

SUPPLEMENTS

13b. Complaint #11-212 (Israel R. Galindo, TX-1337554-R) **replace pages 149 through 157**

13j. Complaint #s 12-024 & 12-174 (Ted Norman Lear, TX-1321121-G) **is the order for agenda item 13j**

13L. Complaint #12-209 (John Arenas, Jr., TX-1323843-R) **is the order for agenda item 13L**

There are no agreed orders for agenda items 13k and 13m.

16. Replaces staff reports under Agenda Item 16.

13b

Complaint #11-212

(Israel R. Galindo, TX-1337664)

TEXAS APPRAISER LICENSING §
AND CERTIFICATION BOARD

vs.

ISRAEL R. GALINDO
TX-1337664-R

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DOCKETED COMPLAINT NO.
11-212

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

FINDINGS OF FACT

1. Respondent Israel R. Galindo was a Texas state certified residential real estate appraiser who holds and held certification number TX-1337664-R issued by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 1227 Dogwood Street, Tyler, Texas 75701 ("the property").
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced an appraisal report for the property that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), 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)(3) 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 Ethics Rule (Conduct) – Respondent failed to comply with the USPAP ethics rule because he communicated a misleading report and/or knowingly permitted another person to communicate a misleading report;
- b) USPAP Ethics Rule (record keeping) -- Respondent violated the Ethics Rule because he 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; 1-2(h) & 2-2(b)(vii) — Respondent failed to satisfy the Scope of Work Rule and related USPAP provisions by failing to recognize and address incurable functional obsolescence for the property, which compounded with deficiencies in the sales comparison approach (discussed below) led to a scope of work which did not produce credible assignment results;
- d) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) -- Respondent failed to identify and report the improvements description by misrepresenting the garage for the property was attached, misrepresenting the property's gross living area through the improper inclusion of the room above the garage in the total gross living area of the improvements and by omitting significant and material information concerning repairs, renovations and additions made to the property and the analysis of this additional information and its impact, if any, on the property's market value. Respondent also failed to identify and report the site description and misrepresented the property's shape, legal description and omitted any reference to the property's dimensions. Respondent also did not provide supporting documentation in his work file for the opinions and conclusions he reached;
- e) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) -- Respondent misrepresented the property's zoning as "A-1 Residential" and he did not provide supporting documentation in his work file for the opinions and conclusions he reached;
- f) USPAP Standards 1-3(a) & 2-2(b)(viii) - Respondent misrepresented factors affecting marketability (such as economic supply and demand and market area trends), including the neighborhood's one-unit housing price range and did not summarize his rationale for the determinations he made in his report. He also did not provide supporting documentation in his work file for the opinions and conclusions he reached;
- g) USPAP Standards 1-3(b) & 2-2(b)(ix) — Respondent failed to provide an analysis and summarize the rationale underlying his determination of the property's highest and best use, and he did not provide supporting documentation in his work file for the opinions and conclusions he reached;
- 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 determine the property's site value. Respondent did not provide supporting documentation or data for this

determination in his work file and did not provide his supporting rationale for his site value determinations contained in the report;

- i) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-1 (a) & 1-4(b) — Respondent failed to provide support for his determination of the cost new of improvements in his work file and did not summarize his supporting rationale for his determinations. Respondent also did not properly collect, verify, analyze and reconcile this data, which revealed a different price per square foot than Respondent used in his report;
- j) USPAP Standards 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b) -- Respondent failed to collect, verify, analyze and reconcile accrued depreciations (including the incurable functional obsolescence associated with the additional gross living area) and did not provide documentation in his work file to support his analyses, opinions and conclusion, nor did he provide a summary of his supporting rationale, which explained the reasoning behind those opinions and conclusions;
- k) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1 (a) & 1-4(a); 1-6(a) & (b) & 2-2(b)(viii) -- Respondent misrepresented that the sales she selected were comparable to the property. He 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. Generally, Respondent used inappropriate properties as comparable sales even though appropriate, more similar sales (in terms of salient market characteristics) were readily available in the immediate area and should have been used. Respondent misrepresented the properties he selected as comparables were similar in location, gross living area, age, condition, amenities and quality of construction. Respondent also failed to make appropriate adjustments or made inappropriate adjustments to the sales he did use, and did not discuss his analysis and reasoning behind the adjustments he made or elected not to make. In general, objective market data was not analyzed by Respondent, which needed to be and would have significantly impacted his assignment results;
- l) USPAP Standards 1-5(a) & 2-2(b)(vii) & 1-1(b); 1-6(a) & (b) & 2-2(b)(viii) — Respondent failed to disclose, analyze and reconcile significant information concerning a prior listing of the property;
- m) USPAP Standards 1-5(b) & 2-2(b)(vii) & 1-1(b); 1-6(a) & (b) & 2-2(b)(viii) — Respondent failed to disclose, analyze and reconcile significant and material information concerning a prior sale of the property; and,
- n) USPAP Standards 1-1(a), 1-1(b), 1-1(c) and 2-1(a) — For the reasons detailed above, Respondent produced a misleading appraisal report for the property that contained misrepresentations and several substantial errors of omission or commission by not employing correct methods and techniques. This resulted in a

misleading appraisal report that was not credible or reliable and negatively impacted his value conclusion.

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

7. The parties enter into the following 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)(3).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by misrepresenting and omitting material facts.

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

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's certification TX-1337664-R be suspended for twenty-four (24) months effective 5:00 p.m. on February 15th, 2013.

IT IS FURTHER ORDERED that beginning at 5:00 p.m., February 15th, 2013, the suspension is fully probated for twenty-four (24) months ending February 15th, 2015, subject to the following terms and conditions:

1. **NO TRAINEES.** Respondent shall not sponsor or supervise any appraiser trainees for the duration of the above-referenced period;
2. **LOGS.**
3. **MENTORSHIP.** On or before March 4th, 2013, Respondent shall complete 20 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Respondent shall submit a Board approved certification form signed by the approved certified USPAP instructor on or before the due date listed for the mentorship requirement, in accordance with the schedule of topics set out below. 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;

- i. On or before March 4th, 2013, complete twenty (20) hours of mentorship with a focus on the sales comparison approach, prior sales and listing history analysis, and cost approach, including lot value and cost of improvements analysis and determination.

4. **EDUCATION.** On or before March 4th, 2013, 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 approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. 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 any 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:

- i. Attend and complete a minimum 15 hour classroom course in USPAP;
- ii. Attend and complete a minimum 15 hour classroom course in the Sales Comparison Approach;
- iii. Attend and complete a minimum 7 hour classroom course in the Cost Approach;
 - a. No examination shall be required for this course;

5. **LOGS.** On or before each of the dates listed below, Respondent shall submit a signed and notarized experience log and affidavit listing all real estate appraisal activities completed during the the previous six-months.

- i. August 15th, 2013;
- ii. February 15th, 2014;
- iii. August 15th, 2014;
- iv. February 15th, 2015;

6. Fully and timely comply with all of the provisions of this Agreed Final Order; and,

7. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in IMMEDIATE SUSPENSION of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent is in full compliance with the terms of this Order and has provided adequate documentation of that compliance to 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 shall be notified of any such suspension by first class mail or e-mail to the last known address as provided to the Board.

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.

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. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH 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, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK 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 15 day of January, 2013.

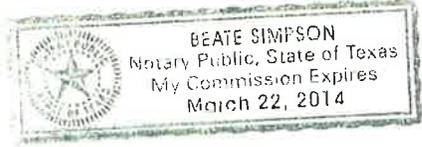
Israel R Galindo
ISRAEL R. GALINDO
T. Whitmer

TED WHITMER, ATTORNEY FOR
ISRAEL R. GALINDO

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15th day of January, 2013, by , to certify which, witness my hand and official seal.

Beate Simpson

Notary Public Signature



Beate Simpson

Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this _____ day of _____, 2013.

Troy Beaulieu, TALCB Staff Attorney

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.

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

13j

Complaint #s 12-024 & 12-174

(Ted Norman Lear, TX-1326654-G)

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

TED NORMAN LEAR
TX-1321121-G

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DOCKETED COMPLAINT NO.
12-024 & 12-174

AGREED FINAL ORDER

On the _____ day of _____, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Ted Norman Lear (the "Respondent").

In order to conclude this matter, 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 is a Texas state certified general real estate appraiser who holds certification number, TX-1321121-G, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 25315 Pedernales Point Drive, Spicewood, Texas ("the property") (on or about October 15, 2008).
3. Thereafter complaints were filed with the Board. The complaints alleged that the Respondent produced appraisal reports for the property that did not conform to 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 notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaints. Respondent was also requested to provide certain documentation to the Board.
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)(3) 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 (record keeping) – Respondent failed to maintain a work file containing all data, information, and documentation necessary to

support the appraiser's opinions and conclusions;

- b) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site and improvement(s) description adequately;
- c) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) – Respondent failed consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature;
- d) 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 & demand, physical adaptability of the real estate market and market area trends;
- e) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent failed to provide support and a brief summary of his rationale for the highest and best use;
- f) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); and 1-1(a) & 1-4(b); 1-4(b)(i) & 2-2(b)(viii) – 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, including his determination of site value, which lacked supporting documentation and a summary of his analysis;
- g) USPAP Standards 1-4(a) & 2-2(b)(viii) and 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately 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;
- i) USPAP Standards 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) – 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 and not analyzing and reconciling significant and material information she had a duty to analyze and reconcile. This resulted in an appraisal report that was not credible or reliable.

Respondent's reports for the properties contain substantial errors of commission or omission as detailed above which resulted in misleading appraisal reports for the property.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
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).
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 shall:

1. **MENTORSHIP.** Within 6 months of the effective date of this order, Respondent shall complete 8 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a Board approved certification form signed by the approved certified USPAP instructor 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;
2. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
3. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

IT IS FURTHER ORDERED that Respondent pay an administrative penalty in the amount of \$500 within twenty (20) days of the effective date of this order.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in IMMEDIATE SUSPENSION of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent is in full compliance with the terms of this Order and has provided adequate documentation of that compliance to 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 shall be notified of any such suspension by first class mail or e-mail to the last known address as provided to the Board.

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.

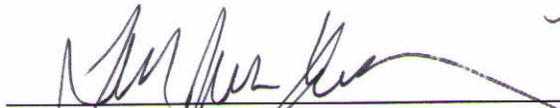
I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I 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. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH 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, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK 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.

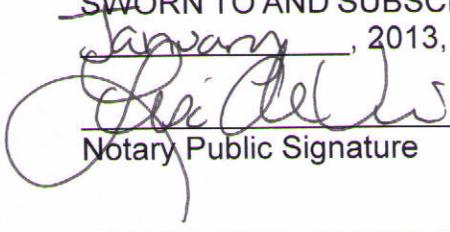
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 25 day of January, 2013.

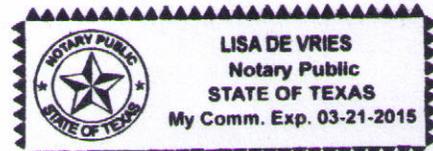


TED NORMAN LEAR

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 25 day of January, 2013, by , 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 _____ day of _____, 2013.

TALCB Staff Attorney

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.

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

13L

Complaint #12-209

(John Arenas, Jr., TX-1323843-R)

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JOHN ARENAS JR.
TX-1323843-R (EXPIRED)

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DOCKETED COMPLAINT NO.
12-209

AGREED FINAL ORDER

On the _____ day of _____, 2013, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the expired certification of John Arenas (Respondent).

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

FINDINGS OF FACT

1. Respondent, John Arenas Jr., was a Texas state certified residential real estate appraiser who held certification number TX-1323843-R, and was licensed by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at: 2107 Wilderness Point Drive, Kingwood, Texas 77339 (the "property").
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced appraisal report for the property that did not conform to 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 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.
5. Since the time of this complaint, Respondent's state certification as a real estate appraiser has expired and Respondent no longer desires to hold a license, certification, authorization or registration from the Board. Respondent acknowledges that his state certification has lapsed and he is hereby agreeing not to seek renewal of the certification, nor to apply for any authorization, license, certification or registration with the Board in the future.
6. The parties enter into this consent order ("Order") in accordance with TEX. OCC.

CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. The parties are authorized to resolve their dispute by means of a consent order. TEX. OCC. CODE § 1103.458.

ORDER

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

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.

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. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH 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, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK 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.

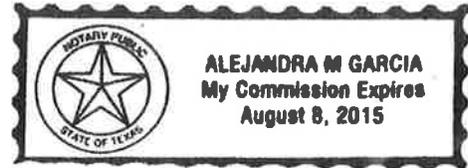
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 4th day of FEB, 2013.

John Arenas
JOHN ARENAS JR.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 4th day of Feb, 2013, by JOHN ARENAS JR., to certify which, witness my hand and official seal.

Alejandra M Garcia
Notary Public Signature
Alejandra M Garcia
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this _____ day of _____, 2013.

Kyle Wolfe, TALCB Staff Attorney

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.

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

BOARD REPORTS

Reception and Communication Services Division

Incoming Calls

	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	FYTD Total
Local Lines	15,460	16,585	13,809	11,472									57,326
TALCB LL	1,013	1,183	976	899									4,071
Total Calls	16,473	17,768	14,785	12,371									61,397

Walk Ins

	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	FYTD Total
Licensing	376	425	364	240									1,405
Education	158	209	234	126									727
Inspector	12	5	6	7									30
Enforcement	3	7	4	4									18
TALCB Lic	6	8	15	12									41
TALCB Enf	3	0	4	1									8
Total	558	654	627	390									2,229

Emails

	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	FYTD Total
Licensing	4,331	4,377	3,233	3,241									15,182
Education	847	696	617	867									3,027
Inspector	72	91	55	33									251
Enforcement	167	155	106	81									509
TALCB Lic	82	94	80	86									342
TALCB Enf	9	7	10	15									41
Total	5,508	5,420	4,101	4,323									19,352

C1 Report
FY 2013

Appraiser Manual Telephone Log

June - December, 2012

	Licensing	Education	AMC	Enforcement	Total
June	387	N/A	N/A	28	415
July	519	N/A	N/A	21	540
August	469	N/A	N/A	45	514
September	254	47	33	32	366
October	213	44	14	13	284
November	229	28	4	48	309
December	271	25	3	32	331
Grand Total	2,342	144	54	219	2,759

TREC Manual Telephone Log

June - December, 2012

	Licensing	Education	Inspector	Enforcement	TREC Total	TALCB Total	TREC/TALCB Total
June	7,504	2,591	205	316	10,616	415	11,031
July	9,714	3,606	293	394	14,007	540	14,547
August	11,980	4,460	396	589	17,425	514	17,939
September	8,785	3,148	256	398	12,587	366	12,953
October	9,382	3,245	294	432	13,353	284	13,637
November	8,085	2,757	231	414	11,487	309	11,796
December	6,540	2,241	214	311	9,306	331	9,637
Grand Total	61,990	11,391	1,889	2,854	88,781	2,759	91,540

ACTIVE CERTIFICATIONS AND LICENSES

Fiscal Year	End of MONTH	GENERAL RESIDENTIAL LICENSE PROV. LIC.				Total G,R,L,P		Trainee		Total	
						G,R,L,&P	Change	TRAINEE	Change	TOTAL	Change
FY-2008	Sept07	2,268	2,403	942	53	5,666	50	1,166	-25	6,832	25
	Oct 07	2,281	2,419	951	52	5,703	37	1,196	30	6,899	67
	Nov 07	2,291	2,436	950	55	5,732	29	1,214	18	6,946	47
	Dec 07	2,300	2,456	951	59	5,766	34	1,180	-34	6,946	0
	Jan 08	2,301	2,477	956	65	5,799	33	1,162	-18	6,961	15
	Feb 08	2,304	2,479	952	64	5,799	0	1,136	-26	6,935	-26
	March 08	2,296	2,481	944	62	5,783	-16	1,112	-24	6,895	-40
	April 08	2,308	2,491	933	60	5,792	9	1,087	-25	6,879	-16
	May 08	2,308	2,497	925	62	5,792	0	1,048	-39	6,840	-39
	June 08	2,311	2,505	918	61	5,795	3	1,009	-39	6,804	-36
July 08	2,321	2,506	915	62	5,804	9	994	-15	6,798	-6	
Aug 08	2,321	2,502	912	62	5,797	-7	961	-33	6,758	-40	
FY-2009	Sept08	2,328	2,508	903	61	5,800	3	905	-56	6,705	-53
	Oct 08	2,344	2,519	897	62	5,822	22	903	-2	6,725	20
	Nov 08	2,338	2,525	888	61	5,812	-10	843	-60	6,655	-70
	Dec 08	2,342	2,535	887	62	5,826	14	845	2	6,671	16
	Jan 09	2,336	2,534	874	63	5,807	-19	840	-5	6,647	-24
	Feb 09	2,335	2,532	862	60	5,789	-18	816	-24	6,605	-42
	Mar 09	2,338	2,531	855	57	5,781	-8	786	-30	6,567	-38
	Apr 09	2,345	2,521	840	55	5,761	-20	729	-57	6,490	-77
	May 09	2,346	2,504	826	51	5,727	-34	693	-36	6,420	-70
	Jun 09	2,343	2,497	815	50	5,705	-22	679	-14	6,384	-36
Jul 09	2,337	2,488	795	47	5,667	-38	661	-18	6,328	-56	
Aug 09	2,341	2,486	787	47	5,661	-6	644	-17	6,305	-23	
FY-2010	Sept09	2,345	2,496	779	44	5,664	3	635	-9	6,299	-6
	Oct 09	2,347	2,499	773	44	5,663	-1	628	-7	6,291	-8
	Nov 09	2,352	2,505	758	44	5,659	-4	614	-14	6,273	-18
	Dec 09	2,354	2,508	750	41	5,653	-6	609	-5	6,262	-11
	Jan 10	2,352	2,507	747	34	5,640	-13	608	-1	6,248	-14
	Feb 10	2,351	2,508	733	28	5,620	-20	613	5	6,233	-15
	Mar 10	2,353	2,503	722	28	5,606	-14	623	10	6,229	-4
	Apr 10	2,358	2,500	712	28	5,598	-8	599	-24	6,197	-32
	May 10	2,361	2,498	707	27	5,593	-5	592	-7	6,185	-12
	Jun 10	2,360	2,500	694	28	5,582	-11	576	-16	6,158	-27
Jul 10	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	
FY-2011	Sept10	2,366	2,486	651	23	5,526	-18	614	67	6,140	49
	Oct-Dec10*										
	Jan 11**	2,361	2,470	626	21	5,478	-48	520	-94	5,998	-142
	Feb 11	2,370	2,472	628	21	5,491	13	534	14	6,025	27
	Mar 11	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
	Jun 11	2,374	2,458	598	22	5,452	10	528	10	5,980	20
	Jul 11	2,379	2,463	604	22	5,468	16	538	10	6,006	26
	Aug 11	2,396	2,476	605	23	5,500	32	549	11	6,049	43
FY-2012	Sept11	2,403	2,480	606	23	5,512	12	567	18	6,079	30
	Oct 11	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
	Dec 11	2,369	2,414	543	13	5,339	-199	500	-84	5,839	-283
	Jan 12	2,376	2,412	542	14	5,344	5	520	20	5,864	25
	Feb 12	2,358	2,387	527	13	5,285	-59	498	-22	5,783	-81
	Mar 12	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
	Jun 12	2,375	2,381	513	11	5,280	1	502	4	5,782	5
Jul 12	2,365	2,376	513	10	5,264	-15	512	14	5,776	-1	
Aug 12	2,371	2,385	515	10	5,281	17	515	3	5,796	20	
FY-2013	Sept12	2,382	2,388	512	9	5,291	10	534	19	5,825	29
	Oct 12	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
	Dec 12	2,390	2,381	501	6	5,278	-11	550	16	5,828	5

* Totals for October thru December 2010 are not available due to system conversion.

**Corrected totals: Previous totals on January report included licenses that should have been expired. Expired program had not been run.

APPRAISAL MANAGEMENT COMPANY REGISTRATIONS

	Month	Paper Apps. Received	Online Apps. Received	Total Apps. Received	Total AMC Registrations Issued
FY-2012	Mar-12	18	4	22	0
	Apr-12	16	5	21	0
	May-12	25	16	41	44
	Jun-12	53	14	67	65
	Jul-12	13	6	19	53
	Aug. 12	5	1	6	7
FY- 2013	Sep-12	0	1	1	3
	Oct-12	0	3	3	5
	Nov-12	2	1	3	1
	Dec-12	1	2	3	4
TOTALS		133	53	186	182

12/31/2012

Education & Licensing Services Division - TALCB

Fiscal Year Comparison

Fiscal Year - 2013
DECEMBER

	This YTD 9/12 - 12/12	Last YTD 9/11 - 12/11	Change Count	Percent
Original Applications Received				
Certified General Applications	28	29	-1	-3.45%
Certified Residential Applications	30	28	2	7.14%
State Licensed Applications	12	13	-1	-7.69%
Appraiser Trainee Applications	65	46	19	41.30%
Non-Residential Temporary Applications	97	95	2	2.11%
Total Original Applications	232	211	21	9.95%

Licenses Issued from Original Applications

Certified General Licenses	36	39	-3	-7.69%
Certified Residential Licenses	46	47	-1	-2.13%
State Licensed	19	23	-4	-17.39%
Appraiser Trainee Licenses	63	48	15	31.25%
Non-Residential Temporary Licenses	92	97	-5	-5.15%
Total Licenses from Original Applications	256	254	2	0.79%

Licenses Issued from Renewal Applications

Certified General Renewals	362	338	24	7.10%
Certified Residential Renewals	354	385	-31	-8.05%
State Licensed Renewals	101	87	14	16.09%
Appraiser Trainee Renewals	146	120	26	21.67%
Total Renewal Licenses Issued	963	930	33	3.55%

Licenses Issued from Reinstatement Applications

Certified General Reinstatements	8	5	3	60.00%
Certified Residential Reinstatements	3	1	2	200.00%
State Licensed Reinstatements	3	1	2	200.00%
Appraiser Trainee Reinstatements	19	11	8	72.73%
Total Reinstatement Licenses Issued	33	18	15	83.33%

Examination Activity - Fiscal Year 2011-2013

YEAR-TO-DATE RESULTS: SEPTEMBER thru DECEMBER 2012 Overall Pass Rate Overall Failure Rate

	<u>State Licensed</u>	<u>Certified Residential</u>	<u>Certified General</u>
Examinations Passed	13	14	11
Examinations Failed	5	1	1
Examinations Taken	18	15	12
			38
			7
			45

Examination Pass Rate (%) 72.22% 93.33% 91.67% 84.44% 15.56%

All examination types	
Total first time candidates:	35
Total repeat candidates:	10
Total pass:	38
Total fail:	7
Total examinations taken:	45

EXAMINATION ACTIVITY

FISCAL YEAR-TO-DATE COMPARISON DECEMBER

	<u>Sept. 2012 – Dec. 2012</u> Pass Rate	<u>Sept. 2010 – Dec. 2011</u> Pass Rate	<u>Difference</u>
Certified General Appraiser	91.67%	61.54%	+30.13
Certified Residential Appraiser	93.33%	55.56%	+37.77
Licensed Appraiser	72.22%	60.87%	+11.35
Overall Appraiser Pass Rate	84.44%	58.33%	+26.11

Information Technology Services Division

Electronic Information Outlet Statistics

As of December 2012

	Latest		Prior Yr		Total		Total Prior	
	Fiscal 3	Mo	Fiscal 3	Mo	Fiscal YTD	Online	Fiscal YTD	Fiscal YTD
Total Pages Viewed	409,237		218,920		504,156		290,247	
Total Monthly Unique Visitors	22,167		14,744		28,690		19,628	

	Total		Online		Fiscal YTD		Prior Fiscal	
	Latest 3	Mo	Latest 3	Mo	Online	Percent	YTD Online	Percent
World Wide Web								

Applications	11	7	63.6%	63.6%	0.0%
AMC	11	7	63.6%	63.6%	0.0%

Renewals	518	469	90.5%	91.3%	90.4%
Certified General Appraiser	267	236	88.4%	89.0%	87.9%
Certified Residential Appraiser	251	233	92.8%	93.8%	92.5%

AMC Panel:	Last 3 Months	FY YTD
Invitations	1211	2586
Removals	32	59

Information & Technology Services Electronic Information Outlet Statistics I1 Report

Staff & Support Services Division
TALCB Budget Status Report
December 2012

8/12 = 66.7%

Expenditure Category	Budget FY2013	Expenditures	Balance	Budget % Remaining	Comments
Salaries & Wages	\$913,500	\$262,816	\$650,684	71.2%	
Employee Benefits	258,900	76,233	182,667	70.6%	Includes BRP
Other Personnel Costs	35,500	8,370	27,130	76.4%	
Professional Fees & Services	135,000	30,218	104,782	77.6%	
Consumables	8,400	1,760	6,640	79.0%	
Utilities	720	75	645	89.6%	
Travel	27,000	7,500	19,500	72.2%	
Office Rent	97,800	48,854	48,946	50.0%	Lease requires two payments annually. The next one will be due March 1.
Equipment Rental	8,800	2,507	6,294	71.5%	
Registration & Membership	10,850	1,879	8,971	82.7%	
Maintenance & Repairs	13,800	3,273	10,528	76.3%	Versa Maintenance
Reproduction & Printing	1,500	37	1,463	97.5%	
Contract Services	33,400	15,920	17,480	52.3%	SOAH Transcripts for 329-12-6477
Postage	6,000	2,000	4,000	66.7%	
Supplies & Equipment	11,600	501	11,099	95.7%	
Communication Services	7,900	1,931	5,969	75.6%	
Other Operating Expenses	3,600	929	2,671	74.2%	
Subtotal - Operations Expenditures	1,574,270	464,803	1,109,467	70.5%	
DPS Criminal History Background Checks	3,000	1,036	1,964	65.5%	Pass through Remove budget-No statutory authority - DPS check only
FBI Criminal History Background Checks	0	0	0	-----	Pass through
Texas Online	22,000	5,590	16,410	74.6%	Pass through
Federal Appraiser Registry Fees	208,000	63,060	144,940	69.7%	Pass through
Statewide Cost Allocation Plan (SWCAP)	10,560	8,982	1,578	14.9%	No additional payments due to SWCAP
Contribution to General Revenue	30,000	10,000	20,000	66.7%	Not due until 8/31/13
Subtotal - Nonoperational Expenditures	273,560	88,668	184,892	67.6%	
Total Expenditures	\$1,847,830	\$553,471	\$1,294,359	70.0%	

Revenue	FY2013 Projected	Revenue Collected	Revenue Remaining to be Collected	Revenue % Remaining	Comments
License Fees	\$1,257,548	\$355,308	\$902,240	71.7%	Certified Res. Appr. renewals down
AMCs	255,000	65,710	\$189,290	74.2%	Fewer new AMCs than expected
Other Miscellaneous Revenue	9,100	3,647	\$5,453	59.9%	Bulletin Fees/PSI Admin Fees
Criminal History Background Fees	0	0	0	-----	No Authority
TX Online	22,000	5,590	16,410	74.6%	Pass through
Federal Appraiser Registry Fees	208,000	63,060	144,940	69.7%	Pass through
Total FY13 Revenue	\$1,751,648	\$493,315	\$1,258,333	71.8%	

AMC Revenue Carry Forward from FY12	FY12 Carry Forward	Allocated Amount	Remaining to be Allocated	Carry Forward % Remaining	Comments
	\$377,000	\$125,666.67	\$251,333	66.7%	Pro-rated thru December
Revenue Over/(Under) Expenditures & Transfers	\$280,818	\$65,511			Includes AMC Carry Forward

TALCB Standards & Enforcement Services
CASE STATUS REPORT FY 2013 as of JANUARY 28, 2013

Case Classification	# of Cases Received												FYTD	
	FY2012	12-Sep	12-Oct	12-Nov	12-Dec	13-Jan	13-Feb	13-Mar	13-Apr	13-May	13-Jun	13-Jul		13-Aug
Experience Audits	88	14	10	10	6	5								45
RFAs & Covert Complaints	8	0	0	0	0	0								0
Regulatory Complaints:														
AMCs	0	3	7	4	1	1								16
Dodd Frank	16	2	3	1	0	0								6
Ethics	7	3	2	1	0	0								6
Staff	8	0	0	0	1	1								2
USPAP	172	9	14	9	6	11								49
Other	8	1	4	0	2	0								7
No Jurisdiction	5	0	1	1	0	0								2
MCD Inquiries	7	2	0	0	0	0								2
Opened During Month	319	34	41	26	16	18								135

Total Cases Open at Beginning of Month **263**

Case Disposition	# of Cases Closed												FYTD	
	FY2012	12-Sep	12-Oct	12-Nov	12-Dec	13-Jan	13-Feb	13-Mar	13-Apr	13-May	13-Jun	13-Jul		13-Aug
Experience Audits	81	7	13	10	11	3								44
RFAs	38	4	2	12	1	0								19
Regulatory Complaints:														
Surrendered	47	0	0	5	0	0								5
Agreed Final Order	85	0	0	11	0	0								11
Other Disciplinary Action	16	0	0	0	0	0								0
Insufficient Evidence	1	0	0	0	0	0								0
Dismissed	216	12	37	32	24	12								117
No Jurisdiction	2	1	0	2	0	2								5
MCD Inquiries	9	0	2	0	0	0								2
Closed During Month	495	24	54	72	36	17								203

Total Cases Open at End of Month **264**

III. CASES AT LEAST 1 YR OLD:

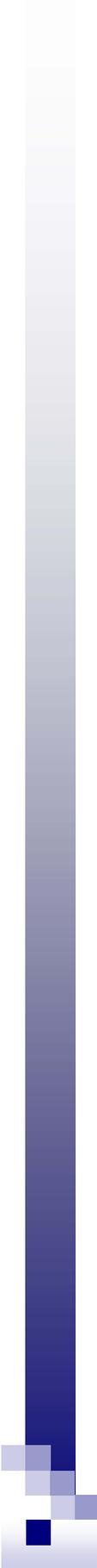
	As of 12/22/11	As of 4/30/12	As of 7/31/12	As of 10/22/12	As of 1/28/13	Percentage Change from Reporting Period
Agreed Orders/PFD Received	18	68	7	10	7	(30%)
Awaiting Receipt of PFD	0	1	1	3	4	33%
Set for Hearing	12	15	12	12	6	(50%)
Hearing Required/Being Processed for SOAH	15	13	7	19	15	(21%)
In Negotiations	1	17	9	4	7	75%
RFA/Covert Reviews	120	72	44	42	21	(50%)
Regulatory Reviews in Investigation	142	85	81	57	43	(27%)
Sent to Peer Review Committee	9	3	7	1	7	600%
Total Cases	317	274	168	148	110	(26%)

28 January 2013

VI. TOTAL CASES OPEN AS OF 1/28/2013:

Fiscal Year	No. Pending (as of 4/30/12)		No. Pending (as of 7/31/12)		No. Pending (as of 10/22/12)		No. Pending (as of 1/28/13)		Percentage Change from Previous Reporting Period
2005	1		1		1		0		(100%)
2006	0		0		0		0		-----
2007	4		4		3		2		(33%)
2008	16	4 Reg 12 RFA	10	3 Reg 7 RFA	9	3 Reg 6 RFA	6	2 Reg 4 RFA	(33%)
	41	25 Reg 16 RFA	21	13 Reg 8 RFA	19	13 Reg 6 RFA	16	12 Reg 4 RFA	(15.8%)
2010	116	92 Reg 24 RFA	55	38 Reg 17 RFA	42	28 Reg 14 RFA	28	22 Reg 6 RFA	(33%)
	129	116 Reg 13 RFA	83	73 Reg 10 RFA	62	55 Reg 7 RFA	34	29 Reg 5 RFA	(25%)
2012	101	98 Reg 3 RFA	136	132 Reg 4 RFA	134	130 Reg 4 RFA	82	80 Reg 2 RFA	(38.8%)
		-----		-----	29	29 Reg 0 RFA	72	72 Reg 0 RFA	65.9%
Total	408		310		299		240		(19.4%)

28 January 2013



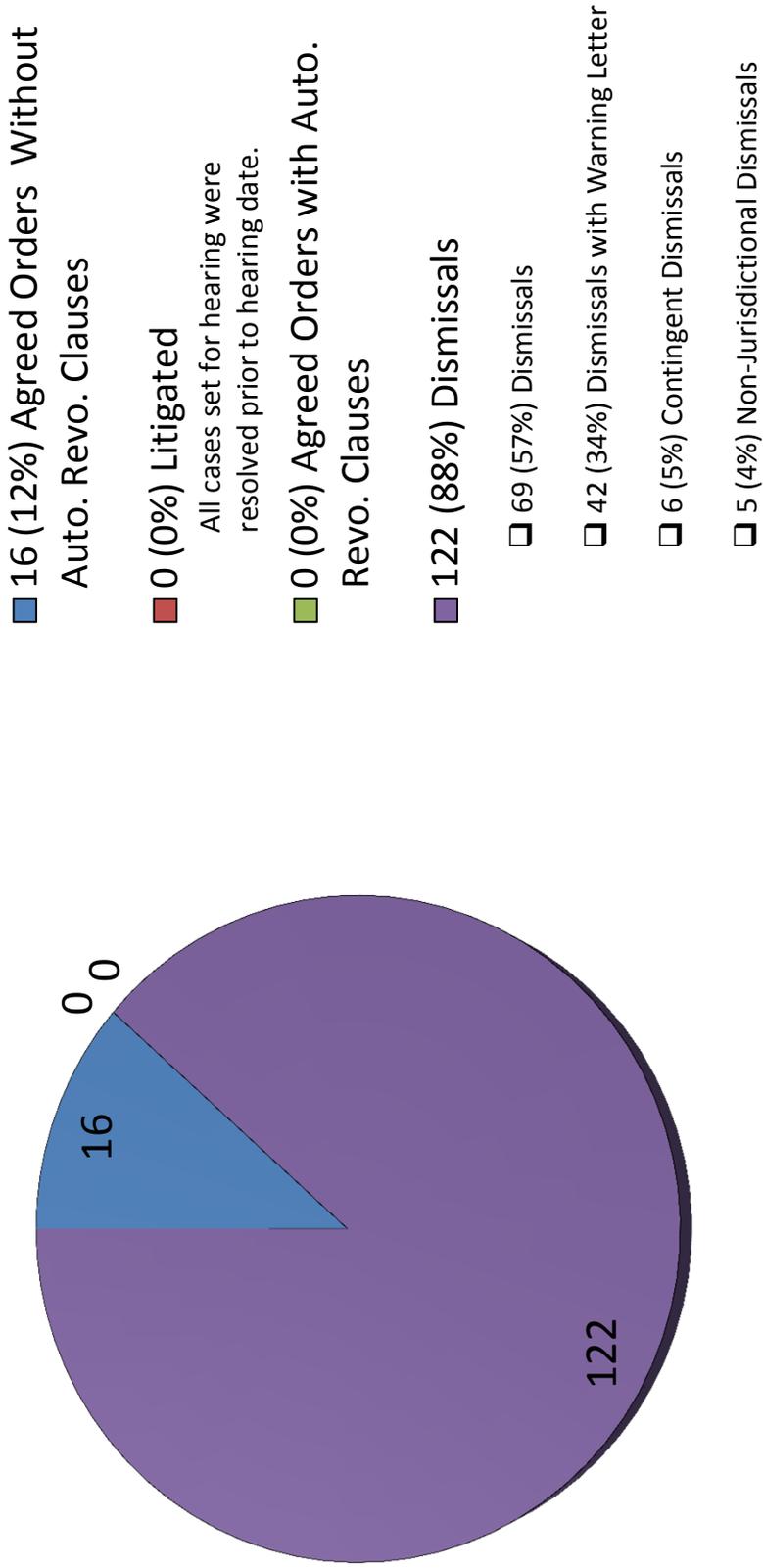
X. AVERAGE TIME FOR REGULATORY COMPLAINT RESOLUTION:

	FY2010	FY2011	FY2012	FY2013 1 ST QTR	FY2013 2 ND QTR	FY2013 3 RD QTR	FY2013 4 TH QTR	YTD2013
Average Number of Days for Case Resolution	409.52	417.16	561.8	517.6				

CASE RESOLUTIONS FY 2013

September 1, 2012 – January 28, 2013

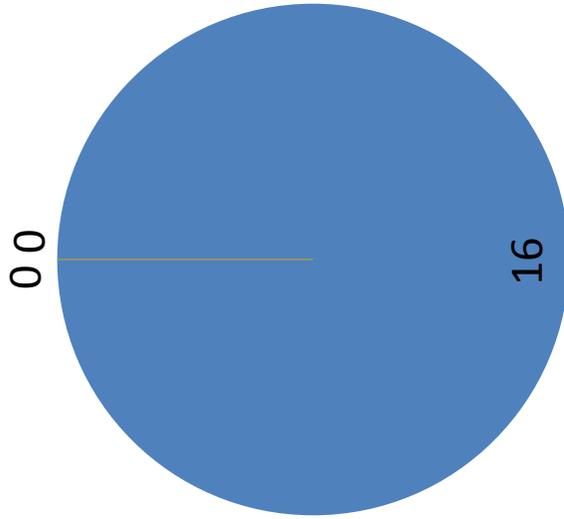
138 Total Complaints Resolved



DISCIPLINARY ACTIONS FY 2013

September 2012 – January 2013

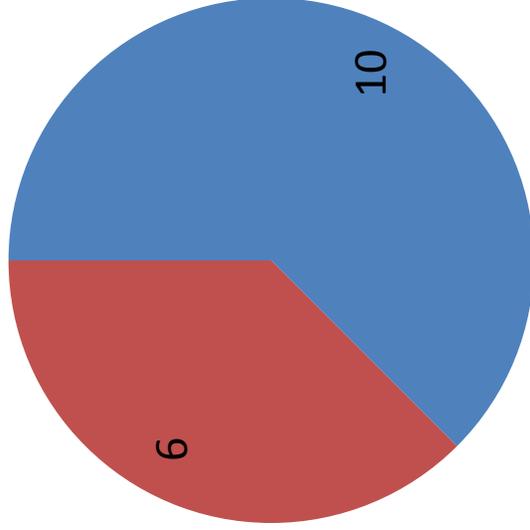
16 Disciplinary Actions



- 16 (100%) Agreed Orders w/o Auto-Revocation Clause & Surrenders
 - 0 (0%) Litigated / SOAH Proposal for Decision
 - 0 (0%) Agreed Orders with Auto-Revocation Clause
- All cases set for hearing were resolved prior to hearing date.

Disciplinary Recidivism

- 10 (62.5%) Distinct Respondents
- 6 (37.5%) Repeat Offenders



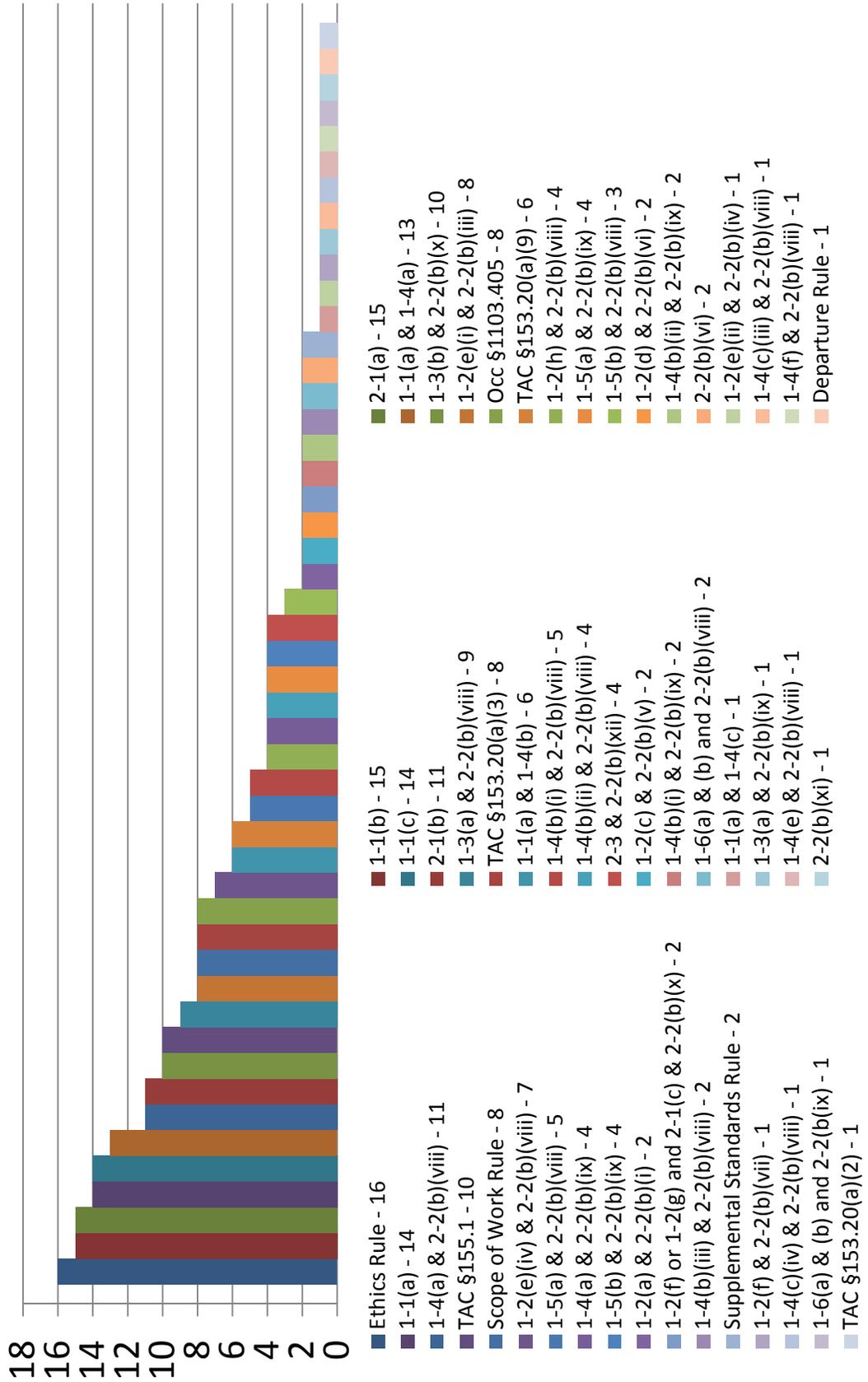
Average Number of Licensees
(September 2012 to January 2013)

6792

.1 % Recidivism Rate

RESPONDENT VIOLATIONS

(Cases Closed 9/1/2012 to 11/30/2012)



Respondent Violations Report Key

Ethics Rule	Did the appraiser observe the highest standards of professional ethics to include conduct, management, confidentiality, and record keeping in completing the appraisal assignment?
1-1(b)	Substantial error of omission or commission that significantly affects the appraisal.
2-1(a)	Set forth the appraisal in a manner that will not be misleading.
1-1(a)	Methods and techniques to produce a credible appraisal.
1-1(c)	Rendering services that were not careless or negligent.
1-1(a) & 1-4(a)	Methods and techniques in Sales Comparison Approach.
1-4(a) & 2-(b)(viii)	Collected, verified, analyzed and reconciled comparable sales data adequately.
2-1(b)	Enable the intended users of the appraisal to understand the report.
1-3(b) & 2-2(b)(x)	Opinion of Highest and Best Use.
Tex. Admin. Code 155.1	An appraisal or appraisal practice performed by a person subject to the Texas Appraiser Licensing and Certification Act must conform with the "Uniform Standards of Professional Appraisal Practice" (USPAP) of the Appraisal Foundation in effect at the time of the appraisal or appraisal practice.
1-3(a) & 2-2(b)(viii)	Identified and analyzed the effect on use and value of existing land use regulations, economic supply & demand, physical adaptability of the real estate market area trends.
1-2(e)(i) & 2-2(b)(iii)	Site description; Improvement(s) description.
Scope of Work Rule	Did the appraiser 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.
Tex. Admin. Code 153.20(a)(3)	Has failed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal or appraisal practice.
Tex. Occ. Code 1103.405	A person who holds a license, certificate, or approval issued under this chapter shall comply with the most current version of USPAP or other standards provided by Board rule that are at least as stringent as USPAP.
1-2(e)(iv) & 2-2(b)(viii)	Considered and reported easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature.
1-1(a) & 1-4(b)	Methods and techniques in Cost Approach.
Tex. Admin. Code 153.20(a)(9)	Has made a material misrepresentation or omission of material fact.

1-4(b)(i) & 2-2(b)(viii)	Used an appropriate method or technique to develop an opinion of site value.
1-5(a) & 2-2(b)(viii)	Analyzed all agreements of sale, options or listings of the subject property current as of the effective date of the appraisal.
1-2(h) & 2-2(b)(viii)	Reported the scope of work necessary to complete the assignment.
1-4(a) & 2-2(b)(ix)	Comparable sales data.
1-4(b)(ii) & 2-2(b)(viii)	Collected, verified, analyzed and reconciled the cost new of improvements.
1-5(a) & 2-2(b)(ix)	Current Agreement of Sale, option or listing of the property being appraised.
1-5(b) & 2-2(b)(ix)	Analyzed prior sales.
2-3 & 2-2(b)(xii)	Signed certification.
1-5(b) & 2-2(b)(viii)	Analyzed all sales of the subject property within 3 years prior to the effective date of the appraisal.
1-2(a) & 2-2(b)(i)	Intended users of the appraisal.
1-2(c) & 2-2(b)(v)	Purpose of the appraisal; Definition of value and its source; Estimate is in terms of cash or terms equivalent to cash; other precisely defined terms or submarket financing?
1-2(d) & 2-2(b)(vi)	Effective date of the appraisal.
1-2(f) or 1-2(g) and 2-1(c) & 2-2(b)(x)	Report clearly and accurately discloses any extraordinary assumption, hypothetical condition, or limiting condition that directly affects the analysis, opinions, and conclusions.
1-4(b)(i) & 2-2(b)(ix)	Appropriate method or technique to develop an opinion of site value.
1-4(b)(iii) & 2-2(b)(ix)	Accrued depreciations.
1-4(b)(iii) & 2-2(b)(viii)	Collected, verified, analyzed and reconciled accrued depreciations.
1-6(a) & (b) and 2-2(b)(viii)	Reconciled the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches.
2-2(b)(vi)	Date of the report.
Supplemental Standards Rule	Has the appraiser considered any published supplemental standards that apply to the assignment.
1-1(a) & 1-4(c)	Methods and techniques in Income Capitalization Approach.

1-2(e)(ii) & 2-2(b)(iv)	Real property interest to be appraised.
1-2(f) & 2-2(b)(vii)	Extent of the process of collecting, confirming, and reporting data.
1-3(a) & 2-2(b)(ix)	Effect on use and value of existing land use regulations, economic demand, physical adaptability of the real estate market area trends.
1-4(c)(iii) & 2-2(b)(viii)	Collected, verified, analyzed and reconciled comparable data to estimate capitalization and/or discount rates.
1-4(c)(iv) & 2-2(b)(viii)	Based projections of future rent or income potential and expenses on reasonable clear and appropriate evidence.
1-4(e) & 2-2(b)(viii)	Analyzed and reported the effect on value, if any, on the assemblage of various estates or component parts of a property.
1-4(f) & 2-2(b)(viii)	Considered and reported any anticipated public and private improvements located on or off the site.
1-6(a) & (b) and 2-2(b)(ix)	Reconciled the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches.
2-2(b)(xi)	Exclusion of the Sales Comparison Approach.
Departure Rule	If Limited Appraisal, has appraiser correctly invoked and reported departure.
Tex. Admin. Code 153.20(a)(2)	Has disregarded or violated a provision of the Act or of the Rules of the Texas Appraiser Licensing and Certification Board.

Resolution Trends FY2011 – FY2013

