documenting successful completion of the mentoring process, must be signed by the Mentor and delivered within seven (7) days of completion or, if specified, delivered according to the terms of the Final Order, Agreed Order or contingent dismissal agreement.

At the discretion of the Board, the Mentor may be required to provide further documentation as to the topics covered and the outcome of any mentoring session(s).

Qualifications of Mentor:

The Board approves Mentors following review of a filed application. The minimum requirements to act as a Board-approved mentor include:

- Current AQB-certified USPAP instructor;
- Current TALCB-issued license or certification;

**GUIDELINES FOR TEXAS APPRAISER LICENSING AND
CERTIFICATION BOARD MENTORS AND MENTEES**

- In good standing in Texas and any other state of licensure/certification;
- Complete a Mentor training session at TALCB;
- Willing to perform a minimum of 32 hours a year of in-person mentorship sessions; and
- **No conflicts of interest.**

Steps to Become/Remain a Mentor:

Complete and submit a Mentor application;
Approval by the Board;
Participate in prescribed Mentor training; and
Conduct mentoring sessions according to TALCB guidelines.

We hereby agree and acknowledge that we have reviewed and will comply with the Guidelines.

SIGNATURE OF MENTOR **DATE**

PRINTED NAME

SIGNATURE OF MENTEE **DATE**

PRINTED NAME

GUIDELINES FOR TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD MENTORS AND MENTEES

The Texas Appraiser Licensing and Certification Board (the “TALCB” or “Board”) has instituted the approval of Mentors to provide tutorial/education sessions to appraisers credentialed or seeking a credential in the State of Texas. The Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees (the “Guidelines”) provide the requirements within which the mentorship program shall be conducted.

Purpose of the Mentorship Program:

The purpose of the mentorship program is to assist appraisers in improving their competency through:

- Heightened awareness of, understanding, and correct use of those recognized methods and techniques that are necessary to produce a credible appraisal; and
- Increased familiarity and understanding of the relationship between the application of the appraisal process and the Uniform Standards of Professional Appraisal Practice (and laws and regulations of the State of Texas).

Responsibilities of Mentor:

The Mentor represents a key remedial measure component of the TALCB’s process to ensure appraiser competency.

The Mentor must be able to work one-on-one with appraisers needing remedial training/education. The Mentor is expected to:

- Review the relevant Final Order, Agreed Order, or contingent dismissal agreement, investigator’s report or samples of the Mentee’s work product and work files and develop a plan to address the identified deficiencies, prior to the first mentoring session;
- Communicate effectively with the appraiser; and
- Control the mentoring process to assure educational goals are met.

Responsibilities of Mentee:

The Mentee’s role is to work to improve appraiser competency in identified areas. The mentoring session(s) require the active participation of the Mentee.

The Mentee must be willing to work one-on-one with the Mentor providing remedial training/education. The Mentee is expected to:

- Communicate effectively with the Mentor, engage in open and frank discussion of the Mentee’s work product;
- Actively participate in each session;
- Review the Mentee’s appraisal report(s) and/or workfile(s);
- Demonstrate recognized appraisal methodology and/or techniques as required to improve Mentee’s appraisal practice; and
- Refer to additional resources beyond the mentoring session(s).

GUIDELINES FOR TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD MENTORS AND MENTEES

Administration of the Mentorship Process:

Neither the Mentors nor Mentees are employees, agents or contractors of the TALCB. The Board makes no representations, warranties or guaranties regarding the mentorship or tutorial/educational sessions and expressly disclaims any liability arising from the mentorship or tutorial process. It is the sole responsibility of the Mentor and Mentee to determine the appropriateness of the mentoring session(s) to correct appraisal practice deficiencies.

The Mentor and Mentee are responsible for completing and submitting their respective documentation within required timeframes.

The Mentoring Process:

Mentoring is a required remedial measure as a result of a complaint resolution from a Final Order, an Agreed Order or contingent dismissal agreement.

The Mentee is provided a list of Mentors approved by the Board.

The Mentee contacts the Mentor and they reach a mutual agreement as to the terms of the mentorship process, including dates, location and fees.

The location of the mentorship session(s) must be in a public and safe location, offer an environment conducive to the education process and provide sufficient privacy to allow frank and candid discussion of relevant issues. Videoconferencing mentorship sessions are also permitted, but not teleconferencing.

Either participant may terminate the mentoring session at any time and for any reason. Termination does not relieve the Mentee of the mentorship obligation and it is the Mentee's sole responsibility to find a replacement Mentor.

At the inception of the mentoring session, the Mentor and Mentee will review the terms of the mentoring session and sign any agreement(s) required by these guidelines.

It is the Mentee's sole responsibility to ensure delivery of the signed certification documenting the successful completion of the mentoring process to the Board. The certification, documenting successful completion of the mentoring process, must be signed by the Mentor and delivered within seven (7) days of completion or, if specified, delivered according to the terms of the Final Order, Agreed Order or contingent dismissal agreement.

At the discretion of the Board, the Mentor may be required to provide further documentation as to the topics covered and the outcome of any mentoring session(s).

GUIDELINES FOR TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD MENTORS AND MENTEES

Qualifications of Mentor:

The Board approves Mentors following review of a filed application. The minimum requirements to act as a Board-approved mentor include:

- Current AQB-certified USPAP instructor;
- Current TALCB-issued license or certification;
- In good standing in Texas and any other state of licensure/certification;
- Complete a Mentor training session at TALCB;
- Willing to perform a minimum of 32 hours a year of in-person mentorship sessions; and
- No conflicts of interest. A lawyer or representative who represents, assists, advocates, or consults with or on behalf of a Respondent in a Board complaint or experience audit shall be barred from subsequently being a Mentor to the Respondent.

Steps to Become/Remain a Mentor:

Complete and submit a Mentor application;
 Approval by the Board;
 Participate in prescribed Mentor training; and
 Conduct mentoring sessions according to TALCB guidelines.

We hereby agree and acknowledge that we have reviewed and will comply with the Guidelines.

SIGNATURE OF MENTOR

DATE

NAME (PRINT)

SIGNATURE OF MENTEE

DATE

NAME (PRINT)

S. B. 1007

SECTION 51. Section 1103.458, Occupations Code, is amended by amending Subsection (d) . . . to read as follows:

(d) A board member who participates in negotiating a consent order under this section is [~~not~~] disqualified from participating in the adjudication of a contested case that results from the negotiation.



**PROPOSED RULE ACTION FROM
AUGUST 14, 2015 MEETING OF
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure
Subchapter C. Post Hearing**

**22 TAC §157.17. Final Decisions and Orders,
22 TAC §157.18. Motions for Rehearing; Finality of Decisions, §157.20. Judicial Review**

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §§157.17, Final Decisions and Orders, 157.18, Motions for Rehearing; Finality of Decisions, and 157.20, Judicial Review. The proposed amendments align these sections with statutory changes to Chapter 1103, Texas Occupations Code, and Chapter 2001, Texas Government Code, adopted by the 84th Legislature. The proposed amendments also clarify the action to be taken by the Board when a motion for rehearing does not include specific grounds for rehearing.

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

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

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

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

The statutes affected by these amendments are Texas Occupations Code, Chapters 1103 and 1104. No other statute, code or article is affected by the proposed amendments.

§157.17. Final Decisions and Orders.

- (a) After a proposal for decision has been issued by an administrative law judge, the Board will render the final decision in the contested case or remand the proceeding for further consideration by the administrative law judge.
- (b) The Board is responsible for imposing disciplinary action and/or assessing administrative penalties, if any, against a respondent who is found to have violated any of the Board's statutes or rules. The Board welcomes recommendations from an administrative law judge as to the sanctions to be imposed, but the Board is not required to give

TITLE 22. Examining Boards
Part VIII. Texas Appraiser Licensing and Certification Board
Chapter 157. Rules Relating to Practice and Procedure

presumptively binding effect to the judge's recommendations and is not bound by such recommendations.

(c) If the Board remands the case to the administrative law judge, the Board may direct that further consideration be accomplished with or without reopening the hearing and may limit the issues to be considered. If, on remand, additional evidence is admitted that results in a substantial revision of the proposal for decision, or the underlying facts, an amended or supplemental proposal for decision shall be prepared by the administrative law judge and the provisions of this subchapter shall apply. Exceptions and replies shall be limited to items contained in the supplemental proposal for decision.

(d) The proposal for decision may be acted upon by the Board after the expiration of the applicable time periods for filing exceptions and replies to exceptions, and after the administrative law judge has ruled on any exceptions and replies.

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

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

(2) The hearing on the proposal for decision shall be limited to the record. New evidence may not be presented on the substance of the case unless the party submitting the evidence can establish that the new evidence was not reasonably available at the time of the original hearing or the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

(3) In presenting oral arguments, the party bearing the burden of proof shall open and close. The party responding may offer rebuttal arguments. Parties

may request an opportunity for additional rebuttal subject to the discretion of the presiding member.

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

(5) Upon the conclusion of oral arguments, questions by the members of the Board, and any discussion by the member of the Board, the presiding member shall call for a motion regarding disposition of the contested case. The presiding member may vote on the motion. A motion may be granted only if a majority of the members present and voting vote in favor of the motion. In the event of a tie vote, the presiding member shall announce that the motion is overruled.

(f) Final orders on contested cases shall be in writing and signed by the presiding officer of the Board. Final orders shall include findings of fact and conclusions of law separately stated from disciplinary actions imposed and administrative penalties assessed. Parties shall be notified as provided in Chapter 2001, Texas Government Code, ~~[either personally or by mail of any decision or order]~~. On written request, a copy of the decision or order shall be delivered or mailed to any party and to the respondent's attorney of record.

(g) The Board may change a finding of fact or conclusion of law in a proposal for decision when the Board determines:

(1) that the judge did not properly apply or interpret applicable law, agency rules, written policies provided by staff or prior administrative decisions;

(2) that a prior administrative decision on which the judge relied is incorrect or should be changed;

(3) that a technical error in a finding of fact should be changed.

(h) If the Board modifies, amends, or changes a finding of fact or conclusion of law in a proposal for decision, the order shall reflect the Board's changes as stated in the record of the meeting and state the specific reason and legal basis for the changes.

(i) If the Board does not follow the recommended disciplinary action and/or administrative penalty in a

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proposal for decision, the order shall explain why the Board chose not to follow the recommendation as stated in the record of the meeting.

(j) Imminent Peril. If the Board finds that an imminent peril to the public health, safety, or welfare requires immediate effect on a final decision or order in a contested case, it shall recite the **factual and legal basis for its** finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered, and no motion for rehearing is required as a prerequisite for appeal.

(k) Conflict of Interest. A Board member shall recuse himself or herself from all deliberations and votes regarding any matter:

(1) the Board member reviewed as a member of a Peer Investigative Committee;

(2) involving persons or transactions about which the Board member has a conflict of interest; ~~or~~

(3) involving persons or transactions related to the Board member sufficiently closely as to create the appearance of a conflict of interest; or

(4) in which the Board member participated in the negotiation of a consent order.

~~[(1) A Board member's participation in the negotiation of a consent order under Texas Occupations Code, §1103.458, does not require recusal under subsection (k) of this section.]~~

§157.18. Motions for Rehearing ~~[; Finality of Decisions].~~

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

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

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

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

(e) A motion for rehearing shall set forth the particular finding of fact, conclusion of law, ruling, or other action which the complaining party asserts caused substantial injustice to the party and was in error such as violation of a constitutional or statutory provision, lack of authority, unlawful procedure, lack of substantial evidence, abuse of discretion, other error of law, or other good cause specifically described in the motion. In the absence of specific grounds in the motion, the Board will take no action, and ~~[shall presume that]~~ the motion will ~~[should]~~ be overruled by operation of law.

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

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

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

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

(2) The hearing on the motion shall be limited to a consideration of the grounds set forth in the motion.

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

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

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

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

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

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

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

§157.20. Judicial Review.

(a) A person who has exhausted all administrative remedies~~;~~ and who is aggrieved by a final decision in a contested case is entitled to judicial review.

(b) The petition for judicial review must~~[shall]~~ be filed in a district court of Travis County, Texas, as provided in Chapter 2001, Texas Government Code~~[within 30 days after the decision or order of the Board is final and appealable].~~

(c) Pursuant to Texas Government Code, §2001.177, a party seeking judicial review of a final decision of the Texas Appraiser Licensing and Certification Board in a contested case shall pay all costs of preparing the original or certified copy of a record of the contested case proceedings.



**PROPOSED RULE ACTION FROM
AUGUST 14, 2015 MEETING OF
THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**

**Chapter 157. Rules Relating to Practice and Procedure
Subchapter E. Alternative Dispute Resolution**

22 TAC §157.31. Investigative Conference

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to 22 TAC §157.31. Investigative Conference. The amendments propose changes to align the rule with statutory changes to Chapter 1103, Texas Occupations Code, adopted by the 84th Legislature.

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

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

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

The amendments are proposed under Texas Occupations Code, §1103.151, which authorizes the TALCB to adopt rules relating to certificates and licenses, and §1104.051, which authorizes TALCB to adopt rules to administer Chapter 1104.

The statutes affected by these amendments are Chapters 1103 and 1104, Texas Occupations Code. No other statute, code or article is affected by the proposed amendments.

§157.31. Investigative Conference.

- (a) A respondent may meet with the Board for an investigative discussion of the facts and circumstances of the alleged violations.
- (b) A respondent may, but is not required to, have an attorney or other advocate present at an investigative conference.
- (c) A respondent will be provided with ~~[a list of topics that may be discussed and]~~ a Statement of Investigative Conference Procedures and Rights (IC Form) not later than three ~~[(3)]~~ days before~~[prior to]~~ the date of the investigative conference. The respondent and respondent's attorney, if any, must acknowledge receipt of the IC Form by signing it and delivering it to the Board at the beginning of the investigative conference.
- (d) The Board will provide a copy of the investigative report to the respondent and respondent's representative(s), if any, not later than three days before the date of the investigative conference if respondent and respondent's representative(s), if any:

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(1) Submit a written request for a copy of the investigative report not later than five days before the date of the investigative conference; and

(2) Sign the Board's confidentiality agreement prohibiting the re-release of the investigative report without written permission of the Board or a court order~~[At its sole discretion, the Board may provide a copy of the investigative report to the respondent or respondent's attorney for the purpose of advancing case settlement or resolution].~~

(e) Participation in an investigative conference is not mandatory and may be terminated at any time by either party.

(f) At the conclusion of the investigative conference, the Board staff may propose a settlement offer that can include administrative penalties and any other disciplinary action authorized by the Act or recommend that the complaint be dismissed.

(g) The respondent may accept, reject, or make a counter offer to the proposed settlement not later than ten (10) days following the date of the investigative conference.

(h) If the parties cannot reach a settlement not later than ten (10) days following the date of the investigative conference, the matter will be referred to the Director of Standards and Enforcement Services to pursue appropriate action.



Confidentiality Agreement

Disclosing Party: _____

Receiving Party (or Parties):

It is understood and agreed to that under Sections 1101.2051 and 1103.460, Tex. Occ. Code, the Disclosing Party may disclose or provide certain information to the Receiving Party (or Parties) that is and must be kept confidential. To ensure the protection of such Confidential Information, it is agreed that:

- 1. The Confidential Information to be disclosed to the Receiving Party (or Parties) can be described as and includes:

- 2. The Receiving Party (or Parties) agree(s) not to disclose the Confidential Information obtained from the Disclosing Party to anyone without written permission of the Disclosing Party or a court order.
- 3. This Agreement states the entire agreement between the parties concerning the disclosure of Confidential Information. Any addition or modification to this Agreement must be made in writing and signed by the parties.
- 4. This Agreement is made and entered into in the State of Texas. All terms and provisions of this Agreement are governed by, and shall be interpreted and enforced in accordance with, the laws of the State of Texas. The receiving Party (or Parties) irrevocably and unconditionally consent(s) to exclusive jurisdiction and venue in the Texas state courts located in Travis County, Texas, and in the federal district court that includes Austin, Texas, for any actions, suits or proceedings arising out of or relating to this Agreement.
- 5. If any of the provisions of this Agreement are found to be unenforceable, the remainder shall be enforced as fully as possible.

WHEREFORE, the Receiving Party (or Parties), acknowledge(s) that they have read and understand this Agreement and voluntarily accept the duties and obligations set forth herein. The Receiving Party (or Parties) further acknowledge(s) that this is a legal, binding agreement and has (have) had the opportunity to consult with legal counsel of their own choosing before signing this Agreement.

If an individual Receiving Party is represented by legal counsel, BOTH the individual Receiving Party and legal counsel MUST sign this Agreement before any Confidential Information described herein will be disclosed.

Signature of Receiving Party or authorized representative

Name (Please Print)

Date

Signature of Receiving Party or authorized representative

Name (Please Print)

Date